

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you disagree with the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a **formal** administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an **informal** administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of section 120.54(5)(b)4, Florida Statutes, and either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and must be filed with the Clerk of Agency Proceedings by 5:00 p.m., no later than 21 days after you received the Notice. The petition for an administrative hearing should include a copy of the Notice, and must be legible, on 8½ by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and name, address, and telephone number of your representative, if any; which shall be the address for service purposes during the course of the proceeding;
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; as well as an explanation of how the alleged facts relate to the specific rules and statutes the petitioner contends require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action the petitioner wishes the agency should take in respect to the agency's proposed action.

If there are disputed issues of material fact a **formal** hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an **informal** hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

A petition for an administrative hearing shall be dismissed, if it is not in substantial compliance with the requirements of either Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, or if the petition has not been timely filed. If your petition is dismissed you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.