

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
VIOLATION AND NOTICE TO SHOW CAUSE

PART 1: IDENTIFICATION INFORMATION

TO: _____
 NAME _____ DATE _____

 ADDRESS _____

 CITY _____ STATE _____ ZIP _____ APPLICATION/PERMIT NUMBER _____

PART 2: VIOLATION NOTICE

YOU ARE HEREBY ADVISED:
 Pursuant to the applicable provisions of the Florida Statutes and Florida Administrative Code, you are hereby charged:
 That the facility at the site identified below is in violation of those provisions of the Florida Statutes and the Florida Administrative Code cited herein, for the reasons indicated:

SITE IDENTIFICATION

STATE ROAD NO. _____ SECTION NO. _____
 MILEPOST NO. _____ CONSTRUCTION JOB NO. _____
 COUNTY _____ STATION NO. _____
 GEOGRAPHICAL DESCRIPTION _____

VIOLATION

FLORIDA STATUTE _____
 FLORIDA ADMINISTRATIVE CODE _____
 DESCRIPTION OF VIOLATION(S): _____

APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute 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, M.S. 58
 Tallahassee, Florida 32399-0458

APPLICANT (continued)

APPEAL PROCEDURES (continued)

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and 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 must include a copy of the Notice, be legible, on 8 1/2 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 the 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 you contend 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 you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to 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.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, 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.

If a request for administrative proceeding is not received within 21 days the described violation(s) shall be considered true and the Department reserves the right to take such action as the law permits, including but not limited to the revocation of the permit.

By: _____
PRINT

SIGNATURE

(DISTRICT SECRETARY OR DESIGNEE)

DATE: _____