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December 22, 2011

Monte Ritter
Surface Water Regulations Manager
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Re: Suncoast Lakes MPUD
SWFWMD Permit No. 43023968.008 (Issued August 26, 2008)

Dear Mr. Ritter:

In accordance with HB 7207, signed into law on June 2, 2011, Chapter 2011-139, Laws of Florida, please accept this as our written notice of the two (2) year extension of all deadlines contained in Permit No. 43023968.008, issued on August 26, 2008, including the August 26, 2013 expiration date which is now August 26, 2015, pursuant to HB 7207.

Additionally, in accordance with Florida Statutes section 252.363, please accept this as our written notice to exercise the tolling and extension granted under Section 252.363(a) for the state of emergency declared by Executive Order Number 11-128 on June 13, 2011 and subsequently extended through October 4, 2011. The tolling and extension period pursuant to Florida Statutes section 252.363 is 293 days.

Accordingly, all deadlines contained in Permit No. 43023968.008, have been extended pursuant to HB 7207 and Florida Statutes section 252.363 by 2 years, 293 days, including the expiration date which is now June 14, 2016.



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Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

TDD only 1-800-231-6103 (FL only)

On the Internet at: WaterMatters.org

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

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David L. Moore
Executive Director

William S. Bilenky
General Counsel

July 25, 2008

George Nicholas
RIZK Florida, JV
12830 Shady Hills Road
Spring Hill, FL 34610

Subject: Notice of Proposed Agency Action - Approval
Proposed Permit No. 43023968.008

Dear Mr. Nicholas:

This letter constitutes notice of proposed agency action by the Southwest Florida Water Management District on the above-referenced proposed permit. Please read thoroughly the enclosed copy of the proposed permit.

A recommendation of approval of the proposed permit will be presented to the District Governing Board for consideration at its next meeting on August 26, 2008, at the District Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899.

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, (F.S.), and Chapter 28-106, Florida Administrative Code, (F.A.C.), of the Uniform Rules of Procedure. A request for hearing must (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action; (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C., are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

If you do not wish to request an administrative hearing but wish to address the Governing Board informally concerning the proposed decision, you may appear before the Governing Board at the time and place stated above. Such an appearance shall not provide a basis for appealing the decision of the Governing Board pursuant to Chapter 120, F.S.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43023968.008

Expiration Date: August 26, 2013

PERMIT ISSUE DATE: August 26, 2008

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Suncoast Lakes Commercial

GRANTED TO: RIZK Florida, JV
12830 Shady Hills Road
Spring Hill, FL 34610

ABSTRACT: This permit is for the construction of a new surface water management system to serve a 30.67-acre commercial development. The project site is located on the south side of SR 52, just west of the Suncoast Parkway in Pasco County. Adjacent properties include Lone Star Ranch (Environmental Resource Permit No. 43018328.006) to the north and other permits associated with the Suncoast Lakes residential development to the south and west. Information regarding the surface water management system and wetlands is contained within the tables below.

OP. & MAINT. ENTITY: RIZK Florida, JV

COUNTY: Pasco

SEC/TWP/RGE: 12/25S/17E

TOTAL ACRES OWNED
OR UNDER CONTROL: 134.32

PROJECT SIZE: 30.67 Acres

LAND USE: Commercial

DATE APPLICATION FILED: January 25, 2008

AMENDED DATE: N/A

Mitigation Information

Count of Mitigation: 3

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Emergent Marsh	1.45	0.48	0.00	0.00	0.00	0.00	0.00	0.00
Freshwater Marsh	1.65	0.52	0.00	0.00	0.00	0.00	0.00	0.00
Open Water	2.55	0.95	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	5.65	1.95	0.00	0.00	0.00	0.00	0.00	0.00

Mitigation Comments: Project construction will result in 4.63 acres of wetland and other surface water impacts. Mitigation for the impacts is provided by the creation of 5.65 acres of wetlands and open water. The functional loss of 1.92 units is adequately offset by a functional gain of 1.96 units.

SPECIFIC CONDITIONS

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Brooksville Regulation Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.
3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Brooksville Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.

- c. Planted or recruited herbaceous or shrub species (or plant species providing the same function) shall meet the criteria specified:

ZONE	PERCENT COVER	DOMINANT SPECIES	SUBDOMINANT SPECIES
A	50	<i>Lyonia lucida</i>	Appropriate Natives
		<i>Cladium jamaicense</i>	
B	50	<i>Pontedaria cordata</i>	Appropriate Natives
		<i>Sagittaria lancifolia</i>	
C	20	<i>Scirpus validus</i>	
		<i>Nymphaea odorata</i>	

- d. Species composition of recruiting wetland vegetation is indicative of the wetland type specified in criterion "a".
- e. All plant material is to be planted on staggered centers and small groups. Linear planting will require replant.
- f. Coverage by nuisance or exotic species does not exceed 10 percent at any location in the mitigation site and 10 percent for the entire mitigation site.
- g. The wetland mitigation area can be determined to be a wetland or other surface water according the Chapter 62-340, F.A.C.

This criterion must be achieved within five years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

7. The Permittee shall monitor and maintain the wetland mitigation areas until the criteria set forth in the Wetland Mitigation Success Criteria Conditions above are met. The Permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.
8. The Permittee shall undertake required maintenance activities within the wetland mitigation areas as needed at any time between mitigation area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Mitigation Success Criteria Conditions above. Herbicides shall not be used without the prior written approval of the District.
9. A Wetland Mitigation Completion Report shall be submitted to the District within 30 days of completing construction and planting of the wetland mitigation areas. Upon District inspection and approval of the mitigation areas, the monitoring program shall be initiated with the date of the District field inspection being the construction completion date of the mitigation areas. Monitoring events shall occur between March 1 and November 30 of each year.

15. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

wetland areas
wetland buffers

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

16. All wetland boundaries shown on the approved construction drawings shall be binding upon the Permittee and the District.
17. Rights-of-way and easement locations necessary to construct, operate and maintain all facilities, which constitute the permitted surface water management system (including all wetlands and wetland buffers), shall be shown on the final plat recorded in the County Public Records. Documentation of this plat recording shall be submitted to the District with the Statement of Completion and Request for Transfer to Operation Entity Form, and prior to beneficial occupancy or use of the site.
18. Copies of the following documents in final form, as appropriate for the project, shall be submitted to the Brooksville Regulation Department:
- a. homeowners, property owners, master association or condominium association articles of incorporation, and
 - b. declaration of protective covenants, deed restrictions or declaration of condominium.

The Permittee shall submit these documents either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to any lot or unit sales within the project served by the surface water management system, whichever occurs first.

19. The following language shall be included as part of the deed restrictions for each lot:

"Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District."

20. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Suncoast Lakes Commercial. The notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

"The Buyer is hereby notified that this property is subject to the requirements of Surface Water Management Permit No. 43023968.008 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to inform the Southwest Florida Water Management District at the beginning of construction that a Professional Engineer registered in Florida has been retained to supervise construction; and upon completion of construction on this parcel or lot, the buyer must submit to the District a Statement of Completion and as-built certification of compliance with the permit."

21. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Suncoast Lakes Commercial. This notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

30. The Permittee shall provide the financial responsibility required by Rule 40D-4.301(1)(j), F.A.C., until the District determines that the specific success criteria contained in this permit have been met; or the District approves a request to transfer the permit to a new owner and receives an acceptable substitute financial responsibility mechanism from the new owner.
31. The Permittee may request, in writing, a release from the obligation to maintain certain amounts of the financial assurance required by this permit as phases of the mitigation plan are successfully completed. The request shall include documentation that the mitigation phase or phases have been completed and payment for their completion has been made. Following the District's verification that the phase or phases have been completed in accordance with the mitigation plan, the District will authorize release from the applicable portion of the financial assurance obligation.
32. The District will notify the Permittee within 30 days of its determination that the specific success criteria contained in this permit have been met. Concurrent with this notification, the District will authorize, in writing, the appropriate entity to cancel or terminate the financial responsibility instrument.
33. The Permittee's failure to comply with the terms and conditions of this permit pertaining to the successful completion of all mitigation activities in accordance with the mitigation plan shall be deemed a violation of Chapter 40D-4, F.A.C. In addition to other remedies that the District may have, the District may draw upon the financial responsibility instrument for any funds necessary to remedy a violation, upon such notice to the Permittee as may be specified in the financial responsibility instrument or if none, upon reasonable notice.
34. The Permittee shall notify the District by certified mail within 10 days of the commencement of a voluntary or involuntary proceeding:
 - a. To dissolve the Permittee;
 - b. To place the Permittee into receivership;
 - c. For entry of an order for relief against the Permittee under Title XI (Bankruptcy), U.S. Code; and
 - d. To assign of the Permittee's assets for the benefit of its creditors under Chapter 727, Florida Statutes.
35. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.
36. The Permittee shall, prior to initiation of any construction activity, submit to the District an executed or finalized Performance Bond in the amount of \$305,456.97. The Performance Bond shall be in a form acceptable to the District. Prior to any wetland impact, the Permittee must receive from the District written acceptance of the financial responsibility mechanism.
37. The District will deem the Permittee to be without the required financial responsibility in the event of a bankruptcy of the issuing institution of any bond or letter of credit, or the suspension or revocation of the authority of such institution to issue such instruments. The District will also

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

**PART III HEARINGS INVOLVING
DISPUTED ISSUES OF MATERIAL FACT**

28-106.201 Initiation of Proceedings.

- (1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
- (a) The name and address of each agency affected and each agency's file or identification number, if known;
 - (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
 - (c) A statement of when and how the petitioner received notice of the agency decision;
 - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - (e) 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;
 - (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
 - (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The Agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), 120.54(5) FS.

Law Implemented 120.54(5), 120.569, 120.57 FS.

History—New 4-1-97, Amended 9-17-98.

**PART III PROCEEDINGS AND HEARINGS NOT INVOLVING
DISPUTED ISSUES OF MATERIAL FACT**

28-106.301 Initiation of Proceedings.

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) 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;
- (e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(5) FS.

Law Implemented 120.54(5), 120.569, 120.57 FS.

History—New 4-1-97, Amended 9-17-98.