

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
NOTICE OF ADMINISTRATIVE HEARING RIGHTS

225-020-01
GENERAL COUNSEL
3/22/2012

This is to inform you that you have the right to challenge the action of the Department of Transportation ("Department") described in the attached notice. If you wish to challenge the Department's action, you may request an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. An administrative hearing is similar to a trial and is held before an Administrative Law Judge. You must deliver your request by 5:00 p.m. no later than _____ days after you received the notice and Notice of Administrative Hearing Rights to:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, MS 58
Tallahassee, Florida 32399-0458
Facsimile: (850) 414-5264

If you disagree with the facts stated in the notice, you may request a formal administrative hearing under Section 120.57(1), Florida Statutes. At a formal hearing, you may call witnesses, admit documents into evidence, present arguments on all issues involved, and question witnesses called by the Department or object to the Department's evidence.

If you agree with the facts stated in the notice, you may request an informal administrative hearing under Section 120.57(2), Florida Statutes. At an informal hearing, you may present your argument or a written statement for consideration by the Department.

Your request for an administrative hearing must meet the requirements of Rule 28-106.201 or Rule 28-106.301, Florida Administrative Code, depending on whether you request a formal or informal hearing. If you request a hearing to challenge the Department's action, your written request must be legible and prepared on 8 ½ by 11 inch white paper and contain all of the following:

1. Your name, address, telephone number, and email address and the name, address, and telephone number of your representative if you have one. You may be represented by a lawyer or a non-lawyer or you may represent yourself.
2. The Department's file number or identification number, if known (including a copy of the notice would be sufficient);
3. When and how you received the notice;
4. An explanation of how your rights or interests will be affected by the Department's action described in the notice;
5. All of the facts in the notice with which you disagree. If you do not disagree with any of the facts stated in the notice, you must say so;
6. The facts you believe justify a change to the Department's action;
7. The rules or statutes you believe justify a change to the Department's action;
8. An explanation of how the facts relate to those rules and statutes on which you are relying; and
9. The relief you request and the action you wish the Department to take or refrain from taking.

The Department will dismiss your request for an administrative hearing if it does not meet these requirements. If you have not submitted your request to the Clerk of Agency Proceedings by the deadline above, your request will be denied, you will not be entitled to a hearing, and the Department's action will be final.

If you timely request a hearing, mediation, where you and the Department try to resolve the matter by agreement without a hearing, may be available. If no agreement is reached through mediation, you will have the same right to a hearing if one has been requested.

If you have any questions, comments, or concerns about requesting a hearing, you may contact the Clerk of Agency Proceedings at (850) 414-5383.