

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
EXPLANATION OF RIGHTS

If your substantial interests are or will be determined by the Florida Fish and Wildlife Conservation Commission's action or proposed action stated in the accompanying notice, you may make any one of the following elections on the attached Election of Rights form and file the form within twenty-one (21) days from the date you receive the notice of agency action or proposed action. If you so choose, please return the completed Election of Rights form with the enclosed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code, to the address listed on the Election of Rights form.

1. If you wish to contest the agency action or proposed action, but do not dispute any of the issues of material fact set forth in the notice, you may request an informal proceeding pursuant to Sections 120.569 and 120.57(2), Florida Statutes. In the event that your request for an informal proceeding is granted, you will be given the opportunity to either simply present a written statement challenging the grounds upon which the Commission has chosen to justify its action or inaction or present evidence in mitigation.

Any request for an informal proceeding in this matter should be made by checking the space marked as 1 on the Election of Rights form and filing the completed and signed form with the Commission within twenty-one (21) days from the date of receipt of the notice. In making such a request, you must include with the completed and signed Election of Rights form either the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code. Additionally, your request must include a copy of the notice of agency action or proposed action being challenged.

2. If you wish to contest agency action or proposed action and you dispute one or more of the issues of material fact as set forth in the notice, you may request a formal hearing pursuant to Sections 120.569 and 120.57(1), Florida Statutes. If there is a disputed issue of material fact and your request is otherwise complete, an administrative law judge shall be furnished by the Division of Administrative Hearings of the Department of Management Services pursuant to Sections 120.569 and 120.57(1), Florida Statutes. A petition shall be dismissed if it fails to state disputed issues of material fact, it otherwise is not in substantial compliance with the requirements of 28-106.201(2) FAC, or it has been untimely filed.

Any request for a formal hearing in this matter should be made by checking the space marked as 2 on the Election of Rights form and filing the completed and signed form with the Commission within twenty-one (21) days from the date of receipt of the notice. In making such a request, you must include with the completed and signed Election of Rights form either the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a substitute document in compliance with Chapter 28-106, of the Florida Administrative code. Additionally, your request must include a copy of the notice of agency action or proposed action being challenged.

3. If you do not wish to contest the agency action or proposed action, you may indicate this by checking the space marked as 3 on the Election of Rights form and filing the completed and signed form with the Commission. If you make this election, you do not need to include the completed and signed Petition form.

Failure to make any election in this matter, as provided above, within twenty-one (21) days from the date you received the notice, shall be considered a waiver of your rights to any administrative proceeding as provided in either 1 or 2, above.

Mediation is not an available alternative with respect to this action or proposed action.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
ELECTION OF RIGHTS

I have read the Explanation of Rights provided to me by the Florida Fish and Wildlife Conservation Commission (Commission) and understand my options. (You may select one of the options below and return this form to the Commission no later than 21 days from the receipt of the notice of agency action or proposed action or, if you do not want an administrative hearing or informal proceeding, you do not need to complete this form)

1. I am challenging the agency action and want an informal proceeding. I do not dispute any of the issues of material fact in the notice of agency action or proposed action, but do want an informal proceeding, pursuant to Sections 120.569 and 120.57(2), Florida Statutes. I understand that I may either submit a written statement or submit evidence in mitigation to the agency head or designated representative. I have attached the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a petition that complies with Chapter 28-106, of the Florida Administrative code.

2. I am challenging the agency action and want an administrative hearing. I do dispute one or more issues of material fact in the notice of agency action or proposed action, I have attached the completed and signed Petition for Administrative Proceeding form completed in accordance with Chapter 28-106, Florida Administrative code, or a petition that complies with Chapter 28-106, of the Florida Administrative code, and I request a formal hearing, pursuant to Sections 120.569 and 120.57(1), Florida Statutes, before an administrative law judge appointed by the Division of Administrative Hearings.

3. I do not wish to challenge the agency action. I do not dispute any of the issues of material fact in the Notice of action or proposed action and waive my right to object or to be heard.

I have read and understand the Election of Rights form and understand that I have the right to be represented by counsel or a qualified representative at an administrative proceeding. I also understand that I must attach a petition to this request if I have requested a hearing or an informal proceeding.

Please sign and state your current address and telephone number:

_____ Signature	_____ Date
_____ PRINT NAME	_____ Phone Number

The above indicated person is the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner (Please check one).

_____ _____ _____ Petitioner's name and address	_____ _____ _____ Attorney or representative's name and address (if applicable)
_____ Petitioner's email address	_____ Attorney or representative's email address

If applicable, please list the type of Permit /License applied for and the Permit/License Number

Please mail form to:

**Legal Office
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600**

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
PETITION FOR ADMINISTRATIVE PROCEEDING
Compliance of Section 120.569(2)(c), Florida Statutes, and
Chapter 28-106, Florida Administrative Code

Only if challenging the agency action, please complete this form or otherwise provide the information required by Chapter 28-106, of the Florida Administrative Code and send to the following address along with the completed Election of Rights form and a copy of the challenged agency action:

Legal Office
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

1. Please list the name and address of each agency affected and each agency's file or identification number, if known:

2. Please identify the petitioner (the individual or organization requesting the hearing):

Name: _____

Address: _____

Phone number: (____) ____ — _____

3. Please identify the petitioner's counsel or representative (if any):

Name: _____

Address: _____

Phone number: (____) ____ — _____

[The address of petitioner's counsel or representative, if listed above, shall be the address for service purposes during the course of the proceedings]

4. Please explain how the petitioner's substantial interests are or will be affected by the Commission's action or proposed action:

5. Please explain when and how the petitioner received notice of the Commission's action or proposed action:

6. Please indicate whether the petitioner disputes any material facts and, if so, state all disputed material facts:

7. Please concisely state the ultimate facts alleged, including a statement of the specific facts that the petitioner contends warrant reversal or modification of the Commission’s action or proposed action:

8. Please state the specific rules or statutes that the petitioner contends require reversal or modification of the Commission’s action or proposed action:

9. Explanation of how the alleged facts (7) relate to the specific Rules or Statutes (8) stated above:

10. Please state the relief sought by the petitioner, stating precisely the action that the petitioner wants the Commission to take with respect to the action or proposed action:

Either the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner must sign below agreeing that the person signing this document has read this Petition, made a reasonable inquiry, and is not filing this document for any improper purposes, frivolous purpose, or needless increase in the cost of litigation.

Signature

Date

PRINT NAME

The above indicated person is the Petitioner, counsel for the Petitioner, or the qualified representative of the Petitioner (Please check one).