



South Florida Water Management District
Conceptual Permit No. 49-100503-P
Date Issued: August 12, 2021

Permittee: Fontana Lakes, LLC
2405 W Princeton St Unit 2
Orlando, FL 32804

Project: Fontana

Application No. 210308-5538

Location: Osceola County, See Exhibit 1

Your application for a Conceptual Permit is approved. This action is taken based on Chapter 373, Part IV, of Florida Statutes (F.S.) and the rules in Chapter 62-330, Florida Administrative Code (F.A.C.). Unless otherwise stated, this permit constitutes certification of compliance with state water quality standards under section 401 of the Clean Water Act, 33 U.S.C. 1341, and a finding of consistency with the Florida Coastal Management Program. Please read this entire agency action thoroughly and understand its contents.

This permit is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- The attached General Conditions for Environmental Resource Permits.
- The attached Special Conditions.
- All referenced Exhibits.

All documents are available online through the District's ePermitting site at www.sfwmd.gov/ePermitting.

If you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights", we will assume that you concur with the District's action.

The District does not publish notices of action. If you wish to limit the time within which a person may request an administrative hearing regarding this action, you are encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Legal requirements and instructions for publishing a notice of agency action, as well as a noticing format that can be used, are available upon request. If you publish a notice of agency action, please send a copy of the affidavit of publication provided by the newspaper to the District's West Palm Beach office for retention in this file.

If you have any questions regarding your permit or need any other information, please call us at 1-800-432-2045 or email epermits@sfwmd.gov.

A handwritten signature in blue ink that reads "Melissa M. Roberts".

Melissa M. Roberts, P.E.
Administrator, Environmental Resource Bureau

**South Florida Water Management District
Conceptual Permit No. 49-100503-P**

Date Issued: August 12, 2021 **Expiration Date:** August 12, 2041

Project Name: Fontana

Permittee: Fontana Lakes, LLC
2405 W Princeton St Unit 2
Orlando, FL 32804

Operating Entity: Fontana Lakes Master Homeowners Association, Inc.

Location: Osceola County

Permit Acres: 677.34 acres

Project Land Use: Residential

Special Drainage District: N/A

Water Body Classification: CLASS III

FDEP Water Body ID: 3173C

Sovereign Submerged Lands: No

Project Summary

The permit authorizes Conceptual Approval of a stormwater management (SWM) system serving a 677.34 acre mixed-use residential and commercial development known as Fontana.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C.

Site Description

The site is vacant land, and it is located west of Florida Turnpike (State Road 91) and north of Friar's Cove Road, in unincorporated Osceola County. See Exhibit No. 1.0 for a location map.

For information on wetland and other surface water impacts, please see the Wetlands and Other Surface Water section of this permit.

Current Authorization (Application No. 210308-5538)

This modification includes changes to the previously authorized SWM system for the 135.33-acre project to include an access road, parking area, and site grading for a future commercial facility at the southwest corner of the project site. See Exhibit Nos. 2.0.1A and 2.0.1B.

1. Revises the areas of Basins SMA-1, Marina, W-14, and W-16, with respective water quality treatment volume (WQTV) calculations.
2. Revises control structure CS-15, from Ponds SMA-15 to SMA-13.
3. Adds spreader swale and bubble-up structure to W-16/Lake Toho outfall.

Permit Modification History

On September 2, 2018, a Conceptual Approval (Application No. 180510-569) authorized a SWM system serving a school site, single- and multi-family residential units, and neighborhood and commercial centers. The master SWM system consisted of 15 wet detention ponds for the required WQTV and attenuation and an additional pond that is not part of the SWM system. The western part of the project flows into Lake Tohopekaliga while the eastern part flows into Gator Bay Slough via a series of wetlands and on-site ditches along the Florida Turnpike.

On February 14, 2019, Application No. 190110-1099 authorized a modification to the Conceptual Approval with changes to the SWM system in the northwest corner of the project site to realign the project's future main connector roadway to the west to be consistent with the an existing Osceola County right-of-way. In addition, stormwater management areas for SMA-1, SMA-2, SMA-4 (currently modified to SMA-4A and SMA-4B), and SMA-6 were reconfigured with related changes to their respective drainage basins (38.5 acres). The control structure for Pond SMA-5 was also modified under Application No. 190110-1099.

Background

A Formal Determination of Wetlands and Surface Waters was issued on June 2, 2016 under Permit No. 49-00018-F/Application No. 140507-7.

Ownership, Operation and Maintenance

Perpetual operation and maintenance of the SWM system is the responsibility of Fontana Lakes Master Homeowners Association, Inc. as indicated in the submitted draft governing documents. Please refer to Exhibit No. 4.0.

Engineering Evaluation:

Land Use

See Exhibit No. 2.1.1 for the conceptual land use breakdown for this modification.

Water Quality

The project is located within a watershed identified by the Florida Department of Environmental Protection as impaired for nutrients; therefore, the design includes a site-specific pollutant loading analysis and an additional 50% water quality treatment volume above the amounts required pursuant to Section 4.2.1, Volume II, as reasonable assurances that the projects discharge will not cause or contribute to violations of State water quality standards. The project provides 110.17 ac-ft of water quality treatment. See Exhibit No. 2.2.1 for water quality information.

The project includes implementation of a Turbidity and Erosion Control Plan, (Exhibit Nos. 2.0.1A-2.0.1B), as additional reasonable assurance of compliance with water quality criteria during construction and operation.

Water Quantity

See Exhibit No. 2.2.1 for water quantity information.

Discharge

As found in Exhibit No. 2.2.1, the project discharge is within the allowable limit for the area.

Parking Lot Design

As found in Exhibit No. 2.2.1, minimum parking lot elevations have been set at or above the calculated design storm flood elevation.

Road Design

As found in Exhibit No. 2.2.1, minimum road center line elevations have been set at or above the calculated design storm flood elevation.

Finished Floors

As found in Exhibit No. 2.2.1, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Flood Plain/Compensating Storage

As shown in Exhibit No. 2.3.1, the permittee submitted calculations demonstrating that the project meets compensating storage requirements. Adequate floodplain compensating storage mitigates for any floodplain impacts resulting from the proposed works.

Certification, Operation, and Maintenance:

Pursuant to Chapter 62-330.310, F.A.C., Individual Permits will not be converted from the construction phase to the operation phase until construction completion certification of the project is submitted to and accepted by the District. This includes compliance with all permit conditions, except for any long term maintenance and monitoring requirements. It is suggested that the permittee retain the services of an appropriate professional registered in the State of Florida for periodic observation of construction of the project.

For projects permitted with an operating entity that is different from the permittee, it should be noted that until the construction completion certification is accepted by the District and the permit is transferred to an acceptable operating entity pursuant to Sections 12.1-12.3 of the Applicant's Handbook Volume I and Section 62-330.310, F.A.C., the permittee is liable for operation and maintenance in compliance with the terms and conditions of this permit.

In accordance with Section 373.416(2), F.S., unless revoked or abandoned, all SWM systems and works permitted under Part IV of Chapter 373, F.S., must be operated and maintained in perpetuity.

The efficiency of SWM systems, dams, impoundments, and most other project components will decrease over time without periodic maintenance. The operation and maintenance entity must perform periodic inspections to identify if there are any deficiencies in structural integrity, degradation due to insufficient maintenance, or improper operation of projects that may endanger public health, safety, or welfare, or the water resources. If deficiencies are found, the operation and maintenance entity is responsible for correcting the deficiencies in a timely manner to prevent compromises to flood protection and water quality. See Section 12.4 of the Applicant's Handbook Volume I for Minimum Operation and Maintenance Standards.

Environmental Evaluation:

The project site contains 16 wetlands and 19 other surface waters totaling 69.339 acres. Please see Exhibit No. 3.0 for wetland and other surface water locations. The wetlands can be generally described as freshwater marsh and forested ecosystems. Additional wetland descriptions are located in the ePermitting file.

The project will result in direct impacts to 40.699 acres of wetlands, 26.74 acres of other surface waters and 1.9 acres of secondary impacts, totalling 69.339 acres. Exhibit No. 3.0 identifies the locations of the wetlands and other surface waters that will be impacted. Pursuant to Section 10.2.1.1 of the Applicants Handbook Volume I (AH Vol I), design modifications to reduce or eliminate impacts will not be required. The wetlands proposed for impact are highly degraded hydrologically, supporting minimal community structure, and provide negligible habitat for wetland dependent species. As such, preservation of the onsite wetlands would likely not provide an ecologically viable community.

Secondary impacts include disturbance to native soils and plant communities.

Wetland and other surface water impacts authorized in the permit area yield a functional loss of 24.33 UMAM mitigation units. Mitigation for the wetland and other surface water impacts will be provided at the time of each construction authorization.

To mitigate for the wetland and other surface water impacts, the applicant will purchase mitigation bank credits from an appropriate mitigation bank located within the same basin as the impacts. There are 9 mitigation banks with service areas covering the proposed wetland and other surface water impact location.

In the event mitigation bank credits are not available at the time of construction permitting, the permittee will be required to provide an alternative mitigation plan to offset adverse impacts prior to receiving construction authorization from the District. Accordingly, a cumulative impact assessment will be conducted at the time of construction permitting. The amount of mitigation was determined by using the Uniform Mitigation Assessment Method in Chapter 62-345, F.A.C. The final scores can be found in the permit file.

Fish, Wildlife, and Listed Species

The project site does not contain significant habitat for wetland-dependent endangered or threatened wildlife species, or species of special concern. No wetland-dependent endangered or threatened species or species of special concern were observed onsite. Submitted information indicates that potential use of the site by such species is minimal.

This permit does not relieve the applicant from complying with all applicable rules and any other agencies' requirements if, in the future, endangered or threatened species or species of special concern are discovered on the site.

Environmental Evaluation Tables: Summary

Wetlands and Other Surface Waters: 69.339 acres
 Direct Impacts: 67.439 acres
 Secondary impacts: 1.9 acres
 Net UMAM Functional Loss/ Gain: 0 units
 Total Onsite Mitigation Area: 0 acres
 Total Offsite Mitigation Area: 0 acres

Total Mitigation Bank Credits Provided

Mitigation Bank	Type	Total Credits
	O	24.33
Total:		24.33

Fontana Conceptual

Activities in Wetlands or Other Surface Waters, Not Including Mitigation at a Bank

ID	Acres	Action	Community Description	Current Score	With Project Score	UMAM Loss
D-1	0.22	Direct Impact	Ditches and Canals			0.000
D-2	0.06	Direct Impact	Ditches and Canals			0.000
D-3	3.15	Direct Impact	Ditches and Canals			0.000
D-4	0.18	Direct Impact	Ditches and Canals			0.000
D-5	0.12	Direct Impact	Ditches and Canals			0.000
D-6	1.3	Direct Impact	Ditches and Canals			0.000
D-7	0.38	Direct Impact	Ditches and Canals			0.000
D-8	1.04	Direct Impact	Ditches and Canals			0.000
D-9	1.05	Direct Impact	Ditches and Canals			0.000
D-10	0.02	Direct Impact	Ditches and Canals			0.000
D-11	0.47	Direct Impact	Ditches and Canals			0.000
D-12	0.19	Direct Impact	Ditches and Canals			0.000
D-13	8.44	Direct Impact	Ditches and Canals			0.000
D-14	0.16	Direct Impact	Ditches and Canals			0.000
D-15	4.24	Direct Impact	Ditches and Canals			0.000
D-16	2.37	Direct Impact	Ditches and Canals			0.000
D-17	2.6	Direct Impact	Ditches and Canals			0.000
SW-1	0.38	Direct Impact	Borrow Pits			0.000
SW-2	0.37	Direct Impact	Borrow Pits			0.000
Total: 26.74						0.000

Activities in Wetlands or Other Surface Waters, With Mitigation at a Bank

ID	Acres	Community Description	Bank Name	Method	Current Score	With Score	Ratio or Add'l factor	Minimum Credits Needed
W-2	0.86	Vegetated Non-Forested Wetlands		UMAM	0.433	0	1	0.37
W-3	11.43	Freshwater Marshes		UMAM	0.633	0	1	7.24
W-4	1.75	Wetland Forested Mixed		UMAM	0.433	0	1	0.76
W-5	1.1	Freshwater Marshes		UMAM	0.566	0	1	0.62
W-6	1.66	Freshwater Marshes		UMAM	0.566	0	1	0.94
W-7	0.89	Vegetated Non-Forested Wetlands		UMAM	0.466	0	1	0.41
W-8	1.45	Freshwater Marshes		UMAM	0.466	0	1	0.68
W-9	0.68	Vegetated Non-Forested Wetlands		UMAM	0.466	0	1	0.32
W-10	0.84	Freshwater Marshes		UMAM	0.5	0	1	0.42

W-11	0.08	Freshwater Marshes		UMAM	0.7	0	1	0.06
W-12	2.38	Vegetated Non-Forested Wetlands		UMAM	0.566	0	1	1.35
W-13	4.83	Freshwater Marshes		UMAM	0.7	0	1	3.38
W-14	12.69	Freshwater Marshes		UMAM	0.6	0	1	7.61
W-16	0.059	Lakes		UMAM	0.666	0	1	0.04
W-4 Sec	0.44	Wetland Forested Mixed		UMAM	0.433	0.366	1	0.03
W-11 Sec	0.15	Freshwater Marshes		UMAM	0.7	0.633	1	0.01
W-14 Sec	0.95	Freshwater Marshes		UMAM	0.7	0.533	1	0.16
W-16 Sec	0.36	Lakes		UMAM	0.7	0.63	1	0.03
Total:		42.599						

Related Concerns:**Historical/ Archeological Resources**

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that no significant archaeological or historical resources are recorded on the project site; therefore the project is unlikely to have an effect upon any such resources.

Water Use Permit Status

Irrigation water for the project is provided by the Toho Water Authority.

Dewatering will be required for construction of this project. Prior to any construction activities, the applicant is required to apply for and obtain a dewatering permit from the District.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation.

Water and Wastewater Service

Toho Water Utilities

General Conditions for Conceptual Permits

1. This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.
2. This permit does not:
 - (a) Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - (b) Convey to the permittee or create in the permittee any interest in real property;
 - (c) Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - (d) Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
3. The permittee shall notify the Agency in writing:
 - (a) Immediately if any previously submitted information is discovered to be inaccurate; and
 - (b) Within 30 days of any conveyance or division of ownership or control of the property or the system, the name and contact information for the new owner.
4. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project site to ensure conformity with the permit.
5. 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 Rule 62-330.201, F.A.C., provides otherwise.
6. This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.
7. Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and sections 4.2.2, 4.2.3, 4.3, and 4.4 of Volume I. An application for conceptual approval for a mitigation bank shall also include the materials required by Chapter 62-342, F.A.C.
8. Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:
 - (a) The application to construct and operate the future phases remains consistent with the designs and conditions of this permit. Primary areas for consistency comparisons include the size, location, and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland

and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations. If an application for construction of any portion of the land area covered by this permit is inconsistent with the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

9. If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

Special Conditions for Conceptual Permits

1. The Conceptual Approval shall expire on the date shown on page 2 of this permit, in accordance with Rules 62-330.056(9) and (10), F.A.C.
2. Operation and maintenance of the stormwater management system shall be the responsibility of Fontana Lakes Master Homeowners Association, Inc.
3. Prior to any future construction, the permittee shall apply for and receive an Individual ERP. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master stormwater management system, including the land use and site grading assumptions.
4. Upon submittal of an application for construction approval, the permittee shall perform a functional assessment of the wetland impacts, provide a letter of reservation for the proposed mitigation bank credits, and perform a cumulative impact analysis. Review of these components will be consistent with the rules in effect at the time of construction application.

Project Work Schedule for Permit No. 49-100503-P

The following activities are requirements of this Permit and shall be completed in accordance with the Project Work Schedule below. Please refer to General Conditions, Special Conditions and/or Specific Conditions for more information. Any deviation from these time frames will require prior approval from the District's Environmental Resources Bureau and may require a minor modification to this permit. Such requests must be made in writing and shall include: (1) reason for the change, (2) proposed start/finish and/or completion dates, and (3) progress report on the status of the project.

Condition No.	Date Added	Description (Application Number)	Due Date	Date Satisfied
SC 1	08/12/2021	There are no PPC actions associated with this permit.		

GC = General Condition

SC = Special Condition

Distribution List

Steve Butler, Bio-Tech Consulting

Jim Nugent, Donald W McIntosh Associates, Inc

Audubon of Florida

Div of Recreation and Park - District 3

Osceola County Engineer

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website at <http://my.sfwmd.gov/ePermitting> and searching under this application number 210308-5538 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 1.1 Location Map](#)

[Exhibit No. 2.0 Construction Plans](#)

[Exhibit No. 2.0.1A Construction Plans 1A](#)

[Exhibit No. 2.0.1B Construction Plans 1B](#)

[Exhibit No. 2.1 Land Use](#)

[Exhibit No. 2.1.1 Land Use Addendum](#)

[Exhibit No. 2.2 Calculations](#)

[Exhibit No. 2.2.1 Calculation Addendum](#)

[Exhibit No.2.3 Floodplain](#)

[Exhibit No.2.3.1 Floodplain Addendum](#)

[Exhibit No. 3.0 Environmental Exhibits](#)

[Exhibit No. 4.0 Draft Declaration of Covenants](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.