



Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal
Opportunity
Employer

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

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)

April 11, 2014

Charlotte County
Attn: Dan Quick
18500 Murdock Circle
Port Charlotte, FL 33948

Subject: **Notice of Intended Agency Action
ERP Conceptual**

Project Name: Murdock Village
App ID/Permit No: 692164 / 49041576.000
County: CHARLOTTE
Sec/Twp/Rge: S11/T40S/R21E, S12/T40S/R21E, S14/T40S/R21E,
S07/T40S/R22E, S10/T40S/R21E

Dear Permittee(s):

Your Environmental Resource Permit has been approved contingent upon no objection to the District's action being received by the District within the time frames described in the enclosed Notice of Rights.

Approved conceptual plans are part of the permit, and further applications for construction permitting must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of intended agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of intended agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of intended agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of intended agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of intended agency action, a copy of the affidavit of publishing provided by the newspaper should be sent to the District's Tampa Service Office, for retention in the File of Record for this agency action.

If you have questions, please contact Steven Lopes, at the Tampa Service Office, extension 6506. For assistance with environmental concerns, please contact Jeff Glas, extension 2148.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Approved Permit w/Conditions Attached
 Notice of Rights
cc: U. S. Army Corps of Engineers
 CardnoEntrix
 Murdock Village Community Redevelopment Agency
 R. Phil Aiuto, P.E., Charlotte County Public Works

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
CONCEPTUAL
PERMIT NO. 49041576.000**

EXPIRATION DATE: April 11, 2019

PERMIT ISSUE DATE: April 11, 2014

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to use 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), to proceed with further applications for construction permitting.

PROJECT NAME: Murdock Village
GRANTED TO: Charlotte County
Attn: Dan Quick
18500 Murdock Circle
Port Charlotte, FL 33948
OTHER PERMITTEES: N/A

ABSTRACT: This permit grants conceptual approval under Rule 62-330.055, F.A.C. for Murdock Village, a Community Redevelopment Area established under Chapter 163, F.S. The project (878.73 acres total) is located south of Tamiami Trail and north of SR 776 between Crestwood Waterway and Auburn Waterway in Charlotte County, Florida. Information regarding the approved design concepts is stated below and in the permitted concept plans and supporting documentation for the project. Information regarding the wetlands and/or surface waters is stated below and on the permitted construction drawings for the project.

OP. & MAIN. ENTITY: Charlotte County
OTHER OP. & MAIN. ENTITY: N/A
COUNTY: CHARLOTTE
SEC/TWP/RGE: S11/T40S/R21E, S12/T40S/R21E, S14/T40S/R21E, S07/T40S/R22E, S10/T40S/R21E
TOTAL ACRES OWNED OR UNDER CONTROL: 1731.54
PROJECT SIZE: 878.73 Acres
LAND USE: Government
DATE APPLICATION FILED: January 30, 2014
AMENDED DATE: N/A

I. Water Quantity/Quality

POND No.	Area Acres @ Top of Bank	Treatment Type
CREE-Dry	10.42	ON-LINE RETENTION
CREE-Wet	6.66	MAN-MADE WET DETENTION
FORW-Dry	12.34	ON-LINE RETENTION
FORW-Wet	7.86	MAN-MADE WET DETENTION
FORE-Dry	6.26	ON-LINE RETENTION
FORE-Wet	4.07	MAN-MADE WET DETENTION
FLAW-Dry	10.73	ON-LINE RETENTION
FLAW-Wet	6.74	MAN-MADE WET DETENTION
FLAE-Dry	11.93	ON-LINE RETENTION
FLAE-Wet	7.44	MAN-MADE WET DETENTION
COMW-Dry	8.75	ON-LINE RETENTION
COMW-Wet	5.45	MAN-MADE WET DETENTION
COME-Dry	8.72	ON-LINE RETENTION
COME-Wet	5.69	MAN-MADE WET DETENTION
AUBW-Dry	7.74	ON-LINE RETENTION
AUBW-Wet	4.74	MAN-MADE WET DETENTION
	Total: 125.54	

Water Quantity/Quality Comments:

The Murdock Village community redevelopment plan consists of a mixed-use community including town center, residential, commercial, educational, and recreational uses. The maximum impervious coverage used for design is 85% per sub-basin, which equates to approximately 648 acres total impervious for the project as a whole. Based on the land use mix envisioned by the Community Redevelopment Plan, the actual maximum impervious coverage is anticipated to be considerably less.

It is anticipated that County reclaimed water for irrigation and County potable water mains will serve the redevelopment project, without the need for stormwater reuse or groundwater wells.

The conceptual **Project Area Map** identifies the community redevelopment area boundaries, construction areas, and no-construction areas. The conceptual **Stormwater Management Master Plan** identifies eight (8) onsite post-development drainage sub-basins, eight (8) dry retention ponds (including treatment retention volumes), eight (8) wet detention ponds (including permanent pool volumes), and eight (8) discharge point locations.

There are no closed basins associated with the project; therefore, allowable volumes of stormwater discharge are not required to be established. The allowable 25-yr 24-hr peak discharge rates, based on representative modeling of existing conditions, for each sub-basin are established as follows: Basin CREE = 117.94 CFS; Basin FORW = 140.73 CFS; Basin FORE = 69.42 CFS; Basin FLAW = 119.79 CFS; Basin FLAE = 132.76 CFS; Basin COMW = 94.74 CFS; Basin COME = 95.01 CFS; and Basin AUBW = 84.58 CFS.

The conceptual master ponds were sized based on estimation of existing seasonal high water elevations (SHWEs). Therefore, this conceptual permit does not establish pond sizes, pond designs, pond control elevations, or SHWEs. Pond designs, sizes, shapes, locations, control elevations, and SHWEs shall be established during construction permitting.

The receiving waters are currently verified impaired for the following pollutants: Crestwood Waterway (WBID 2048A) - dissolved oxygen, nutrients, mercury; South Fork Waterway (WBID 2048A) - dissolved oxygen, nutrients, mercury; Flamingo Waterway (WBID 2048B) - dissolved oxygen, nutrients; Como Waterway (WBID 2047) - nutrients; and Auburn Waterway (WBID 2046) - dissolved oxygen, mercury.

Dissolved oxygen is a nutrient related impairment; therefore each of the five (5) receiving waters is currently considered to be nutrient impaired. Meeting net improvement for nutrients (total nitrogen, TN) is presumed to also meet net improvement for mercury, since nutrient removal is more difficult to achieve than removal of mercury.

The proposed master dry retention and wet detention ponds are conceptually designed as 'treatment train' systems within each sub-basin, and are sized based on a pre-development annual pollutant load of 8.60 kg/acre (TN) and a post-development target annual pollutant load of 12.39 kg/acre (TN) for each sub-basin. The required pollutant (TN) removal efficiency for the proposed master treatment train systems is approximately 82%.

A **Master Ledger** is attached to the permitted conceptual drawings, for tracking the actual number of 'debits' that must be made to the available treatment 'credits' for each basin as future construction permitting progresses.

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result* (feet)
0.00	0.00	No Encroachment	N/A

Floodplain Comments:

According to FEMA floodplain determinations the project lies within flood zones X, A and AE.

The pre-development 100-year base flood elevations of the Crestwood, South Fork, Flamingo, Como, and Auburn Waterways have been determined with this conceptual permit by hydrologic/hydraulic modeling of the total contributing drainage areas through the affected waterways. The calculated pre-development floodplain limits are consistent with the FEMA floodplain determinations and are generally contained within the existing waterways.

*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

III. Environmental Considerations

Wetland/Other Surface Water Information

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
W-A	3.72	3.72	0.00	0.00	0.00	0.00
W-B	0.86	0.86	0.00	0.00	0.00	0.00
W-C	1.62	1.62	0.00	0.00	0.00	0.00
W-D	0.44	0.44	0.00	0.00	0.00	0.00
W-E	0.07	0.07	0.00	0.00	0.00	0.00
SW-A	0.05	0.05	0.00	0.00	0.00	0.00
SW-B	0.04	0.04	0.00	0.00	0.00	0.00
SW-C	0.06	0.06	0.00	0.00	0.00	0.00
SW-D	0.03	0.03	0.00	0.00	0.00	0.00
SW-E	0.04	0.04	0.00	0.00	0.00	0.00
SW-F	0.18	0.18	0.00	0.00	0.00	0.00
East Fork Waterway	3.69	3.69	0.00	0.00	0.00	0.00
Flamingo Waterway	10.69	10.69	0.00	0.00	0.00	0.00
Como Waterway	9.12	9.12	0.00	0.00	0.00	0.00
Total:	30.61	30.61	0.00	0.00	0.00	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

There are 6.71 acres of wetlands (FLUCCS 618, 641, and 643) located within the project area for this ERP. Wetland impacts are not proposed or authorized by this permit. There are 23.9 acres of other surface waters features, consisting of 23.5 acres of canals (FLUCCS 510), 0.35 acre of streams and waterways (FLUCCS 510), and 0.05 acre of < 10 acre reservoir (FLUCCS 534) located within the project area. There are no surface water impacts proposed or authorized by this permit.

Mitigation Information

Mitigation is not required.

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 may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 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. All wetland and surface water boundaries depicted on the document entitled "Specific Purpose Survey of Murdock Village Wetlands and Surface Water", uploaded into the File of Record on April 3, 2014, shall be binding upon the Permittee and the District for the term of this permit. If this permit is extended, the wetland and surface water boundaries shall only remain binding for the term of such extension provided that physical conditions on the property, as solely determined by District staff, do not change so as to alter the boundaries of the delineated wetlands or other surface waters during the permit term, unless such change has been authorized by a permit issued under Part IV, Chapter 373, F.S.
3. The permitted Concept Plan drawings for this project includes the set received by the District on February 4, 2014. A ledger that indicates the target annual loadings of the pollutants of concern for each sub-basin is attached to the permitted Concept Plan drawings for the project.
4. This conceptual approval permit is issued pursuant to Rule 62-330.055, F.A.C. for a community redevelopment area created under Chapter 163, Florida Statutes (F.S.). Issuance of this permit also constitutes limited conceptual approval of the stormwater management master plan for the community redevelopment area.
5. This conceptual approval permit must not conflict with the requirements of a federally approved program pursuant to Section 403.0885, F.S., or with the implementation of Section 403.067(7), F.S. regarding total maximum daily loads and basin management action plans. In the event of a conflict arising between this permit and the requirements of Section 403.0885, F.S., or Section 403.067(7), F.S., the statutory provisions shall control.
6. This conceptual approval permit is issued for a term of 20 years from the date of permit issuance or shorter duration as requested by the permit applicant and shown on this permit as the approved expiration date. The permittee may renew this conceptual approval permit for an additional term of up to 10 years, provided the activities being undertaken within the community redevelopment area and the activities proposed for construction or operation during such additional term remain in compliance with Rule 62-330.056, F.A.C., and the terms and conditions of this permit.
7. All stormwater management systems constructed or altered within the community redevelopment area for which this conceptual approval permit is authorized shall be operated and maintained in compliance with Section 373.416, F.S., and the applicable provisions of Chapter 62-330, F.A.C.
8. Where substantive changes in the design are proposed or are required to address the factors in subsections 62-330.056(7)(b) through (d), F.A.C., a modification of this conceptual approval permit must be obtained prior to Agency issuance of any permit to authorize construction, alteration, modification or abandonment of permitted activities within the redevelopment area for which this permit is issued.

9. For any approvals or authorizations granted for development activities within the designated community redevelopment area for which this conceptual permit is issued, the permittee shall require as part of its approvals or authorizations that the activities be consistent with the stormwater master system conceptually approved herein.
10. Any individual or regional stormwater management system serving the community redevelopment area for which this conceptual approval permit is issued shall be operated and maintained in perpetuity, consistent with the terms and conditions of this permit.
11. If changes are proposed to the design of existing or future phases of this conceptual approval permit, or where there have been changes to state water quality standards, special basins, or site characteristics during the duration of this conceptual approval permit, this conceptual approval permit must be modified in order to continue to rely on this permit as a basis for establishing reasonable assurance for the Agency to issue future construction or operation permits for activities within the community redevelopment area. If a modification of this permit is not obtained, this conceptual approval permit can no longer be relied upon as a basis, in whole or in part, under which permits to construct, alter or operate future activities or phases of development within the community redevelopment area will be issued. The Agency will reevaluate the terms and conditions of this conceptual approval permit at the time a permit application is received to construct activities within the original conceptual approval permit area, or at the next requested extension or renewal of the conceptual approval permit duration in accordance with Section 62-330.056(11), F.A.C.
12. This conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment. Issuance of a conceptual approval permit does not relieve the permittee of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Chapter 62-330, F.A.C.
13. Future construction for projects within the conceptual redevelopment area may be authorized under a notice of intent to use the General Permit in Rule 62-330.450, F.A.C., provided the project meets all of the following:
 - a. The project must be consistent with this conceptual approval permit.
 - b. The project does not cause the allowable pollutant load for the receiving waters to be exceeded.
 - c. The project does not cause the allowable discharge rates to be exceeded.
 - d. The project meets all of the General Permit conditions in Rule 62-330.450, F.A.C.
 - e. The project will not result in wetland or surface water impacts.
14. Future construction projects that are not consistent with this conceptual approval permit, do not rely on debits to the conceptual ledger of pollutant loads, or exceed the conceptual target pollutant load shall require an Individual Permit per Rule 62-330.054, F.A.C.
15. Construction of the master surface water management system may require an Individual Permit per Rule 62-330.054, F.A.C.
16. Activities requested under the General Permit in Rule 62-330.450, F.A.C. that rely on the conceptually approved stormwater master system, that reduce impervious surfaces, or that otherwise meet the pollutant loading target in the conceptual stormwater master plan, and that also comply with all the terms and conditions of the General Permit, will result in a debit to the

master pollutant load ledger. Once the entire pollutant load target is reached for an identified sub-basin, no more development within that sub-basin is allowed under the General Permit and further development within that sub-basin will require an Individual Permit per Rule 62-330.054, F.A.C.

17. The project area for this conceptual approval permit is located within 500 feet of an offsite underground petroleum storage tank (FDEP Facility ID No. 8625835) that may have contamination issues. As a condition of issuance for future construction permits located in the community redevelopment area that are within 500 feet of FDEP Facility ID No. 8625835, it will be necessary to secure documentation from FDEP that the proposed system will not result in adverse affects to water quality.
18. If any wetlands or other surface waters are proposed to be affected by activities covered by this conceptual approval permit, their impact, reduction and elimination of impacts, and any proposed mitigation for that impact shall be requested and evaluated as a separate conceptual approval or individual permit under this chapter. Mitigation sufficient to offset the impacts to wetlands or other surface waters contained on any parcel subject to the use of a general permit under Rule 62-330.450, F.A.C., must already have been permitted under this chapter, and those mitigation activities must already have been initiated in conformance with that permit, prior to the Agency being able to grant qualification to use the general permit for that parcel.
19. The Uniform Mitigation Assessment Methodology (UMAM) values described in the document entitled "Approved UMAM Data", uploaded into the File of Record on April 3, 2014 are hereby authorized by this permit. These UMAM values shall be applied in the future permitting of projects within the project boundary of this conceptual permit that affect these wetlands.
20. The proposed surface water management system is only conceptual in design and location. Any future construction that includes wetland or surface water impacts (direct, secondary, cumulative, etc.) will undergo the avoidance, minimization, and mitigation evaluation required by rule for individual permits. Projects that do not include wetland or surface water impacts may be eligible to utilize the General Permit for Construction, Alteration, and Operation of Urban Infill and Redevelopment Activities in Conformance with the Conceptual Approval Permit in Rule 62-330.056, F.A.C, pursuant to 62-330.450, F.A.C.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

Michelle K. Hopkins, P.E.

Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

1. This conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment of a stormwater management system, or the establishment or operation of a mitigation bank. Issuance of a conceptual approval permit does not relieve the permittee of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Chapter 62-330, F.A.C., Section 403.414(12), F. S., or a permit to establish and operate a mitigation bank pursuant to Chapters 62-330 and 62-342, F.A.C.
2. This conceptual approval permit does not imply approval of any construction activities on the property covered by this permit. Issuance of this permit is a determination that the conceptual plans are, within the extent of detail provided in the conceptual approval permit application, consistent with applicable rules at the time of permit issuance. This conceptual approval permit provides the permittee with a rebuttable presumption, during the duration of the conceptual approval permit, that the engineering design and environmental concepts upon which the designs of this permit are based (within the extent of detail provided in the conceptual approval permit) are likely to meet applicable rule criteria for issuance of permits for subsequent construction phases of the project, provided in the provisions of Rule 62-330.056(7), F.A.C., are met at the time of receipt of a complete application to construct or operate future phases.
3. Approved conceptual plans are part of the permit, and any further applications for construction permitting for any part of the project area covered by this conceptual approval permit must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.
4. If an application for construction of any portion of the project area for this conceptual approval permit is based upon designs that are inconsistent with the design concepts approved in this permit, 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 conceptual approval permit. If the inconsistency will materially affect those designs and conditions, then the applicant of the construction permit must demonstrate that the conceptual approval permittee(s) agree to that inconsistency, as provided in Rule 62-330.056, F.A.C.
5. The duration of this conceptual approval permit is 20 years, provided a permit under Chapter 62-330, F.A.C. [or Section 403.814(12), F.S.] is obtained for the initial phase of construction or alteration, the authorized construction or alteration has been begun within five years of the date of this conceptual approval permit is issued, and the work remains in compliance with the terms and conditions of both this conceptual approval permit and all permits authorizing construction or alteration.
6. If a permit for construction or alteration of any phase of the conceptually approved project is not obtained and construction is not commenced within five years of issuance of this conceptual approval permit, this permit will expire five years from its date of issuance.
7. 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 during the duration of this conceptual approval permit, a modification to this permit must be applied for if the permittee wishes to continue to rely on this permit as a basis for reasonable assurance that the conditions for issuance of any future construction or operation permits for the project area have been met.
8. 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.

9. 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 not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and in Chapter 62-330, F.A.C.
10. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the issuance of this conceptual approval permit or any use of the property for which this permit is issued.
11. 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.
12. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property for which conceptual approval is authorized. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 62-330.340, 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.
13. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter the property covered under this conceptual approval permit and to inspect or conduct sampling or testing as appropriate with respect to the location and condition of hydrologic, geographic or other features and design parameters covered by this conceptual approval permit, to insure conformity with District rules, regulations and the conditions of this permit.
14. If historical or archaeological artifacts are discovered at any time on the property covered by this conceptual approval permit, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
15. The boundaries of wetlands, other surface waters, flood plains, and other existing and proposed site conditions and design parameters for which conceptual approval is authorized based upon the information for which the applicant has certified as based upon true and accurate representations of the actual existing site conditions and design parameters at the time of permit application. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. Should any other regulatory agency require changes to the design of the project for which this conceptual approval permit is issued, the District shall be notified of the changes prior to or during application for any construction or other permitting of the project area covered by this permit so that a determination can be made as to whether modification of this conceptual approval permit is required.

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 987-6746. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

