

## Miscellaneous

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION** **Office of Resilience and Coastal Protection - Beaches and Coastal Systems**

#### **Notice of Availability of Sebastian Inlet Management Plan (Brevard and Indian River Counties)**

The Florida Department of Environmental Protection (Department) announces the availability of the Sebastian Inlet Management Plan of 2023 and has adopted the inlet management plan as a Department Final Order on Thursday, November 9<sup>th</sup>, 2023.

Summary of Sebastian Inlet Management Plan of 2023: Pursuant to subsection 161.101(2), F.S., the Department is the beach and shore preservation authority for the State of Florida. As part of the beach management plan adopted pursuant to section 161.161, F.S., the Department is adopting the Inlet Management Plan for Sebastian Inlet in Brevard and Indian River Counties, Florida. The previous plan was adopted on March 16<sup>th</sup>, 2000. The updated plan for Sebastian Inlet is consistent with section 161.142, F.S. To obtain a copy of the Sebastian Inlet Management Plan (2023), visit:

<https://floridadep.gov/rcp/beaches-inlets-ports/documents/sebastian-inlet-management-plan>

or contact William “Guy” Weeks, Department of Environmental Protection, telephone: (850) 245-7696, email: [William.Weeks@FloridaDEP.gov](mailto:William.Weeks@FloridaDEP.gov)

This Order is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the paragraphs below or unless a request for extension of time in which to file a petition is filed within the required timeframe and conforms to Rule 62-110.106(4), F.A.C. Upon timely filing of a petition or a request for an extension, this Order will not be effective until further Order of the Department.

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) in accordance with sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk for the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, or by electronic mail at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), within 21 days of receipt of this Notice. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57, F.S. of the Florida Statutes. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.

A petition must contain the following information:

- (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 how and when 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 which petitioner contends warrant reversal or modification of the Department’s action;
- (f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department’s action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure, with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Agency Clerk.