

ACKNOWLEDGEMENT OF RECEIPT OF DOCUMENTS RELATED
TO A DERELICT VESSEL DETERMINATION

I hereby acknowledge that on this date I received from a Fish and Wildlife Conservation Commission Law Enforcement Officer the following documents regarding Derelict Vessel Case Number FWNE-19-OFF-019623:

- A letter notifying me that my vessel has been determined to be derelict (2 pages);
- An Explanation of Rights to an administrative proceeding on the determination that my vessel is derelict (1-page);
- An Election of Rights Form (1-page); and
- A Petition for an Administrative Proceeding (2 pages).

Signature

Printed Name

Date

Current Phone Number

Current Address

Date: 11/8/19

RE: FWC Derelict Vessel Case Number FWNE-19-OFF-019623

Dear Anthony Alred:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE PROPERTY (VESSEL) DESCRIBED HEREIN. The following property (vessel), to wit:

1983 34-foot Mainship, USCG Documentation Number 661713

is unlawfully upon public property known as

Intra-Coastal Waterway shoreline at GPS coordinates N29 43.8825/ W81 15.0228

and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice.

You have been identified as the last known owner or responsible party for the above described vessel, which the undersigned law enforcement officer of the Fish and Wildlife Conservation Commission (FWC) has determined to be derelict as defined in section 823.11, Florida Statutes.

The facts upon which FWC has made the determination that the vessel described above is derelict are as follows:

Is currently in a wrecked, junked, and substantially dismantled condition due to a vessel fire. It has no means of propulsion or steerage, is burnt below the waterline, and no longer able to float due to the damage done by the fire.

Sections 376.15 and 823.11, Florida Statutes, make it unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel on the public waters of the State.

Subsection 705.101(3), Florida Statutes, defines all derelict vessels as abandoned property. Sections 376.15, 705.103, and 823.11, Florida Statutes, authorize law enforcement to remove or cause to be removed any derelict vessel from the public waters of the State and to destroy it. All costs incurred by law enforcement or authorized agents in the removal of the derelict vessel are recoverable against the owner or responsible party thereof.

In accordance with the above legislative mandate, FWC hereby orders you as the last known owner or party responsible for this vessel to remove it from the public waters of the State immediately or to provide proof that legal transfer of the vessel's ownership occurred prior to the date of this notice. Failure to do so will result in criminal charges, pursuant to sections 376.16 and 823.11, F.S.

Furthermore, if the vessel is not removed from the public waters of the State, FWC intends to remove or cause the removal of this derelict vessel, and the vessel will be destroyed.

The determination that this vessel is derelict may affect your interests. As such, you have the right to request an administrative hearing. Enclosed is an explanation of your rights. If you choose to do so, please complete and return the enclosed Election of Rights and the enclosed Petition for Administrative Proceeding forms. Failure to make any election in this matter as explained in the enclosure, within twenty-one (21) days from the date you received this notice, shall be considered a waiver of your right to a hearing.

Sincerely,

Law Enforcement Officer Name: **Joshua Lawrence**
Law Enforcement Officer Telephone Number: **904-495-4581**
Florida Fish and Wildlife
Conservation Commission
Division of Law Enforcement

Enclosures

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).