



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Ryan E. Matthews  
Interim Secretary

BY ELECTRONIC MAIL  
*JAndrews@city-ftpierce.com*

March 22, 2017

Fort Pierce Redevelopment Agency  
Mr. John Andrews, II  
100 N. U.S. Highway 1  
Fort Pierce, Florida 34950

RE: Voluntary Cleanup Tax Credits  
DEP VCTC Application #735  
Site Identification #BF561101001

Dear Mr. Andrews:

The Florida Department of Environmental Protection (“the Department”) has completed its review of the referenced Voluntary Cleanup Tax Credit (VCTC) application package submitted pursuant to Section 376.30781, Florida Statutes (F.S.). The Department has determined that the Fort Pierce Redevelopment Agency is eligible to receive tax credits as detailed below:

Costs integral to site rehabilitation: \$1,066,596.00

50% tax credit for site rehabilitation (up to \$500,000): \$500,000.00

**Total tax credit awarded: \$500,000.00**

However, due to an exhaustion of the current year’s annual tax credit authorization, your tax credit certificate will be issued in first-come, first-served order, based on the date the application was determined complete, when a sufficient authorization, if any, is available. The Department may revoke or modify this written decision granting eligibility for tax credits under Section 376.30781, F.S., if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits. If the Department modifies or revises this order, it shall immediately notify the Department of Revenue. Additionally, the tax credit applicant must notify the Department of Revenue of any change in its tax credit claimed.

This Department Order Determining Eligibility shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons whose substantial interests are affected by this Order have the following options:

- A. If you choose to accept the above decision by the Department regarding the review of the above-referenced VCTC application, you do not have to do anything.
- B. If you choose to challenge the decision, you may do the following:
  1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
  2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within **21** days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

#### How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), Florida Administrative Code (F.A.C.), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the VCTC applicant, shall mail a copy of the request to the VCTC applicant at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

#### How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within **21** days of receipt of this Order. Petitioner, if different from the VCTC applicant, shall mail a copy of the petition to the VCTC applicant, at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right to request an administrative proceeding under Chapter 120, F.S. Pursuant to Subsections 120.54(5)(b)4 and 120.569(2), F.S. and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name and address of each agency affected and the Department's identification

- number (see first page of this order);
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 when and how the petitioner received notice of the Department's 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
  - f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed 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 the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

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 have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

#### Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under 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 after this order is filed with the clerk of the Department (see below).

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Questions

Any questions regarding the Department's review of your VCTC application should be directed to Scott Sweeney at (850) 245-8958. Questions regarding legal issues should be referred to Rebecca Robinette in the Department's Office of General Counsel at (850) 245-2242. Contact with either of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,



F. Joseph Ullo, Jr., P.E., Director  
Division of Waste Management

FJU/sls

cc: Roger Register ([roger.register@cardno.com](mailto:roger.register@cardno.com))

FILING AND ACKNOWLEDGMENT FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



03/24/2017

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Clerk (or Deputy Clerk)

Date