

entitle him to a section 120.57 hearing and 2) that his substantial injury is of a type or nature which the proceeding is designed to protect. The first aspect of the test deals with the degree of injury. The second deals with the nature of the injury.

*Id.* at 482; see also *St. Johns Riverkeeper, Inc. v. St. Johns River Water Mgmt. Dist.*, 54 So. 3d 1051 (Fla. 5th DCA 2011); *Palm Beach Cty. Env'tl. Coal. v. Fla. Dep't of Env'tl. Prot.*, 14 So. 3d 1076 (Fla. 4th DCA 2009); *Mid-Chattahoochee River Users v. Fla. Dep't of Env'tl. Prot.*, 948 So. 2d 794, 797 (Fla. 1st DCA 2006).

50. Dr. Still alleged standing based on the impact that the road repair had on his property. The allegations of turbid runoff and sediment entering onto his property, as well as flooding of his property, meet the second prong of the *Agrico* test. This proceeding is designed to protect adjacent property owners from potential pollution, water quality and quantity violations, and other adverse impacts caused by the road repairs, impacts that are the subject of chapter 403 and rule 62-330.051 adopted thereunder.

51. The question for determination as to the first prong of the *Agrico* test is whether Dr. Still alleged injuries in fact of sufficient immediacy as to entitle him to a section 120.57 hearing. “[T]he injury-in-fact standard is met by a showing that the petitioner has sustained actual or immediate threatened injury at the time the petition was filed, and ‘[t]he injury or threat of injury must be both real and immediate, not conjectural or hypothetical.’” *S. Broward Hosp. Dist. v. Ag. for Health Care Admin.*, 141 So. 3d 678, 683 (Fla. 1st DCA 2014)(citing *Vill. Park Mobile Home Ass’n v. Dep’t of Bus. Reg.*, 506 So. 2d 426, 433 (Fla. 1st DCA 1987)).

52. Dr. Still alleged, inter alia, that the activities caused turbid runoff and sediment to enter onto his property, as well as flooding of his property, which is sufficient to meet the standard of an “injury in fact which is of sufficient immediacy to entitle [him] to a section 120.57 hearing.”