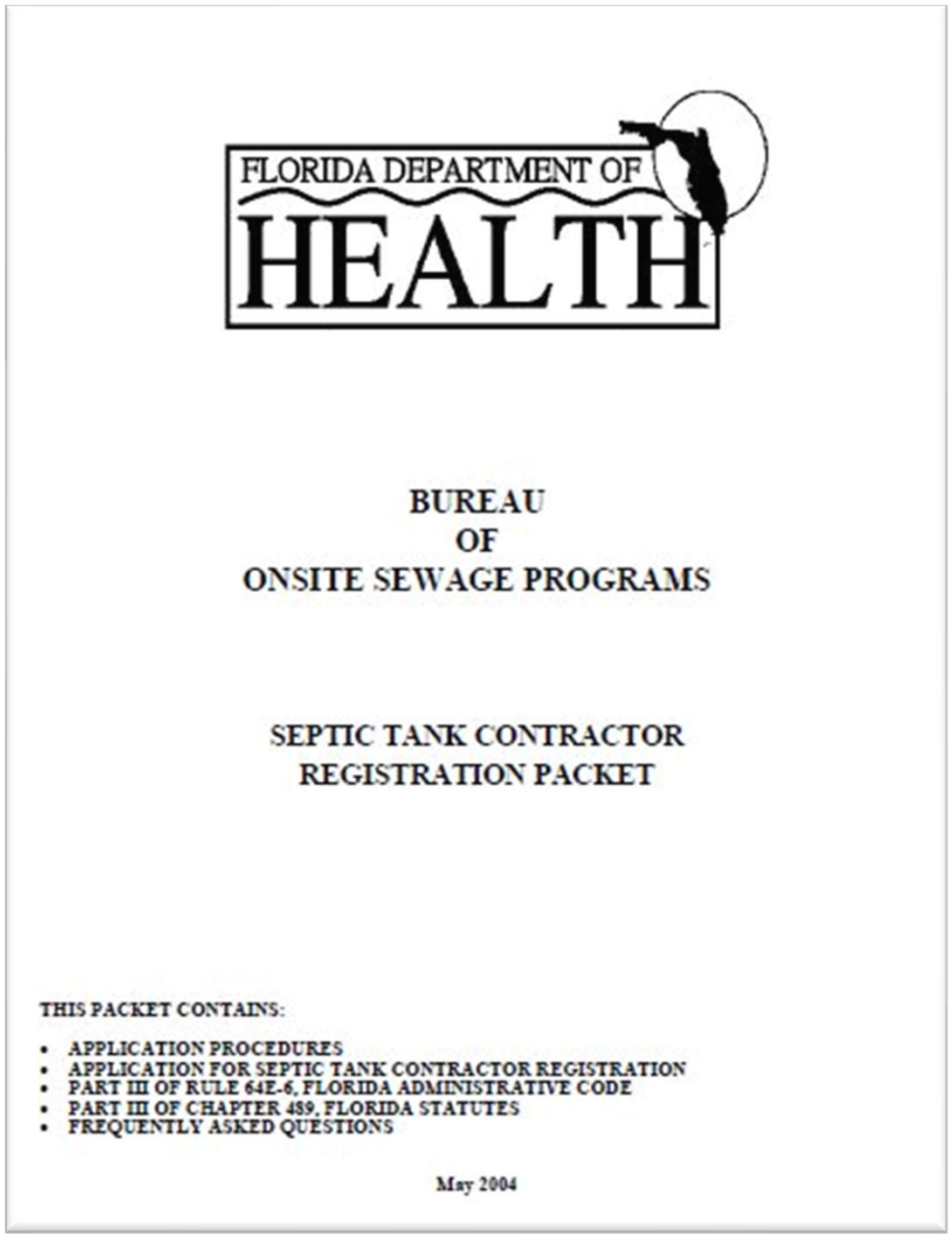
C - 10:15- 10:45

Septic Tank Contracting and Enforcement

Septic Tank Contracting and Enforcement

- Licensing Requirements
- Enforcement Requirements

Licensing Requirements



FLORIDA DEPARTMENT OF HEALTH

BUREAU
OF
ONSITE SEWAGE PROGRAMS

SEPTIC TANK CONTRACTOR
REGISTRATION PACKET

THIS PACKET CONTAINS:

- APPLICATION PROCEDURES
- APPLICATION FOR SEPTIC TANK CONTRACTOR REGISTRATION
- PART III OF RULE 64E-6, FLORIDA ADMINISTRATIVE CODE
- PART III OF CHAPTER 489, FLORIDA STATUTES
- FREQUENTLY ASKED QUESTIONS

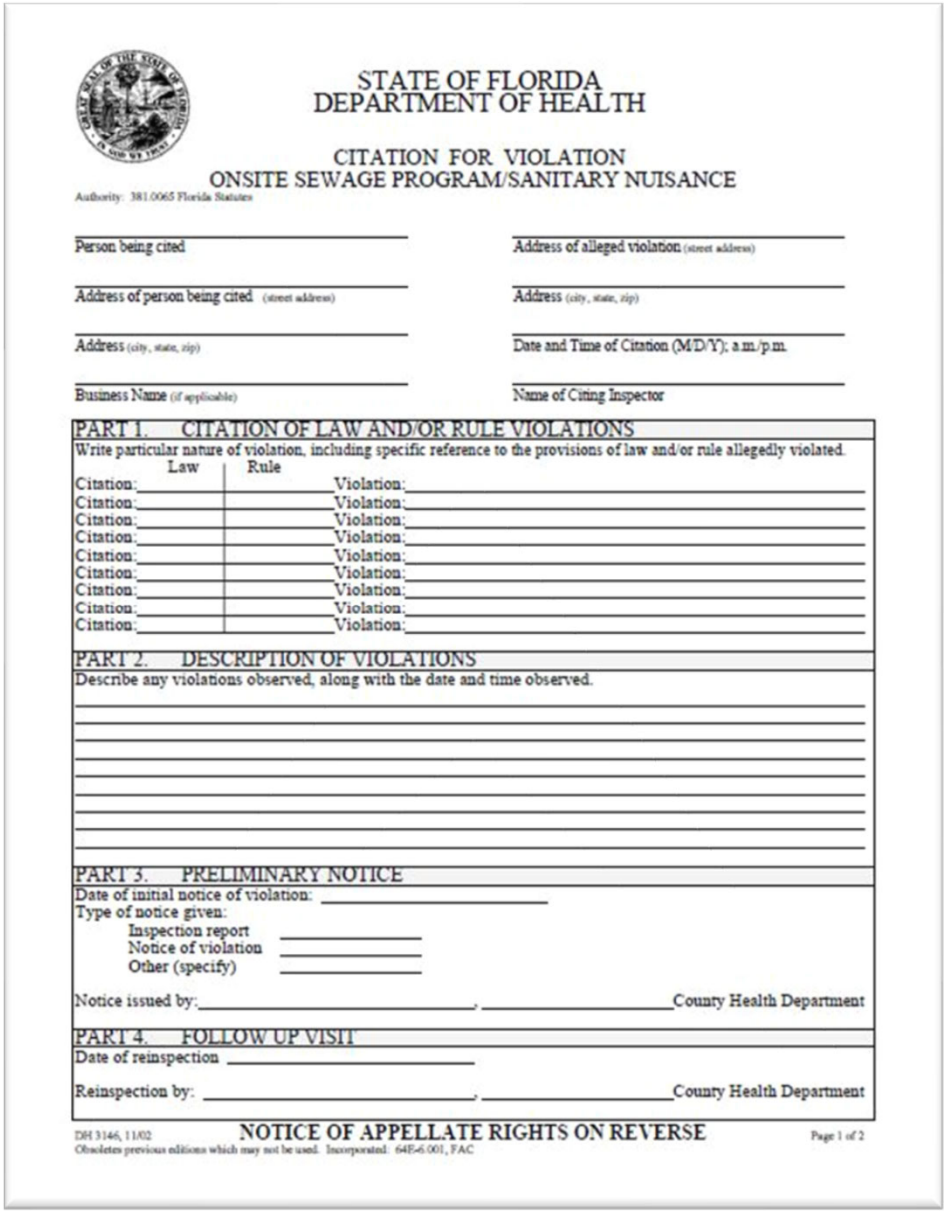
May 2004

Septic Tank Contracting

- Anyone holding themselves out as being capable of offering or providing septic tank contracting services must be registered by the department or a plumbing contractor in s. 489.105(3)(m), F.S.

- A registered septic tank contractor not providing septic tank contracting services under his full legal name must have a Certificate of Authorization issued by the department for his septic tank contracting business

Enforcement Requirements



STATE OF FLORIDA
DEPARTMENT OF HEALTH

CITATION FOR VIOLATION
ONSITE SEWAGE PROGRAM/SANITARY NUISANCE

Authority: 381.0065 Florida Statutes

Person being cited

Address of alleged violation (street address)

Address of person being cited (street address)

Address (city, state, zip)

Address (city, state, zip)

Date and Time of Citation (M/D/Y); a.m./p.m.

Business Name (if applicable)

Name of Citing Inspector

PART 1. CITATION OF LAW AND/OR RULE VIOLATIONS

Write particular nature of violation, including specific reference to the provisions of law and/or rule allegedly violated.

	Law	Rule	
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:
Citation:			Violation:

PART 2. DESCRIPTION OF VIOLATIONS

Describe any violations observed, along with the date and time observed.

PART 3. PRELIMINARY NOTICE

Date of initial notice of violation: _____

Type of notice given:

Inspection report _____
Notice of violation _____
Other (specify) _____

Notice issued by: _____, _____ County Health Department

PART 4. FOLLOW UP VISIT

Date of reinspection _____

Reinspection by: _____, _____ County Health Department

DH 3146, 11/02 NOTICE OF APPELLATE RIGHTS ON REVERSE Page 1 of 2

Obsoletes previous editions which may not be used. Incorporated: 64E-6.001, FAC

ENFORCEMENT ISSUES and CHD Involvement

- Public and Environmental Health Concerns.
- CHDs are the local regulatory authority:
  - Responsible to ensure installation, repair, modification and maintenance of OSTDS is done in accordance with pertinent laws and rules.
- Default public protection effects.

Complaints Against Contractors

- Alleged Violations of Rule and Law (64E-6, FAC, 381.0065–67, FS, & Part III, 489, FS), by licensed contractors.
- Contractor complaints are received by the bureau (Toll Free Complaint Line).
- Contractor complaints are received directly by CHD.
- Complaints are investigated by CHD in accordance with EH Program Manual 150-4, and applicable Rule Standards of Conduct and Disciplinary Guidelines.

EH Program Manual 150-4, Chapter Y

- CHDs shall monitor licensed contractor's work for compliance with Chapters 381 and 489, F.S., and Chapter 64E-6, F.A.C. and take appropriate enforcement action for violations.

- Complaints regarding licensed contractors must be promptly investigated, documented, and coordinated with the Bureau of Onsite Sewage Programs and the CHD's legal council.

EH Program Manual 150-4, Chapter K

- Documentation of septic tank contracting complaints resulting in enforcement action shall be promptly forwarded to the Bureau of Onsite Sewage Programs for inclusion into the statewide enforcement database and appropriate contractor files.

Septic Tank Contracting

Complaint Investigation Process:

1. **Research:**
   - **Preliminary Review.**
   - **Plan the investigation.**
   - **Contact Complainant.**
   - **Determine who is responsible for the property.**

Septic Tank Contracting

Complaint Investigation Process:

2. **Investigate:**
   - **Conduct the field investigation. Document!**
   - **Contact the alleged violator and allow verbal or written information.**

Septic Tank Contracting

Complaint Investigation Process:

3. **Refer:**
   - **Where appropriate, refer the complaint to the appropriate agency if not under DOH jurisdiction.**

Septic Tank Contracting

Complaint Investigation Process:

4. **Photograph and Sample:**
   - Take color photographs of field conditions.
   - Sampling must follow chain of custody and appropriate sciencebased protocol.

Septic Tank Contracting

Complaint Investigation Process:

5. Communicate

- **Contact the complainant, other agencies, and other responsible parties to obtain or provide additional information.**

Septic Tank Contracting

Complaint Investigation Process

6. **Enforce:**
   - Where appropriate, in consultation with the supervisor or designee and/or legal counsel issue a Notice to Abate, Notice of Intended Action or other required Notice
   - When appropriate, issue a Citation or take other appropriate administrative action to the relevant property owner, occupant, contractor, or licensee.
   - Where appropriate prepare documentation and evidence for legal counsel in consultation with the supervisor or designee.

Septic Tank Contracting

Complaint Investigation Process

7. Notify

- **Notify the complainant of the findings and outcome of the investigation**

Septic Tank Contracting

Complaint Investigation Process

Check with your supervisors to see what the local policy, practice or process has been in conducting investigations.

If at any time during the conduct of an investigation there is **evidence of a crime, notify your supervisor**, the CHD attorney, and refer the evidence to local law enforcement.

OSTDS inspectors are not expected to investigate criminal activity…and should not be placed in jeopardy for such work.