



## **FLORIDA DEPARTMENT OF HEALTH**

### **BUREAU OF ENVIRONMENTAL HEALTH**

#### **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**

**August 2013**

## SEPTIC TANK CONTRACTOR REGISTRATION PROCEDURES

### APPLICATION

The applicant must complete Sections I through III of the application. Section IV must be completed by the local county health department where the applicant intends to provide septic tank contracting services, regardless of whether work by the applicant has been regulated by that health department. The application must be mailed by the applicant, with the required support documentation and application fee of \$75.00 (check or money order), payable to the **Department of Health** to:

### MAILING ADDRESS

Department of Health  
Bureau of Environmental Health  
4052 Bald Cypress Way, Bin # A08  
Tallahassee, Florida 32399-1710

### PHYSICAL ADDRESS

Department of Health  
Bureau of Environmental Health  
4025 Esplanade Way, Room 130  
Tallahassee, Florida 32399-1710

Completed application and all required support documentation must be received by the department's Bureau of Environmental Health at least 21 days prior to examination. This office reviews each application to determine the applicant's eligibility for examination. If eligible for examination, the applicant is notified of an examination date. If the applicant is determined ineligible for examination, the applicant is notified of the reasons for the determination. If determined ineligible, the applicant may petition for a hearing under section 120.57, Florida Statutes, (FS), within 21 days of the denial notification.

### SUPPORT DOCUMENTATION

Applications submitted without the following support documentation are incomplete and may be returned to the applicant or denied.

- **Out-of State Work Experience** - If an applicant's experience was obtained in another state, a letter from the regulatory agency of that state must address the following questions and must accompany the application. **A.** Does the applicant hold a statewide license for septic tank contracting? **B.** How long has the applicant been a statewide licensed septic tank contractor? **C.** In order to obtain the statewide septic tank license, was the applicant required to take and pass an examination on the following topics: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture Soil Textural Classification? **D.** Are continuing education courses required annually for license renewals?
- Attachment I completed in full.
- Two (2) recent color passport style photographs, not older than 12 months and 1 1/2 X 1 1/2 inches in size.

- Two (2) signed statements from persons not related to the applicant, for whom the applicant has provided services in the onsite sewage industry, stating what services were provided.
- Certification from a registered septic tank contractor or plumbing contractor of the applicant's employment dates and work responsibilities.
- Documentation of payment of federal withholding tax, and social security as required by law. For principle corporate officers, or partners in a partnership, legal documentation of their position in the corporation or partnership may be substituted for withholding tax, social security, and worker's compensation documentation.
- Application fee of \$ 75.00.

### REGISTRATION EXAMINATION

The examination is open book. It consists of one-hundred (100) questions based on Chapter 64E-6, Florida Administrative Code, (FAC), sections 381-0065 - 381-00655 of Chapter 381 and Part III, Chapter 489, FS. A minimum score of 75% is required. Applicants who pass the examination must pay a \$100.00 fee to complete registration. Registrations expire on September 30<sup>th</sup> following the effective date of the certificate. Contractors must complete a minimum of six classroom hours of approved training for renewal each year.

### AUTHORIZING A SEPTIC TANK BUSINESS

Most septic tank contracting services require a certificate of authorization. The structure of a business determines whether a certificate of authorization is required. Septic tank contracting businesses which are sole proprietorships operating under the full name of the owner are not required to obtain a certificate of authorization. An individual offering contracting services under a fictitious name is required to obtain a certificate of authorization. Businesses which are structured as partnerships, associations or corporations are also required to obtain a certificate of authorization. All contractors who act in behalf of the business as contractors and one or more of the principal officers must be registered septic tank contractors. The certificate of authorization is valid for a two-year period, expiring on March 31<sup>th</sup> of odd years. The biennial application fee for a certificate of authorization is \$250.00. If application is made within the second year of this period, a pro-rated fee of \$125.00 is required. Application for a certificate of authorization is made after completing registration requirements.



**SECTION III: MORAL CHARACTER**

PLEASE ANSWER EACH QUESTION. IF YOU ANSWER "YES" TO ANY QUESTION, PLEASE ATTACH A STATEMENT AND DOCUMENTATION EXPLAINING YOUR ANSWER.	YES	NO
HAVE YOU BEEN CONVICTED OR FOUND GUILTY OF, OR ENTERED A PLEA OF NOLO CONTENDERE TO, REGARDLESS OF ADJUDICATION, FOR A CRIME IN ANY JURISDICTION?		
DO YOU HAVE A DISCIPLINARY CASE OR ADMINISTRATIVE PENALTY PENDING WITH THE DEPARTMENT INVOLVING SEPTIC TANK CONTRACTING?		
HAVE YOU BEEN CONVICTED OF A CRIME IN ANY JURISDICTION RELATING TO SEPTIC TANK CONTRACTING DURING THE LAST TWELVE MONTHS?		
HAVE YOU HAD A SEPTIC TANK CONTRACTING REGISTRATION REVOKED WITHIN THE LAST FIVE YEARS?		

I AFFIRM THE INFORMATION CONTAINED IN THIS APPLICATION, WHICH SERVES AS THE BASIS FOR DETERMINING MY ELIGIBILITY FOR SEPTIC TANK CONTRACTOR REGISTRATION, IS TRUE. I UNDERSTAND ANY MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS IN THIS APPLICATION IS GROUNDS FOR AN ADMINISTRATIVE FINE OR DENIAL OR REVOCATION OF MY SEPTIC TANK CONTRACTOR REGISTRATION.

APPLICANT'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**SECTION IV: REGULATORY REVIEW**

APPLICATION MUST BE REVIEWED BY THE COUNTY HEALTH DEPARTMENT FOR THE COUNTY IN WHICH YOUR BUSINESS IS LOCATED. IF THE COUNTY HEALTH DEPARTMENT HAS NOT REGULATED YOUR WORK, ATTACH A LETTER FROM THE GOVERNMENT AGENCY WHICH REGULATED YOUR WORK, IN ADDITION TO THE COUNTY HEALTH DEPARTMENT REVIEW.

1. HAVE YOU REGULATED WORK PERFORMED BY THE APPLICANT? YES [ ] NO [ ]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. HAS THE WORK BEEN PERFORMED IN COMPLIANCE WITH STATE LAWS AND RULES? YES [ ] NO [ ]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. HAS THE APPLICANT BEEN CONVICTED OF A CRIME RELATING TO SEPTIC TANK CONTRACTING, OR HAS ANY ENFORCEMENT ACTION BEEN TAKEN AGAINST THE APPLICANT? YES [ ] NO [ ]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ TITLE \_\_\_\_\_

OFFICE \_\_\_\_\_ TELEPHONE \_\_\_\_\_ DATE \_\_\_\_\_

FOR HSES OFFICE USE ONLY	Application Check No. _____ Date of Application Check: _____ Check Amount: _____ Date of Approval/Denial: _____ Approved By _____ Examination Date _____	Registration Check No. _____ Date of Registration Check _____ Check Amount _____ Registration Number _____ Date Issued _____
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STATE OF FLORIDA

# DEPARTMENT OF HEALTH

## APPLICATION FOR SEPTIC TANK CONTRACTOR REGISTRATION

### ATTACHEMENT 1: SEPTIC TANK CONTRACTS

LIST THE 25 MOST RECENT CONTRACTS COMPLETED IMMEDIATELY PRECEDING THE DATE OF FILING.

	JOB DESCRIPTION NEW, REPAIR, PUMPOUT	LOCATION LOT / ADDRESS CITY, ST, ZIP	CUSTOMER OWNER	PERMIT NUMBER	DATE COMPLETED	SEPTIC TANK CONTRACTOR
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						

CONTINUED ON REVERSE

	<b>JOB DESCRIPTION NEW, REPAIR, PUMPOUT</b>	<b>LOCATION LOT / ADDRESS CITY, ST, ZIP</b>	<b>CUSTOMER OWNER</b>	<b>PERMIT NUMBER</b>	<b>DATE COMPLETED</b>	<b>CONTRACTOR</b>
15.						
16.						
17.						
18.						
19.						
20.						
21.						
22.						
23.						
24.						
25.						

### PART III

#### **64E-6.019 Requirements for Registration.**

(1) Persons subject to registration – A person shall be subject to the requirements of this rule if he or she contracts or advertises to provide services to the public or holds himself or herself out as being capable of performing services related to any of the following activities in the onsite sewage treatment and disposal industry regulated by the department:

- (a) Installation of onsite sewage treatment and disposal systems,
- (b) Repair of onsite sewage treatment and disposal systems,
- (c) Modification of onsite sewage treatment and disposal systems,
- (d) Maintenance of onsite sewage treatment and disposal systems,
- (e) Septic tank pumping and septage disposal services, excluding companies which only provide portable toilet or temporary holding tank services,
- (f) Abandonment of an onsite sewage treatment and disposal system.

(2) Any person seeking registration shall apply to the department to take the registration examination on Form DH 4075, 1/97, Application for Septic Tank Contractor Registration, herein incorporated by reference. The form is available from the department.

(3) A person shall be eligible to take the registration examination if they submit necessary exhibits and fees and meet the requirements of Section 489.553(4), F.S.

(a) Under the supervision and control of a registered septic tank contractor or a plumbing contractor in Section 489.553(4)(d), F.S., is defined as an employment relationship where compensation can be documented by the regular deduction of FICA and federal withholding tax as required by law. Principal officers of a corporation or partners of a partnership providing onsite sewage contracting services shall be recognized as being under the supervision and control of the corporation's or partnership's qualifying registered septic tank contractor or plumbing contractor.

(b) Related work experience includes but is not limited to onsite sewage treatment and disposal system design, inspection, installation, regulation, environmental health professional certification, site evaluation, underground utility contracting and wastewater treatment plant maintenance and operation. Related work experience does not include clerical, purchasing or estimating.

(c) Out-of-state work experience on a year for year basis shall be accepted for any applicant who demonstrates that they hold a current statewide license for septic tank contracting which was issued upon satisfactory completion of an equivalent examination and required continuing education courses for renewal. For purposes of this section, an equivalent examination means that at a minimum, the following topics were tested and passed: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture soil textural classification system. A person employed by and under the supervision and control of such a licensed contractor shall be granted up to two years of related work experience.

(4) Completed applications for registration must be received by the department's Onsite Sewage Program at least 21 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed by the applicant, be reviewed by the county health department where the applicant provides service, include a money order or sufficiently funded check in the correct amount and contain all necessary support documentation. Support documentation shall include:

(a) A list of the 25 most recent contracts by the applicant or business organization completed immediately preceding the date of filing.

(b) Signed statements from two persons not related to the applicant for whom the applicant has provided services in the onsite sewage industry, stating what services were provided.

(c) Certification from a registered septic tank contractor or plumbing contractor of the applicant's employment dates and work responsibilities.

(d) Documentation of payment of federal withholding tax and social security as required by law. For principal corporate officers of a corporation or partners in a partnership, legal documentation of their position in the corporation or partnership may be substituted for withholding tax and social security documentation.

(e) Two recent color passport style photographs, not older than 12 months and 1 1/2 × 1 1/2 inches in size.

(5) Eligible applicants must successfully complete an examination administered by the department. Minimum passing score for the examination shall be a 75 percent correct response to all questions comprising the exam.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.072, Amended 2-3-98, 4-21-02, 6-18-03, 11-26-06, 4-28-10.*

#### **64E-6.020 Master Septic Tank Contractors.**

(1) A septic tank contractor or a plumbing contractor certified under Section 489.105(3)(m), F.S., who is eligible under Section 489.553(5)(a) and (b), F.S., may apply to the department on Form DH 4105, 10/96, Application for Master Septic Tank Contractor Registration, hereby incorporated by reference, to take the master contractor examination provided by the contractor:

(a) Has been in "active" status for the three years immediately preceding the date of application. This time period may not be interrupted by more than 60 accumulated days as "inactive" or include any registration probation or suspension imposed by the department through administrative action.

(b) Has not been assessed more than \$500 in administrative penalties by the department in the three years immediately preceding the date of application.

(c) Does not have an outstanding fine assessed pursuant to this chapter which is in final order status and judicial reviews are exhausted.

(d) Has successfully resolved any disciplinary action involving septic tank contracting where an administrative action was commenced by the department prior to the filing of the application.

(e) Has not been convicted of, found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which is related to the practice of contracting for the three years immediately preceding the date of application.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, system material and construction standards, and regulatory requirements.

(2) Completed applications for registration must be received by the department Onsite Sewage Program office at least 21 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed and dated by the applicant, be reviewed by the county health department where the applicant's primary place of business is located, and include a money order or sufficiently funded check in the correct amount.

(3) Eligible applicants must successfully complete a comprehensive examination administered by the department. Minimum passing score for the examination shall be a 70 percent correct response to the examination questions.

(4) Successful applicants shall be issued a master septic tank contractor certificate after they have paid the registration fee.

(5) Master septic tank contractor certificates shall be renewed only after the contractor has completed 18 classroom hours of approved instruction for each renewal cycle. At least 6 classroom hours must be successfully completed in an approved master contractor course. Instructional time spent by a master septic tank contractor in providing department approved continuing education training shall receive credit as master contractor course hours. Application for renewal shall be made on Form DH 4076, 01/03, Application for Septic Tank Contractor Registration Renewal, herein incorporated by reference, accompanied by the required supporting documentation and fees.

(a) A master septic tank contractor who only completes 12 classroom hours of approved instruction during the renewal cycle shall revert to registered septic tank contractor status and shall apply for renewal under Rule 64E-6.021, F.A.C.

(b) Applications for renewal not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if it is postmarked prior to close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date of the certificate. Application for renewal of an inactive certificate shall be made on Form DH 4076, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(c) The department shall deny an application for renewal for an outstanding administrative penalty with the department where the penalty is final agency action and all judicial reviews are exhausted.

(d) Master contractors with "inactive" certificates shall be reinstated to "active" upon completion of the following:

1. Take sufficient continuing education courses and pay registration fees to cover the inactive period, or
2. Retake and pass the comprehensive examination.

(e) Master contractor certificates not renewed within five renewal cycles of the expiration date shall comply with subsections 64E-6.020(1) through (4), F.A.C., to be reinstated as active.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History—New 2-13-97, Formerly 10D-6.0725, Amended 2-3-98, 4-21-02, 6-18-03, 11-26-06.*

#### **64E-6.021 Issuance of Registration Certificates and Renewal.**

(1) Certificates of registration shall be renewed only after information has been provided to the department that the contractor has successfully completed 12 classroom hours of department-approved instruction within the previous 12-month period. However, if a registered contractor successfully completes more hours of approved instruction than are required for registration renewal within a 12-month period, a maximum of 6 unused hours can be rolled over to renew their next year's certificate of registration. Such information shall be accompanied by necessary renewal fees and a completed renewal application on Form DH 4076, Application for Septic Tank Contractor Registration Renewal.

(2) Any registration renewal application which for any reason is not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if the application has been postmarked prior to the close of business on the date of expiration of the registration. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date on the certificate of registration.

(3) A registered contractor may request inactive status. Persons wishing to renew an inactive registration must make application on Form DH 4076 and substantiate 12 classroom hours of approved instruction for each year the registration was considered inactive. Application must be accompanied by necessary exhibits and renewal fees. Persons holding inactive registrations for more than five renewal cycles from the date of inactivation who wish to become active may not renew the inactive registration but shall seek new registration under Rule 64E-6.019, F.A.C.

(4) The department shall deny an application for renewal if there is any outstanding administrative penalty with the department where the penalty is final agency action and all judicial reviews are exhausted.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, September 2006, herein incorporated by reference.

(6) Beginning in 2004 and every 5 years thereafter, registration renewal applications shall include a recent color passport style photograph 1 1/2 x 1 1/2 inches in size and not older than 12 months. The applicant may provide the required photograph as a

photographic print or in digital JPEG or TIFF format.

(7) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553, 489.554 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, 4-21-02, 6-18-03, 5-24-04, 11-26-06.*

#### **64E-6.022 Standards of Practice and Disciplinary Guidelines.**

(1) It shall be the responsibility of persons registered under this rule to see that work for which they have contracted and which has been performed by them or under their supervision is carried out in conformance with the requirements of all applicable Florida Statutes and Chapter 64E-6, F.A.C. The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in this section. The penalties listed shall be used as guidelines in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this section.

(a) Providing contracted services without obtaining registration from the department, failure to obtain a certificate of authorization for a firm which provides contracted services, acting under a name not registered or authorized by the department. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine, or revocation.

(b) Permit violations.

1. Contractor initiates work to install, modify, or repair a system when no permit has been issued by the department. A permit is issued after construction is started but prior to completion of the contracted work. No inspections are missed. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Contracted work is completed without a permit having been issued, or no permit application is received until after contracted work was completed, resulting in missed inspection or inspections. First violation, letter of warning or fine up to \$1000; repeat violation, revocation.

(c) Contracting with a delinquent registration. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine or revocation.

(d) Failure to call for required inspections. First violation, letter of warning or fine up to \$500; repeat violation, letter of warning or fine up to \$500 and 90 day suspension or revocation.

(e) False payment statements which are the result of assessing charges to a customer for work not performed. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(f) Failure to reasonably honor a written warranty. First violation, letter of warning or fine up to \$500; repeat violations, \$500 fine and one year suspension or revocation.

(g) Abandoning for 30 consecutive days, without good cause, a project in which the contractor is engaged or under contractual obligation to perform. First violation, letter of warning or fine up to \$500; repeat violation, revocation.

(h) Aiding or abetting evasion of Chapter 489, F.S. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(i) Obtaining registration through fraud or misrepresentation. Revocation and \$500 fine.

(j) Convicted or found guilty of a crime relating to contracting. Use penalty for violation most closely resembling the act underlying the conviction; repeat violation, revocation.

(k) Practicing fraud or deceit, making misleading or untrue representations. First violation, letter of warning or fine up to \$500; repeat violation, revocation.

(l) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

2. Causes monetary or other harm to a customer, or physical harm to any person. First violation, letter of warning or fine up to \$500 and 90 day suspension; repeat violation, \$500 fine and revocation.

(m) Operating a septage disposal service without a valid department operating permit. First violation, letter of warning or fine up to \$500; repeat violation, revocation.

(n) Failure to properly treat or properly dispose of septage, holding tank waste, portable restroom waste, or food service sludge. First violation, letter of warning or fine up to \$500 per violation of Rule 64E-6.010, F.A.C.; repeat violation, revocation.

(o) Failure to maintain completed records of septage treatment and disposal activities. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and 90 day suspension or revocation.

(p) Installation, modification, or repair of an onsite sewage treatment and disposal system in violation of the standards of Section 381.0065 or 381.00655, F.S., or Chapter 64E-6, F.A.C. First violation, letter of warning or fine up to \$500 per specific standard violated; repeat violation, 90 day suspension or revocation.

(q) Creation or maintenance of a sanitary nuisance as defined by Section 386.041, F.S. First violation, letter of warning or fine up to \$500; repeat violation, 90 day suspension or revocation.

(r) Falsifying an inspection report or covering a system in violation of the standards of Rule 64E-6.003, F.A.C. First violation, letter of warning or fine up to \$500; repeat violation, 90 day suspension of master septic tank contractor privileges or revocation of registration.

(s) Performing service on an onsite sewage disposal system that is clearly not necessary to improve the function or design of the system without notifying the property owner that such work is optional. First violation, letter of warning or fine up to \$500; repeat violation, \$500 fine and one year suspension or revocation.

(t) The absence of any violation from this section shall be viewed as an oversight, and shall not be construed as an indication that no penalty is to be assessed.

(2) Circumstances which shall be considered for the purposes of mitigation or aggravation of penalty shall include the following:

(a) Monetary or other damage to the registrant's customer, in any way associated with the violation, which damage the registrant has not relieved, as of the time the penalty is to be assessed.

(b) Actual job-site violations of this rule or conditions exhibiting gross negligence, incompetence or misconduct by the contractor, which have not been corrected as of the time the penalty is being assessed.

(c) The severity of the offense.

(d) The danger to the public.

(e) The number of repetitions of the offense.

(f) The number of complaints filed against the contractor.

(g) The length of time the contractor has practiced and registration category.

(h) The actual damage, physical or otherwise, to the customer.

(i) The effect of the penalty upon the contractor's livelihood.

(j) Any efforts at rehabilitation.

(k) Any other mitigating or aggravating circumstances.

(3) As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same licensee had previously had disciplinary action taken against him or received a letter of warning in a prior case. This definition applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or different subsections of this rule. The penalty given in the above list for repeat violations is intended to apply only to situations where the repeat violation is of a different subsection of this rule than the first violation. Where the repeat violation is the very same type of violation as the first violation, the penalty set out above will generally be increased over what is shown for repeat violations.

(4) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(5) The provisions of this section shall not be construed so as to prohibit civil action or criminal prosecution as provided in Part III of Chapter 489, F.S., and Section 381.0065, F.S., or for a violation of any provision of Part I of Chapter 386, F.S. No provision of this section shall be construed as to limit the ability of the department to enter into binding stipulation with the accused party per subsection 120.57(4), F.S.

*Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a), 489.553(2), (3), 489.556, 489.557 FS. Law Implemented Part III 489 FS. History—New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0751, Amended 2-3-98, 5-24-04.*

#### **64E-6.023 Certification of Partnerships and Corporations.**

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, 04/03, Application for Certificate of Authorization, herein incorporated by reference, and shall be accompanied by all necessary exhibits and fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay one-half the fee required in Rule 64E-6.030, F.A.C.

(b) Any certificate of authorization not renewed in a timely manner shall expire. Applications for renewal shall be considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the expiration date of the certificate.

(2) A registered contractor may not be the sole qualifying contractor for more than one business required to have a certificate of authorization.

(3) A business organization which loses its qualifying contractor shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period shall be extended by the department for a period of 30 days pending the outcome of the examination if the applicant has provided a completed application and all required exhibits and fees. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) A business organization shall provide written notification to the department within 30 days of any change in the ownership of the business.

(5) A business organization that changes its name shall apply for a new certificate of authorization within 30 days of the name change.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at [www.MyFloridaEH.com](http://www.MyFloridaEH.com) or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

*Rulemaking Authority 381.0065, 489.553, 489.557 FS. Law Implemented 381.0065, Part III 489 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended 4-21-02, 5-24-04, 6-25-09, 4-28-10.*

#### **64E-6.030 Fees.**

(2) The following fees are required to accompany applications for registration of individuals for septic tank contractor or master septic tank contractor or for a certificate of authorization for partnerships and corporations.

(a) Application for registration including examination.

\$75

(b) Initial registration.	\$100
(c) Renewal of registration.	\$100
(d) Certificate of authorization each two-year period.	\$250

*Rulemaking Authority 154.06(1), 381.0066, 489.557(1) FS. Law Implemented 381.0065, 381.0066, 489.557 FS. History—New 2-3-98, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 9-24-07..*

## STATUTORY CITATIONS

### PART III

#### SEPTIC TANK CONTRACTING

- 489.551 Definitions.
- 489.552 Registration required.
- 489.553 Administration of part; registration qualifications; examination.
- 489.554 Registration renewal.
- 489.555 Certification of partnerships and corporations.
- 489.556 Suspension or revocation of registration.
- 489.557 Fees, establishment.
- 489.558 Penalties and prohibitions.
- 489.551 Definitions.**—As used in this part:
- (1) “Department” means the Department of Health.
- (2) “Master septic tank contractor” means a septic tank contractor whose services are unlimited in the septic tank trade who has had at least 3 years’ experience as a Florida-registered septic tank contractor or a plumbing contractor certified under part I of this chapter who has provided septic tank contracting services for at least 3 years and who has the experience, knowledge, and skills to install, maintain, repair, close repairs of, and alter all types of onsite sewage treatment and disposal systems, to design onsite sewage treatment and disposal systems, where not prohibited by law, to perform and submit soil evaluations, when determined to meet site-evaluation expertise established by rule, and to use materials and items used in the installation and maintenance of all types of onsite sewage treatment and disposal systems.
- (3) “Onsite sewage treatment and disposal system” means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.
- (4) “Septic tank contractor” means a contractor who has the experience, knowledge,

and skill to install, maintain, repair, alter, perform site evaluations for repairs, when determined to meet site-evaluation expertise established by rule, and use material and items used in the installation and maintenance of all kinds of onsite sewage treatment and disposal systems.

**History.**—ss. 1, 10, ch. 87-310; s. 4, ch. 91-429; s. 7, ch. 93-151; s. 5, ch. 96-303; s. 4, ch. 98-420; s. 234, ch. 99-8.

**489.552 Registration required.**—A person shall not hold himself or herself out as a septic tank contractor or a master septic tank contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person licensed pursuant to s. 489.105(3)(m) in this state from engaging in the profession for which he or she is licensed.

**History.**—ss. 2, 10, ch. 87-310; s. 4, ch. 91-429; s. 6, ch. 96-303.

**489.553 Administration of part; registration qualifications; examination.**—

(1) Each person desiring to be registered pursuant to this part shall apply to the department in writing upon forms prepared and furnished by the department.

(2) The department shall administer, coordinate, and enforce the provisions of this part, provide qualifications for applicants, administer the examination for applicants, and be responsible for the granting of certificates of registration to qualified persons.

(3) The department shall adopt reasonable rules, including, but not limited to, rules that establish ethical standards of practice, requirements for registering as a contractor, requirements for obtaining an initial or renewal certificate of registration, disciplinary guidelines, and requirements for the certification of partnerships and corporations. The department may amend or repeal the rules in accordance with the Administrative Procedure Act.

(4) To be eligible for registration by the department as a septic tank contractor, the applicant must:

(a) Be of good moral character. In considering good moral character, the department may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to: the applicant being convicted or found guilty of, or

entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting; and previous disciplinary action involving septic tank contracting, where all judicial reviews have been completed.

(b) Pass an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the state laws relating to the installation and maintenance of onsite sewage treatment and disposal systems.

(c) Be at least 18 years of age.

(d) Have a total of at least 3 years of active experience serving an apprenticeship as a skilled worker under the supervision and control of a registered septic tank contractor or a plumbing contractor as defined in s. 489.105 who has provided septic tank contracting services. Related work experience or educational experience may be substituted for no more than 2 years of active contracting experience. Each 30 hours of coursework approved by the department will substitute for 6 months of work experience. Out-of-state work experience shall be accepted on a year-for-year basis for any applicant who demonstrates that he or she holds a current license issued by another state for septic tank contracting which was issued upon satisfactory completion of an examination and continuing education courses that are equivalent to the requirements in this state. For purposes of this section, an equivalent examination must include the topics of system location and installation, site evaluation, system size determinations, disposal of septage, construction standards for drainfield systems, and the soil-texture classification system of the United States Department of Agriculture. A person employed by and under the supervision of a licensed contractor shall be granted up to 2 years of related work experience.

(e) Have not had a registration revoked, the effective date of which was less than 5 years before the application.

(5) To be eligible for registration by the department as a master septic tank contractor, the applicant must:

(a) Have been a registered septic tank contractor in Florida for at least 3 years or a plumbing contractor certified under part I of this chapter who has provided septic tank contracting services for at least 3 years. The 3 years must immediately precede the date of application and may not be interrupted by any probation, suspension, or revocation imposed by the licensing agency.

(b) Take and complete, to the satisfaction of the department, a minimum of 30 hours of approved coursework.

(c) Pass an examination approved by the department which demonstrates that the applicant has advanced knowledge relating to the installation and maintenance of onsite sewage treatment and disposal systems, including, but not limited to, the fundamental knowledge required to close residential repair jobs, design systems, and perform soil evaluations, when determined to meet site-evaluation expertise established by rule.

(d) Be reviewed by the department for any major infractions of this chapter or other law relating to onsite sewage treatment and disposal.

(6) The department shall provide each applicant for registration pursuant to this part with a copy of this part and any rules adopted under this part. The department may also prepare and disseminate such other material and questionnaires as it deems necessary to effectuate the registration provisions of this part.

**History.**—ss. 3, 10, ch. 87-310; s. 4, ch. 91-429; s. 8, ch. 93-151; s. 7, ch. 96-303; s. 76, ch. 97-237; s. 27, ch. 98-151; s. 29, ch. 99-7; s. 31, ch. 2000-242; s. 46, ch. 2004-350.

**489.554 Registration renewal.—**

(1) The department shall prescribe by rule the method for approving continuing education courses, for renewing annual registration, for approving inactive status for the late filing of a renewal application, for allowing a contractor to hold a registration in inactive status for a specified period, and for reactivating a registration.

(2) At a minimum, annual renewal shall include continuing education requirements of not less than 12 classroom hours annually for septic tank contractors and not less than 18 classroom hours annually for master septic tank contractors. The 18 classroom hours of continuing education required for master septic tank contractors may include the 12 classroom hours required for septic tank contractors, but at a minimum must include 6 classroom hours of approved master septic tank contractor coursework.

(3) A certificate of registration becomes inactive when a renewal application is not filed in a timely manner. A certificate that has become inactive may be reactivated under this section by application to the department. A licensed contractor may apply to the department for voluntary inactive status at any time during the period of registration.

(4) A master septic tank contractor may elect to revert to the status of a registered septic tank contractor at any time during the period of registration. The department shall prescribe by rule the method for a master septic tank contractor who has reverted to the status of a registered septic tank contractor to apply for status as a master septic tank contractor.

(5) The department shall deny an application for renewal if the applicant has failed to pay any administrative penalty imposed by the department if the penalty is final agency action and all judicial reviews have been exhausted.

**History.**—ss. 4, 10, ch. 87-310; s. 55, ch. 91-297; s. 4, ch. 91-429; s. 8, ch. 96-303; s. 5, ch. 98-420; s. 47, ch. 2004-350; s. 7, ch. 2006-252.

#### **489.555 Certification of partnerships and corporations.—**

(1) The practice of or the offer to practice septic tank contracting services by registrants through a parent corporation, corporation, subsidiary of a corporation, or partnership offering septic tank contracting services to the public through registrants under this chapter as agents, employers, officers, or partners is permitted, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as septic tank contractors or master septic tank contractors in this state are registered as provided by this part, and further provided that the corporation or partnership has been issued a certificate of authorization by the department as provided in this section. A registered contractor may not be the sole qualifying contractor for more than one business that requests a certificate of authorization. A business organization that loses its qualifying contractor has 60 days following the date the qualifier terminates his or her affiliation within which to obtain another qualifying contractor. During this period, the business organization may complete any existing contract or continuing contract, but may not undertake any new contract. This period may be extended once by the department for an additional 60 days upon a showing of good cause. Nothing in this section shall be construed to mean that a certificate of registration to practice septic tank contracting shall be held by a corporation. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing septic tank contracting be relieved of responsibility for professional

services performed by reason of his or her employment or relationship with a corporation or partnership.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name, offering septic tank contracting services to the public, except that when an individual is practicing septic tank contracting in his or her own given name, he or she shall not be required to register under this section.

(3) Each certification of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall notify the department within 1 month of any change in the information contained in the application upon which the certification is based.

(4) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered septic tank contractor or master septic tank contractor.

(5) When a certificate of authorization has been revoked, any person authorized by law to provide septic tank contracting services may not use the name or fictitious name of the entity whose certificate was revoked, or any other identifiers for the entity, including telephone numbers, advertisements, or logos.

**History.**—ss. 5, 10, ch. 87-310; s. 4, ch. 91-429; s. 10, ch. 96-303; s. 52, ch. 97-98; s. 28, ch. 98-151; s. 6, ch. 98-420.

**489.556 Suspension or revocation of registration.—**A certificate of registration may be suspended or revoked upon a showing that the registrant has:

(1) Violated any provision of this part.

(2) Violated any lawful order or rule rendered or adopted by the department.

(3) Obtained his or her registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

(4) Been found guilty of gross misconduct in the pursuit of his or her profession.

**History.**—ss. 6, 10, ch. 87-310; s. 4, ch. 91-429; s. 11, ch. 96-303.

#### **489.557 Fees, establishment.—**

(1) The department shall, by rule, establish fees as follows:

(a) For septic tank contractor registration:

1. Application and examination fee: not less than \$25 or more than \$75.

2. Initial registration fee: not less than \$50 or more than \$100.

3. Renewal of registration fee: not less than \$50 or more than \$100.
- (b) For master septic tank contractor registration:
1. Application and examination fee: not less than \$25 or more than \$75.
  2. Initial registration fee: not less than \$50 or more than \$100.
  3. Renewal of registration fee: not less than \$50 or more than \$100.
- (c) Certification of partnerships and corporations: not less than \$100 or more than \$250.
- (2) Fees established pursuant to subsection (1) shall be based on the actual costs incurred by the department in carrying out its registration and other related responsibilities under this part.

**History.**—ss. 7, 10, ch. 87-310; s. 4, ch. 91-429; s. 12, ch. 96-303.

**489.558 Penalties and prohibitions.—**

(1) Any person who violates any provision of this part commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The department may deny a registration if it determines that an applicant does not meet all requirements of this part or has violated any provision of this part. Any applicant aggrieved by such denial shall be entitled to a hearing, after reasonable notice thereof, upon filing a written request for such hearing in accordance with chapter 120.

**History.**—ss. 8, 10, ch. 87-310; s. 119, ch. 91-224; s. 4, ch. 91-429; s. 13, ch. 96-303.

## FREQUENTLY ASKED QUESTIONS

### 1. In Florida, who is allowed to engage in septic tank contracting?

a. A homeowner doing work at his or her owner-occupied single family home only.

b. A state plumber, licensed pursuant to section 489.105(3)(m), FS.

c. A septic tank contractor registered pursuant to Part III of Chapter 489, FS, and Part III of Rule 64E-6, FAC.

### 2. Is experience under a licensed plumber equivalent to that obtained under a registered septic tank contractor?

Yes, provided the applicant can document that septic tank contracting services were rendered under the supervision of a state plumber licensed pursuant to section 489.105 (3)(m), FS.

### 3. Is a state licensed plumber exempt from septic tank installation permits, inspections and other Rule 64E-6, FAC, requirements?

No. The state licensed plumber is only exempt from the septic tank contractor registration requirement. All other requirements found in Rule 64E-6, FAC and section 381.0065 - 381.00655, FS, pertaining to the installation, repair, modification, maintenance, and septic tank pumping and abandonment, must be met.

### 4. Is out-of-state septic tank work experience acceptable to qualify for the septic tank contractor registration examination?

Out-of-state work experience on a year for year basis shall be accepted for any applicant who demonstrates that they hold a current statewide license for septic tank contracting which was issued upon satisfactory completion of an equivalent examination and required continuing education courses for renewal. For purposes of this section, an equivalent examination means that at a minimum, the following topics were tested and passed: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture soil textural classification system. A person employed by and under the supervision and control of such a licensed contractor shall be granted up to two years of related work experience.

### 5. Is septic tank work experience documented with IRS Form 1099 acceptable to qualify for the septic tank contractor registration examination?

No. IRS Form 1099 specifically documents non-employee compensation for services rendered. This type of work experience indicates a possible subcontractual relationship between a registered septic tank contractor and an individual who is not allowed under Florida rules and statutes to offer to contract or provide septic tank contracting activities.

### 6. When and where are septic tank contractor registration examinations offered?

Examinations are offered in Tallahassee and Orlando on the last Monday of each month (excluding December and holidays). Examinations are scheduled from 9:00 AM to 12:00 Noon.

### 7. Is there a course requirement prior to application for septic tank contractor registration examinations?

No.

### 8. Are there any penalties for individuals or companies who offer or provide septic tank contracting services without a registration and/or a business authorization from the department?

Yes. Individuals and companies may be subject to administrative actions, citations, fines and other legal actions, if services are performed or offered without the benefit of a registration and a business authorization.

### 9. Can a registered septic tank contractor authorize more than one business?

No. A registered septic tank contractor may not be the sole qualifier for more than one septic tank contracting business requiring a certificate of authorization.

### 10. Can an authorized septic tank business advertise under multiple (more than one) business names?

No. An authorized septic tank business may only advertise under the business name authorized with the department.

### 11. Can an authorized septic tank contracting business continue to operate after losing its sole qualifying contractor?

An authorized business organization which loses its qualifying contractor shall have 60 days from the date the qualifier terminated his or her affiliation within which to obtain another qualifying contractor. During this time, the authorized business may not undertake any new contracts. Existing and ongoing (cyclical) contracts executed by the registered septic tank contractor prior to his or her disassociation with the authorized business may be completed during this time.

### 12. Who offers continuing education courses required for registration renewals?

Continuing education courses are typically offered by private associations (i.e, Florida Onsite Wastewater Association, Florida Environmental Health Association, etc.) You may contact the Bureau of Environmental Health for listings of approved continuing education courses.

### 13. Can a registered septic tank contractor be exempt from the certificate of business authorization?

Yes. A registered contractor offering septic tank contracting under his given name, as a sole proprietorship, is exempt from the business authorization certificate. Example: John Doe Septic, with John Doe as the only owner would not be required for filing. If John Doe's wife Jane were also an owner, a fictitious name would need to be filed and a certificate of authorization would be required. Also, John's Septic or Doe's Septic would require the filing of a fictitious name and a certificate of authorization. **If you are exempt from filing with the Department of State for a fictitious name, you are exempt from the certificate of authorization.**

Other questions pertaining to septic tank contractor registration procedures may be addressed to:

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