



C - 10:15- 10:45

Septic Tank Contracting and Enforcement



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- Licensing Requirements
- Enforcement Requirements

Licensing Requirements



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	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

NOTICE OF APPELLATE RIGHTS ON REVERSE

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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 K



- 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.

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Complaint Investigation Process:



1. **Receive and analyze the complaint** (identify the issues).
2. **Contact the complainant if practical** (clarify the complaint and collect any supporting evidence).
3. **Conduct a preliminary review** (establish the allegations, both expressed and implied).

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Complaint Investigation Process:



4. **Plan the investigation** (prior planning prevents poor performance, helps coordinate the time and place of witnesses, and synchronizes time that the investigator will have to do the investigation with other work requirements).
5. **Contact the contractor** (request their written explanation of the allegations and collect any supporting evidence).
6. **Establish the facts** (use fact based references such as statute, rule, policy, procedure, industry guidelines, manufacturer specifications, etc.).

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Complaint Investigation Process:

7. **Write a Complaint Report.** A framework for a report might look something like:

Introduction (i.e., who, what, when, where, how the complaint was received).

State the **allegations** (i.e., who did, or failed to do, what, and what does this violate – Reference Law and Rule Citations).

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Complaint Investigation Process:

(Complaint Report – Continued)

- Give the **facts** for the complaint (how did the situation develop – dates, names, records).
- State the **findings** for each allegation (some may be substantiated others may not).

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Complaint Investigation Process:



(Complaint Report – Continued)

- Draw an overall **conclusion** resulting from the facts in the investigation. Remember the standard in an administrative investigation is "preponderance of the evidence," not "beyond a reasonable doubt".
- Make specific **recommendations** (identify who must do what).
- 8. Submit **report** to chain of command (i.e., EH Director or supervisor, etc.).

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Complaint Investigation Process



9. EH Director or supervisor, in coordination with the local CHD attorney and the bureau, **determine the need for disciplinary action** utilizing 64E-022, FAC, Disciplinary Guidelines, taking into consideration all mitigating and aggravating circumstances.

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Complaint Investigation Process



10. If complaint is deemed **INVALID** or **unfounded**, disciplinary action is **NOT** taken:
 - Notify complainant and respondent of case closure.
 - Send bureau copy of complaint report (email) and final case disposition.

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Complaint Investigation Process

11. If complaint is deemed **VALID**, disciplinary action **IS** taken:
 - Send bureau copy of complaint report and disciplinary instrument used (i.e., citation, letter of warning, etc).
 - Notify complainant of action taken with regards to their complaint allegations.
12. Respondent complies with corrective order and disciplinary action or enters the appeal process.

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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.