**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**EXTERNAL REFERRAL PROCEDURE**

**STANDARD OPERATING PROCEDURE**

**SUBJECT: EXTERNAL REFERRAL PROCEDURE**

**EFFECTIVE DATE: JUNE 1, 2013**

**Purpose:**

The purpose of this procedure is to provide a uniform procedure for referral or coordination of cases/issues to any external agency (i.e. FWC, DOH, EPA, ACOE etc) or local government (i.e. city or county).

**Procedure:**

1. The Inspector shall discuss any potential referral case (criminal or civil) with his/her Manager and the Assistant District Director. The inspector shall be prepared to discuss the following items as applicable:
	1. Significant harm to public health and the environment as a result of the illegal activity, discharge, release or emission. This should include any failure to report and/or conduct that indicates a trend or common attitude of non-compliance, if applicable.
	2. Evidence of culpable conduct, which could include: history of repeated violations; deliberate misconduct; concealment of misconduct; falsification of required reports; tampering with monitoring or control equipment; or business operation of pollution sources without required permits, licenses, manifests or other required authorization.
2. If instructed to move forward with a referral, fill out th***e “Request for External Referral”*** form (Appendix A) for review by the Assistant District Director and signature by the District Director. Once signed, the form and any additional supplemental information will be forwarded to the appropriate agency or municipality as applicable.
3. If the external agency or municipality indicates they will pursue investigation of the case, the Inspector should update the Manager/Assistant District Director on the status of the investigation and related coordination. Additionally, the Inspector should review the Department’s latest Parallel Proceedings Guidance included in the Enforcement Manual. If a conflict becomes evident, the Inspector must request from their Manager that another inspector be assigned.
4. If the external agency or municipality declines the case, normal civil enforcement remedies should be pursued as appropriate.

**Department of Environmental Protection**

**Request for External Referral**

|  |  |  |
| --- | --- | --- |
| Date Requested | DEP Program      | District File #      |
| Violation Type       |
| F.A.C.       |
| Date Event Occurred      | Location       |

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| --- |
| Facility/Company/Violator’s Name      |
| Address      |
| Contact Person       | Phone #       |

|  |  |
| --- | --- |
| Regulatory Contact Person      | Phone #       |
| Administrative Actions Proposed? Yes NoIf yes, date:       | Civil Penalty? Yes No |

**Approval by Director of District Management:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Significance of Violation

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| --- |
| Witnesses/Complainant |
| Name1.       | Phone #       |
| Name2.       | Phone #       |

|  |
| --- |
| TO BE COMPLETED BY EXTERNAL AGENCY OR MUNICIPALITY |
|  **ACCEPTED** |  **DECLINED** |   | RETURNED TO REGULATORY DISTRICT |
| Case #: |       |  |  |

Supervisor's Signature

Comments (Attach Additional Information if Available)

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|       |
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|       |

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| --- | --- | --- |
| Date       | Investigator Assigned       | Phone #       |

|  |  |  |  |
| --- | --- | --- | --- |
| **Date Closed**  |       | **Reason**  |       |

**IF THIS IS A CRIMINAL REFERRAL, THERE MAY BE INFORMATION IN THIS REFERRAL THAT IS EXEMPT FROM DISCLOSURE PURSUANT TO THE PUBLIC RECORDS LAW, SECTION 119.07(3)(b), FLORIDA STATUTES.**