



FLORIDA DEPARTMENT OF Environmental Protection

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Ron DeSantis
Governor

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Memorandum

TO: Regulatory Directors

FROM: John J. Truitt, Deputy Secretary, Regulatory Programs

SUBJECT: Compliance Assistance Offers

DATE: September 27, 2019

To ensure consistency in enforcement actions while allowing appropriate discretion, the following procedure will be followed regarding the use of Compliance Assistance Offers (CAO's):

- No more than two CAO's may be issued to a permitted facility within a 5-year period without approval by the Deputy Secretary of Regulatory Programs or his designee. This limitation applies on a rolling 5-year timeframe measured by looking back 5 years from the date of the violation being considered for a CAO, regardless of whether there was a permit renewal within that 5-year period. This limitation also applies to any registered facilities that DEP personnel inspect where the registered facility does not hold a permit, but DEP maintains enforcement authority.
- If a director believes a third or subsequent CAO is appropriate, a request will be made to the Deputy Secretary of Regulatory Programs or his designee with a brief (paragraph or less for each prior CAO) summary of the prior CAO's given during the current permit cycle and the rationale for why a third or subsequent CAO is appropriate. The Deputy Secretary or his designee will respond to the request in writing.
- Any request for a third or subsequent CAO that is denied, a warning letter, notice of violation, consent order, or case report shall be used to address the violation as appropriate.
- If a violation is noted during an inspection and the permittee corrects that violation in the presence of DEP personnel during that same inspection, and the inspector does not deem the violation worthy of further enforcement action, then this may not be considered a CAO.
- Although verbal CAO's are a useful tool and may be used, there is a preference for written CAO's where possible to ensure a complete record.
- All CAO's, written and verbal, will be tracked for each permit or registered facility.