DATE

Name, Title

Company

Address

City, State Zip

Emailaddress.com

SUBJECT: Department of Environmental Protection v. Insert Name of Respondent

OGC File No.: #

 Include other pertinent information, e.g. Property/Parcel ID…

Dear Mr./Ms. Insert Name of Respondent:

The State of Florida Department of Environmental Protection (“Department”) finds Insert Respondent (“Respondent” or “you”) Describe the activities that resulted in a violation(s), in violation of Choose the appropriate citation to identify what was violated 🡓. **>>>OPTION 1<<<** Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violation(s). These actions have since been completed. However, due to the nature of the violation(s), the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter. **>>>OR<<< >>>OPTION 2<<<** Although there are no actions required to correct the violation(s), the Respondent remains subject to civil penalties as a result of the violation(s). The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

**The Department’s Offer**

Based on the violations described above, the Department is seeking $ Insert Penalty Amount in civil penalties and $ Insert Amount of Costs/Expensesfor costs and expenses the Department has incurred in investigating this matter, which amounts to a total of $ Insert Total Payment Amount Due. **>>>OPTION 1<<<** The civil penalties are apportioned as follows: Specify appropriate penalty breakdown with citations, e.g. $1,500 for violation of Rule ###, F.A.C.; $500.00 for violation of Rule ###, F.A.C.; etc.**>>>OR<<<>>>OPTION 2<<<** The civil penalty in this matter includes # violation(s) of $2,000.00 or more. **>>>END OPTIONS<<<**In lieu of paying $750.00 of this total, the Department will accept timely completion of the Department’s Online Environmental School and reduce the penalty total to $Insert Penalty Amount.

**Respondent’s Acceptance**

If you wish to accept this offer and fully resolve this pending enforcement matter, please sign this letter and return it to the Department at 8800 Baymeadows Way W, Suite 100 within 30 calendar days of the receipt of this letter. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Insert Name of Respondent

(1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;

(2) acknowledge and waive Respondent‘s right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;

(3) acknowledge and waive Respondent’s right to an appeal pursuant to Section 120.68, F.S.; and

(4) acknowledge that payment of the above amount does not constitute a waiver of the Department’s right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent’s acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

**Respondent’s Performance**

After signing and returning this document to the Department,

1. If Respondent elects to complete the online course in order to reduce the penalty total to $ Insert Penalty Amount, the online course must be completed with a passing score of 80 or above on the Environmental School exam by [Respondent], or other representative corporate officer of Respondent within 30 calendar days of the Department’s course activation date.
2. Within 60 days of the effective date of this Order, Respondent shall make payment of $Insert Penalty Amount required by this Order with completion of the online course. Should the online course not be completed as noted above, Respondent shall make payment of $Insert Penalty Amount. Payments shall be made by cashier's check, money order or on-line payment. Cashier’s check or money order shall be made payable to the “Department of Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>

It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither you nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than you, whose interests will be substantially affected.

Electronic signatures or other versions of the parties’ signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals.No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if you decline to respond to the Department’s offer, the Department will assume that you are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Shane Tierney at 904-256-1642 or at Shane.Tierney@FloridaDEP.gov.

Sincerely,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Insert District Director’s Name

District Director

FOR THE RESPONDENT:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Type or Print Name], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [Signature]

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 President

**FOR DEPARTMENT USE ONLY**

 DONE AND ORDERED this # day of Month, Year, in County County, Florida.

STATE OF FLORIDA DEPARTMENT

OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Insert District Director’s Name

District Director

Insert District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk Date

Attachments: Notice of Rights

 List the relevant Warning Letter, Inspection Reports, etc. if attached

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

**NOTICE OF RIGHTS**

 Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department’s final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

1. The OGC Number assigned to this Order;
2. The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding;
3. An explanation of how the petitioner’s substantial interests will be affected by the Order;
4. A statement of when and how the petitioner received notice of the Order;
5. Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
6. A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
7. A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
8. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

 The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399‑3000 or received via electronic correspondence at Agency\_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person’s waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.