

DEP letterhead

**PROBATION LETTER**

(date)

CERTIFIED MAIL

(Operator Name and Address)

SUBJECT: Probation Period of Certified Operator Drinking Water/Domestic  
Wastewater License No. \_\_\_\_\_; OGC File No. \_\_\_\_\_

Dear:

The Department has determined that you have not fully complied with the requirements of Rule 62-602.650, Florida Administrative Code ("Fla. Admin. Code"), Duties of Operators, in the operation of the \_\_\_\_\_ water/wastewater treatment plant(s). This determination is based on the Department's inspection/record review that was performed on \_\_\_\_\_ and revealed violation(s) of Rule 62-602.650(...), Fla. Admin. Code, which requires the plant operator to:

**(Include applicable sections from Rule 62-602.650, Fla. Admin. Code)**

The specific violation(s) is (are) described as follows: **(Describe violation(s))**

Based on the nature of this (these) violation(s) and in accordance with Rules 62-602.200(15), 62-602.800, and 62-602.850, Fla. Admin. Code, the Department hereby places you on probation for a period of **(choose the appropriate amount of time for probation - can be up to two years)** from the date of this letter. This probation period includes the following conditions:

(1) You may continue to perform the duties of a Certified Operator at your current classification in conformance with all applicable requirements of Chapter 62-602, Fla. Admin. Code.

(2) You must fulfill all operator duties in complete compliance with Rule 62-602.650, Fla. Admin. Code.

(3) You must complete one Continuing Educational Unit within the probation period, in addition to those required by Rule 62-602.710(4), Fla. Admin. Code, for renewal of your license at the current classification.

Failure to comply with the above conditions will result in a minimum penalty of a two-year suspension of your Operator License in accordance with Rule 62-602.200(15), Fla. Admin. Code. A petition for an administrative hearing may be filed in accordance with the enclosed Notice of Rights.

Sincerely,

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Director of District Management

cc: Lea Crandall, Agency Clerk  
Ronald McCulley, Operator Certification Program, MS 3506

## NOTICE OF RIGHTS

The Department's proposed agency action as stated in the probation letter shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the petitioner or any of the parties listed below must be filed within 21 days of receipt of this written notice.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Fla. Admin. Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;

(b) A statement of when and how each petitioner received notice of the Department action;

(c) A statement of how each petitioner's substantial interests are affected by the Department action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and

(g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, Fla. Admin. Code.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.