

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 State of Florida Department of Environmental Protection (the Department) gives notice to _____ (Operator) of its finding 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 proposes to adopt in a final order the following probation, with conditions. 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. You have the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative. A petition for an administrative hearing may be filed in accordance with the enclosed Notice of Rights.

Respondent will waive the right to a formal hearing or an informal proceeding if a petition is not filed with the Department within 20 days of receipt of this Notice. These time limits may be varied only by written consent of the Department. The allegations of this Probation Letter will be adopted by the Department in a Final Order if Respondent fails to timely file a petition for a formal hearing or informal proceeding, pursuant to Section 403.121, F.S. A Final Order will constitute a full and final adjudication of the matters alleged in this Notice. Copies of Department rules referenced in this Notice may be examined at any Department Office or may be obtained by written request to the person listed on the last page of this Notice.

Sincerely,

Director of District Management

cc: Lea Crandall, Agency Clerk
[Program Contact], Operator Certification Program

NOTICE OF RIGHTS

If Respondent desires a formal hearing or an informal proceeding, Respondent must file a written request for hearing within 20 days of receipt of this Notice. The request for hearing must be in the form required by F.A.C. Rule 28-106.2015 and include the following:

- (a) The name, address, and telephone number, and facsimile number (if any) of each petitioner if the respondent is not represented by an attorney or qualified representative;
- (b) The name, address, telephone number, and facsimile number of the attorney or qualified representative of respondent, if any, upon whom service of pleadings and other papers shall be made;
- (c) A statement of when petitioner received the Notice;
- (d) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate; and
- (e) The notation "OGC Case No. _____" shall be included in the request.

A petition is filed when it is received by 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.

A request for hearing must contain the following:

- (a) The name, address, any e-mail address, telephone number, and facsimile number, if any, of the respondent, if the respondent is not represented by an attorney or qualified representative.
- (b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, if any, upon whom service of pleadings and other papers shall be made.
- (c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.
- (d) A statement of when the respondent received notice of the administrative complaint.
- (e) A statement including the file number to the administrative complaint. 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.