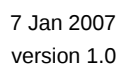


From Discovery of Non-Compliance through Resolving Action



Enforcement Process Documents

From Discovery of Non-Compliance through Resolving Action

Name of Document

- Bullet list of document characteristics
- Outline of the function served by this document
- Document name is Department (DEP) model name
- List of local program documents that serve the same (or very similar) function
 - (Local Program) Document Name

Field Warning Notice

- Can be written or verbal
- Alerts facility/party of possibility of violation
- Suggests action (i.e., return to compliance)
- Can request facility/party to contact the compliance authority
- May indicate that failure to come into compliance could result in further action
- No agency action taken by this document; no orders for action, no finding of non-compliance
- If returned to compliance, case is generally closed CWOE
- List of local program documents that serve the same (or very similar) function
 - (Broward) License Notice of Non-Compliance
 - (Jacksonville) Notices to Correct
 - (Miami-Dade) Field Notice of Violation
 - (Orange) Violation Notice
 - (Palm Beach) "Pocket" Notice-to-Correct
 - (Pinellas) verbal field warning documented through inspection reports
 - (Sarasota) Field Violation Notice (air, asbestos)

Notice of Non-Compliance

- Letter issued from the office (i.e., not left in the field by the inspector)
- Gathers additional information about a situation to assess compliance status
- Could schedule a re-inspection or other follow-up activities
- Suggests action (i.e., return to compliance)
- Can request facility/party to contact the compliance authority
- May indicate that failure to come into compliance could result in further action
- No agency action taken by this document; no orders for action, no finding of non-compliance
- If returned to compliance, case is generally closed CWOE
- List of local program documents that serve the same (or very similar) function
 - (Broward) Notice of Potential Enforcement Action
 - (Hillsborough) Warning Notice
 - (Jacksonville) Notice to Correct
 - (Miami-Dade) Notice of Violation
 - (Orange) Non-Compliance Letter
 - (Palm Beach) Notice-to-Correct
 - (Pinellas) Advisory Letter, Warning Notice
 - (Sarasota) Non-Compliance Letter

Enforcement Process Documents

From Discovery of Non-Compliance through Resolving Action

Warning Letter

- Initiates formal enforcement process
- Does not contain a penalty amount
- Invitation to the settlement process
- Contact with the compliance authority requested
- Outlines the non-compliance, but does not make a finding of violation
- Generally resolved through a settlement (consent order)
- Can include a short form consent order (SFCO); if so, then...
 - Penalty listed
 - Finding of non-compliance made
 - Chapter 120 rights language included
- List of local program documents that serve the same (or very similar) function
 - (Broward) Notice of Violation
 - (Hillsborough) Notice of Intent to Initiate Enforcement
 - (Jacksonville) Cease and Desist Citation
 - (Miami-Dade) Notice of Violation and Orders for Corrective Action
 - (Orange) Warning Letter
 - (Palm Beach) Warning Notice
 - (Pinellas) Notice of Violation
 - (Sarasota) Warning Letter
 - (South District) adds a settlement worksheet and a meeting results letter to the process

Compliance Without Enforcement Letter, Case Closure Letter

- All penalties have been paid, all corrective actions have been completed
- If no penalties, letter indicates that compliance authority confirms facility is back in compliance
- Letter sent to facility/party to indicate that the issue is closed, no further enforcement actions
- Initiates the “close case” process (which itself varies by office)
- List of local program documents that serve the same (or very similar) function
 - (Sarasota) Certificate of Closure
 - (Northwest District) Closing Order

Consent Orders

- Result of the settlement process
- Can include penalties, supplemental environmental projects, corrective actions, etc.
- Signed agreement between compliance authority and the facility/party
- List of local program documents that serve the same (or very similar) function
 - (Broward) Notice of Violation Warning Notice (a process which is similar to SFCO)
 - (Broward) Settlement Agreement
 - (Miami-Dade) Consent Agreement

Enforcement Process Documents

From Discovery of Non-Compliance through Resolving Action

Notice of Violation

- Pleading for formal administrative action
- Unilateral order issued by compliance authority (i.e., not the result of a settlement process)
- Compels corrective actions, compliance schedule, etc.
- If penalties assessed, penalty amounts are as stipulated by the statute (ELRA)
- Result can be an administrative hearing, either via DOAH or local program administrative authority

- List of local program documents that serve the same (or very similar) function
 - (Hillsborough) Notice of Violation and Orders for Corrective Action
 - (Palm Beach) Notice-to-Correct
 - (Sarasota) Notice of Violation / Affidavit of Violation

Citation Authority

- Local ordinance enforcement (e.g., odor, noise)
- Authority under county rules to levy minor fines via an order
- Fines are typically \$250 to \$500 per offense
- Fines are typically specified by county rule

- List of local program documents that serve the same (or very similar) function
 - (Hillsborough) Citation to Cease and Order to Correct Violation
 - (Broward) Citation Warning Notice
 - (Jacksonville) Ticket
 - (Miami-Dade) Ticket
 - (Palm Beach) Notice-to-Correct

Case Report Process Documents

- Used to initiate the judicial process (i.e., filing suit or seeking injunctive relief)
- Generally used when settlement stalls or facility/party is non-responsive
- Judicial process (versus Notice of Violation, which is an administrative process)

- List of local program documents that serve the same (or very similar) function
 - (Broward) Notice of Intent to File Suit
 - (Hillsborough) Emergency Order for Immediate Cessation of Violations (injunctive relief)
 - (Miami-Dade) Final Notice Prior to Court Action, Demand Letter (DERM, county attorney)
 - (Palm Beach) Notice of Violation