

INTRODUCTION

The purpose of the Department of Environmental Protection's Enforcement Manual is multifold. It may be used to train new employees in the mechanics of performing enforcement actions, while serving as a reference manual for experienced Department or Delegated Local Program employees. Additionally, the manual helps ensure consistency in Department actions, defines compliance options, and may serve as a starting point for improving current policies and practices. This manual also presents the Department's compliance and enforcement philosophy.

The manual serves as a reference and training tool by presenting generic policies and descriptive, procedural guidance for carrying out Department civil compliance and enforcement activities. The manual is required reading for all new compliance and enforcement employees and should be a main reference document for "Enforcement 101" and other training.

The Department's organizational structure and compliance and enforcement procedures, from inspections to administrative and judicial litigation, are described. However, this manual should not be the exclusive information source used by compliance and enforcement staff in completing their duties. Staff must consult guidance specific to the Division, District, or program when developing proposed agency action. Most importantly, it is incumbent upon all employees to refer to the Department's mission, vision, and values when performing their duties. Common sense is always required, and often it may be necessary to propose innovative solutions for problems.

All enforcement staff, regardless of their experience, should use the manual's appendix, which contains: penalty policy memos, model consent orders and final orders, model notice of violations, site access documents, financial forms, enforcement processing procedures, and an organizational chart of the Office of General Counsel.

To maximize the effective use of this Enforcement Manual, parts or all of the Manual can be printed or the electronic version can be accessed through the DEP's web page. The electronic version is hyperlinked for easy use. Manual holders will be notified electronically as new policies and model forms are developed, or other changes are made.

This manual does not fully describe the Department's jurisdiction or program authority, nor does it discuss program specific priorities, policies or procedures. The reader should refer to the manuals developed by the Department's Divisions or Districts for information concerning specific program enforcement issues.

Historically, the Department's philosophy has been that enforcement was the sole regulatory mechanism to achieve compliance with environmental laws in the state of Florida. While this approach has been effective in many instances through the years, the need for alternative methods has recently emerged. This need has arisen in part, due to a shift in the philosophy of environmental regulation.

The Department's current approach to compliance stems from the principles of Ecosystem Management, which encourages the development of partnerships between the Department and "stakeholders" within a geographic area. Often the stakeholders consist of the regulated public. Thus, a compliance initiative born of the spirit of cooperation, communication, and mutual benefit has emerged.

Our new philosophy is based upon using a broad spectrum of tools, including: education, technical assistance, compliance inspections and investigations, administrative enforcement processes and remedies, and judicial enforcement processes and remedies. By using the full range of compliance and enforcement tools, the Department hopes to motivate all Floridians to practice an environmental ethic. We can best fulfill the Department's mission by proactively working with the public to cultivate environmental responsibility, partnering with other governmental entities and firms to accomplish common goals, and improving our working relationships with the regulated community, while remaining committed to seeking strong, swift, enforcement actions when warranted. The use of a specific compliance and enforcement tool will depend upon the unique circumstances of the case.

The next chapter describes the Department's enforcement organization and how the organizational units are involved in our compliance and enforcement program.