

**EFFECTIVE SEPTEMBER 24, 2007**

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- (d) The danger to the public.
- (e) The number of repetitions of the offense.
- (f) The number of complaints filed against the contractor.
- (g) The length of time the contractor has practiced and registration category.
- (h) The actual damage, physical or otherwise, to the customer.
- (i) The effect of the penalty upon the contractor's livelihood.
- (j) Any efforts at rehabilitation.
- (k) Any other mitigating or aggravating circumstances.

(3) As used in this rule, a repeat violation is any violation on which disciplinary action is being taken where the same

licensee had previously had disciplinary action taken against him or received a letter of warning in a prior case. This definition

applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or

different subsections of this rule. The penalty given in the above list for repeat violations is intended to apply only to situations

where the repeat violation is of a different subsection of this rule than the first violation. Where the repeat violation is the very

same type of violation as the first violation, the penalty set out above will generally be increased over what is shown for repeat violations.

(4) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(5) The provisions of this section shall not be construed so as to prohibit civil action or criminal prosecution as provided in

Part III of Chapter 489, FS, and Section 381.0065 FS, or for a violation of any provision of part I of Chapter 386, FS. No

provision of this section shall be construed as to limit the ability of the department to enter into binding stipulation with the

accused party per subsection 120.57(4), FS.

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2),(3), 489.556, 489.557, FS. Law

Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, 381.0067, Part I 386, 489.553, FS.

History—New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0751, Amended 2-3-98, 05-24-04.

**64E-6.023 Certification of Partnerships and Corporations**

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized

corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, Application for

Certificate of Authorization, incorporated by reference into this rule, and shall be accompanied by all necessary exhibits and

fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay

one/half the fee required in rule 64E-6.030, F.A.C.

(b) Any certificate of authorization not renewed in a timely manner shall expire. Applications for renewal shall be

considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the

certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the

expiration date of the certificate.

(2) A registered contractor may not be the sole qualifying contractor for more than one business required to have a certificate of authorization.

(3) A business organization which loses its qualifying contractor shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period shall be extended by the department for a period of 30 days pending the outcome of the examination if the applicant has provided a completed application and all required exhibits and fees. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) A business organization shall provide written notification to the department within 30 days of any change in the ownership of the business.

(5) A business organization that changes its name shall apply for a new certificate of authorization within 30 days of the name change.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557, FS. Law Implemented 154.01, 381.001,

381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489, FS.

History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended 4-21-02, 05-24-04.

#### **PART IV**

#### **PERFORMANCE-BASED TREATMENT SYSTEMS**

##### **64E-6.025 Definitions**

Definitions in Chapter 64E-6, Parts I and II, are also applicable to Chapter 64E-6, Part IV.

(1) Advanced Secondary Treatment Standards: A wastewater system with the following operational criteria:

(a) CBOD<sub>5</sub> and TSS