

By Senator Saunders

37-1503A-05

See HB

1 A bill to be entitled

2 An act relating to certification of water

3 management activities and corrective actions;

4 creating s. 373.1165, F.S.; authorizing the

5 Department of Environmental Protection and the

6 governing boards of water management districts

7 to require certification of such activities and

8 actions by certain professionals; providing for

9 the cost of such certifications; providing for

10 implementation of certified activities and

11 actions; creating s. 373.1175, F.S.; providing

12 for requirements that a professional geologist

13 sign and seal specified documents; prescribing

14 responsibility for the costs of such signing

15 and sealing; providing an effective date.

16

17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 373.1165, Florida Statutes, is

20 created to read:

21 373.1165 Certification by professionals regulated by

22 the Department of Business and Professional Regulation.--

23 (1) Nothing in this section shall be construed as

24 specific authority for a water management district or the

25 department to require certification by a professional engineer

26 licensed under chapter 471, a professional landscape architect

27 licensed under part II of chapter 481, a professional

28 geologist licensed under chapter 492, or a professional

29 surveyor and mapper licensed under chapter 472 for an activity

30 that is not within the definition or scope of practice of the

31 regulated profession.

1 (2) If an application for a permit or license to
2 conduct an activity regulated under this chapter, chapter 376,
3 or any permitting program delegated to a water management
4 district by a state agency, or to undertake corrective action
5 of such activity or program ordered by the department or a
6 water management district, which requires the services of a
7 professional as enumerated in subsection (1), the department
8 or governing board of a water management district may require,
9 by rule, in conjunction with such an application or any
10 submittals required as a condition of granting a permit or
11 license, or in conjunction with the order of corrective
12 action, such certification by the professional as is necessary
13 to ensure that the proposed activity or corrective action is
14 designed, constructed, operated, and maintained in accordance
15 with applicable law and rules of the department or district
16 and in conformity with proper and sound design principles, or
17 other such certification by the professional as may be
18 necessary to ensure compliance with applicable law or rules of
19 the department or district. The department or governing board
20 of a water management district may further require as a
21 condition of granting a permit or license or in conjunction
22 with ordering corrective action that the professional certify
23 upon completion of the permitted or licensed activity or
24 corrective action that such activity or corrective action has,
25 to the best of his or her knowledge, been completed in
26 substantial conformance with the plans and specifications
27 approved by the department or board.

28 (3) The cost of such certifications by the
29 professional shall be borne by the permittee or the person
30 ordered to correct the permitted activity.
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1 (4) A permitted or licensed activity or corrective
2 action that is required to be so certified upon completion of
3 the activity or action may not be placed into use or operation
4 until the professional's certificate is filed with the
5 department or board.

6 Section 2. Section 373.1175, Florida Statutes, is
7 created to read:

8 373.1175 Signing and sealing by professional
9 geologists.--

10 (1) If an application for a permit or license, or the
11 performance of an activity regulated under this chapter,
12 requires the services of a professional geologist as provided
13 for in chapter 492, the department or governing board of a
14 water management district may require that a professional
15 geologist licensed under chapter 492 sign and seal any
16 documents and reports submitted in connection with the permit
17 application or regulated activity.

18 (2) The cost of such signing and sealing by a
19 professional geologist shall be borne by the permit applicant
20 or permittee.

21 (3) Nothing in this section shall be construed to
22 prevent or prohibit the practice by professional engineers
23 pursuant to chapter 471.

24 Section 3. This act shall take effect July 1, 2005.
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