

A bill to be entitled

An act relating to regulation of wells; amending s. 373.323, F.S.; authorizing licensed water well contractors to act as prime contractors for certain work and to contract with other contractors; amending s. 373.324, F.S.; requiring the Department of Environmental Protection to include the renewal fee in its license-renewal method prescribed by rule; waiving continuing education requirements for license renewal of certain water well contractors; providing exemptions from continuing education requirements for water well contractors on active military duty; requiring the department to adopt rules exempting the spouses of active-duty military personnel from license renewal requirements under certain circumstances; amending s. 373.333, F.S.; increasing the amount of the administrative fine a water management district may impose for certain water well contracting violations; amending s. 373.336, F.S.; providing fines for persons or entities drilling a water well without a license or contracting with unlicensed water well contractors for water well services; requiring the department to establish policies and procedures for the enforcement of such fines; providing an effective date.

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

Section 1. Subsection (11) is added to section 373.323, Florida Statutes, to read:

HB 1063

2006

29           373.323 Licensure of water well contractors; application,  
30 qualifications, and examinations; equipment identification.--

31           (11) A licensed water well contractor may act as a prime  
32 contractor if the majority of work to be performed under the  
33 contract is within the scope of his or her license. A licensed  
34 water well contractor may contract with another licensed water  
35 well contractor for the remaining work or with another  
36 contractor for which a water well contracting license is not  
37 required.

38           Section 2. Subsection (3) of section 373.324, Florida  
39 Statutes, is amended, and subsections (7) and (8) are added to  
40 that section, to read:

41           373.324 License renewal.--

42           (3) The department shall prescribe by rule the method for  
43 renewal of a license, which shall include continuing education  
44 requirements of not less than 12 classroom hours for each  
45 renewal cycle as well as a renewal fee. However, if a water well  
46 contractor has received his or her first license within 180 days  
47 before the end of the license biennium, the continuing education  
48 requirements shall be waived for the licensee's first renewal  
49 cycle.

50           (7) Notwithstanding the renewal requirements of subsection  
51 (3), any water well contractor who is serving on active duty as  
52 a member of the Armed Forces of the United States who, at the  
53 time of becoming an active-duty member, had an active water well  
54 contractor license issued under this part and was entitled to  
55 practice or engage in water well contracting in this state shall  
56 be kept in active-license status, without registering, paying

HB 1063

2006

57 fees, or fulfilling the continuing education requirements, as  
58 long as he or she is an active-duty member of the Armed Forces  
59 of the United States and for a period of 6 months after  
60 discharge from active-duty status, provided he or she is not  
61 engaged in water well contracting in the private sector for  
62 profit.

63 (8) The department shall adopt rules exempting the spouses  
64 of active-duty members of the Armed Forces of the United States  
65 from licensure renewal provisions when the family must relocate  
66 out of state due to active-duty assignment.

67 Section 3. Paragraph (c) of subsection (5) of section  
68 373.333, Florida Statutes, is amended to read:

69 373.333 Disciplinary guidelines; adoption and enforcement;  
70 license suspension or revocation.--

71 (5) When the water management district finds a person  
72 guilty of any of the grounds set forth in subsection (4), it may  
73 enter an order imposing one or more of the following  
74 disciplinary actions:

75 (c) Imposition of an administrative fine not to exceed  
76 \$5,000 ~~\$1,000~~ for each count or separate offense.

77 Section 4. Subsection (4) is added to section 373.336,  
78 Florida Statutes, to read:

79 373.336 Unlawful acts; penalties.--

80 (4) Persons or entities drilling a water well without a  
81 license or contracting with an unlicensed water well contractor  
82 for water well services shall be subject to a fine of up to  
83 \$5,000 for each violation. Policies and procedures for the

HB 1063

2006

84 enforcement of such fines shall be established by the  
85 department.

86 Section 5. This act shall take effect July 1, 2006.