

By the Committee on Environmental Preservation; and Senator Baker

592-1700-06

1 A bill to be entitled
2 An act relating to the regulation of wells;
3 amending s. 373.323, F.S.; authorizing licensed
4 water well contractors to act as prime
5 contractors for certain work and to subcontract
6 with other contractors; amending s. 373.324,
7 F.S.; requiring the Department of Environmental
8 Protection to include an administrative fee in
9 its license-renewal method prescribed by rule;
10 waiving continuing education requirements for
11 license renewal of certain water well
12 contractors; providing exemptions from
13 continuing education requirements for water
14 well contractors on active military duty;
15 requiring the department to adopt rules
16 exempting the spouses of active-duty military
17 personnel from license renewal requirements
18 under certain circumstances; amending s.
19 373.333, F.S.; increasing the amount of the
20 administrative fine a water management district
21 may impose for certain water well contracting
22 violations; allowing the water management
23 district to impose an administrative fine
24 against unlicensed water well contractors;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (11) is added to section
30 373.323, Florida Statutes, to read:

31

1 373.323 Licensure of water well contractors;
2 application, qualifications, and examinations; equipment
3 identification.--

4 (11) A licensed water well contractor may act as a
5 prime contractor where the majority of work to be performed
6 under the contract is within the scope of his or her license.
7 A licensed water well contractor may subcontract to other
8 contractors licensed to perform the remaining work which is
9 part of the project contracted.

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

13 373.324 License renewal.--

14 (3) The department shall prescribe by rule the method
15 for renewal of a license, which shall include continuing
16 education requirements of not less than 12 classroom hours for
17 each renewal cycle. However, if a water well contractor has
18 received his or her first license within 180 days before the
19 end of the biennium renewal of licenses, the continuing
20 education requirements shall be waived for the licensee's
21 first renewal cycle. Notwithstanding s. 373.329, the
22 department by rule shall establish an administrative fee based
23 on the actual costs incurred in administering the
24 responsibilities related to continuing education requirements.

25 (7) Notwithstanding the renewal requirements of
26 subsection (3), any water well contractor who is serving on
27 active duty as a member of the Armed Forces of the United
28 States who, at the time of becoming an active-duty member, had
29 an active water well contractor license issued under this part
30 and was entitled to practice or engage in water well
31 contracting in this state shall be kept in active-license

1 status and shall be exempt from license renewal provisions, as
2 long as he or she is an active-duty member of the Armed Forces
3 of the United States and for a period of 6 months after
4 discharge from active-duty status, provided he or she is not
5 engaged in water well contracting in the private sector for
6 profit. Additionally, in adopting rules exempting such
7 active-duty members of the Armed Forces of the United States,
8 the department shall adopt rules exempting the spouses of
9 active-duty members of the Armed Forces of the United States
10 from licensure renewal provisions when the family must
11 relocate out of state due to active-duty assignment.

12 Section 3. Paragraph (c) of subsection (5) of section
13 373.333, Florida Statutes, is amended, and subsection (8) is
14 added to that section, to read:

15 373.333 Disciplinary guidelines; adoption and
16 enforcement; license suspension or revocation.--

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

21 (c) Imposition of an administrative fine not to exceed
22 ~~\$5,000~~~~\$1,000~~ for each count or separate offense.

23 (8) The water management district may impose through
24 an order an administrative fine not to exceed \$5,000 against
25 an unlicensed person when it determines that the unlicensed
26 person has engaged in the practice of water well contracting,
27 for which a license is required.

28 Section 4. This act shall take effect July 1, 2006.
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1090

4 The committee substitute clarifies that the licensed water
5 well contractor may act as a prime contractor where the
6 majority of the work to be performed under the contract is
7 within the scope of his or her license. The licensed water
8 well contractor may subcontract with other contractors
9 licensed to perform the remaining work which is part of the
10 project contracted.

11 The continuing education requirements are waived if the water
12 well contractor has received his or her first license within
13 180 days before the end of the biennium renewal of licenses.
14 The Department of Environmental Protection shall establish an
15 administrative fee based on the actual costs incurred in
16 administering the responsibilities related to the continuing
17 education requirements.

18 The water management district may impose through an order an
19 administrative fine not to exceed \$5,000 against an unlicensed
20 person when it determines that the unlicensed person has
21 engaged in the practice of water well contracting, for which a
22 license is required.

23
24
25
26
27
28
29
30
31