

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to regulation of wells; amending s.
8 373.323, F.S.; authorizing licensed water well contractors
9 to facilitate work by certain licensed contractors under
10 certain circumstances; providing a definition; amending s.
11 373.324, F.S.; requiring the Department of Environmental
12 Protection to establish by rule a fee to cover the cost of
13 implementing the continuing education requirements;
14 providing a maximum fee amount; authorizing the department
15 to delegate certain authority to the water management
16 districts; authorizing the department or a water
17 management district to contract with a private entity to
18 carry out certain responsibilities relating to continuing
19 education; waiving continuing education requirements for
20 license renewal of certain water well contractors;
21 providing water well contractor license extensions for
22 certain servicemembers and their spouses under certain
23 circumstances; providing for exemption from certain costs

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24 | or fees under certain circumstances; amending s. 373.333,
 25 | F.S.; increasing the amount of the administrative fine a
 26 | water management district may impose for certain water
 27 | well contracting violations; amending s. 373.336, F.S.;
 28 | providing fines for persons or entities drilling a water
 29 | well without a license or contracting with unlicensed
 30 | water well contractors for water well services; requiring
 31 | the department to establish policies and procedures for
 32 | the enforcement of the fines; providing an effective date.

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

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

38 | 373.323 Licensure of water well contractors; application,
 39 | qualifications, and examinations; equipment identification.--

40 | (11) A licensed water well contractor may facilitate the
 41 | performance of additional work by an appropriately licensed
 42 | contractor that is incidental to the construction, repair, or
 43 | abandonment of a water well. For purposes of this subsection,
 44 | "incidental" work is limited to the electrical connection of a
 45 | pump, connecting a well to a residential dwelling, constructing
 46 | a pump house or pump vault of 100 square feet or less,
 47 | constructing a nonstructural well slab of 100 square feet or
 48 | less, fencing, and landscaping. Nothing in this part shall
 49 | authorize a licensed water well contractor to perform any
 50 | services or work for which a license under chapter 489 is
 51 | required.

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52 Section 2. Subsection (3) of section 373.324, Florida
53 Statutes, is amended, and subsection (7) is added to that
54 section, to read:

55 373.324 License renewal.--

56 (3) The department shall prescribe by rule the method for
57 renewal of a license, which shall include continuing education
58 requirements of not less than 12 classroom hours for each
59 renewal cycle. In addition to the fees provided in s. 373.329,
60 the department by rule shall establish a fee not to exceed \$20
61 per credit hour to be paid by the licensee for the cost of
62 implementing the continuing education requirements of this
63 subsection. The fee shall be based on the actual costs incurred
64 in administering the responsibilities related to the continuing
65 education requirements. The department may delegate to the water
66 management districts, or the department or a water management
67 district may contract with a private entity to carry out, the
68 responsibilities related to the continuing education
69 requirements. However, if a water well contractor has received
70 his or her first license within 180 days before the end of the
71 license biennium, the continuing education requirements shall be
72 waived for the licensee's first renewal cycle.

73 (7) Notwithstanding the renewal requirements of subsection
74 (3) and the provision under s. 250.4815, any active water well
75 contractor license issued under this part to a servicemember as
76 defined in s. 250.01 or his or her spouse, both of whom reside
77 in the state, shall not become inactive while the servicemember
78 is serving on military orders that take him or her over 35 miles
79 from his or her residence, and the license shall be considered

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80 an active license for up to 180 days after the servicemember
 81 returns to his or her residence in the state. If the license
 82 renewal requirements are met within the 180-day extension
 83 period, the servicemember or his or her spouse shall not be
 84 charged any additional costs above the normal license fees,
 85 including, but not limited to, late fees or delinquency fees.
 86 Nothing in this subsection shall be construed to waive renewal
 87 requirements such as applying, continuing education, and all
 88 associated fees. The servicemember must present to the water
 89 management district issuing the license a copy of his or her
 90 official military orders or a written verification from the
 91 servicemember's commanding officer before the end of the 180-day
 92 period in order to qualify for the extension.

93 Section 3. Paragraph (c) of subsection (5) of section
 94 373.333, Florida Statutes, is amended to read:

95 373.333 Disciplinary guidelines; adoption and enforcement;
 96 license suspension or revocation.--

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

101 (c) Imposition of an administrative fine not to exceed
 102 \$5,000 ~~\$1,000~~ for each count or separate offense.

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

105 373.336 Unlawful acts; penalties.--

106 (4) Persons or entities drilling a water well without a
 107 license or contracting with an unlicensed water well contractor

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108 | for water well services shall be subject to a fine of up to
109 | \$5,000 for each violation. Policies and procedures for the
110 | enforcement of the fines shall be established by the department.

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