

## CHAPTER 62-531

### **WATER WELL CONTRACTOR LICENSING REQUIREMENTS**

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#### **62-531.200 Definitions Used in Water Well Contractor Rules.**

The following words, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

- (1) "Abandonment of Water Wells" means the act of plugging a water well in accordance with Department and District rules.
- (2) "Administrator" means an entity awarded a contract by the Florida Department of Environmental Protection to implement a program of approved coursework for water well contractor licensure and license renewal.
- (3) "Approved Coursework" means Administrator or Department-approved training or instruction required for licensure and license renewal.
- (4) "Continuing Education Credit" or "CEC" means attendance and completion of one hour (at least fifty minutes) of approved coursework or instruction that has been converted to a CEC by the Administrator or the Department.
- (5) "Coursework Hour" means one hour (at least fifty minutes) of training or instruction.
- (6) "Department" means the State of Florida Department of Environmental Protection.
- (7) "District" means a Water Management District created pursuant to Chapter 373, F.S.
- (8) "Drilling Equipment" means a drilling rig consisting of the machinery necessary to construct a well.
- (9) "Construction of Water Wells" is defined in Section 373.303, F.S.
- (10) "Repair" is defined in Section 373.303, F.S.
- (11) "Water Well Contractor" is defined in Section 373.303, F.S.

*Rulemaking Authority 373.043, 373.309, 373.337 FS. Law Implemented 373.308, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 5-25-89, Formerly 17-531.200, Amended 7-17-03, 6-22-14.*

#### **62-531.300 Application Requirements for Water Well Contractors.**

(1) The Water Management Districts (Districts) shall accept applications for licensing as a water well contractor from any person who is at least 18 years of age, has knowledge of those rules adopted by the Department and the District which deal with the regulation of water wells, has at least two years experience in constructing, repairing, or abandoning wells, and has taken and completed a minimum of 12 approved coursework hours earned in the two-year period directly preceding the last day (July 31st) of the biennial renewal cycle. In addition, each application shall:

- (a) Be submitted on forms provided by the District and delivered by mail, hand delivery, or electronic transmittal to the District and shall be accompanied by a nonrefundable application fee as set forth in Rule 62-531.340, F.A.C.

(b) Contain proof of experience as provided in subsection (7) below.

(c) Include copies of certificates of completion of approved coursework. Confirmation of approved coursework completion will be accepted from the Department or the Administrator, if available, in lieu of certificates of completion.

(d) Include a request for the water well contractor examination described by Rule 62-531.350, F.A.C.

(2) Approved coursework and CECs shall be governed by the requirements in the Water Well Contractor Continuing Education Program Manual effective date 6-22-14, <https://www.flrules.org/gateway/reference.asp?NO=Ref-03954>, hereby adopted and incorporated by reference, and requires the use of the following forms, which are also adopted and incorporated by reference:

(a) Coursework Certificate of Attendance and Evaluation, Florida Water Well Contractor Continuing Education Program, Form 1, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04128>,

(b) Florida Water Well Contractor Continuing Education Program, Certificate of Completion, Form 2, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04129>,

(c) Application for Continuing Education Coursework Approval, Florida Water Well Contractor Continuing Education Program, Form 3, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04130>, and

(d) Application for Continuing Education Course Provider, Florida Water Well Contractor Continuing Education Program, Form 4, effective 6-22-14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04131>.

Copies of the Water Well Contractor Continuing Education Program Manual and the forms referenced therein are available on the Department's website at [www.dep.state.fl.us](http://www.dep.state.fl.us) or by writing the Department at 2600 Blair Stone Road, MS 3580, Tallahassee, FL 32399-2400.

(3) Completion of 12 approved coursework hours shall be required for licensure. A minimum of six approved coursework hours must be specifically related and relevant to water well construction industry drilling technologies, methodologies and practices and/or applicable State of Florida water well licensing, permitting and construction statutes and rules. No more than six approved coursework hours may be specifically related and relevant to water well construction industry health and safety requirements, practices and procedures and/or business management and accounting practices and procedures. Completion of approved coursework hours can be converted one time either to CECs for contractor licensing or for contractor license point reduction, but not both.

(4) The District shall not schedule an applicant to take the required examination until his or her application has been reviewed and the applicant has met all other licensing conditions of this Chapter. The applicant shall be provided three opportunities to take and pass the examination within 12 months after the applicant has become eligible to take the exam, otherwise the applicant must submit a new application for licensure and fee to the District.

(5) A license shall not be issued until the applicant successfully passes the required examination.

(6) A license issued by any Water Management District shall be valid in every Water Management District in the state.

(7) As set forth in Section 373.323(3), F.S., satisfactory proof of two years' experience in the construction, repair, or abandonment of water wells shall be demonstrated by providing the following:

(a) Evidence of the length of time the applicant has been engaged in the business of the construction, repair, or abandonment of water wells as a major activity, as attested to by a letter from a water well contractor and a letter from a water well inspector employed by a governmental agency.

(b) A list of at least ten water wells that the applicant has constructed, repaired, or abandoned within the preceding five years. Of these wells, at least seven must have been constructed, as defined in Section 373.303(2), F.S., by the applicant. The list shall also include information relating to the 10 water wells including:

1. The name and address of the owner or owners of each well;
  2. The location, primary use, and approximate depth and diameter of each well that the applicant has constructed, repaired, or abandoned; and
  3. The approximate date the construction, repair, or abandonment of each well was completed.
- (8) If at any time after application and before licensure, information provided in the application changes, including the applicant's address or principal place of business, the applicant shall update his or her application with any such changes within 30 days of the change or upon receipt of the license, whichever is sooner.

*Rulemaking Authority 373.043, 373.309, 373.337 FS. Law Implemented 287.0571, 373.323, 373.326, 373.329 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.02, Amended 6-16-86, Formerly 17-20.020, Amended 5-25-89, Formerly 17-531.300, Amended 7-17-03, 11-25-07, 6-22-14.*

### **62-531.330 Water Well Contractor License Renewal.**

- (1) Licenses issued pursuant to this chapter shall not be transferable and shall expire on July 31st of each odd numbered year of the biennial renewal cycle. A license may be renewed without examination for an ensuing two years by making application to the licensing District not later than the expiration date of the license and paying the biennial renewal fee. A contractor shall include his or her current address in each license renewal application. Such application shall extend the validity of the current active license until the District takes final agency action on the license renewal application.
- (2) Twelve CECs shall be required for renewal of a license. A minimum of six approved coursework hours for CE credit must be specifically related and relevant to water well construction industry drilling technologies, methodologies and practices and/or applicable State of Florida water well licensing, permitting and construction statutes and rules. No more than six approved coursework hours for CEC may be specifically related and relevant to water well construction industry health and safety requirements, practices and procedures and/or business management and accounting practices and procedures.
- (3) Water well contractor licenses shall be renewed only after the license holder has completed twelve approved coursework hours for CEC earned in the two-year period directly preceding the last day (July 31st) of the biennial renewal cycle. However, if a water well contractor has received his or her first license within 180 days before the end of the biennium renewal of licenses, the continuing education requirements shall be waived for the licensee's first renewal cycle. Completion of approved coursework hours can be converted one time to either CECs for contractor licensing or for contractor license point reduction, but not both.
- (4) Each application for license renewal shall include copies of certificates of completion of CEUs. Confirmation of approved coursework completion will be accepted from the Department or the Administrator, if available, in lieu of certificates of completion.
- (5) A Florida licensed water well contractor who teaches approved coursework shall receive one CEC for each coursework hour of instruction.
- (6) If a license is not renewed pursuant to subsection (1) before July 31 of each odd numbered year, the current license shall automatically revert to inactive status and may be renewed only in accordance with the requirements in Rule 62-531.360, F.A.C.
- (7) Notwithstanding the renewal requirements of this chapter and Section 373.324(3), F.S., and those in Section 250.4815, F.S., for members of the Florida National Guard and the United States Armed Forces Reserves, any active water well contractor license issued under this chapter to a service member as defined in Section 250.01, F.S., or his or her spouse, both of whom reside in Florida, shall not become inactive while the service member is serving on military orders that take him or her over 35 miles from his or her residence and shall be considered an active license for up to 180 days after the service member returns to his or her Florida residence. If the license renewal requirements are met within the 180-day extension period, the service member or his or her spouse shall not be charged any additional costs, including late fees, above the normal license fees. This subsection does not waive renewal requirements such as registering, continuing education, and all associated fees. The service member must present to the water management district issuing the license a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension.

(8) No application for a renewal shall be granted if the applicant's license is suspended or revoked pursuant to Rule 62-531.450, F.A.C., until the period for such suspension or revocation has expired and the applicant is in compliance with any outstanding corrective actions, orders, or payment of any fines ordered by the District or delegated permitting authority.

(9) If at any time during licensure the contractor changes his or her residence or principal place of business, which ever was initially submitted to the licensing District, the contractor shall notify the licensing District within 30 days of any change of address..

*Rulemaking Authority 373.043, 373.309, 373.337 FS. Law Implemented 373.323, 373.324, 373.326, 373.329 FS. History—New 5-25-89, Formerly 17-531.330, Amended 7-17-03, 11-25-07, 6-22-14.*

#### **62-531.340 Water Well Contractor Fees.**

(1) The following fees are required for water well contractor license applications, biennial renewals, and late renewals:

(a) New License: A fee of \$150 shall accompany each new application for a license.

(b) Biennial License Renewal: A fee of \$50 shall accompany each application for a renewal of license.

(c) Late License Renewal: After July 31 of each odd numbered year, in addition to the normal license renewal fee, a late fee of \$75 shall accompany each application for renewal of a license which has been inactive for one year or less.

(d) Administrative Fee for CEUs for License Renewal: A fee of \$14 per CEU shall be submitted to the Administrator with the documentation of course completion.

(2) Regular employees of a political subdivision or governmental entity engaged in water well drilling shall be licensed in accordance with this chapter, but shall be exempt from paying the fees required in this chapter.

*Rulemaking Authority 373.043, 373.309 FS. Law Implemented 373.323, 373.324, 373.329 FS. History—New 5-25-89, Formerly 17-531.340, Amended 11-25-07.*

#### **62-531.350 Water Well Contractor Examinations.**

(1) Water well contractor examinations shall be written, comprehensive examinations that are standardized statewide. Upon request, however, the exam can be administered orally by the District. The standardized examinations shall be prepared by the Department, in consultation with the Districts and representatives of the water well contracting industry. The examinations shall be designed to determine the applicant's knowledge of applicable rules; ability to construct, repair, and abandon a well; and ability to supervise, direct, manage, and control the contracting activities of the water well contracting business.

(2) A grade on the examination of seventy percent or more shall be passing. Results of the examination shall be reported as either passing or failing. Each applicant is entitled to review the graded examination in the District office under staff supervision. Graded examinations are exempt from public disclosure pursuant to Section 119.071(1)(a), F.S., and shall not be revealed to persons other than the applicant who completed the examination. Examinations or copies of examinations shall not be released to applicants or to the public and shall be retained by the Districts in a secured location.

(3) Examinations shall be given by the District monthly as scheduled by the District.

(4) Examinations shall be conducted at the Water Management District in which the applicant resides or in which his principal place of business is located. Examinations for out of state applicants shall be conducted in the District in which most of the business of the applicant will take place.

*Rulemaking Authority 373.043, 373.308, 373.309 FS. Law Implemented 373.323, 373.329 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.03, 17-20.030, Amended 5-25-89, Formerly 17-531.350, Amended 11-25-07, 6-22-14.*

#### **62-531.360 Inactive Status of Water Well Contractor License.**

(1) A license not renewed before July 31 of each odd numbered year shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the requirements for reactivation in subsection (3) below.

(2) At least sixty days before the automatic reversion of a license to inactive status, the District which issued the license shall mail a notice of reversion to the last known address of the licensee as it appears on the District records. If the notice is mailed less than sixty days before the automatic reversion, the licensee shall still have sixty days in which to reactivate the license.

(3) A license which has become inactive pursuant to subsection (1) above, may be renewed or reactivated upon application to the District as follows:

(a) A license which has been inactive for one year or less after July 31 of each odd numbered year may be renewed pursuant to Rule 62-531.330, F.A.C., upon application to the District and upon payment of the renewal and late fees established in Rule 62-531.340, F.A.C. Such renewed license shall expire on July 31 of the next odd numbered year.

(b) A license which has been inactive for more than one year after July 31 of each odd numbered year may be reactivated upon application to the District for licensure pursuant to Rule 62-531.300, F.A.C.

*Rulemaking Authority 373.043, 373.309 FS. Law Implemented 373.325 FS. History—New 5-25-89, Formerly 17-531.360.*

#### **62-531.380 Display of Water Well Contractor License Number.**

(1) The District shall assign each water well contractor a unique, permanent license number, and shall issue a certificate with that license number to the water well contractor. License numbers are not transferable and shall not be used by another water well contractor.

(2) The license number shall be continuously displayed in a conspicuous place on both sides of each piece of drilling equipment owned, leased, or operated by the contractor. The number shall be easily readable by a person with normal vision and shall be in a color which will contrast with its background. The number shall be presented in numerals not less than two inches high.

*Rulemaking Authority 373.043, 373.309, 373.337 FS. Law Implemented 373.323, 373.326, 373.329 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.06, 17-20.060, Amended 5-25-89, Formerly 17-531.380, Amended 6-22-14.*

#### **62-531.390 Exemptions from Water Well Contractor Licensing Requirement.**

*Rulemaking Authority 373.043, 373.309 FS. Law Implemented 373.326 FS. History—New 5-25-89, Formerly 17-531.390, Repealed 2-16-12.*

#### **62-531.400 Procedures for Disciplinary Actions.**

*Rulemaking Authority 373.043, 373.309 FS. Law Implemented 120.60, 373.306, 373.309, 373.323, 373.333 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.05, 17-20.050, Amended 5-25-89, Formerly 17-531.400, Repealed 6-22-14.*

#### **62-531.450 Unlawful Acts, Grounds for Disciplinary Actions, and Penalties.**

(1) It is unlawful for any person to commit a violation specifically enumerated in Sections 373.336(1), F.S. When the Department, Districts, or delegated permitting authority finds a person has violated rules of the Department or Water Management District, or Part III, Chapter 373, F.S., the person shall be subject to an order imposing one or more of the penalties and corrective actions established in the Water Well Construction Disciplinary Guidelines and Citations Dictionary, effective date 6-22-14, adopted and incorporated by reference herein. A copy of the Citations Dictionary is available at the Department's website at: [www.dep.state.fl.us](http://www.dep.state.fl.us) or by writing the Department at 2600 Blair Stone Road, MS 3580, Tallahassee, FL 32311-2400, <http://www.flrules.org/Gateway/reference.asp?No=Ref-03955>.

(2) It is unlawful for a business entity to commit a violation specifically enumerated in Section 373.336(2), F.S.

When the Department, Districts, or delegated permitting authority finds a business entity has violated rules of the Department or Water Management District, or Part III, Chapter 373, F.S., the person shall be subject to an order imposing one or more of the penalties and corrective actions established in the Water Well Construction Disciplinary Guidelines and Citations Dictionary, effective date 6-22-14.

(3) It shall be a violation of this rule for any licensed contractor, or any individual attempting to obtain a license or having a revoked, suspended, or inactive license, to commit one of the grounds for disciplinary action specifically enumerated in Section 373.333, F.S. When the Department, Districts, or delegated permitting authority finds a licensed contractor, or any individual attempting to obtain a license or having a revoked, suspended, or inactive license has violated rules of the Department or Water Management District, or Part III, Chapter 373, F.S., the person shall be subject to an order imposing one or more of the fines and disciplinary actions established in the Water Well Construction Disciplinary Guidelines and Citations Dictionary, effective date 6-22-14.

(4) The Department, Districts or delegated permitting authorities shall provide for disciplinary action in accordance with the Water Well Construction Disciplinary Guidelines and Citations Dictionary, effective date 6-22-14, and as provided for in Sections 373.333 and 373.336, F.S.

*Rulemaking Authority 373.043, 373.308, 373.309 FS. Law Implemented 373.306, 373.309, 373.316, 373.319, 373.333, 373.335, 373.336 FS. History—New 8-18-73, Amended 10-9-84, Formerly 17-20.09, 17-20.090, Amended 5-25-89, 12-2-92, Formerly 17-531.450, Amended 12-25-02, 11-25-07, 6-22-14.*