

**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 to implement a program of approved coursework for water well contractor licensure and license renewal.

(3) “Approved Coursework” means Administrator or Department-approved training required for licensure and continuing education units required for license renewal. Approved coursework requirements may not be used for both licensure or license renewal and for license point reduction at educational workshops, as described in the “Water Well Contractors Disciplinary Guidelines and Procedures Manual”, referenced in Rule 62-531.450, F.A.C.

(4) “Continuing Education Unit” means one credit hour (at least fifty minutes) of approved coursework instruction. It may be abbreviated to “CEU” in these rules.

(5) “Coursework Hour” means one credit hour of approved coursework (at least fifty minutes) 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” means all parts and acts necessary to obtain ground water by wells, including the location and excavation of the well, but excluding the installation of pumps and pumping equipment.

(10) “Repair” means any action that involves the physical alteration, rehabilitation, or replacement of any part of a well, but does not include the alteration or replacement of any portion of a well which is above ground surface.

(11) “Water Well Contractor” means an individual who is responsible for the construction, repair, or abandonment of a water well and who is licensed under this chapter to engage in the business of construction, repair, or abandonment of wells.

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

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

(1) The Water Management 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 had not less than two years experience in constructing, repairing, or abandoning wells, and beginning July 31, 2004, has taken and completed a minimum of 12 approved coursework hours. In addition, each application shall:

(a) Be submitted on forms provided by the District, and shall be accompanied by a nonrefundable application fee.

(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 shall be governed by the requirements in the Manual for Coursework and Continuing Education for Water Well Contractors, Department of Environmental Protection, November 2006, hereby adopted and incorporated as a reference. Copies may be obtained by writing or calling the Department, 2600 Blair Stone Road, MS 3680, Tallahassee, FL 32399-2400; telephone (850)245-8648.

(3) A minimum of six approved coursework hours must be related to water well construction practices and applicable water well construction rules. No more than six approved coursework hours may be related to safety and business practices.

(4) The District shall not schedule an applicant to take the required examination until his application has been reviewed and the applicant has met all other conditions for licensure. The applicant must pass the examination within three consecutive testing periods scheduled by the District or a new application shall be required.

(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) Satisfactory proof of two years experience in the water well construction business shall be demonstrated by providing one or more letters from the applicant's supervising water well contractors that the applicant has worked with the contractors for at least two years in constructing, repairing, or abandoning water wells.

(8) In order to receive mailings from the Department or the Districts, including notice about license application, it is advised that the applicant informs the District within 30 days of any change of the applicant's address.

*Rulemaking Authority 373.043, 373.309 FS. Law Implemented 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.*

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

(1) Licenses issued pursuant to this chapter shall not be transferable and shall expire on July 31 of each odd numbered year. 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. Such application shall extend the validity of the current license until a new license is received or the applicant is notified by the District that formal administrative action has been taken to suspend, revoke, or deny renewal of the license.

(2) Twelve CEUs shall be required for renewal of a license beginning July 31, 2005. Water well contractor licenses shall be renewed only after the license holder has completed twelve CEUs of approved coursework earned in the two-year period directly preceding the request for license renewal for each 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.

(3) A minimum of six CEUs must be related to water well construction practices and applicable water well construction rules. No more than six CEUs may be related to safety and business practices.

(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 CEU 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, such as, late fees above the normal license fees. This subsection does not waive renewal requirement 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) Pursuant to Rule 62-531.450, F.A.C., no application for a renewal shall be granted if the applicant's license is suspended or revoked until the period for such suspension or revocation has expired.

(9) In order to receive mailings from the Department or the Districts, including notice for license renewal, it is advised that the contractor informs the District within 30 days of any change of the contractor's address.

*Rulemaking Authority 373.043, 373.309 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.*

#### **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 and may be administered orally. 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 confidential 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, 373.309 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.*

**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) Each water well contractor shall be assigned a permanent license number and shall be issued a certificate with that license number. 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 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.*

**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.**

(1) Whenever a Water Management District has reason to believe that there has been a violation of this chapter, or Chapter 373, Part III, F.S., the District shall provide a written notice of violation to the person alleged to be in violation. The notice of violation shall identify each provision of the appropriate Florida Administrative Code chapter or Florida Statutes alleged to have been violated, and the facts alleged which constitute such a violation.

(2) The notice described in subsection (1) above shall be served by personal service, registered mail, or certified mail, return receipt requested. When personal service cannot be made and the registered or certified mail notice is returned undelivered, the District shall publish a notice to the licensee once each week, for four consecutive weeks, in a newspaper of general circulation published in the county of the licensee's last known address as it appears on the District records. The District shall mail copies of the notice only to persons who have specifically requested such notice or to entities with which the District has formally agreed to provide such notice.

(3) Notice alleging a violation of a rule setting minimum standards for the location, construction, repair, or abandonment of wells shall be accompanied by an order of the District requiring remedial action which, if taken

within the time specified in such order, will affect compliance with the requirements of the chapter. The order shall become final unless a request for hearing as provided in Chapter 120, F.S., is made within 30 days from the date of service of such order.

(4) Upon compliance, a notice shall be served by the District in a timely manner upon each person or entity who received notice of a violation, stating that compliance with the order has been achieved.

(5) When disciplinary action is taken against a contractor which results in suspension or revocation of the contractor's license, the District shall notify each Water Management District of such action.

(6) The District shall reissue the license of a contractor whose license has been suspended or revoked upon a determination by the District that the disciplined person has complied with all of the terms and conditions set forth in the final order.

(7) Disciplinary action may be taken by any District regardless of where the contractor's license was issued.

*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.*

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

(1) When a District has reason to believe that any person not licensed as a water well contractor is in violation of any provisions of this chapter, any rule, or statute that relates to the construction, repair, or abandonment of water wells, the District may issue and deliver to such person a notice to cease and desist from such violation. In addition, the District may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed construction, repair, or abandonment of a water well by employing an unlicensed person.

(2) It is unlawful for any person to:

(a) Practice water well contracting without an active license issued pursuant to this chapter.

(b) Construct, repair, or abandon a water well, or operate drilling equipment for such purpose, unless employed by or under the supervision of a licensed water well contractor, unless the activity is exempt in accordance with Rule 62-531.390, F.A.C.

(c) Give false or forged evidence or reports to obtain a license.

(d) Present as his own the license of another.

(e) Use or attempt to use a license to practice water well contracting which has been suspended, revoked, or placed on inactive status.

(f) Engage in willful or repeated violation of this chapter or any other Department, Water Management District, or state agency rule relating to water wells, which endangers the public health, safety, or welfare.

(3) It is unlawful for a business entity to engage in water well contracting or to perform any activity for which a license as a water well contractor is required unless a licensed water well contractor is responsible for supervising such activity of the business entity.

(4) The following acts constitute grounds for which disciplinary actions specified in subsection (5) below may be taken by a District:

(a) Attempting to obtain, obtaining, or renewing a license under this chapter by bribery or fraudulent misrepresentation.

(b) Being convicted or found guilty, regardless of the judicial decision or sentence, of fraud or deceit or of gross negligence, incompetency, or misconduct in the performance of work, or of a crime in any jurisdiction which directly relates to the practice of water well contracting or the ability to practice water well contracting. A plea of nolo contendere (not contesting charges) shall create a presumption of guilt to the underlying criminal charges, and the District shall allow the person disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding the plea.

(c) Allowing any other person to use the licensee's license.

(d) Violating or refusing to comply with any provision of this chapter or any order of the District previously entered in a disciplinary hearing.

(e) Constructing, repairing, or abandoning a water well without first obtaining all applicable permits.

(f) Practicing with a revoked, suspended, or inactive license.

(g) Practicing water well contracting without a water well contractor's license.

(5) When the District finds a person guilty of any of the grounds for disciplinary action in subsection (4) above, it may enter an order imposing one or more of the following disciplinary actions in accordance with the guidelines established in the Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002:

(a) Denial of an application for licensure or renewal of a license.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative penalty not to exceed \$5,000 for each count or separate offense.

(d) Assessment of points against a water well contractor's license.

(e) Placement of the water well contractor on probation for a minimum of 6 months subject to the conditions specified in an order of the District.

(f) Restriction of the licensee's authorized scope of practice.

(6) The Water Well Contractor Disciplinary Guidelines and Procedures Manual may be obtained from the Department of Environmental Protection's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and from each Water Management District.

*Rulemaking Authority 373.043, 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.*