

**AMENDED AND RESTATED WATER WELL PERMITTING DELEGATION
AGREEMENT WITH THE CITY OF JACKSONVILLE**

This Amended and Restated Water Well Permitting Delegation Agreement (“Agreement”) is made between the St. Johns River Water Management District ("District") and the City of Jacksonville (“City”) (collectively “the Parties”) this ____ day of _____, 2025.

RECITALS :

In 1978, the City and District entered into a Water Well Permitting Delegation Agreement; and

It is the desire of the Parties to enter into an amended and restated Water Well Permitting Delegation Agreement pursuant to Rule 40C-3.035, Florida Administrative Code (“F.A.C.”) covering the jurisdictional area of the City pursuant to City of Jacksonville Ordinance Code Section 366.102 and 366.103 (“jurisdictional boundaries of the City”); and

The District is a special taxing district created by Section 373.069, Florida Statutes (“F.S.”), and is charged with the duty to prevent harm to the water resources of the District, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder; and

The Florida Department of Environmental Protection ("Department") has delegated to the District the authority to implement Chapters 62-524, 62-531, 62-532, and certain portions of Chapter 62-555, F.A.C., related to the permitting and regulation of water wells; and

The District is authorized by Sections 373.046(6), 373.308(1), and 373.309(1)(b), F.S., to delegate the duty to administer and enforce the statutes and rules regulating water well construction, repair, and abandonment to the City; and

The lands within the jurisdictional boundaries of the City are subject to the rules, regulations, authority, and orders of the District under Chapter 373, F.S.; and

Under Chapter 366 of the Jacksonville Municipal Code, the City has the authority to administer and enforce the City’s rules and regulations governing Water Wells within its jurisdiction;

The City has regulated water well construction pursuant to the 1978 Water Well Permitting Delegation Agreement with the District and Chapter 366, Ord. Code, and the City desires to continue regulating water well construction; and

The City has sufficient authority to exercise the powers delegated by this Agreement; and

The City has demonstrated to the District that it has procedures in effect to protect the rights of permit applicants and persons whose rights may be substantially affected by the City's administration of the program; and

The City has the requisite regulatory experience and the parties desire to avoid any duplication or overlapping of permitting requirements between the District and the City; and

The Parties desire to accomplish the regulation of water wells in the jurisdictional boundaries of the City through delegation to the City of the implementation of Part III of Chapter 373, F.S., and the applicable portions of Chapters 40C-3, 62-531, 62-532, and 62-555, F.A.C., of the following types of wells:

- (1) less than 6 inches in diameter; and
- (2) not earth-coupled geothermal well systems (an underground heat exchanger that circulates transfer fluid within pressurized tubing installed and grouted in the earth);
- (3) not located within a 62-524 delineated area;
- (4) not public water supply wells regulated by the Florida Department of Environmental Protection; and
- (5) not any gang well with a total nominal casing of six inches or more.

THEREFORE, based upon the mutual consideration contained in this Agreement, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. RESPONSIBILITIES OF THE CITY

1. The City shall administer the program for regulation of water well construction, repair, and abandonment, compliance, and enforcement pursuant to Part III of Chapter 373, F.S., and the applicable portions of Chapters 40C-3, 62-531, 62-532, and 62-555, F.A.C., in the jurisdictional boundaries of the City, unless these wells are: (1) 6 inches or more in diameter; (2) part of an earth-coupled geothermal well system, (3) located within a 62-524 delineated area, (4) public water supply wells regulated by the Florida Department of Environmental Protection, or (5) any gang well with a total nominal casing of six inches or more. The City shall refer regulatory needs and concerns related to Chapter 62-531, F.A.C., directly to the District.

2. The City shall organize and train its staff as a functional unit and shall maintain sufficient staffing to fulfill its obligations under this Agreement.

3. The City shall regulate water well construction, repair, and abandonment using the standards set forth in the applicable portions of Chapters 40C-3, 62-532, and 62-555, F.A.C.

4. Applications submitted to the City for any water wells that exceed the authority delegated to the City shall be forwarded to the District within five (5) business days of receipt of the application. The City shall notify the permit applicant, in writing, that the District will process the application.

5. The City shall use the permit application forms that the District provides or approves for use. The City shall encourage water well contractors and other persons authorized by statute to construct, repair or abandon water wells to utilize the District's e-Permitting system when applying for well permits.

6. The City shall use the District's e-Permitting system to issue water construction, repair, and abandonment permits.

7. The City shall require water well contractors to use the well completion report forms that the District provides or approves for use. The City shall ensure that a properly completed well completion report is submitted by the water well contractor or other person authorized by statute to construct, repair or abandon a water well. The City shall encourage water well contractors and other persons authorized by statute to construct, repair or abandon water wells to utilize the District's e-Permitting system when submitting water well completion reports.

8. The City shall enter all paper copies of well completion reports received by the City into the District's e-permitting system.

9. The City shall implement and maintain an effective compliance program, in cooperation with the District, to ensure compliance with the applicable portions of Chapters 40C-3, 62-531, 62-532 and 62-555, F.A.C. The compliance program shall include, but is not limited to, investigation of all unpermitted and unlicensed activities, and monitoring of compliance with well construction standards pursuant to the applicable portions of Chapters 40C-3, 62-532, and 62-555, F.A.C., and permit conditions to the extent of its delegation under paragraph I. As part of the compliance program:

- a. The City shall report all unlicensed activities to the District and take appropriate enforcement action against the unlicensed individual or entity;
- b. The City shall take enforcement action against licensed water well contractors as set forth in rules 62-531.380 and 62-531.450, F.A.C, and implemented by the Water Well Contractor Disciplinary Guidelines and Citations Dictionary (June 22, 2014),

which is incorporated by reference in Rule 40C-3.036, F.A.C. Where appropriate, and as described in Part III of Chapter 373, F.S., the City shall comply with the hearing and due process requirements of Sections 120.569 and 120.57(1), F.S.;

- c. The City shall conduct random water well construction, repair, and abandonment inspections of wells permitted by the City in the jurisdictional boundaries of the City, sufficient to assure compliance; and
- d. The District may conduct audits of the City's compliance and enforcement programs, as the District deems appropriate. The City agrees to fully cooperate with the District's auditing.

Nothing in this Agreement will limit the independent enforcement authority of either party.

10. The City shall maintain all permit application-related and compliance-related records received or generated by the City in accordance with Chapter 119, F.S. (the Florida Public Records Law).

11. The City shall establish a schedule of permit fees, which shall not exceed the cost to the City for permit processing, and for monitoring and inspecting wells for compliance with the permit, and enforcement.

12. The City may not further delegate its authority under this Agreement.

13. The City shall withhold issuance of any water well construction, repair, or abandonment permit if the application indicates, or if City staff verifies, that the proposed or existing well requires a District consumptive use permit, until such time as the District has notified the City in writing that the water well permit can be issued. The City shall notify the District by email upon receipt of an application for the construction, repair, or abandonment of any water well, regardless of diameter, if the proposed or existing water well will require a District consumptive use permit.

II. RESPONSIBILITIES OF THE DISTRICT

1. The District shall issue permits for the construction, repair, and abandonment of all wells 6 inches or more in diameter, all wells within 62-524 groundwater delineated areas, public water supply wells regulated by the Florida Department of Environmental Protection, and any gang well with a total nominal casing of six inches or more.

2. The District shall issue permits for the construction, repair, and abandonment of all wells associated with earth-coupled geothermal well systems.
3. The District shall take enforcement on permits it issued under Sections II.1-2.
4. While this Agreement is in effect, the District shall not enter into any agreement regarding the implementation of Chapter 40C-3, F.A.C., with any other local government within the jurisdictional boundaries of the City of Jacksonville without prior written notice from the District and the written approval of the City.
5. The District shall provide the City with support necessary for the City's implementation of the Chapter 40C-3, F.A.C., program. This support shall include:
 - a. Providing technical assistance and training as necessary to enable an accurate and consistent review of water well construction, repair, and abandonment permit applications or to resolve compliance problems and enforcement issues;
 - b. Providing the City with information regarding the District's current technical and administrative procedures for review of water well permit applications, including the coordination of activities regarding Chapter 40C-2, F.A.C., which may affect well permitting;
 - c. Providing training and technical assistance to the City's staff on the District's e-Permitting System;
 - d. As deemed appropriate by the District, provide technical support and assistance with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by the City and the water well contractor; and
 - e. Reporting the appropriate water well contractor enforcement information to the Statewide Clearinghouse.
6. The District shall be responsible for administering examinations and issuing licenses for water well contractors who construct, repair, or abandon wells within the jurisdictional boundaries of the City. The District shall be responsible for placing restrictions on a water well contractor's license based on the accumulation of license points.
7. The District and contractors working for the District shall not be required to obtain a permit from the City when constructing, repairing, or abandoning a water well within the jurisdictional boundaries of the City. The District will inform the City of its intention to perform

these activities within the jurisdictional boundaries of the City and shall file a well completion report with the City upon completion of the work.

III. Compliance

1. As part of the regulation of water well construction, repair, and abandonment, the City shall:
 - a. Verify compliance with water well construction, repair, and abandonment standards pursuant to the applicable portions of Chapters 40C-3, 62-532, and 62-555, F.A.C., and permit conditions; and
 - b. Investigate and report all water well contractors and unlicensed persons who unlawfully have engaged in water well contracting to the District so that the District may pursue appropriate enforcement action; and
 - c. Issue a City of Jacksonville Notice to Correct Source of Pollution/Violation to satisfy the District's requirements for a warning letter when unable to resolve a water well construction, repair, or abandonment violation. When the violation is resolved before the issuance of a Notice of Violation (NOV), the City shall issue a compliance letter. For purposes of this Agreement, the term "resolved" means that no further compliance or enforcement action is needed to address the violation, and is similar to the term "complied" used in the City's programs; and
 - d. Refer to the District all unresolved compliance issues for appropriate enforcement action by the District, pursuant to Section 373.333(2)-(3), F.S.
2. As part of the regulation of water well construction, repair, and abandonment, the District shall:
 - a. Issue a Notice of Violation (NOV), pursuant to Section 373.333(2), F.S., for unresolved compliance actions regarding water well construction, repair, or abandonment violations; and
 - b. When a violation is resolved after the issuance of a Notice of Violation (NOV), the District shall issue a compliance letter; and
 - c. Upon request, assist the City with the identification of well construction, repair, and abandonment violations and rule interpretation; and

- d. Report the appropriate water well contractor enforcement information to the Statewide Clearinghouse.

IV. DISTRICT/CITY COORDINATION

1. The City's Program Administrator [The City will provide correct job title] or designee and the District's Well Construction Permitting Program Manager or designee shall coordinate as needed on this program to ensure consistent and effective implementation of Chapter 40C-3, F.A.C.

2. The District staff and City staff shall meet as needed to review and approve new or modified water well permitting procedures and to promote regulatory consistency. The frequency of such meetings shall be determined by mutual agreement of the parties. New or modified regulatory procedures must receive District approval prior to implementation.

3. The District may assist the City in the review of any water well construction, repair, or abandonment permit application that the City is reviewing. In cooperation with the City, the District may also conduct inspections of water wells permitted by the City.

V. TERMINATION

Either party may terminate this Agreement upon 120 days prior written notice to the other party. Not less than 60 days prior to the effective date of termination of the Agreement, the City shall transfer all pending permit applications to the District and shall also provide comments on the appropriate course of action for any pending compliance activities.

VI. EFFECTIVE DATE

This Agreement shall become effective upon the effective date of the District's rule incorporating this Agreement by reference.

VII. EXCLUSIVE AUTHORITY

Nothing in this Agreement shall be construed to impede, interfere with, or supersede the exclusive authority of the District under Part II of Chapter 373, F.S., to regulate the consumptive use of water, and no delegation of that exclusive District authority is granted to City. The City agrees not to regulate the consumptive use of water in any manner.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Michael A. Register, P.E., Executive Director

CITY OF JACKSONVILLE

(Please use the City's signature block)

{insert name + title}