

## Notice of Proposed Rule

### **St. Johns River Water Management District**

#### **RULE NOS.: RULE TITLES:**

40C-1.602      Lenses or Permits Required

40C-1.1003      Variances from Water Well Construction Requirements

**PURPOSE AND EFFECT:** The purpose and effect will be to: (1) delete a reference to Chapter 40C-5, which was repealed in 2015 (in 40C-1.602(6)); and (2) update, clarify, or simplify criteria (and delegation) for variances from water well construction requirements (in 40C-1.1003).

**SUMMARY:** This rule development will delete an outdated rule reference, and update, clarify, or simplify a procedural rule regarding variances from water well construction requirements.

#### **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 373.044, 373.113, FS.

**LAW IMPLEMENTED:** 120.569, 373.413, FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk, (386)329-4127. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Tom Mayton, Deputy General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, email: [tmayton@sjrwm.com](mailto:tmayton@sjrwm.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

**40C-1.602 Licenses or Permits Required.**

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) and (2) No change.

(3) A water well contractor's license, pursuant to Chapters 40C-3 and 62-531, F.A.C., in effect on June 22, 2014 July 1, 1989, and which is incorporated by reference in rule 40C-3.036(1), F.A.C., must be obtained by contractors engaged in the business of construction, repair, or abandonment of water wells.

(4) and (5) No change.

~~(6) A permit, pursuant to Chapter 40C-5, F.A.C., prior to construction of any well involving artificial recharge or intentional introduction of water containing sewage wastes into any underground formation.~~

Renumber (7) through (9) as (6) through (8) No change.

*Rulemaking Authority 420.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.4131, 373.416, 373.426, 403.812 FS. History—New 1-22-76, Amended 1-15-80, Formerly 16I-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, 11-11-03, 10-1-13.*

**40C-1.1003 Variances from Water Well Construction Requirements.**

(1) The Board finds that in certain cases compliance with all the requirements of Chapter 40C-3, F.A.C., may result in an undue hardship in the construction, repair or abandonment of wells.

(2) An affected person may request a variance from specific requirements by making a written request to the District ~~for a well~~ prior to construction of the well which provides at least the following information:

(a) Licensed contractor's name and number unless exempted by Section 373.326(2), F.S.;

(b) The name and telephone number of property owner upon which the well is proposed to be constructed, repaired, or abandoned or a person with sufficient legal control over the land;

(c) Well location including at a minimum section, township, range, map directions, and county;

(d) Casing diameter and type proposed for the well;

(e) Well use;

(f) Specific criterion or standard from which the variance is being requested; and

(g) Specific facts which demonstrate the undue hardship if the criterion or standard is applied without grant of variance.

(3) The Executive Director or his designee shall grant the variance if the proposed alternative is in accordance with accepted public health and sanitary engineering practices required by statute or rule for water well construction, and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) When issuing a variance, the Executive Director or his designee may impose other conditions as necessary to protect the resource consistent with Part III, of Chapter 373, F.S.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.326 FS.*

*History–New 8-4-98,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Mayton, Deputy General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, [tmayton@sjrwmd.com](mailto:tmayton@sjrwmd.com).

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2026

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 14, 2026