

40A-3.051 Exemptions.

(1) A permit is not required prior to the construction, repair, or abandonment of any well exempted by subsection 373.303(7) and Section 373.326, Florida Statutes (any well for the purpose of obtaining or prospecting for oil, natural gas, minerals, or products of mining or quarrying; wells for inserting media to dispose of oil brines, or to repressure oil or natural gas-bearing formations; wells for storing petroleum or natural gas or other products; or wells used for temporary dewatering for construction purposes).

(2) When the District finds that compliance with all requirements of this chapter would result in undue hardship, supported by information which demonstrates that the intent and purpose of the rule will not be impaired, an exemption from any one or more such requirements shall be granted by the District to the extent necessary to ameliorate such undue hardship. Such information may include water quality sampling or other reasonable information or action deemed necessary to assure the well will not adversely impact the water resource. The request for an exemption must be submitted in writing and detail the reasons why compliance with the requirements of this chapter will create a hardship.

(3) A water well contractor license is not required for a homeowner when he plans to construct a well two (2) inches or less inside diameter on his own or leased property, intended for use only at a single family house which is his residence or intended for use only for farming purposes on his farm, and when the waters to be produced are not intended for use by the public or any residence other than his own. However, the well construction must meet all applicable standards of Part II of these rules, and the requirements for a Consumptive Use Permit.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 4-14-80, Amended 2-1-82, 5-17-83, 3-29-84, 1-9-86, Formerly 16G-3.05, 16G-3.12, Amended 8-1-89, 12-1-90, 11-1-92, 7-1-98.