

**To:** FWEA Utility Council

**From:** David Childs

**Date:** August 4, 2025

**Re:** Water Management Districts Begin Rolling Out Reclaimed Water Incentive Rulemakings

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Legislation enacted during the 2024 Florida Legislative Session requires the water management districts to develop rules promoting reclaimed water use and encouraging quantifiable potable water offsets. Today, the St. Johns River and Southwest Water Management Districts initiated rulemakings to implement the legislation. The law, which was codified in section 373.250(9), Florida Statutes, includes the following incentives for new consumptive use permits and for amending existing permits:

**(1) New and Renewed Consumptive Use Permit Incentive**

If a consumptive use permit applicant proposes a water supply development or water resource development project using reclaimed water, that meets the advanced waste treatment standards for total nitrogen and total phosphorus as defined in s. 403.086(4)(a) (i.e. Grizzle-Figg standards of 3 mg/L TN, 1 mg/L TP), as part of an application for consumptive use, the applicant is eligible for a permit duration of up to 30 years if there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit.

Water management district rules developed pursuant to this paragraph must include, at a minimum:

1. A requirement that the permittee demonstrate how quantifiable groundwater or surface water savings associated with the new water supply development or water resource development project either meet water demands beyond a 20-year permit duration or are completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy; and
2. Guidelines for a district to follow in determining the permit duration based on the project's implementation.

**(2) Consumptive Use Permit Extensions**

An existing consumptive use permittee may seek a permit extension of up to 10 years if the permittee proposes a water supply development or water resource development project using reclaimed water, that meets the advanced waste treatment standards for total nitrogen and total phosphorus as defined in s. [403.086\(4\)\(a\)](#), during the term of its permit which results in the reduction of groundwater



or surface water withdrawals or is completed to benefit a waterbody with a minimum flow or minimum water level with a recovery or prevention strategy. Water management district rules associated with this paragraph must include, at a minimum:

1. A requirement that the permittee be in compliance with the permittee's consumptive use permit;
2. A requirement that the permittee demonstrate how the quantifiable groundwater or surface water savings associated with the new water supply development or water resource development project either meet water demands beyond the issued permit duration or are completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy;
3. A requirement that the permittee demonstrate a water demand for the permit's allocation through the term of the extension; and
4. Guidelines for a district to follow in determining the number of years extended, including a minimum year requirement, based on the project implementation.

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The notices for the two rulemakings are attached. Utilities in the SJRWMD will note that the district is also using this rule development to generally clean up various rule provisions, including rules related to Outstanding Florida Springs.

We'll monitor these rulemakings and will alert members when the South, Suwannee River, and Northwest Water Management Districts initiate their rulemakings. The statute requires the districts to complete their rulemakings by the end of the year.



## Notice of Development of Rulemaking

### WATER MANAGEMENT DISTRICTS

#### St. Johns River Water Management District

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

- 40C-2.041 Permits Required
- 40C-2.042 General Permit by Rule
- 40C-2.101 Publications Incorporated by Reference
- 40C-2.401 Identification Tags

**PURPOSE AND EFFECT:** Chapter 2024-180, Laws of Florida, requires water management districts to develop rules promoting reclaimed water use and encouraging quantifiable potable water offsets with specific requirements for such rules. The purpose and effect of the proposed amendments will be to: (1) create rule amendments to allow for a consumptive use permit (CUP) duration up to 30 years and CUP extensions up to 10 years if a water supply development or water resource development project using reclaimed water meets certain conditions under new subsection 373.250(9), F.S. (in rule 40C-2.101, F.A.C., and the CUP Applicant's Handbook); (2) incorporate by reference the Outstanding Florida Springs rules adopted in rules 62-41.400 through 62-41.402, F.A.C. (in rule 40C-2.101, F.A.C., and the CUP Applicant's Handbook); (3) repeal the requirement that only one CUP application can remain pending at a time and address comment by staff of the Joint Administrative Procedures Committee (JAPC) regarding permit renewals (in rule 40C-2.041, F.A.C.); (4) amend the criteria for a local government to adopt an ordinance limiting landscape irrigation to enforce certain criteria for landscape irrigation within its jurisdiction (in rule 40C-2.042(2)(b)1., F.A.C.); (5) clarify rule requiring a permanent identification tag at each withdrawal facility (in rule 40C-2.401, F.A.C.); and (6) make conforming, technical, and clarifying changes throughout.

**SUBJECT AREA TO BE ADDRESSED:** This rule development will cover the revision of District rules on the following subjects: (1) longer CUP durations and CUP extensions for certain projects using reclaimed water that meet subsection 373.250(9), F.S.; (2) the Outstanding Florida Springs rules; (3) general requirement that only one CUP application can remain pending at a time and permit renewals; (4) local government ordinances to enforce certain landscape irrigation criteria in a general permit by rule; (5) requirements for a permanent identification tag at each withdrawal facility; and (6) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.



RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.227, 373.250, FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.079, 373.083(5), 373.109, 373.118, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.250, 373.609, 373.62, FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 25, 2025, 10:00 a.m.

PLACE: In person at the South Florida Water Management District Orlando Service Center at 7345 Greenbriar Parkway, Orlando, FL 32819 or by webinar after registering at <https://sfwmd.link/4fkft9y>. A copy of the draft proposed rules will be available one week before the workshop at: <http://www.sjrwmd.com/permitting/rule-development/> under the Notice of Rule Development tab.

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: Courtney Waldron, District Clerk, at 4049 Reid Street, Palatka, Florida 32177, (386)329-4127 or [cwaldron@sjrwmd.com](mailto:cwaldron@sjrwmd.com). 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.



## Notice of Development of Rulemaking

### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

**RULE NOS.: RULE TITLES:**

40D-2.321 Duration of Permits

40D-2.331 Modification of Permits

**PURPOSE AND EFFECT:** Chapter 2024-180, Laws of Florida, requires water management districts to develop rules promoting reclaimed water use and encouraging quantifiable potable water offsets with specific requirements for such rules. The purpose and effect of the proposed amendments will be to create rule amendments to allow for a water use permit (WUP) duration up to 30 years and WUP extensions up to 10 years if a water supply development or water resource development project using reclaimed water meets certain conditions under new subsection 373.250(9), F.S. (in Rules 40D-2.321 and 40D-2.331, F.A.C.)

**SUBJECT AREA TO BE ADDRESSED:** This rule development will cover the amendments of District rules concerning longer water use permit durations and water use permit extensions for certain projects using reclaimed water that meet subsection 373.250(9), F.S.

**RULEMAKING AUTHORITY:** 373.044, 373.103, 373.113, 373.149, 373.171, 373.216, 373.249, 373.250 FS.

**LAW IMPLEMENTED:** 373.079(4)(a), 373.083(5), 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.239, 373.250 FS

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** August 25, 2025, 10:00 a.m.

**PLACE:** South Florida Water Management District Orlando Service Center, 7345 Greenbriar Parkway, Orlando, FL 32819. Alternatively, the workshop may be attended online at <https://sfwmd.link/4fkft9y>.

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 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office, (352)796-7211, ext. 4706; 1(800)423-1476 (FL only), ext. 4706 or email to [ADACoordinator@sfwmd.state.fl.us](mailto:ADACoordinator@sfwmd.state.fl.us). 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Bray, Assistant General Counsel, at (813)422-6509, or by email at [mike.bray@swfwmd.state.fl.us](mailto:mike.bray@swfwmd.state.fl.us).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.