

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Simon Sunderland, Regulation

**DATE:** November 13, 2025

**SUBJECT:** Publish a Notice of Proposed Rule in the Florida Administrative Register and Adopt Amendments to Rule 40E-1.607 F.A.C.

### **Agenda Item Background:**

Under the District's permit fee rule contained in 40E-1.607 F.A.C., the District currently charges \$300 to transfer a consumptive use permit (CUP) to a new property owner. However, there is no transfer fee for an environmental resource permit (ERP) to a new owner. Further, when a CUP applicant withdraws their application, they lose their processing fee. Current ERP rules allow for the credit of the processing fee to be applied to a new application or notice received from the same applicant if done within 365 days from when the original application was withdrawn. District staff is seeking to add a new CUP fee category to include the same credit of the processing fee for withdrawn CUP applications. These two amendments provide consistency between the two permitting programs.

Additionally, the District is seeking to create a new CUP fee category for a 30-day backup supply for interrupted reclaimed water service. The District issues CUPs for 30-day back up supplies from waters of the state to users who receive their full allocation from reclaimed water. Under current District practice, the application fee is based on an allocation so large that users are paying a fee similar to what they would if they received a CUP using waters of the state. Creating this new CUP fee category will further encourage the use of reclaimed water and reward those who currently use reclaimed water.

District staff seeks Governing Board approval to publish a Notice of Proposed Rule in the Florida Administrative Register and adopt amendments to Rule 40E-1.607, F.A.C., to update CUP fees as described above, provided no request for a public hearing is received and no substantive changes are made after the public comment period concludes.

### **Additional Item Background:**

#### **Core Mission and Strategic Priorities:**

This rulemaking is consistent with the District's consumptive use regulatory program to protect the water resources within the agency's jurisdiction.

#### **Funding Source:**

The rulemaking activities will be completed using in-house staff resources. Minimal funding and staff time will be required for the proposed update.

#### **Staff Contact and/or Presenter:**

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**ATTACHMENTS:**

Resolution No. 2025-1111

Notice of Proposed Rule