

## MEMORANDUM

**TO:** Governing Board Members

**FROM:** Simon Sunderland, Regulation

**DATE:** October 9, 2025

**SUBJECT:** Authorize Publication of a Notice of Proposed Rule in the Florida Administrative Register and Adopt Amendments to Rule 40E-2.091, Florida Administrative Code, and the Applicant's Handbook for Water Use Permit Applications, for the Purpose of Promoting Reclaimed Water Use and Encouraging Quantifiable Potable Water Offsets

### **Agenda Item Background:**

Chapter 2024-180, Laws of Florida (SB1386), which went into effect on July 1, 2024, requires water management districts to develop rules by December 31, 2025, to promote the use of reclaimed water and encourage quantifiable potable water offsets with specific requirements for such rules. The District is implementing SB1386 by proposing to amend Rule 40E-2.091, Florida Administrative Code, and the incorporated Applicant's Handbook for Water Use Permit Applications, to add new subsection 1.5.1 E, to allow for consumptive use permit (CUP) durations 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 the new subsection 373.250(9), Florida Statutes.

The District held a joint rule development workshop with St. Johns River Water Management District and Southwest Florida Water Management District on August 25, 2025. The public was provided 14 days to submit comments. Upon Governing Board approval of the proposed rule language, District staff will publish a Notice of Proposed Rule in the Florida Administrative Register, and the public will have an additional 21 days to submit comments. After the time period to comment on the proposed rule concludes, if no request for a public hearing is received and no substantive changes are made, District staff will file the proposed rule for adoption with the Department of State.

The proposed revisions to the Reclaimed Water Use rule are located at [sfwmd.gov/doing-business-with-us/rules](https://sfwmd.gov/doing-business-with-us/rules).

### **Additional Item Background:**

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

The Proposed Rule promotes reclaimed water use and encourages quantifiable potable water offsets in support of the District's mission.

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

Simon Sunderland, [ssunder@sfwmd.gov](mailto:ssunder@sfwmd.gov), 561-682-2705

### **ATTACHMENTS:**

Resolution No. 2025-1003

Notice of Proposed Rule