

Senate Bill 1386 Rulemaking (plus additional St. Johns River Water Management District rulemaking)

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Introduction and Background

- During 2024 session, Legislature passed Senate Bill 1386 (SB 1386)
- SB 1386 required Florida Department of Environmental Protection (DEP) and water management districts to coordinate and jointly develop Consumptive Use Permit (CUP) rules promoting reclaimed water use and encouraging quantifiable potable water offsets
- SB 1386 allows for a CUP duration of up to 30 years and CUP extensions of up to 10 years if a water supply development (WSD) or water resource development (WRD) project using reclaimed water meets certain statutory conditions
- DEP and Districts jointly developed language to implement SB 1386

Proposed Rule Changes – SB 1386

- Allow for a CUP duration of up to 30 years and CUP extensions of up to 10 years if a water supply development (WSD) or water resource development (WRD) project uses reclaimed water + meets certain statutory conditions
- For 30-year permit: Demonstrate new project will be completed and operational within first 20 years of new permit, and either meets:
 - (a) water demands beyond 20 years, or
 - (b) requirement of minimum flows and levels (MFL) prevention/recovery strategy under §373.0421, F.S.
- For 10-year extension: Demonstrate new project already completed and operational before extension or will be completed and operational within existing permit term, and either meets:
 - (a) water demands beyond 20 years, or
 - (b) requirement of MFL prevention/recovery strategy under §373.0421, F.S.
- For both:
 - must quantify potable water saved by using reclaimed water for new WSD project or the offset provided to water source by new WRD project
 - use of reclaimed water must be in ownership/control of applicant/permittee

Additional Proposed Rule Changes – SJRWMD Only

- Incorporate Outstanding Florida Springs (OFS) rules adopted in rules 62-41.400 through 62-41.402, F.A.C.
- Repeal requirement that only one CUP application can remain pending at a time
- Amend criteria for a local government to adopt an ordinance limiting landscape irrigation to enforce certain general permit by rule criteria:
 - Allow local governments located in two water management districts to enact an ordinance providing alternative landscape irrigation conservation measures (to allow a uniform schedule that matches at least one district's jurisdiction)
 - Allow local governments to enact a landscape irrigation ordinance approved by SJRWMD as part of permittee's water conservation plan
- Clarify rule requiring a permanent identification tag at each withdrawal facility
- Permittees will provide own tags (no longer purchased from SJRWMD)

Rulemaking – Next Steps

- Friday September 5, 2025 – Deadline for public comments for all Districts
- September 9, 2025 – Staff tentatively plan to request authorization from SJRMWD Governing Board to publish Notice of Proposed Rule to complete rulemaking

SJRWMD Rulemaking – Public Comments

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Please submit any public comments by email to Tom Mayton at:

tmayton@sjrwmd.com

By September 5, 2025

SFWMD Rulemaking – Public Comments

Please submit any public comments by email to Simon Sunderland at:

ssunder@sfwmd.gov

By September 5, 2025

SWFWMD Rulemaking – Public Comments

Please submit any public comments by email to Mike Bray at:

Mike.Bray@swfwmd.state.fl.us

By September 5, 2025

General Public Comment

If you're participating in person –
please fill out a comment card and
hand it to a meeting attendant

If you're participating via Zoom –
use the Raise Hand feature

If you're participating via Phone –

*9 Raises Hand

*6 Mutes/Unmutes

