

Notice of Proposed Rule

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-2.381 Permit Limiting Conditions
- 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 rule 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) allow a local government located in more than one water management district to adopt an ordinance providing for alternative landscape irrigation conservation measures to achieve a uniform irrigation schedule within its jurisdiction that is in accordance with at least one of the involved water management district rules (in rule 40C-2.042(2)(b)3., F.A.C.); (6) clarify rule requiring a permanent identification tag at each withdrawal facility (in rule 40C-2.401, F.A.C., and the CUP Applicant's Handbook); and (7) make conforming, technical, and clarifying changes throughout.

SUMMARY: 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; (6) standard limiting conditions (permit conditions); and (7) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Mayton, Deputy General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-2.041 Permits Required.

(1) through (7) No change.

~~(8) Only one application shall be filed for a permit required under Chapter 40C-2, F.A.C., for a consumptive use at or involving the same property, including applications for an initial permit and applications for modification of a permit, at any time prior to final action on the application first received by the District. If the District determines that more than one application has been so filed, the District will notify the applicant that the most recent application is deemed an amendment of the pending application, and if the amendment constitutes a material change, the application will be processed in accordance with subsection (8), above. Subsections (8) and (9), shall not apply to a request for a letter modification of a permit and shall not affect the timeliness of an application for renewal of a permit.~~

~~(8)~~ (9) Applicants who seek to renew a permit under Chapter 40C-2, F.A.C., must submit a timely and sufficient application for renewal to avoid expiration of the permit, in accordance with the initial receipt and application checklist sections of the Applicant's Handbook, Consumptive Uses of Water, which Handbook is incorporated by reference in Paragraph 40C-2.101(1)(a), F.A.C. An application for renewal shall be considered timely only if it is received by the District no later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District. If the permit's expiration date falls on a weekend or legal holiday, the application for renewal must be received by the District on the next business day after the weekend or holiday. When timely and sufficient application for renewal is made, the existing permit shall not expire until the application for renewal has been finally acted upon by the District, or if the application is denied or the terms of the permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

Rulemaking Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History--New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 12-6-93, 2-15-95, 4-25-96, 1-7-99, 11-11-03, 8-14-14, 11-3-15, 7-1-18, 8-29-18, ____.

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsections 40C-2.042(8), (9), (10), (11), (12) and (13), F.A.C. However, this rule shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this rule, must obtain a permit pursuant to Chapter 40C-2, F.A.C.

(1) No change.

(2)(a) The Governing Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided landscape irrigation occurs in accordance with the provisions of subsection 40C-2.042(2), F.A.C., and provided the amount of water used is limited to only that necessary for efficient utilization. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way, but it does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football,

baseball and soccer fields. For the purpose of this rule, the terms “residential landscape irrigation” and “non-residential landscape irrigation” are defined in this paragraph (a), as follows. “Residential landscape irrigation” means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. “Non-residential landscape irrigation” means the irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, “address” means the “house number” of the physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

1. When Daylight Savings Time is in effect, landscape irrigation shall occur in accordance with the following irrigation schedule unless otherwise specified herein:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule unless otherwise specified herein:

- a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,
- d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. Landscape irrigation shall be subject to the following exceptions:

- a. Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.
- b. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment. An entire irrigation zone may be watered under this sub-subparagraph only if new plantings or landscaping comprise at least 50 percent of that zone. If new plantings or landscaping comprise less than 50 percent of an irrigation zone, only the new plantings or landscaping can be watered under this sub-subparagraph.
- c. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- d. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.
- e. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- f. Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited by this permit.

g. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

h. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

4. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under subsection 40C-2.042(2), F.A.C. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection.

5. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

(b)1. A local government is strongly encouraged to enforce paragraph 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that is either consistent with ~~incorporates each of the~~ provisions set forth in paragraph 40C-2.042(2)(a), F.A.C., or approved by the District as part of a Permittee's water conservation plan.

2. Where a local government has adopted a landscape irrigation ordinance, if the strict application of the specified day of week schedule would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific day or days for landscape irrigation identified in subparagraphs 40C-2.042(2)(a)1. and 2., F.A.C., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week when Daylight Savings Time is in effect and no more than 1 day per week when Eastern Standard Time is in effect. Local governments shall not grant a variance from any other provision of this rule.

3. Local governments with a jurisdiction divided between the St. Johns River Water Management District and another water management district may enact an ordinance providing for alternative landscape irrigation conservation measures as necessary for the local government to achieve a uniform schedule within its jurisdiction that is in accordance with at least one of the involved water management district rules. Users within the jurisdiction or customers of such local governments shall comply with the alternative landscape irrigation conservation measures contained within the ordinance implementing that program and are not subject to the measures contained in paragraph 40C-2.042(2)(a), F.A.C.

~~4. 3-~~ At least 30 days prior to the adoption of an ordinance to enforce paragraph 40C-2.042(2)(a), F.A.C., or an ordinance for alternative landscape irrigation conservation measures, the local government shall provide a copy of the proposed ordinance to the District.

(c) No change.

(3) through (13) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 373.019(6), 373.109, 373.118, 373.219, 373.223, 373.228, 373.250, 373.609, 373.62 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06, 3-8-09, 8-14-14, 11-3-15, 7-1-18,_____.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I (*insert link <https://www.flrules.org/Gateway/reference.asp?No=Ref-09818>*), subsections 62-40.416(7)-(8), F.A.C., effective November 3, 2015, in Appendix G (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04443>), ~~and~~ Limiting Conditions for subsection 40C-2.042(9), F.A.C., Dewatering General Permits by Rule in Appendix I (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05973>), ~~and~~ rules 62-41.400 – 62-41.402, F.A.C., effective June 12, 2025, in Appendix J (*insert link*) of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” effective effective date August 29, 2018. The purpose of the Applicant’s Handbook ~~document~~ is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the

District's administration of the consumptive use permitting program.

(b) The following rules of the Florida Department of Environmental Protection:

1. Subsections 62-40.416(7), 62-40.416(8) and 62-40.416(9), F.A.C. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04446>), effective May 3, 2014, which are hereby incorporated by reference as of August 14, 2014. Subsections 62-40.416(7) and 62-40.416(8), F.A.C., are referenced in sections 3.3.2.1 and 3.3.2.2, respectively, and in Appendix G of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), subsection 62-40.416(9), F.A.C., is referenced in section 2.2.9 of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

2. Rules 62-41.400 – 62-41.402, F.A.C. (*insert link*), effective June 12, 2025, which are hereby incorporated by reference as of *effective date*. Rules 62-41.400 – 62-41.402, F.A.C., are referenced in section 2.3(j), and in Appendix J of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(c) No change.

(2) Copies of these documents are available without charge from sjrwmd.com and the following District offices:

District Headquarters

St. Johns River Water Management District

4049 Reid Street

Palatka, Florida 32177-2529

(386)329-4500

St. Johns River Water Management District

7775 Baymeadows Way, Suite 102

Jacksonville, Florida 32256

(904)730-6270

St. Johns River Water Management District

2501 S. Binion Road,

Apopka, Florida 32703

601 South Lake Destiny Road, Suite 200

Maitland, Florida 32751-7262

(407)659-4800

St. Johns River Water Management District

525 Community College Pkwy., S.E.

Palm Bay, Florida 32909

(321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118, 373.17, 373.227(5) FS. Law Implemented 373.042, 373.0421, 373.079, 373.083(5), 373.103, 373.109, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62, 373.805 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, 2-2-12, 9-16-12, 8-14-14, 11-3-15, 3-19-18, 7-1-18, 8-29-18,____.

40C-2.381 Permit Limiting Conditions.

(1) No change.

(2)(a) The Governing Board hereby determines and finds that the inclusion of the following standard limiting conditions on permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule:

1. through 7. No change.

8. ~~The permittee A District issued identification tag shall be prominently display an displayed identification tag~~ at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule 40C-2.401, F.A.C. If an identification tag is lost or becomes illegible, the permittee shall permanently affix ~~notify the District in the event that a replacement tag is needed.~~

9. through 15. No change.

(b) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1), 373.223, 373.239, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06, 2-2-12, 8-14-14, 11-3-15, ____.

40C-2.401 Identification Tags.

(1) Upon issuance of a consumptive use permit, the ~~Permittee Governing Board~~ shall affix to the pump, headgate, valve, or other withdrawal facility ~~issue~~ a permanent tag bearing a use identification number, ~~which tag shall, as identified by a condition of the permit, be prominently displayed at the site of withdrawal by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility.~~ If the permit covers several facilities such as a wellfield, the Permittee shall affix a tag to ~~shall be issued for each facility and attached thereto.~~

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.216 FS. Law Implemented 373.219 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.401, 40C-2.0401, Amended ____.

Proposed Amendments to the Applicant's Handbook, Consumptive Uses of Water

1.4.3.3 Modification of Permits Revised 11/3/15, 7/1/18, effective date

(a) A request for modification of a valid permit may be made by submitting a letter or an application form, as set forth in Subsection 1.4.3.3. Many permit modifications may be requested by submittal of a letter; however, the following permit modifications are specifically excluded from the letter modification process:

1. Requests to increase the duration of the consumptive use authorization, except for:

- a. Increases in duration that meet the criteria for a water conservation incentive permit extension under Subsection 1.4.3.3.1(c), ~~or~~
- b. Increases in duration that meet the criteria for a water supply development or water resource development project permit extension under Subsection 1.4.3.3.1(d), or

Renumber existing b. as c. No change.

2. through 6. No change.

(b) No change.

1.4.3.3.1 Letter Modification Revised effective date

(a) through (c) No change.

(d) A permittee may apply to extend the permit's duration through a letter modification request for up to ten years if the permittee proposes a new water supply development or new water resource development project using reclaimed water that meets the advanced waste treatment standards for total nitrogen and total phosphorous as defined in paragraph 403.086(4)(a), F.S. (2025), 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 an adopted recovery or prevention strategy provided ~~A permittee proposing to implement a water supply development or water resource development project pursuant to Paragraph 373.250(9)(b), F.S. (2024), shall receive a permit extension of up to 10 years for quantifiable water savings attributable to such new project when~~ the following conditions are met:

1. The permittee is in compliance with the permittee's consumptive use permit; and
2. The permittee demonstrates how the quantifiable groundwater or surface water savings associated with the new water supply development or water resource development project either meets water demands beyond the issued permit duration or is completed for the purpose of meeting the requirements of a prevention or recovery strategy established pursuant to ~~s~~Section 373.0421, F.S. (2025); and
3. The permittee demonstrates a reasonable-beneficial water demand for the permit's allocation through the term of the extension; and
4. The permittee submits a compliance report that contains sufficient data to maintain reasonable assurance that the initial conditions for permit issuance are met at the time of application for the modification. A District-approved compliance report as required under subsection 373.236(4), F.S. (2025), within 1 year prior to the extension request shall satisfy this requirement; and
5. For water supply development projects, the permit extension shall provide only for the modification of the duration of the permit and shall not be used to change the source of the allocation or increase the quantity; and
6. For water resource development projects, the permit extension shall provide for the modification of the duration of the permit and shall not be used to change the source of the allocation, but may be used to increase the quantity to no more than the new water resource development project offset. Nothing in this paragraph shall be construed to authorize the use of groundwater where otherwise restricted by rule or law; and
7. Multiple permit extensions may be requested to reflect quantifiable potable water offsets that will produce significant water savings over the term of the permit. However, in no case shall the cumulative duration of all extensions exceed ten years from the original permit expiration date; and
8. The specific duration of the extension, with a minimum of one year, shall be calculated based on the following factors: quantity of potable water offsets that will produce significant water savings, quantity of groundwater made available by the development of impact offsets, the duration for which the impact offset as defined in subparagraph 373.250(5)(a)1., F.S. (2025), addresses potential impacts to a minimum flow or minimum water level in prevention or recovery, the project implementation timeframe, ~~quantity of potable water offsets that produce significant water savings, the project implementation timeframe,~~ and the demonstration of water demand ~~based on projected growth,~~ as calculated at the time of the extension request, and
9. The new water supply or water resource development project has been completed and is operational prior to the extension being granted or will be completed and operational during the term of the original permit; and

10. The permittee provides documentation of the quantification of the amount of potable resources that will be saved through the use of reclaimed water for new water supply development projects, or the offset that will be provided to the source of water utilized by the permittee for new water resource development projects; and
11. The use of the reclaimed water must be in the ownership or control of the entity receiving the extended duration; and
12. A project shall be considered new when implemented during the term of the original permit and after the effective date of this rule.

Renumber existing (d) as (e) No change.

1.5 Permit Duration

1.5.1 No change.

1.5.2 Durations other than 20 Years:

Revised 7/1/18, effective date

(a) through (c) No change.

(d) An applicant is eligible for a permit duration of up to thirty years if the applicant proposes a new water supply development or water resource development project using reclaimed water that meets the advanced waste treatment standards for total nitrogen and total phosphorous as defined in paragraph 403.086(4)(a), F.S. (2025), as part of an application for consumptive use, provided ~~An applicant proposing to implement a water supply development or water resource development project pursuant to Subsection 373.250(9)(a), F.S. (2024), is eligible for a permit duration of up to 30 years for quantifiable water savings attributable to such new project when the following conditions are met:~~

1. The applicant submits sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit; and
2. The applicant demonstrates how the quantifiable ~~groundwater or surface water~~ savings of the source utilized by the applicant associated with the new water supply development ~~or~~ or water resource development project either meets water demands beyond a 20-year permit duration or is completed for the purpose of meeting the requirements of a prevention or recovery strategy established pursuant to ~~s~~Section 373.0421, F.S. (2025); and
3. The applicant demonstrates a reasonable-beneficial water demand for the permit's allocation through the permit duration; and
4. The specific permit duration shall be calculated based on the following factors: the quantity of potable water offsets that will produce significant water savings, quantity of groundwater made available by the development of impact offsets, the duration for which the impact offset as defined in subparagraph 373.250(5)(a)1., F.S. (2025), addresses potential impacts to a minimum flow or minimum water level in prevention or recovery, ~~quantity of potable water offsets that produce significant water savings,~~ the project implementation timeframe, and the demonstration of water demand ~~based on projected growth~~, as calculated at the time of the application ~~extension request~~; and

5. The new water supply or water resource development project will be completed and operational within the first 20-years of the issued permit duration; and
6. The applicant provides documentation of the quantification of the amount of potable resources saved through the use of reclaimed water for new water supply development projects, or the offset provided to the source of water utilized by the applicant for new water resource development projects; and
7. The use of the reclaimed water must be in the ownership or control of the entity receiving the extended duration; and
8. A project shall be considered new when completed and operational during the term of the permit and after the effective date of this rule.

2.3 **Reasonable-Beneficial Use Criteria** *Revised 11/3/15, 7/1/18, effective date*

The following criteria must be met, on an individual and cumulative basis, for a consumptive use to be considered reasonable-beneficial:

(a) through (i) No change.

(j) The use must be in accordance with rules 62-41.400 through 62-41.402, F.A.C. (see Appendix J).

5.1 **Standard Limiting Conditions** *Revised 11/3/15, 7/1/18, effective date*

The Board hereby determines and finds that the inclusion of the following standard limiting conditions on permits issued under Chapter 40C-2, F.A.C., are necessary in order to meet the requirements set forth in Subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule:

(a) through (g) No change.

(h) The permittee ~~A District issued identification tag shall be prominently display an displayed identification tag~~ at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule 40C-2.401, F.A.C. If an identification tag is lost or becomes illegible, the permittee shall permanently affix ~~notify the District in the event that a replacement tag is needed.~~

(i) through (o) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Mayton, Deputy General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, tmayton@sjrwmd.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2025

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 4, 2025