

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Maggard offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (17) is added to section 403.064,
7 Florida Statutes, to read:

8 403.064 Reuse of reclaimed water.—

9 (17) Within one year after the effective date of the
10 department rules addressing potable reuse required by s.
11 403.8531 or by July 1, 2023, whichever is earlier, each domestic
12 wastewater utility that disposes of effluent, reclaimed water,
13 or reuse water by surface water discharge shall submit to the
14 department a plan for eliminating nonbeneficial surface water
15 discharges within 5 years, except as otherwise provided in this
16 subsection. Each plan must be reviewed by the department and, if

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

17 approved, must be incorporated into the utility's operating
18 permit issued pursuant to s. 403.087.

19 (a) The plan must include:

20 1. The volume of effluent, reclaimed water, or reuse water
21 that will no longer be discharged into surface waters and the
22 date such discharges shall cease;

23 2. The volume of effluent, reclaimed water, or reuse water
24 that will continue to be discharged into surface waters in
25 accordance with the alternatives provided in subparagraphs (b)2.
26 and 3., and the level of treatment that the effluent, reclaimed
27 water, or reuse water will receive before being discharged into
28 a surface water by each alternative; and

29 3. As applicable, the volume of effluent, reclaimed water,
30 or reuse water that will continue to be discharged in accordance
31 with paragraph (c) and the level of treatment that the effluent,
32 reclaimed water, or reuse water will receive before being
33 discharged into a surface water.

34 (b) The department shall approve a plan if one or more of
35 the following conditions are met:

36 1. The plan eliminates surface water discharges from the
37 utility.

38 2. The plan will result in the utility's compliance with
39 the requirements of s. 403.086(7)(a) or s. 403.086(9).

40 3. The plan does not completely eliminate surface water
41 discharges, but provides an affirmative demonstration that:

Amendment No.

42 a. The remaining discharge is associated with an indirect
43 potable reuse project;

44 b. The remaining discharge is a wet weather discharge that
45 occurs in accordance with an applicable department permit;

46 c. The remaining discharge flows into a stormwater
47 management system and is subsequently withdrawn by a user for
48 irrigation purposes;

49 d. The utility operates domestic wastewater treatment
50 facilities with reuse systems that provide a minimum of 90
51 percent of a facility's annual average flow, as determined by
52 the department using monitoring data for the prior 5 consecutive
53 years, for reuse purposes authorized by the department; or

54 e. The remaining discharge provides direct ecological or
55 public water supply benefits, such as rehydrating wetlands or
56 implementing the requirements of minimum flows and levels
57 recovery or of a prevention strategy plan.

58 (c) The department shall also approve a plan which
59 demonstrates that:

60 1. It is technically, economically, or environmentally
61 infeasible for the utility to meet any of the conditions
62 provided in paragraph (b) within 5 years after submitting the
63 plan to the department;

64 2. Implementing such alternatives would create a severe
65 undue economic hardship on the community served by the utility,
66 as demonstrated by the impact to utility ratepayers, a lack of a

Amendment No.

67 reasonable return on investment, and the unaffordability of
68 implementing any combination of the alternatives; and

69 3. The plan provides a means to eliminate the discharge to
70 the extent feasible.

71 (d) The department shall approve or deny a plan within 9
72 months after receiving the plan. A utility may modify the plan
73 by amendment to the permit, but the department may not extend
74 the time within which a plan must be implemented.

75 (e)1. If the department approves a utility's plan, the
76 utility shall fully implement the approved plan by January 1,
77 2027. If a plan is not timely submitted by a utility or approved
78 by the department, the utility's domestic wastewater treatment
79 facilities may not dispose of effluent, reclaimed water, or
80 reuse water by surface water discharge after January 1, 2027.

81 2. If a utility has included a potable reuse project in
82 the plan and has implemented all other components of the plan,
83 the utility has until January 1, 2029, to implement the potable
84 reuse project.

85 (f) A utility that has had a plan approved by the
86 department pursuant to paragraph (c) shall prepare and submit to
87 the department an updated plan within one year of approval, and
88 annually thereafter until the utility is able to meet one or
89 more of the conditions provided in paragraph (b). The updated
90 annual plan must affirmatively demonstrate that the utility is
91 unable to meet any of the conditions provided in paragraph (b).

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

92 The department shall review the updated plans to verify that the
93 utility is unable to meet any of the conditions provided in
94 paragraph (b) and that the utility continues to meet the
95 conditions of paragraph (c). If the department determines that
96 the utility is able to meet any of the conditions provided in
97 paragraph (b) and the utility is no longer eligible for approval
98 under paragraph (c), the utility must submit a plan in
99 accordance with paragraph (b) within 9 months after receiving
100 notice of such a determination from the department, and the
101 utility must fully implement such plan within 5 years after
102 receiving an approval by the department.

103 (g) A domestic wastewater utility applying for a permit
104 for a new or expanded surface water discharge shall prepare a
105 plan in accordance with this subsection as part of the permit
106 application. The department may not approve a permit for a new
107 or expanded surface water discharge unless the plan meets one or
108 more of the conditions provided in paragraph (b).

109 (h) By December 31, 2023, and annually thereafter, the
110 department shall submit a report to the President of the Senate
111 and the Speaker of the House of Representatives that provides
112 the information that must be included in the plan pursuant to
113 paragraph (a) for each utility that submitted a plan pursuant to
114 this subsection during the preceding calendar year.

115 (i) This subsection does not apply to:

Amendment No.

116 1. A domestic wastewater treatment facility that is
117 located in a fiscally constrained county as described in s.
118 218.67(1).

119 2. A domestic wastewater treatment facility that is
120 located in a municipality that is entirely within a rural area
121 of opportunity as designated pursuant to s. 288.0656.

122 3. A domestic wastewater treatment facility that is
123 located in a municipality that generates less than \$10 million
124 in total revenue, as determined by the municipality's most
125 recent annual financial report submitted pursuant to s. 218.32.

126 (j) This subsection may not be construed to exempt a
127 utility from the requirements of water quality standards for
128 surface waters, including groundwater discharges that flow by
129 interflow and affect water quality in surface waters.

130 Section 2. Section 403.8531, Florida Statutes, is created
131 to read:

132 403.8531 Potable reuse.—

133 (1) LEGISLATIVE INTENT.—Recognizing that sufficient water
134 supply is imperative to the future of this state, it is the
135 intent of the Legislature that potable reuse be used as a source
136 of water that may assist in meeting future water supply demands.
137 Further, the Legislature supports the use of reclaimed water for
138 potable reuse purposes so long as such use occurs in a manner
139 that protects the public health and environment.

140 (2) DEFINITIONS.—As used in this section, the term:

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

141 (a) "Advanced treated reclaimed water" means the water
142 produced from an advanced water treatment process for potable
143 reuse applications.

144 (b) "Advanced treatment technology" means the treatment
145 technology selected by a utility to address emerging
146 constituents and pathogens in reclaimed water as part of a
147 potable reuse project.

148 (c) "Direct potable reuse" means the introduction of
149 advanced treated reclaimed water into a raw water supply
150 immediately upstream from a drinking water treatment facility or
151 directly into a potable water supply distribution system.

152 (d) "Emerging constituents" means pharmaceuticals,
153 personal care products, and other chemicals not regulated as
154 part of drinking water quality standards.

155 (e) "Indirect potable reuse" means the planned delivery or
156 discharge of reclaimed water to groundwater or surface waters
157 for the development of, or to supplement, the potable water
158 supply.

159 (f) "Off-spec reclaimed water" means reclaimed water that
160 does not meet the standards for potable reuse.

161 (g) "Potable reuse" means the augmentation of a drinking
162 water supply with advanced treated reclaimed water from a
163 domestic wastewater treatment facility.

164 (h) "Reclaimed water" has the same meaning as in s.
165 373.019.

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

166 (3) RULEMAKING.—The department shall initiate rulemaking
167 by December 31, 2020, to adopt rules to create and implement a
168 potable reuse program. Such rules may not take effect until
169 ratified by the Legislature. The rules shall:

170 (a) Implement the recommendations set forth in the Potable
171 Reuse Commission's 2020 report entitled "Advancing Potable Reuse
172 in Florida: Framework for the Implementation of Potable Reuse in
173 Florida."

174 (b) Require potable reuse projects to meet federal and
175 state drinking water and water quality standards, including, but
176 not limited to, the Clean Water Act, the Safe Drinking Water
177 Act, and water quality standards pursuant to chapter 403.

178 (c) Require potable reuse projects to be designed and
179 operated to ensure compliance with groundwater quality
180 standards.

181 (d) Require the point of compliance with drinking water
182 standards for potable reuse projects to be the final discharge
183 point for finished water from the water treatment facility.

184 (e) Create a public water supply permit application that
185 authorizes potable reuse. The permit shall:

186 1. Include the implementation of a log reduction credit
187 system using advanced treatment technology to meet pathogen
188 treatment requirements.

189 2. Require a public water supplier to submit an
190 engineering report as part of its public water supply permit

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

191 application for authorization of potable reuse that provides an
192 approach to meet the required pathogen treatment requirements.

193 3. Require a public water supplier to provide a level of
194 treatment or proposed approach to achieving log reduction
195 targets based on source water characterization that is
196 sufficient for a pathogen risk of infection which meets the
197 national drinking water criteria of less than 1 x 10⁻⁴ annually

198 (f) Provide a process for the use of appropriate treatment
199 technology to address emerging constituents in potable reuse
200 projects, as determined by the department. If a project requires
201 the use of advanced treatment technology, the required treatment
202 shall:

203 1. Be technically and economically feasible.

204 2. Provide flexibility in the specific treatment processes
205 employed to recognize different project scenarios, emerging
206 constituent concentrations, desired finished water quality, and
207 the treatment capability of the facility.

208 3. Be authorized for pathogen removal or reduction.

209 (g) Require appropriate monitoring to evaluate advanced
210 treatment technology performance, including the monitoring of
211 surrogate parameters and controls. Such monitoring may, as
212 determined by the department, occur before or after the advanced
213 treatment process, or both before and after, as appropriate.

214 (h) Provide off-spec reclaimed water requirements for
215 potable reuse projects which include the immediate disposal,

Amendment No.

216 temporary storage, alternative nonpotable reuse, or retreatment
217 or disposal of off-spec reclaimed water based on operating
218 protocols established by the public water supplier and approved
219 by the department.

220 (i) Provide industrial pretreatment requirements for
221 potable reuse projects, which must match the industrial
222 pretreatment requirements contained in chapter 62-625, Florida
223 Administrative Code, as of the effective date of this act. If
224 necessary, the department must require the utility operating a
225 potable reuse project to implement a source control program, and
226 the utility must identify the sources that need to be addressed.

227 (j) For direct potable reuse projects, require reclaimed
228 water to be included in the source water characterization for a
229 drinking water treatment facility and, if that source water
230 characterization indicates the presence of emerging constituents
231 at levels of public health interest, require appropriate
232 treatment technology to be used to address those emerging
233 constituents.

234 (k) For indirect potable reuse projects, require the
235 utility responsible for the project to select one or more
236 representative emerging constituents for monitoring and develop
237 an emerging constituent monitoring protocol that identifies
238 action levels associated with such emerging constituents.

239 1. If elevated levels of the representative emerging
240 constituent are detected, the utility shall report the elevated

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

241 detection to the department and investigate the source and cause
242 of such elevated emerging constituent.

243 2. The utility shall submit the monitoring protocol to the
244 department for review and approval and shall implement the
245 monitoring protocol as approved by the department.

246 3. If the monitoring protocol detects an elevated emerging
247 constituent, and if the utility's investigation indicates that
248 the use of reclaimed water is the cause of such elevated
249 emerging constituent, the utility must develop a plan to address
250 or remedy that cause.

251 4. The utility must submit its monitoring results, a
252 description of the source and cause of the elevated levels, and
253 any plan developed to address or remedy the cause to the
254 department. The department shall develop a process for the
255 review and approval of such plans.

256 (4) MEMORANDUM OF AGREEMENT.—By December 31, 2022, the
257 department and the water management districts shall develop and
258 execute a memorandum of agreement providing for the procedural
259 requirements of a coordinated review of all permits associated
260 with the construction and operation of an indirect potable reuse
261 project. The memorandum of agreement must provide that the
262 coordinated review will occur only if requested by a permittee.

263 (5) POTABLE REUSE PROJECT INCENTIVES.—To encourage
264 investment in the development of potable reuse projects by

Amendment No.

265 private entities, a potable reuse project developed as a
266 qualifying project pursuant to s. 255.065 is:

267 (a) Beginning January 1, 2025, eligible for expedited
268 permitting under s. 403.973; and

269 (b) Consistent with s. 373.707, eligible for priority
270 funding, in the same manner as other alternative water supply
271 projects, from the Drinking Water State Revolving Fund, under
272 the Water Protection and Sustainability Program, and for water
273 management district cooperative funding.

274 (6) CONSTRUCTION.—This section is not intended and may not
275 be construed to supersede s. 373.250(3).

276 Section 2. Section 403.892, Florida Statutes, is created
277 to read:

278 403.892 Incentives for the use of graywater technologies.—

279 (1) As used in this section, the term:

280 (a) "Developer" has the same meaning as in s. 380.031.

281 (b) "Graywater" has the same meaning as in s. 381.0065(2).

282 (2) To promote the beneficial reuse of water in the state,
283 a county, municipality, or special district shall:

284 (a) Authorize the use of residential graywater
285 technologies in their respective jurisdictions that meet the
286 requirements of this section, the Florida Building Code, and
287 applicable requirements of the Florida Department of Health and
288 that have received all applicable regulatory permits or
289 authorizations; and

Amendment No.

290 (b) Provide density or intensity bonuses to the developer
291 or homebuilder to fully offset the capital costs of the
292 technology and installation costs. If density or intensity
293 bonuses have already been provided to the developer or
294 homebuilder, then more air-conditioned, living floor space of
295 residential homes shall be provided to fully offset the capital
296 costs of the technology and installation costs.

297 (3) To qualify for the incentives, the developer or
298 homebuilder must certify to the applicable government entity as
299 part of its application for development approval or amendment of
300 a development order that:

301 (a) The proposed development has at least 25 single-family
302 residential homes that are either detached or multifamily
303 dwelling. This section does not apply to multifamily projects
304 over five stories in height.

305 (b) Each single-family residential home or residence will
306 have its own residential graywater system.

307 (c) It has submitted a manufacturer's warranty or data
308 providing reasonable assurance that the residential graywater
309 system will function as designed and includes an estimate of
310 anticipated potable water savings for each system. A submittal
311 of the manufacturer's warranty or data from a building code
312 official, government entity, or research institute that has
313 monitored or measured the residential graywater system that is
314 proposed to be installed for such development shall be accepted

Amendment No.

315 as reasonable assurance and no further information or assurance
316 is needed.

317 (d) The required maintenance of the graywater system will
318 be the responsibility of the single-family residential homeowner
319 or manufacturer.

320 (e) An operation and maintenance manual for the graywater
321 system will be supplied to the initial homeowner of each single-
322 family home. The manual must provide a method of contacting the
323 installer or manufacturer and must include directions to the
324 residential homeowner that the manual must remain with the
325 residence throughout the life cycle of the system.

326 (4) If subsection (3) has been met, the county or
327 municipality must include the incentives provided for in
328 subsection (2) when it approves the development or amendment of
329 a development order. The approval must also provide the process
330 the developer or homebuilder must follow to verify that such
331 systems have been purchased. Proof of purchase must be provided
332 within 180 days from the issuance of a certificate of occupancy
333 for such single-family residential home that is either detached
334 or under five stories.

335 (5) The installation of residential graywater systems in a
336 county or municipality in accordance with this section shall
337 qualify as a water conservation measure in a public water
338 utility's water conservation plan pursuant to s. 373.227. The
339 efficiency of such measure, as projected in paragraph (3)(c)

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

340 above, must be commensurate with the amount of potable water
341 savings estimated for each system provided by the developer or
342 homebuilder pursuant to paragraph (3)(c).

343 Section 4. (1) The department shall convene and lead one
344 or more technical advisory groups to coordinate the rulemaking
345 and review of rules required by s. 403.8531, Florida Statutes.
346 The technical advisory groups, which shall assist in the
347 development of such rules, must be composed of knowledgeable
348 representatives of a broad group of interested stakeholders,
349 including, but not limited to, representatives from the water
350 management districts, the wastewater utility industry, the water
351 utility industry, the environmental community, the business
352 community, the public health community, the agricultural
353 community, and consumers.

354 (2) In implementing s. 403.8531, Florida Statutes, as
355 created by this act, the Department of Environmental Protection,
356 in coordination with the technical advisory groups, shall:

357 (a) Revise the appropriate chapters in the Florida
358 Administrative Code, including chapter 62-610, Florida
359 Administrative Code, to ensure that all rules implementing
360 potable reuse are included in the drinking water regulations of
361 the Florida Administrative Code.

362 (b) Revise the definition of the term "indirect potable
363 reuse" provided in chapter 62-610, Florida Administrative Code,

Amendment No.

364 to match the definition provided in s. 403.8531, Florida
365 Statutes.

366 (c) Revise existing drinking water rules to include
367 reclaimed water as a source water for the public water supply
368 and require such treatment of the water as is necessary to meet
369 existing drinking water rules, including rules for pathogens.

370 (d) Ensure that, as rules for potable reuse projects are
371 implemented, r. 62-610.850, Florida Administrative Code, is
372 applicable.

373 (e) Review aquifer recharge rules, and, if revisions are
374 necessary to ensure continued compliance with existing public
375 health and environmental protection rules when reclaimed water
376 is used for aquifer recharge, adopt such rules.

377 Section 5. To further promote the reuse of reclaimed water
378 for irrigation purposes, the rules that apply when reclaimed
379 water is injected into a receiving groundwater that has 1,000 to
380 3,000 mg/L total dissolved solids are applicable to reclaimed
381 water aquifer storage and recovery wells injecting into a
382 receiving groundwater of less than 1,000 mg/L total dissolved
383 solids if the applicant demonstrates that it is injecting into a
384 confined aquifer, that there are no public supply wells within
385 3,500 feet of the aquifer storage and recovery wells, and that
386 it has implemented institutional controls to prevent the future
387 construction of public supply wells within 3,500 feet of the
388 aquifer storage and recovery wells. This section does not exempt

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

389 the reclaimed water aquifer storage and recovery wells from
390 requirements that prohibit causing or contributing to violations
391 of water quality standards in surface water, including
392 groundwater discharges that flow by interflow and affect water
393 quality in surface water.

394 Section 6. The Division of Law Revision is directed to
395 replace the phrase "the effective date of this act" wherever it
396 occurs in this act with the date the act becomes a law.

397 Section 7. The Legislature determines and declares that
398 this act fulfills an important state interest.

399 Section 8. This act shall take effect upon becoming law.

400

401

402

T I T L E A M E N D M E N T

403

Remove everything before the enacting clause and insert:
404 An act relating to reclaimed water; amending s. 403.064,
405 F.S.; requiring certain domestic wastewater utilities to
406 submit to the Department of Environmental Protection by a
407 specified date a plan for eliminating nonbeneficial surface
408 water discharge within a specified timeframe; providing
409 requirements for the plan; requiring the department to
410 approve plans that meet certain requirements; requiring the
411 department to make a determination regarding a plan within
412 a specified timeframe; requiring the utilities to implement
413 plans by specified dates; requiring certain utilities to

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

Amendment No.

414 submit updated annual plans until certain conditions are
415 met; requiring the department to submit an annual report to
416 the Legislature by a specified date; providing
417 applicability; providing construction; creating s.
418 403.8531, F.S.; providing legislative intent; providing
419 definitions; requiring the Department of Environmental
420 Protection to adopt specified rules; requiring the
421 department and the water management districts to develop
422 and execute, by a specified date, a memorandum of agreement
423 for the coordinated review of specified permits; providing
424 that potable reuse projects by private entities are
425 eligible for certain expedited permitting and funding
426 priorities; providing construction; creating s. 403.892;
427 providing definitions; requiring counties, municipalities,
428 and special districts to authorize graywater technologies
429 under certain circumstances and to provide incentives for
430 the implementation of such technologies; providing
431 qualifications for such incentives; requiring the
432 department to convene at least one technical advisory group
433 for specified purposes; providing for the composition of
434 the technical advisory group; requiring the department to
435 review reclaimed water, potable reuse, and drinking water
436 rules and revise them as necessary; requiring the
437 department to review aquifer recharge rules and revise them
438 as necessary; providing for the applicability of specified

297227 - h0715-strike.docx

Published On: 3/1/2020 4:20:39 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 715 (2020)

Amendment No.

439 | reclaimed water aquifer storage and recovery system
440 | requirements; providing a directive to the Division of Law
441 | Revision; providing a determination and declaration of
442 | important state interest; providing an effective date.