

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Maggard offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (17) of section 403.064, Florida Statutes, is renumbered as subsection (18) and amended, and a new subsection (17) is added to that section, to read:

403.064 Reuse of reclaimed water.—

(17) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating nonbeneficial surface water discharge by January 1, 2032, subject to the requirements

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14 of this section. The plan must include the average gallons per
15 day of effluent, reclaimed water, or reuse water that will no
16 longer be discharged into surface waters and the date of such
17 elimination, the average gallons per day of surface water
18 discharge which will continue in accordance with the
19 alternatives provided for in subparagraphs (a)2. and 3., and the
20 level of treatment that the effluent, reclaimed water, or reuse
21 water will receive before being discharged into a surface water
22 by each alternative.

23 (a) The department shall approve a plan that includes all
24 of the information required under this subsection as meeting the
25 requirements of this section if one or more of the following
26 conditions are met:

27 1. The plan will result in eliminating the surface water
28 discharge.

29 2. The plan will result in meeting the requirements of s.
30 403.086(10).

31 3. The plan does not provide for a complete elimination of
32 the surface water discharge but does provide an affirmative
33 demonstration that any of the following conditions apply to the
34 remaining discharge:

35 a. The discharge is associated with an indirect potable
36 reuse project;

37 b. The discharge is a wet weather discharge that occurs in
38 accordance with an applicable department permit;

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39 c. The discharge is into a stormwater management system
40 and is subsequently withdrawn by a user for irrigation purposes;

41 d. The utility operates domestic wastewater treatment
42 facilities with reuse systems that reuse a minimum of 90 percent
43 of a facility's annual average flow, as determined by the
44 department using monitoring data for the prior 5 consecutive
45 years, for reuse purposes authorized by the department; or

46 e. The discharge provides direct ecological or public
47 water supply benefits, such as rehydrating wetlands or
48 implementing the requirements of minimum flows and minimum water
49 levels or recovery or prevention strategies for a waterbody.

50
51 The plan may include conceptual projects under sub-subparagraphs
52 3.a. and 3.e.; however, such inclusion does not extend the time
53 within which the plan must be implemented.

54 (b) The department shall approve or deny a plan within 9
55 months after receiving the plan. A utility may modify the plan
56 by submitting such modification to the department; however, the
57 plan may not be modified such that the requirements of this
58 subsection are not met, and the department may not extend the
59 time within which a plan will be implemented. The approval of
60 the plan or a modification by the department does not constitute
61 final agency action.

62 (c) A utility shall fully implement the approved plan by
63 January 1, 2032.

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64 (d) If a plan is not timely submitted by a utility or
65 approved by the department, the utility's domestic wastewater
66 treatment facilities may not dispose of effluent, reclaimed
67 water, or reuse water by surface water discharge after January
68 1, 2028. A violation of this paragraph is subject to
69 administrative and civil penalties pursuant to ss. 403.121,
70 403.131, and 403.141.

71 (e) A domestic wastewater utility applying for a permit
72 for a new or expanded surface water discharge shall prepare a
73 plan in accordance with this subsection as part of that permit
74 application. The department may not approve a permit for a new
75 or expanded surface water discharge unless the plan meets one or
76 more of the conditions provided in paragraph (a).

77 (f) By December 31, 2021, and annually thereafter, the
78 department shall submit a report to the President of the Senate
79 and the Speaker of the House of Representatives which provides
80 the average gallons per day of effluent, reclaimed water, or
81 reuse water that will no longer be discharged into surface
82 waters by the utility and the dates of such elimination; the
83 average gallons per day of surface water discharges that will
84 continue in accordance with the alternatives provided in
85 subparagraphs (a)2. and 3., and the level of treatment that the
86 effluent, reclaimed water, or reuse water will receive before
87 being discharged into a surface water by each alternative and
88 utility; and any modified or new plans submitted by a utility

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89 since the last report.

90 (g) This subsection does not apply to any of the
91 following:

92 1. A domestic wastewater treatment facility that is
93 located in a fiscally constrained county as described in s.
94 218.67(1).

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

98 3. A domestic wastewater treatment facility that is
99 located in a municipality that has less than \$10 million in
100 total revenue, as determined by the municipality's most recent
101 annual financial report submitted to the Department of Financial
102 Services in accordance with s. 218.32.

103 4. A domestic wastewater treatment facility that is
104 operated by an operator of a mobile home park as defined in s.
105 723.003 and has a permitted capacity of less than 300,000
106 gallons per day.

107 (h) This subsection does not prohibit the inclusion of a
108 plan for backup discharges under s. 403.086(8)(a).

109 (i) This subsection may not be deemed to exempt a utility
110 from requirements that prohibit the causing of or contributing
111 to violations of water quality standards in surface waters,
112 including groundwater discharges that affect water quality in
113 surface waters.

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114 (18) (a) ~~(17)~~ By December 31, 2020, the department shall
115 initiate rule revisions based on the recommendations of the
116 Potable Reuse Commission's 2020 report "Advancing Potable Reuse
117 in Florida: Framework for the Implementation of Potable Reuse in
118 Florida." Rules for potable reuse projects must address
119 contaminants of emerging concern and meet or exceed federal and
120 state drinking water quality standards and other applicable
121 water quality standards. Reclaimed water is deemed a water
122 source for public water supply systems.

123 (b) The Legislature recognizes that sufficient water
124 supply is imperative to the future of the state and that potable
125 reuse is a source of water which may assist in meeting future
126 demand for water supply.

127 (c) The department may convene and lead one or more
128 technical advisory groups to coordinate the rulemaking and
129 review of rules for potable reuse as required under this
130 section. The technical advisory group, which shall assist in the
131 development of such rules, must be composed of knowledgeable
132 representatives of a broad group of interested stakeholders,
133 including, but not limited to, representatives from the water
134 management districts, the wastewater utility industry, the water
135 utility industry, the environmental community, the business
136 community, the public health community, the agricultural
137 community, and the consumers.

138 (d) Potable reuse is an alternative water supply as

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139 defined in s. 373.019, and potable reuse projects are eligible
140 for alternative water supply funding. The use of potable reuse
141 water may not be excluded from regional water supply planning
142 under s. 373.709.

143 (e) The department and the water management districts
144 shall develop and execute, by December 31, 2023, a memorandum of
145 agreement providing for the procedural requirements of a
146 coordinated review of all permits associated with the
147 construction and operation of an indirect potable reuse project.
148 The memorandum of agreement must provide that the coordinated
149 review will occur only if requested by a permittee. The purpose
150 of the coordinated review is to share information, avoid the
151 redundancy of information requested from the permittee, and
152 ensure consistency in the permit for the protection of the
153 public health and the environment.

154 (f) To encourage investment in the development of potable
155 reuse projects by private entities, a potable reuse project
156 developed as a qualifying project under s. 255.065 is:

157 1. Beginning January 1, 2026, eligible for expedited
158 permitting under s. 403.973.

159 2. Consistent with s. 373.707, eligible for priority
160 funding in the same manner as other alternative water supply
161 projects from the Drinking Water State Revolving Fund, under the
162 Water Protection and Sustainability Program, and for water
163 management district cooperative funding.

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164 (g) This subsection is not intended and may not be
165 construed to supersede s. 373.250(3).

166 Section 2. Section 403.892, Florida Statutes, is created
167 to read:

168 403.892 Incentives for the use of graywater technologies.-

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

170 (a) "Developer" has the same meaning as in s. 380.031(2).

171 (b) "Graywater" has the same meaning as in s.
172 381.0065(2) (e).

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

175 (a) Authorize the use of residential graywater
176 technologies in their respective jurisdictions which meet the
177 requirements of this section, the Florida Building Code, and
178 applicable requirements of the Department of Health and for
179 which a developer or homebuilder has received all applicable
180 regulatory permits or authorizations.

181 (b) Provide a 25 percent density or intensity bonus to a
182 developer or homebuilder if at least 75 percent of a proposed or
183 existing development will have a graywater system installed or a
184 35 percent bonus if 100 percent of a proposed or an existing
185 development will have a graywater system installed. The bonus
186 under this paragraph is in addition to any bonus provided by a
187 county, municipality, or special district ordinance in effect on
188 July 1, 2021.

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189 (3) To qualify for the incentives under subsection (2),
190 the developer or homebuilder must certify to the applicable
191 governmental entity as part of its application for development
192 approval or amendment of a development order that all of the
193 following conditions are met:

194 (a) The proposed or existing development has at least 25
195 single-family residential homes that are either detached or
196 multifamily dwellings. This paragraph does not apply to
197 multifamily projects over five stories in height.

198 (b) Each single-family residential home or residence will
199 have its own residential graywater system that is dedicated for
200 its use.

201 (c) The developer or homebuilder has submitted a
202 manufacturer's warranty or data providing reasonable assurance
203 that the residential graywater system will function as designed
204 and includes an estimate of anticipated potable water savings
205 for each system. A submission of the manufacturer's warranty or
206 data from a building code official, governmental entity, or
207 research institute that has monitored or measured the
208 residential graywater system that is proposed to be installed
209 for such development shall be accepted as reasonable assurance
210 and no further information or assurance is needed.

211 (d) The required maintenance of the graywater system will
212 be the responsibility of the residential homeowner.

213 (e) An operation and maintenance manual for the graywater

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214 system will be supplied to the initial homeowner of each home.
215 The manual shall provide a method of contacting the installer or
216 manufacturer and shall include directions to the residential
217 homeowner that the manual shall remain with the residence
218 throughout the life cycle of the system.

219 (4) If the requirements of subsection (3) have been met,
220 the county or municipality must include the incentives provided
221 for in subsection (2) when it approves the development or
222 amendment of a development order. The approval must also provide
223 for the process that the developer or homebuilder will follow to
224 verify that such systems have been purchased. Proof of purchase
225 must be provided within 180 days after the issuance of a
226 certificate of occupancy for single-family residential homes
227 that are either detached or multifamily projects under five
228 stories in height.

229 (5) The installation of residential graywater systems in a
230 county or municipality in accordance with this section shall
231 qualify as a water conservation measure in a public water
232 utility's water conservation plan under s. 373.227. The
233 efficiency of such measures shall be commensurate with the
234 amount of potable water savings estimated for each system
235 provided by the developer or homebuilder under paragraph (3)(c).

236 Section 3. To further promote the reuse of reclaimed water
237 for irrigation purposes, the rules that apply when reclaimed
238 water is injected into a receiving groundwater that has 1,000 to

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239 3,000 mg/L total dissolved solids are applicable to reclaimed
 240 water aquifer storage and recovery wells injecting into a
 241 receiving groundwater of less than 1,000 mg/L total dissolved
 242 solids if the applicant demonstrates that it is injecting into a
 243 confined aquifer, that there are no potable water supply wells
 244 within 3,500 feet of the aquifer storage and recovery wells,
 245 that it has implemented institutional controls to prevent the
 246 future construction of potable water supply wells within 3,500
 247 feet of the aquifer storage and recovery wells, and that the
 248 recovered water is being used for irrigation purposes. The
 249 injection of reclaimed water that meets the requirements of this
 250 section is not potable reuse. This section may not be construed
 251 to exempt the reclaimed water aquifer storage and recovery wells
 252 from requirements that prohibit the causing of or contribution
 253 to violations of water quality standards in surface waters,
 254 including groundwater discharges that flow by interflow and
 255 affect water quality in surface waters.

256 Section 4. The Legislature determines and declares that
 257 this act fulfills an important state interest.

258 Section 5. This act shall take effect upon becoming a law.

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

262 Remove everything before the enacting clause and insert:

263 A bill to be entitled

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264 An act relating to reclaimed water; amending s.
265 403.064, F.S.; requiring certain domestic wastewater
266 utilities to submit to the Department of Environmental
267 Protection by a specified date a plan for eliminating
268 nonbeneficial surface water discharge within a
269 specified timeframe; providing requirements for the
270 plan; requiring the department to approve plans that
271 meet certain requirements; requiring the department to
272 make a determination regarding a plan within a
273 specified timeframe; requiring the utilities to
274 implement approved plans by specified dates; providing
275 for administrative and civil penalties; requiring
276 certain utilities to submit updated annual plans until
277 certain conditions are met; requiring domestic
278 wastewater utilities applying for permits for new or
279 expanded surface water discharges to prepare a
280 specified plan for eliminating nonbeneficial
281 discharges as part of its permit application;
282 requiring the department to submit an annual report to
283 the Legislature by a specified date; providing
284 applicability; providing construction; authorizing the
285 department to convene and lead one or more technical
286 advisory groups; providing that potable reuse is an
287 alternative water supply and that projects relating to
288 such reuse are eligible for alternative water supply

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289 funding; requiring the department and the water
290 management districts to develop and execute, by a
291 specified date, a memorandum of agreement for the
292 coordinated review of specified permits; providing
293 that potable reuse projects are eligible for certain
294 expedited permitting and priority funding; providing
295 construction; creating s. 403.892, F.S.; providing
296 definitions; requiring counties, municipalities, and
297 special districts to authorize graywater technologies
298 under certain circumstances and to provide certain
299 incentives for the implementation of such
300 technologies; providing requirements for the use of
301 graywater technologies; providing that the
302 installation of residential graywater systems meets
303 certain public utility water conservation measure
304 requirements; providing for the applicability of
305 specified reclaimed water aquifer storage and recovery
306 well requirements; providing a declaration of
307 important state interest; providing an effective date.

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