

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">HB 691</a>	<b>COMPANION BILL:</b> <a href="#">SB 1228</a> (McClain)
<b>TITLE:</b> Spring Restoration	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Conerly, Duggan	<b>RELATED BILLS:</b> None
<b>FINAL HOUSE FLOOR ACTION:</b> 109 Y's 0 N's	<b>GOVERNOR'S ACTION:</b> Pending

### SUMMARY

#### Effect of the Bill:

The bill authorizes a domestic wastewater treatment facility with an approved plan for eliminating nonbeneficial surface water discharge to submit a request to the Department of Environmental Protection (DEP) to amend the plan to incorporate a reclaimed water project identified in an Outstanding Florida Springs recovery or prevention strategy. The bill requires DEP to approve such request if certain conditions are met.

#### Fiscal or Economic Impact:

None.

<a href="#">JUMP TO</a>	<a href="#">SUMMARY</a>	<a href="#">ANALYSIS</a>	<a href="#">RELEVANT INFORMATION</a>
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### ANALYSIS

#### EFFECT OF THE BILL:

HB 691 passed as [SB 1228](#). (Please note that bill section parentheticals do not contain hyperlinks to bill sections for Senate bills.)

The bill authorizes a [domestic wastewater treatment facility](#) with an approved [plan for eliminating nonbeneficial surface water discharge](#) to submit a request to the Department of Environmental Protection (DEP) to amend the plan to incorporate a [reclaimed water](#) project identified in an [Outstanding Florida Springs](#) (OFS) recovery or prevention strategy. (Section 1)

The bill requires DEP to approve the request within 60 days after receipt of the request if all of the following conditions are met:

- The identified use of reclaimed water will benefit a [rural area of opportunity](#).
- The project will provide at least 35 million gallons per day of reclaimed water to benefit an OFS.
- The project involves more than one domestic wastewater treatment facility.
- The project implementation and surface water discharge elimination schedule meets the requirements for minimum flows and minimum water levels adopted for an OFS and has an implementation date of no later than January 1, 2039. (Section 1)

Subject to the Governor's veto powers, the effective date of the bill is July 1, 2025. (Section 2)

### RELEVANT INFORMATION

#### SUBJECT OVERVIEW:

##### Wastewater

The proper treatment and disposal or reuse of domestic wastewater<sup>1</sup> is an important part of protecting Florida's water resources. A person generates approximately 100 gallons of domestic wastewater per day.<sup>2</sup> This wastewater

<sup>1</sup> "Domestic wastewater" means wastewater principally from dwellings, business buildings, institutions, and sanitary wastewater or sewage treatment plants. Section [367.021\(5\), F.S.](#)

<sup>2</sup> DEP, *Domestic Wastewater Program*, <https://floridadep.gov/water/domestic-wastewater> (last visited Mar. 4, 2025).

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**DATE:** 5/7/2025

must be managed to protect public health, water quality, fish, wildlife, and recreational opportunities upon the state's waterways.<sup>3</sup>

### **Domestic Wastewater Treatment Facilities**

The Department of Environmental Protection (DEP) regulates approximately 2,000 domestic wastewater facilities, which treat over 1.5 billion gallons per day of effluent<sup>4</sup> and reclaimed water.<sup>5,6</sup> Because domestic wastewater treatment facilities are stationary installations that are reasonably expected to be sources of water pollution, they must be operated, maintained, constructed, expanded, or modified with a permit issued by DEP.<sup>7</sup> Methods of disposal include reuse and land application systems, groundwater disposal by underground injection, groundwater recharge using injection wells, surface water discharges, disposal to coastal and open ocean waters, and wetland discharges.<sup>8</sup>

Most domestic wastewater treatment facilities must meet either basic disinfection or high-level disinfection requirements, dependent upon the type of discharge.<sup>9</sup> Domestic wastewater treatment facilities that discharge to surface waters<sup>10</sup> must also obtain a National Pollutant Discharge Elimination System (NPDES) permit, which is established by the federal Clean Water Act to control point source discharges.<sup>11</sup> NPDES permit requirements for most domestic wastewater facilities are incorporated into the DEP-issued permit.<sup>12</sup>

### **Water Use and Consumption**

Before using waters of the state,<sup>13</sup> a person must apply for and obtain a consumptive use permit (CUP) from the applicable water management district (WMD)<sup>14</sup> or DEP. The WMD or DEP may impose reasonable conditions necessary to assure that the proposed use is consistent with the overall objectives of the WMD or DEP and is not harmful to the water resources of the area.<sup>15</sup> To obtain a CUP, an applicant must establish that the proposed use of water is a reasonable-beneficial use,<sup>16</sup> will not interfere with any presently existing legal use of water, and is consistent with the public interest.<sup>17</sup>

It is possible for consumptive use to lower the flows and levels of water bodies to a point that the resource values are significantly harmed. To prevent this harm, the WMDs are responsible for identifying and establishing the limit

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<sup>3</sup> Section [403.021, F.S.](#)

<sup>4</sup> "Effluent" means water that is not reused after flowing out of any plant or other works used for the purpose of treating, stabilizing, or holding wastes. Rule 62-600.200(22), F.A.C.

<sup>5</sup> "Reclaimed water" means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. Rule 62-600.200(57), F.A.C.

<sup>6</sup> DEP, *General Facts and Statistics About Wastewater in Florida*, <https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida> (last visited Mar. 4, 2025).

<sup>7</sup> Section [403.087\(1\), F.S.](#)

<sup>8</sup> Rule 62-600.440(4), F.A.C.

<sup>9</sup> DEP, *Ultraviolet Disinfection for Domestic Wastewater*, <https://floridadep.gov/water/domestic-wastewater/content/ultraviolet-uv-disinfection-domestic-wastewater> (last visited Mar. 4, 2025).

<sup>10</sup> "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs is classified as surface water when it exits from the spring onto the earth's surface.

Section [373.019\(21\), F.S.](#) "Waters" means rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Section [403.031\(13\), F.S.](#)

<sup>11</sup> 33 U.S.C. s. 1342.

<sup>12</sup> DEP, *Wastewater Permitting*, <https://floridadep.gov/water/domestic-wastewater/content/wastewater-permitting> (last visited Mar. 5, 2025).

<sup>13</sup> "Waters in the state" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state. Section [373.019\(22\), F.S.](#)

<sup>14</sup> Section [373.216, F.S.](#); see Rules 40A-2, 40B-2, 40C-2, 40D-2, and 40E-2, F.A.C., for CUP permitting requirements.

<sup>15</sup> Section [373.219\(1\), F.S.](#); an individual solely using water for domestic consumption is exempt from CUP requirements.

<sup>16</sup> "Reasonable-beneficial use" means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner that is both reasonable and consistent with the public interest. Section [373.019\(16\), F.S.](#)

<sup>17</sup> Section [373.223\(1\), F.S.](#)

at which further water withdrawals would be significantly harmful to the water resources or ecology of the area, known as the minimum flow<sup>18</sup> or minimum level (MFL).<sup>19</sup>

### Outstanding Florida Springs

Springs are important for our understanding of the diverse functions of aquatic ecosystems.<sup>20</sup> Water quality of springs is an indicator of local conditions of the Floridan Aquifer, which is a source of drinking water for many residents of the state.<sup>21</sup> In addition, water flows in springs may reflect regional aquifer conditions.<sup>22</sup> Springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and economic value.<sup>23</sup>

In 2016, the Florida Legislature passed the Florida Springs and Aquifer Protection Act<sup>24</sup> (act) and identified 30 Outstanding Florida Springs (OFSs) that require additional protections to ensure their conservation and restoration for future generations.<sup>25</sup> OFSs include all historic first magnitude springs and the following additional springs, including their associated spring runs: De Leon Springs, Peacock Springs, Poe Springs, Rock Springs, Wekiwa Springs, and Gemini Springs.<sup>26</sup> The act required MFLs to be established for each OFS.<sup>27</sup> For OFSs identified on a WMD's priority list that have the potential to be affected by withdrawals in an adjacent WMD, the adjacent WMD and DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.<sup>28</sup>

The WMDs or DEP, as applicable, must adopt a recovery or prevention strategy for OFSs that, at the time an MFL was adopted or revised, is below, or is projected within 20 years to fall below, the MFL.<sup>29</sup> A recovery or prevention strategy for each OFS, must, at a minimum, include:

- A listing of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- For each listed project, the estimated cost of and the estimated date of completion;
- The source and amount of financial assistance to be made available by the WMD for each listed project;<sup>30</sup>
- An estimate of each listed project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of a recovery or prevention strategy.<sup>31</sup>

For OFSs, DEP was required to adopt uniform rules for issuing permits, which prevent groundwater withdrawals that are harmful to the water resources.<sup>32</sup> The rule must include a uniform definition of the term "harmful to the water resources" to provide WMDs with minimum standards necessary to be consistent with the overall water policy of the state.<sup>33</sup> DEP initiated rulemaking, but has not adopted a rule.<sup>34</sup>

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<sup>18</sup> The minimum flow for a given watercourse is the limit at which further water withdrawals would be significantly harmful to the water resources or ecology of the area. Section [373.042\(1\)\(a\), F.S.](#)

<sup>19</sup> Section [373.042\(1\), F.S.](#)

<sup>20</sup> DEP, *Outstanding Florida Springs (OFS)*, <https://floridadep.gov/owper/water-policy/content/outstanding-florida-springs-ofs> (last visited Mar. 6, 2025).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> DEP, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Mar. 5, 2025).

<sup>24</sup> Ch. 2016-1, L.O.F.

<sup>25</sup> Section [373.802\(4\), F.S.](#)

<sup>26</sup> *Id.*

<sup>27</sup> Section [373.042\(2\), F.S.](#)

<sup>28</sup> Section [373.042\(2\)\(b\), F.S.](#)

<sup>29</sup> Section [373.805\(1\), F.S.](#)

<sup>30</sup> The financial assistance cannot be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost. The Northwest Florida WMD and the Suwannee River WMD are not required to meet these minimum requirements. Section [373.805\(4\)\(d\), F.S.](#)

<sup>31</sup> Section [373.805\(4\), F.S.](#)

<sup>32</sup> Section [373.219\(3\), F.S.](#)

<sup>33</sup> *Id.*

<sup>34</sup> On December 10, 2024, DEP noticed a proposed rule for CUPs impacting OFS or their spring runs. Florida Department of State, *Notice 29054330*, [https://flrules.org/Gateway/View\\_notice.asp?id=29054330](https://flrules.org/Gateway/View_notice.asp?id=29054330) (last visited Mar. 6, 2025).

## **Water Conservation**

The Legislature has recognized that the proper conservation of water is an important means of achieving the economical and efficient utilization of water necessary, in part, to constitute a reasonable-beneficial use.<sup>35</sup> As such, public water supply utilities can provide a goal-based water conservation plan when applying for a consumptive use permit.<sup>36</sup>

## **Reclaimed Water**

Reclaimed water is wastewater that has been disinfected<sup>37</sup> and received treatment sufficient to achieve certain effluent limitations so that the resulting high-quality water may then be reused for beneficial purposes.<sup>38</sup> DEP establishes effluent limitations, which are limits on chemical, physical, biological, or other constituents that are discharged into waters of the state.<sup>39</sup>

## **Reuse of Reclaimed Water**

Reuse of reclaimed water can replace using potable water in certain circumstances, allowing the state to conserve potable water.<sup>40</sup> This is particularly important for Florida because the majority of the population lives near the coast where groundwater supplies are limited and are particularly vulnerable to saltwater intrusion.<sup>41</sup> Florida is a national leader in water reuse, and in 2023, at least 891 million gallons per day (mgd) of reclaimed water were used for beneficial purposes.<sup>42</sup> Using 891 mgd of reclaimed water is estimated to have avoided the use of over 154 billion gallons of potable quality water while adding more than 94 billion gallons back to available ground water supplies.<sup>43</sup> Reclaimed water can be reused for a number of purposes, including:

- Irrigation of golf courses, parks, residential properties, highway medians, and other landscaped areas.
- Urban uses such as toilet flushing, car washing, dust control, and aesthetic purposes such as decorative lakes, ponds, and fountains.
- Agricultural uses, such as irrigation of edible food crops such as citrus, corn, and soybeans; pasture lands, grasslands, and other feed and fodder crops; and irrigation at nurseries.
- Wetlands creation, restoration, and enhancement.
- Recharging groundwater with the use of rapid infiltration basins, absorption fields, and direct injection to groundwaters.
- Augmentation of surface waters that are used for drinking water supplies.
- Industrial uses, including plant wash down, processing water, and cooling water purposes.<sup>44</sup>

## **Plans for Eliminating Nonbeneficial Surface Water Discharge**

In 2021, the Legislature passed SB 64,<sup>45</sup> which required all applicants for permits to construct or operate a domestic wastewater treatment facility to prepare a reuse feasibility study as part of their application for the permit.<sup>46</sup> Additionally, by November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed, or reuse water by surface water discharge were required to submit a plan to eliminate nonbeneficial surface water discharge by January 1, 2032, to DEP.<sup>47</sup> A facility may continue to discharge into surface waters if the discharge is associated with an indirect potable reuse project; the discharge is a wet weather discharge that has been approved

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<sup>35</sup> Section [373.227\(1\), F.S.](#)

<sup>36</sup> Section [373.277\(4\), F.S.](#)

<sup>37</sup> “Disinfection” means the selective destruction of pathogens in wastewater effluents, reclaimed water, and biosolids. Rule 62-600.200(18), F.A.C.

<sup>38</sup> Section [373.019\(17\), F.S.](#)

<sup>39</sup> Section [403.031\(3\), F.S.](#)

<sup>40</sup> DEP, *Reuse Facts*, <https://floridadep.gov/water/domestic-wastewater/content/reuse-facts> (last visited Mar. 5, 2025).

<sup>41</sup> *Id.*

<sup>42</sup> DEP, *Florida’s Reuse Activities*, <https://floridadep.gov/water/domestic-wastewater/content/floridas-reuse-activities> (last visited Mar. 5, 2025).

<sup>43</sup> *Id.*

<sup>44</sup> DEP, *Uses of Reclaimed Water* (last updated Sept. 6, 2023), <https://floridadep.gov/water/domestic-wastewater/content/uses-reclaimed-water> (last visited Mar. 5, 2025).

<sup>45</sup> Ch. 2021-168, L.O.F.

<sup>46</sup> Section [403.064\(2\), F.S.](#); certain facilities were exempt from preparing a feasibility study. Section [403.064\(5\), F.S.](#)

<sup>47</sup> Section [403.064\(16\), F.S.](#); certain facilities were not required to create and submit a plan. Section [403.064\(16\)\(g\), F.S.](#)

of in a permit granted by DEP; the discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes; or the discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of MFLs or recovery or prevention strategies for a body of water.<sup>48</sup> A plan that has been approved by DEP must be implemented by January 1, 2032.<sup>49</sup>

According to DEP’s 2023 Reuse Inventory Report,<sup>50</sup> a total of 380 domestic wastewater treatment facilities reported making reclaimed water available for reuse in 2023.<sup>51</sup> These facilities had a permitted wastewater treatment facility capacity<sup>52</sup> totaling 2,503 mgd and treated 1,620 mgd of domestic wastewater.<sup>53</sup> Approximately 891 mgd of reclaimed water from these facilities was reused for beneficial purposes.<sup>54</sup>

**Rural Areas of Opportunity**

A rural area of opportunity (RAO) is a rural community, or a region composed of rural communities, designated by the Governor that presents a unique economic development opportunity of regional impact or that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster.<sup>55</sup> The three designated RAOs are:

- The Northwest RAO, which includes Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington Counties, and the cities of Freeport, DeFuniak Springs, and Paxton;
- The South Central RAO, which includes DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties, and the cities of Pahokee, Belle Glade, South Bay, and Immokalee; and
- The North Central RAO, which includes Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union Counties.<sup>56</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2021	<a href="#">CS/SB 64</a>	Maggard	Albritton	The bill became law on June 29, 2021.

<sup>48</sup> Section [403.064\(16\)\(a\), F.S.](#)

<sup>49</sup> Section [403.064\(16\)\(c\), F.S.](#)

<sup>50</sup> DEP, *2023 Reuse Inventory*, available at <https://floridadep.gov/water/domestic-wastewater/documents/2023-reuse-inventory> (last visited Mar. 5, 2025).

<sup>51</sup> *Id.* at 7.

<sup>52</sup> A wastewater treatment facility capacity is the permitted capacity or maximum amount of wastewater that a wastewater treatment facility can treat, reported in mgd. *Id.* at 6.

<sup>53</sup> *Id.* at 7.

<sup>54</sup> *Id.*; activities included irrigation of golf courses, residential areas, public access areas, and agricultural lands; groundwater recharge; and wetlands recharge. *Id.* at 11.

<sup>55</sup> Section [288.0656\(2\)\(d\), F.S.](#)

<sup>56</sup> Walton County, *Rural Areas of Economic Opportunity*, <https://www.mywaltonfl.gov/1265/Rural-Areas-of-Economic-Opportunity> (last visited Mar. 13, 2025).