

be made pursuant to requirements in Chapter 40E-2, F.A.C., as applicable, and this Subsection.

1.5.2 Special Duration Factors

A. Unless revoked or otherwise modified, the duration of a water use permit issued pursuant to Chapter 40E-2, F.A.C., is the lesser of:

1. The duration established in Subsections C., D. or E., below;
2. The time period for which the applicant demonstrates that water will be needed to meet the projected demands and during which the conditions for issuance of a permit in Rule 40E-2.301, F.A.C., will be met;
3. The time period for which the applicant demonstrates legal control pursuant to Subsections 2.1.1, 2.1.2, and 2.1.3;
4. For aquifer remediations, the period shall not exceed that required to complete the operation as specified in the Remedial Action Plan approved by the state or local agency having legal jurisdiction over such activities or 20 years, whichever is less;
5. For independent secondary use permits within a diversion and impoundment system, the duration will not exceed the expiration date of the associated diversion and impoundment permit;
6. Where the permittee must implement an action to correct noncompliance with the previous consumptive use permit, the permit duration shall be based on the time period necessary to ensure the success of the mitigative or remedial action; or,
7. For general water use permits, the permit duration shall not exceed 20 years.

B. Sources of Limited Availability. For purposes of the Section, the following are Sources of Limited Availability:

1. Upper East Coast Regional Water Supply Planning Area: Surficial Aquifer System throughout the planning area and surface water in the Interior Martin County and Northwest Loxahatchee River Water Use Basins (see Chapter 40E-21, F.A.C., and Figures 3-1 and 3-2) to the extent that withdrawals induce seepage from the North Palm Beach County/Loxahatchee River Watershed Waterbodies.
2. Lower East Coast Regional Water Supply Planning Area: Surface water and Biscayne/Surficial Aquifer System to the extent that withdrawals result in induced seepage from the Central and Southern Florida Project and North

Palm Beach County/Loxahatchee River Watershed Waterbodies, except when stormwater discharge or wet season discharge occurs; Lake Okeechobee; Central and Southern Florida Project; the Caloosahatchee River/Canal; and the St. Lucie River/Canal.

3. Lower West Coast Regional Water Supply Planning Area: Water Table Aquifer, Lower Tamiami Aquifer, Sandstone Aquifer, mid-Hawthorn Aquifer.

C. The following uses shall receive a 20 year permit, if:

1. For uses from sources other than those listed in Subsections 1.5.2.B. 1 through 3 above, the allocation necessary to meet the 20 year demands is consistent with Chapter 40E-2, F.A.C., as applicable, provided that the demands are realized according to the schedule set forth in the permit, for the duration of the permit; or
2. The applicant is requesting a permit for "back-up" supplies addressing emergency or short-term interruption in service for reclaimed water end users per Subsection 2.2.4.C.1; or,
3. The applicant is requesting renewal of a permit from a source of limited availability identified in Subsection 1.5.2.B, above, and the following conditions are satisfied:
 - a. For all use classes, the allocation satisfies the requirements of Chapter 40E-2, F.A.C., as applicable, for the duration of the permit; and
 - b. For public water supply use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity necessary to meet the demands of the population existing at the time of permit renewal at the per capita rate approved under this Applicant's Handbook;
 - c. For the irrigation use class, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity of water necessary to irrigate historically irrigated acreage, including documented intermittent irrigated acreage, as determined by Subsection 2.3.2.C.1; or,
 - d. For other use classes, the quantity of water to be allocated for a 20 year duration permit shall not exceed that quantity approved under Chapter 40E-2, F.A.C., as applicable, and shall not exceed the allocation in the permit being renewed.

D. Requests for Allocations in Excess of Subsection 1.5.2.C.3, Permit Modifications, or Initial Permits from Sources of Limited Availability:

The baseline duration under this Subsection shall be five years or as otherwise provided below. The following factors shall be considered and balanced in determining the duration of a permit:

1. Whether the permit will require the permittee to perform mitigative or remedial action for an impact caused or projected to be caused by the water use. Consideration of this factor will lead to a permit duration appropriate for ensuring the success of the mitigative or remedial action;
2. Whether the permittee is proposing to implement innovative and extraordinary water conserving measures that are beyond those generally feasible for the subject use such that the proposed demands are significantly reduced from the source of limited availability as a result of the innovative and extraordinary water conserving measures, including best management practices associated with peak or high efficiency systems. Where the permittee proposes to implement innovative and extraordinary water conservation measures, consideration of this factor will lead to a longer duration than the applicable duration as an incentive for the investment in innovative and extraordinary water conservation;
3. Whether increased impacts of the requested allocation on the source of limited availability will be offset through the implementation of an alternative source. Consideration of this factor will lead to a longer duration;
4. Whether the requested allocation is supplied by a saline water source, consistent with the use of saline water in Subsection 3.4.1; or,
5. Whether the modification of the permit results in no more than a de minimis increase in impact to water resources and existing legal uses, as compared to the existing permit. Consideration of this factor will lead to a duration consistent with the permit being modified.

If only a portion of the requested allocation satisfies the conditions for a permit duration of 20 years or longer, the remaining allocation shall be approved for a shorter duration, as appropriate.

E

1. 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 the following conditions are met:

(a) 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

(b) The applicant demonstrates how the quantifiable savings of the source utilized by the applicant associated with the new water supply development 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 section 373.0421, F.S. (2025); and

(c) The applicant demonstrates a reasonable-beneficial water demand for the permit's allocation through the permit duration; and

(d) 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, the project implementation timeframe, and the demonstration of water demand, as calculated at the time of the application; and

(e) 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

(f) 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

(g) The use of the reclaimed water must be in the ownership or control of the entity receiving the extended duration; and

(h) 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 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 the following conditions are met:

- (a) The permittee is in compliance with the permittee's consumptive use permit; and
- (b) The permittee demonstrates how the quantifiable savings of the source utilized by the permittee 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 section 373.0421, F.S. (2025); and
- (c) The permittee demonstrates a reasonable-beneficial water demand for the permit's allocation through the term of the extension; and
- (d) 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
- (e) 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
- (f) 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
- (g) 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
- (h) 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, and the demonstration of water demand, as calculated at the time of the extension request, and

- (i) 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
- (j) 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
- (k) The use of the reclaimed water must be in the ownership or control of the entity receiving the extended duration; and
- (l) A project shall be considered new when implemented during the term of the original permit and after the effective date of this rule.

2.0 DEMONSTRATION OF WATER NEED, SOURCES, AND DEMAND

To receive a general or individual permit, an applicant must demonstrate that the proposed water use is a reasonable-beneficial use of water, as required by Section 373.223, F.S. In order to demonstrate that a water use is reasonable-beneficial, the applicant must show "need" for the water in the requested amount. This chapter describes the factors involved in determining whether there is need and for determining the appropriate permit allocation, or "demand," for a particular water use.

2.1 Demonstration of Water Need

Demonstration of "need" requires consideration of several factors, including: 1) legal control over the project site, facilities, and for public water supplies, the proposed service area, and 2) compatibility of the proposed water use with the land use at the project site or area to be supplied water. Demonstration of "demand" is dependent on the specific water use classification requirements set forth in Subsections 2.2 through 2.3.

2.1.1 Legal Control over Project Site

Applicants for irrigation, industrial, commercial, and dewatering general or individual permits must demonstrate the legal right to conduct the water use on the project lands or site. This is demonstrated through property ownership or other property interest, such as a leasehold, in the project site. Applicants are required to provide copies of legal documents demonstrating ownership or control of property. A demonstration of legal control throughout the requested permit duration must be provided. Permit duration shall be based on the time period of the legal interest in the property. The permit will expire upon termination of a non-renewable lease.

