WES-03 RECLAIMED WATER SERVICE AREAS
STAFF ANALYSIS

PROPOSAL INFORMATION			
SUBMITTING COUNTY:	Miami Dade		
SPONSOR CONTACT:	Raquel A. Regalado, Commissioner; raquel.regalado@miamidade.gov; 305-375-5680		
FAC COMMITTEE:	WES	**CROSS-CLAIMS:**	
FAC STAFF:	Peter Abello	**DATE:**	October 19th 2026

This staff analysis is based on the proposal as submitted and does not reflect an adopted position of the Florida Association of Counties.

POLICY PROPOSAL:

FAC supports legislation authorizing reuse utilities to establish Florida Department of Environmental Protection (DEP)-approved reclaimed water service areas; requiring applicants for new or modified individual consumptive use permits of 500,000 gallons per day or more within those areas to request and, when offered feasible service, use reclaimed water; and providing optional local assessment, bonding, and state or water management district cost-share tools to finance reclaimed water transmission, storage, and pumping infrastructure.

I. SUMMARY:

Miami-Dade County asks FAC to support legislation creating an optional framework for reclaimed water service areas, intended to connect more of Florida's treated wastewater to large water users. The proposal would allow reuse utilities to delineate DEP-approved service areas based on a licensed engineer's analysis of capacity, demand, and delivered cost. Within those areas, applicants for new or modified individual consumptive use permits of 500,000 gallons per day or more, other than for public water supply, agriculture, or aquaculture, would have to request reclaimed water service and use it when offered feasible service. Counties and municipalities could create assessment areas, levy assessments, and issue bonds to finance transmission, storage, and pumping facilities, and those facilities would be eligible for state and water management district funding assistance. No utility would be required to participate, and fiscally constrained counties and small or rural municipalities would be exempt unless they opt in.

II. PRESENT SITUATION:

Under current law, reusing reclaimed water is a state objective in the public interest (s. 403.064(1), F.S.). To advance that objective, the state requires reuse feasibility studies, authorizes local governments to establish their own reuse programs, and treats reclaimed water as an alternative water supply eligible for state and water management district assistance (ss. 403.064, 373.250(2), 373.707, and 403.890, F.S.). Even so, much of Florida's reclaimed water goes unused. According to DEP's 2025 Reuse Inventory, facilities statewide reused about 58 percent of the wastewater they treated, and actual reuse equaled only about 40 percent of permitted reuse capacity. In Miami-Dade County, facilities reused about 9 percent of the wastewater they treated.

Part of the reason is that current law ties the use of reclaimed water to infrastructure that already exists. Under s. 373.250(3)(a), F.S., reclaimed water is presumed available to a consumptive use permit applicant only when a reuse utility has uncommitted capacity and has already extended distribution lines to the applicant's site at its own cost. Within areas a utility expects to serve within five years, applicants must obtain documentation from the utility on whether reclaimed water is available (s. 373.250(4), F.S.). The 2026 large-scale data center law follows the same approach, requiring data centers to use reclaimed water only where lines reach the property boundary and use is feasible (s. 373.262, F.S.).

This creates a circular problem. A permit can direct a large water user to reclaimed water only after the lines are built, but a utility often needs committed demand and financing before it can build them. However, current law provides no uniform, engineering-based process for a utility to identify where reclaimed water could be delivered cost-effectively, and no way to connect a large user located beyond existing lines, even when that user's demand could make the extension economical. As a result, large water users beyond existing lines continue to draw on groundwater and surface water, even where reclaimed water could serve them.

III. EFFECT OF THE PROPOSAL:

The proposal would create an optional framework allowing reuse utilities to establish DEP-approved reclaimed water service areas. A utility that chooses to participate would delineate its service areas based on a licensed engineer's analysis of its uncommitted capacity, demand tiers, necessary facilities, and the cost of delivering reclaimed water compared with the utility's marginal cost of developing an alternative water supply. The resulting maps would be public and periodically updated. Fiscally constrained counties, rural areas of opportunity, and small municipalities would be exempt unless their reuse utility elects to participate.

Within an approved service area, applicants for new or modified individual consumptive use permits of 500,000 gallons per day or more would have to request reclaimed water service. The utility would respond with either a bona fide offer of service or a written statement that it cannot serve. The applicant would then use the offered supply when doing so is environmentally, economically, and technically feasible

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and sufficiently reliable. Utilities would keep their discretion over whether and whom to serve, and no utility would be required to construct facilities or serve a particular customer.

The proposal would also give local governments tools to finance the infrastructure needed to deliver reclaimed water. Counties and municipalities could establish reclaimed water assessment areas, levy proportionate assessments on benefited parcels, and issue bonds for eligible facilities. Transmission, storage, and pumping projects serving an approved area would be eligible for state and water management district funding assistance, including a potential cost-share waiver when a project replaces withdrawals from a constrained source.

IV. COUNTY IMPACT:

This proposal would assist counties that operate reuse utilities put more of their reclaimed water to use. By pairing predictable demand from large water users with mapped supply and dedicated financing, it would end the circular barrier in which lines cannot be built without committed users and users cannot be directed to reclaimed water without existing lines. Counties could extend service to major users located beyond existing lines when those users' demand makes the extension economical, improving the return on wastewater investments they have already made. A single user at the 500,000-gallon-per-day threshold could replace up to 182.5 million gallons of groundwater or surface water a year, reducing pressure on potable-quality sources. Because extension costs could be recovered through assessments on benefited properties and supported by state and water management district funding, counties could expand their reuse systems without placing the full cost on general utility customers.

Participation would be voluntary, and counties would keep their discretion over whether and whom to serve. A county that chooses to participate would need to support its service areas with a licensed engineer's analysis, obtain DEP approval, keep its maps public and periodically updated, and respond to service requests with either a bona fide offer or a written statement that it cannot serve. Fiscally constrained counties would be exempt unless their reuse utility elects to participate.

Protective of Home Rule: Yes.

V. FISCAL IMPACT:

- Indeterminate.
- Counties that operate reuse utilities and that opt in could bear the cost of engineering analysis and delineation. They would finance infrastructure through assessments on benefited parcels, bonds, or rates, as mentioned in proposal.

Unfunded Mandate (Art. VII, s. 18, Fla. Const.): No.

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VI. LEGISLATIVE & FAC HISTORY:

- 2026: CS/CS/SB 484 (Avila), ch. 2026-65, created s. 373.262, F.S. It requires reclaimed water for large-scale data centers when lines are available at the property boundary and use is feasible, and it directs OPPAGA to complete a data center study by July 1, 2027.
- Past FAC Statements: N/A
- Guiding Principles coverage: Water and Environmental Sustainability
- BoCC action: Miami-Dade County BoCC has voted to support the proposal.

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