

GRAYWATER BILL

New Adjustments Made to Graywater Statute, Offers Density and Intensity Bonuses to Developers and Homebuilders:

[House Bill 965](#) amends section 403.892, Florida Statutes, which provides incentives to homebuilders and developers who implement graywater technology systems in proposed or existing developments. The bill made several modest adjustments and clarifications to the existing law to address ambiguity that limited early implementation of the incentives.

Section 403.892 provides density or intensity bonuses to developers or homebuilders who install graywater reuse technologies under certain conditions. A developer or homebuilder can receive a 25 percent density or intensity bonus if at least 75 percent of a proposed or existing development will have graywater systems installed. The bonus increases to 35 percent if 100 percent of a proposed or existing development will have graywater systems installed. This bonus is cumulative, and “in addition to any bonus provided by a county, municipality, or special district ordinance in effect on July 1, 2021.”

To qualify, developments must have at least “25 single-family residential homes that are either detached or multifamily dwellings,” including apartments, five-stories in height or less. Additionally, each single family home or residence must have its own residential graywater system for dedicated use. The statute was previously silent as to the type of graywater system that satisfies this criterion for multifamily projects but HB 965 closed this gap. Now, for a multifamily project to qualify, each unit “will be serviced by its own residential graywater system dedicated for its use or by a master graywater collection and reuse system for the entire project.”

HB 965 makes clear that the “owner” is responsible for the graywater system’s maintenance. That responsibility was clarified to be the multifamily property owner where master systems are installed. This clarification comports with another amendment in HB 965, which states that a dwelling may be eligible for the bonuses regardless of whether it is occupied by an owner or not.

Once the statute’s criteria are met, the county or municipality *must* include the requisite density or intensity bonuses upon approval of the development or amendment of development order—it is not discretionary. Implementation of the bill is new to most jurisdictions, which can create questions regarding the proper approval, application, or procedure for implementation. Some development orders lend themselves to easier implementation, for example a site permit for a multifamily development permitted under an acceptable Euclidean zoning district. Implementation can be more challenging, for example where the bonus impacts an existing site plan or a project that has already undergone concurrency and impact fee offsets. For assistance in making use of the updated statute, [contact us](#). HB 965 was signed into law on June 24, 2022 and went into effect on July 1, 2022.