The Florida Section (section) of the American Water Works Association Water Utility Council (WUC) membership ranges from small water utilities serving a few hundred customers to those serving over a million customers who, combined, provide drinking water to over nine million Florida residents. While WUC membership is separate from that of AWWA utility membership, it’s available to all utilities and associated companies with interest in legislative and regulatory issues.

What the Water Utility Council Does

The WUC actively assists the section in meeting the challenges facing the water supply industry and provides a platform for water utilities to network and discuss common issues. A key element of the section’s strategic plan is to increase its involvement, credibility, and effectiveness with legislators and regulatory agencies. To meet this element, the WUC continues to expand its advocacy efforts at both the state and federal levels by developing effective alliances with other organizations. Through these alliances, the WUC develops legislative and regulatory policies to clearly define positions on specific issues related to drinking water utilities. The WUC’s continued success is a direct result of its members’ participation.

Before each legislative session, the WUC holds a Tallahassee Fly-In to reinforce our presence as the water (utility) experts. The past session’s Fly-In was held last year on November 5-6. A WUC dinner meeting kicked off the event in the Old Capitol Senate Chambers! Members discussed current and anticipated legislation and other areas of concern, and were provided talking points and other information for their legislative visits. Our guest speaker was Chris Pettit, director of the Office of Agricultural Water Policy (and a former WUC member).

On November 6, over 40 WUC members swarmed the Capitol building to meet various House and Senate members. Discussion topics included continued support (and a thank you) for alternative water supply (AWS) funding and State Revolving Funds (SRF), as well as additional water infrastructure funding. To increase accessibility, the WUC used a Senate room for meetings and we had one-on-one discussions in the members’ offices. A Drop Saver’s display was set up in the room to promote our water conservation education efforts. The WUC members also toured the current Senate chambers and attended several committee meetings. The Fly-In wrapped up with a “meet and greet” held at the Governor’s Club on Wednesday evening, which many legislators and their staff attended.

Current Legislative Session

After laying the groundwork in November, the WUC ramped up our Legislative Committee activities as the 2020 Legislative session that began this year on January 14. As anticipated, many bills were introduced that had potential impacts to our members. The WUC held weekly Friday calls to review the previous week’s legislative activities, as well as strategize and discuss actions needed to address many bills (at one point, the WUC was tracking over 55 of them!).

Let’s talk about what passed both the House and the Senate and will be presented to Gov. Ron DeSantis for signature:

First and foremost is the omnibus water quality bill, Senate Bill (SB) 712: Environmental Resource Management, which creates the Clean Waterways Act. While this bill mainly contains requirements that impact our counterparts on the wastewater side, it contains the following provisions relating to water utilities:

- For the water management districts (WMDs) to submit consolidated annual reports to the Office of Economic and Demographic Research.
- For the Florida Department of Environmental Protection (FDEP), in coordination with the WMDs, to conduct a study on the bottled water industry.
- Most significantly requires FDEP to initiate rule revisions for potable reuse based on the recommendations of the Potable Reuse Commission (PRC).
House Bill (HB) 101: Public Construction, revises retainage amounts a public entity can withhold from each progress payment from 10 to 5 percent.

SB 178: Public Financing of Construction Projects, prohibits state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study.

HB 279: Local Government Public Construction Works, revises local government bid processes, as well as project cost analysis and reporting, and requires auditor general reviews.

HB 441: Public Procurement of Services, revises the maximum dollar amount for continuing contracts for construction projects from $2 million to $4 million. It also revises the term "continuing contract" to increase certain maximum dollar amounts for several professional disciplines from $200,000 to $500,000.

SB 538: Emergency Reporting, requires the state’s division of emergency management to create a list of reportable incidents and certain events. The bill also requires a political subdivision to report incidents on the list to the state watch office. Importantly, current water and wastewater utilities’ reporting requirements did not change in this bill.

HB 1091: Environmental Accountability, which mostly impacts wastewater utilities, increases most state environmental fines and revises penalty structures. The bill also encourages counties and municipalities to establish a sanitary sewer lateral inspection program by a specified date.

The following bills did not make it through this year, but may appear again in 2021:

SB 1720: Florida Safe Drinking Water Act, which required FDEP to adopt and implement rules for statewide maximum contaminant levels (MCLs) for per- and polyfluoroalkyl substances (PFAS), Chromium-6, and 1,4-Dioxane. The FDEP was also required to set MCLs for “any other pollutants for which two or more states have set limits for or issued guidance on.”

SB 168: Drinking Water in Public Schools, focused on lead prevention in public schools’ drinking water with several provisions, including filter installation, primarily required for school boards and districts to implement.

HB 715: Reclaimed Water, which contained many of the final recommendations from PRC and also banned surface water discharges for many utilities across the state. Mandatory local government graywater implementation incentives were also included.

HB 147: Water Resources, required FDEP “to conduct a comprehensive and quantitative needs-based overview of this state’s water resources” including water and wastewater utility infrastructure needs.

While these four bills (and their companions) did not pass, the Legislature passed a record $93.2 billion 2021 budget. The budget contains $40 million for AWS projects around the state and $25 million for water quality improvements. In addition, over $76 million was dispersed for local government water projects; however, at the time of this writing, Gov. DeSantis has not received the budget to begin his review. Potentially, some items could be vetoed. In addition, the current coronavirus crisis may require future budget modifications.

Water Utility Council Actions With AWWA

Beyond Tallahassee activities, the WUC also tracks the federal government and Congress for important water-related regulatory and legislative issues. The AWWA D.C. office is critical to the water sector’s interests being advocated on Capitol Hill and at related agencies, such as the U.S. Environmental Protection Agency (EPA). The association’s efforts were especially important during EPA’s recent lead and copper revisions comment period. The WUC also provided comments to EPA to support AWWA’s comprehensive letter and add some Florida-specific topics.

The association also hosts an annual Water Matters Fly-In, where delegates from its sections around the U.S. brief congressional members on important water issues, such as SRF dollars. Unfortunately, the 2020 Fly-In was cancelled due to the coronavirus; however, the WUC will still be engaged with D.C.-related actions, especially the EPA’s new efforts to develop MCLs for PFAS.

Water Utility Council Leadership

The current WUC leadership is:

Chair - Kevin Carter, Broward County
Vice-Chair - Monica Autrey, Destin Water Users
Secretary/Treasurer - Tara Lamoureux, City of Casselberry
Past Chair and Legislative Chair - Lisa Wilson-Davis, Boca Raton
Regulatory Chair - Kevin Moran, Hillsborough County

The WUC’s work would not be possible without the great support of the section and the excellent leadership of Peggy Guingona, its executive director. The WUC also thanks and recognizes the great work of our Tallahassee team: Joanna Bonfanti and Greg Munson of Gunster, and Mark Thomasson with Littlejohn, Mann & Associates.

Please contact Kevin Carter, the WUC chair, at kcarter@broward.org if you have questions or comments.

As always, thank you to all our volunteers; the section would not be where it is today without all of your hard work. Everyone stay safe and healthy!