FWEA UC/FSAWWA UC Joint Meeting
Toho Water Authority
Kissimmee, FL
October 9, 2014
1:00 PM

Attendees:

Patricia DiPiero       Lee County Utilities
Brian Wheeler         TOHO
David Richardson      GRU
Lisa Wilson-David     City of Boca Rotan
Marjorie Craig        Polk County Utilities
Chuck Drake           Tetra Tech
Terri Lowery          Jones Edmunds
Doug Andrews          Marion County Utilities
Rob Teagarden         OUC
Chris Rader           City of Altamonte
Larry Elliott         Carollo Engineering
Jay Morris            CPH, Inc
Pat Lehman            PRWA
Dale Helms            Parsons Brinckerhoff
Jeff Greenwell        Hill Co PUD
Katie Ibarea          FWEAUC
David Childs          FWEAUC
Frank Bernardino      Anfield Consulting
Edgar G. Fernandez    Miami Dade
Ted McKim             Reedy Creek
Debbie Bradshaw       OUC
Paula Dye             Tampa Bay Water
Rich McLean           Pinellas County Utility
Bob Conner            Lakeland Water Utilities
Rich Hutton           GRU
Dennis Davis          Jones Edmunds
Suzanne Goss          JEA
Chris Pettit          PBCWD
David Hagan           Greeley & Hanson
Rob Bolton            City of Vero Beach
Richard Anderson      PRWA
Sandra Kiser          HDR
Lisa Wilson-Davis     Boca Rotan
Michael Sweeney       TOHO Water Authority
Chris Pettit          Palm Beach County
Lee Killinger         Anfield Consulting

ON the phone – Charlotte

Welcome/Introductions

Meeting began at 1: 40PM

Approval of Minutes – May 30th

- Motion Edgar Fernandez
- Second Brian Wheeler
- Approved Yes
Budget Update

In the bank is $115,000

- Motion Edgar Fernandez
- Second Brian Wheeler
- Approved Yes

Extension of Agreement with Anfield Consulting for Advocacy/Government Relations

Motion - Renew with a 1–year contract at $70,000

- Motion Rob Teagarden
- Second Brian Wheeler
- Approved Yes

Meeting Schedule Update

Save the Date - Fly In Tallahassee – Week of February 16th

UC Meeting - Champions Gate – December 2, 2014 2-4 PM

2030 Florida Water Summit – December 2, 2014 9 AM – 12 PM

Adjournment 2:00 pm
<table>
<thead>
<tr>
<th>NAME</th>
<th>REPRESENTING</th>
<th>EMAIL</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patty DiPiero</td>
<td>LCU</td>
<td><a href="mailto:dipierro@leegov.com">dipierro@leegov.com</a></td>
<td>321-533-3534</td>
</tr>
<tr>
<td>Peter G Fernandez</td>
<td>MOA</td>
<td><a href="mailto:gf@fiamiadadesign.com">gf@fiamiadadesign.com</a></td>
<td>786-552-8585</td>
</tr>
<tr>
<td>Ed McKim</td>
<td>PCD</td>
<td><a href="mailto:ed.mckim@disney.com">ed.mckim@disney.com</a></td>
<td>407-824-4846</td>
</tr>
<tr>
<td>David Richardson</td>
<td>GRU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debbie Bradshaw</td>
<td>OUC</td>
<td><a href="mailto:dbradshaw@ioc.com">dbradshaw@ioc.com</a></td>
<td>407/719-2350</td>
</tr>
<tr>
<td>Paula Dye</td>
<td>Tampa Bay Water</td>
<td><a href="mailto:pdye@tampabaywater.org">pdye@tampabaywater.org</a></td>
<td>727-796-2317</td>
</tr>
<tr>
<td>Marjorie Craig</td>
<td>Polk County Utilities</td>
<td><a href="mailto:Marjorie.Craig@Polk-County.net">Marjorie.Craig@Polk-County.net</a></td>
<td>863.298.7435</td>
</tr>
<tr>
<td>Rich McLean</td>
<td>Pinellas Co. UTL</td>
<td><a href="mailto:rmclean@co.pinellas.fl.us">rmclean@co.pinellas.fl.us</a></td>
<td>727 964 4203</td>
</tr>
<tr>
<td>Chuck Drake</td>
<td>Tetra Tech</td>
<td><a href="mailto:charles.drake@tetra-tech.com">charles.drake@tetra-tech.com</a></td>
<td>407256.7715</td>
</tr>
<tr>
<td>Bob Cower</td>
<td>Lakeview Water Utilities</td>
<td><a href="mailto:robert.cowner@lakelandgov.net">robert.cowner@lakelandgov.net</a></td>
<td>863 834 6289</td>
</tr>
<tr>
<td>Terri Lowery</td>
<td>Jones Edmunds</td>
<td><a href="mailto:tlowery@jonesedmunds.com">tlowery@jonesedmunds.com</a></td>
<td>352 871 7062</td>
</tr>
<tr>
<td>Rick Hutton</td>
<td>FSU</td>
<td><a href="mailto:huttonrh@gru.com">huttonrh@gru.com</a></td>
<td>352 393 1218</td>
</tr>
<tr>
<td>Doug Andrews</td>
<td>Marion County Utilities</td>
<td><a href="mailto:doug.andrews@marioncountyfl.com">doug.andrews@marioncountyfl.com</a></td>
<td></td>
</tr>
<tr>
<td>Dennis Davis</td>
<td>Jones Edmunds</td>
<td><a href="mailto:davis@jonesedmunds.com">davis@jonesedmunds.com</a></td>
<td>352-871-7039</td>
</tr>
<tr>
<td>Suzanne Goss</td>
<td>JEA</td>
<td><a href="mailto:goss@jea.com">goss@jea.com</a></td>
<td>904-665-8331</td>
</tr>
<tr>
<td>Rob Teegarden</td>
<td>OUC</td>
<td><a href="mailto:fteegarden1@oec.com">fteegarden1@oec.com</a></td>
<td>407 434-2570</td>
</tr>
<tr>
<td>Chris Rader</td>
<td>City of Altamonte</td>
<td><a href="mailto:crader@altamonte.org">crader@altamonte.org</a></td>
<td>407 571-8338</td>
</tr>
<tr>
<td>NAME</td>
<td>REPRESENTING</td>
<td>EMAIL</td>
<td>PHONE</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------</td>
<td>---------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Chris Pettit</td>
<td>PBCWUD</td>
<td><a href="mailto:epettit@pbcwater.com">epettit@pbcwater.com</a></td>
<td>561-493-6009</td>
</tr>
<tr>
<td>Larry Elliott</td>
<td>CAROLLO ENGINEERS</td>
<td><a href="mailto:Lelliott@carollo.com">Lelliott@carollo.com</a></td>
<td>407-478-4642</td>
</tr>
<tr>
<td>David Hogan</td>
<td>Greeley &amp; Hansen</td>
<td><a href="mailto:dhogan@greeley-hansen.com">dhogan@greeley-hansen.com</a></td>
<td>813-373-3616</td>
</tr>
<tr>
<td>Jay Morris</td>
<td>CPM, Inc.</td>
<td><a href="mailto:jmorris@cpm-inc.com">jmorris@cpm-inc.com</a></td>
<td>407-425-0452</td>
</tr>
<tr>
<td>Rob Bolton</td>
<td>City of Vero Beach</td>
<td>rh <a href="mailto:Bolton@covb.org">Bolton@covb.org</a></td>
<td>772-978-5220</td>
</tr>
<tr>
<td>Dale Helms</td>
<td>Parsons Brinckerhoff</td>
<td><a href="mailto:helms@pbworld.com">helms@pbworld.com</a></td>
<td>407-587-7825</td>
</tr>
<tr>
<td>Sandra Kiser</td>
<td>HDR</td>
<td><a href="mailto:SandraKiser@hdrinc.com">SandraKiser@hdrinc.com</a></td>
<td>407-420-4252</td>
</tr>
<tr>
<td>Jeff Greenwell</td>
<td>Hill Co., PUD</td>
<td><a href="mailto:jeff.greenwell@hilledco.org">jeff.greenwell@hilledco.org</a></td>
<td>863-612-7757</td>
</tr>
<tr>
<td>Lissa Winker-Davis</td>
<td>Boca</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keith Dociz</td>
<td>FWEU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Sweeney</td>
<td>TOHO Water Authority</td>
<td><a href="mailto:msweeney@tohowater.com">msweeney@tohowater.com</a></td>
<td>407-944-5129</td>
</tr>
<tr>
<td>David Childs</td>
<td>FWEA UC</td>
<td><a href="mailto:david@fweau.com">david@fweau.com</a></td>
<td>850-222-7706</td>
</tr>
<tr>
<td>Brian Wheeler</td>
<td>JWA</td>
<td><a href="mailto:bwheeler@tohowater.com">bwheeler@tohowater.com</a></td>
<td>407-944-5131</td>
</tr>
</tbody>
</table>
Utility Council Meeting
Toho Water Authority
Kissimmee, FL 34741

October 9, 2014

Information Packet

1. May 30, 2014 Meeting Minutes
2. Proposed Budget for 2015
3. Agreement with Anfield
FWEA Utility Council
Joint Meeting
October 9, 2014
9:00 AM

Toho Water Authority
951 Martin Luther King Blvd.
Kissimmee, FL 34741

Call-In Information
Call In: 407-944-5105

FWEA Utility Council Meeting – Business
9:00 a.m.

I. Approval of FWEA Utility Council Meeting Minutes
   a. August 22, 2014 Meeting Minutes
   b. September 10, 2014 Board Conference Call Minutes
   c. October 3, 2014 Board Conference Call Minutes

II. Budget & Dues

III. FDEP Day Follow-up

IV. Regulatory Update
   a. FDEP Bacterial TAC
   b. EPA Waters of the US
   c. Antidegradation Lawsuit
   d. NNC Update
   e. Septic Tanks

V. Administrator’s Report
   a. Next Meeting – December 8, 2014

Joint Utility Council Meeting
10:30 a.m.

VI. Regulatory Update
a. Springs Legislation
b. Water Infrastructure Funding
c. Reclaimed Water Study
d. Utility Line Relocation
e. Changes to CCA Continuing Services Contract
f. Ocean Outfalls
g. Legislative Issues

FSAWWA Utility Council – Business
1:00 p.m.

VII. Approval of FSAWWA Utility Council Meeting Minutes

VIII. Budget Update

IX. Extension of Agreement with Anfield Consulting for Advocacy/Government Relations

X. Membership Update

XI. Meeting Schedule Update

XII. Business Reports

XIII. Adjournment
May 30, 2014 Meeting Minutes
Minutes of the Joint meeting of the FWEA Utility Council and FSAWWA Utility Council are attached.

FSAWWA Utility Council Business Meeting actions are as follows.

1. Approval of FSAWWA Utility Council meeting minutes.
   a. August 22, 2013 Meeting Minutes approved with edits: Correction of attendance list; spelling of Lisa Wilson-Davis and addition of Chris Pettit (Palm Beach County Water Utilities Department) as an attendee.
   b. December 3, 2013 Meeting Minutes approved with edits: Correction of attendance list; spelling of Lisa Wilson-Davis.

2. Budget Update.

   Pat Lehman provided an update of the UC finances. The year 2013 ended with net revenue of $10,788. Finances are remaining status quo through 2014 to-date.

3. Regional Utility Council Meeting. Discussion on the interfacing and coordination of regional utility groups with the FSAWWA UC, such as the central Florida organization forming in the Orlando area. Pat Lehman and Rob Teegarden will coordinate developing a document to define the coordination to facilitate use of staff and information sharing.
Minutes of the 05/30/2014 FWEA Utility Council Meeting
Joint Meeting with FSAWWA Utility Council
Palm Beach County Utilities
West Palm Beach, Florida

Board Members in Attendance Include:
- Brian Wheeler, President
- Lisa Wilson-Davis, Vice President
- David Richardson*, Past President
- Donald Palmer*, Director at Large
- Ted McKim*, Director at Large
- Tom Rawls, Director at Large

UC Staff in Attendance Include:
- David Childs, Legal Counsel
- Winston Borkowski*, Legal Counsel
- Eric Olsen*, Legal Counsel
- Katie Ibarra, Administrator

*Via Telephone

Members in Attendance Include:
- Edgar Fernandez, Miami-Dade County
- Rob Teegarden, OUC
- Sondra Lee, City of Tallahassee
- Flip Melling, Marion County
- Tzufit Boyle, HDR
- Frank Bernardino, Antfield Consulting
- Brian Shields, Palm Beach County
- Chris Pettit, Palm Beach County
- Lauren Burack, City of Boca Raton
- Pat Lehman, PRMRWSA
- Michael Sweeney, Toho Water Authority
- Daniel Fisher, HDR
- Marjorie Craig, Polk County

Members Attending Via Teleconference:
- Jan McLean, City of Tampa
- Suzanne Goss, JEA
- Rich McLean, Pinellas County
- Sheri Lovely, Pinellas County
- Ted McKinley
- Greg Perrine, Jones Edmunds
- Rick Hutton, GRU
- Paul Davis, GRU
- Ed Cordova, JEA
- Lee Killinger
- Patti Dipiero, Lee County

I. Call to Order

Brian Wheeler called the meeting to order at 9:35 a.m. There is a quorum present.

II. Approval of FWEA Utility Council Meeting Minutes

The March 7, 2014 Regular Meeting Minutes were presented for approval.
A MOTION TO APPROVE THE FWEA UTILITY COUNCIL MEETING MINUTES FOR MARCH 7, 2014 WAS ENTERED BY TED MCKIM AND SECONDED BY DAVID RICHARDSON. ALL IN FAVOR. MOTION PASSED.

The April 9, 2014 Annual Meeting Minutes were presented for approval.

A MOTION TO APPROVE THE FWEA UTILITY COUNCIL MEETING MINUTES FOR APRIL 9, 2014 WAS ENTERED BY TOM RAWLS AND SECONDED BY TED MCKIM. ALL IN FAVOR. MOTION PASSED.

III. Legislative Review – David Childs

During the 2014 legislative session, the FWEA Utility Council closely followed the springs bill and the reclaimed water use study bill. The springs bill would have provided a big piece of funding to springs legislation. However, the bill became an unfunded mandate. This bill passed unanimously in the Senate but died in the House. It is anticipated that this bill will come back in the 2015 legislative session.

The Reuse Study Legislation passed. This study will look at stormwater and surface water reuse as well. It is anticipated that the report will be released in December 2015. The Utility Council will want to monitor this study closely and join the effort.

The Santa Fe River MFL, the first cross district MFL, legislation passed. However, there is pending legislation that may change the rule. If the rule changes it will have to go back through the legislative process.

Frank Bernardino praised Mr. Childs for his legislative work and praised how well the two associations worked together this legislative session. Mr. Bernardino also acknowledged municipalities who sent representatives to the Capitol to lobby for their utilities.

Mr. Bernardino highlighted a few other items the FSAWWA Utility Council monitored this legislative session:

- SB 218, Transportation: This bill provides Department of Transportation funding necessary to move water lines as necessary. DOT has impacted local utilities in the past and this bill acknowledges the cost to utilities.
- Government Ethics Bill: Beginning in July, any individual lobbying a water management district, whose principal role is governmental outreach, will be required to register as a lobbyist.
- HB 953, State Contracting: Past work experience is required to be considered when evaluating a proposal.
- HB 775, Move Over Act: Has been expanded to include utility vehicles.
- HB 7023, Economic Development: There has been a change to the application process in CDB grants.
- DOT Mitigation: amendment to the mitigation laws.
- Water Infrastructure Funding: Natural resources budget only went up 1%.

Mr. Killinger requested that the CCNA attorney general opinion continue to be monitored.

- Computer Crimes Bill: addresses computer crimes against utilities, language could be clearer.

The three major items for the 2015 Legislative Session will be springs legislation, water infrastructure funding and Amendment 1, Land and Water Constitutional Amendment.

As for water infrastructure funding, Mr. Bernardino believes that we are in a good climate to receive funding for water. He believes that Senate leadership will want to be proactive with regard to identifying where funds should be distributed. Under the current amendment, there are existing unfunded mandates that meet the criteria for funding. However, we should aim to expand revenue for water. The agriculture and environmental communities will be involved in the delegation of funds. We want to ensure that utilities have a say in the funding. A discussion ensued regarding the best places to use the funds.

Rick Hutton thanked Mr. Childs for his work on the springs bill. The springs bill means well but is misguided. Mr. Hutton has prepared talking points for our position regarding the springs legislation. The focus of the legislation is the causes of springs damage and argues that the best way to fix springs damage. The Utility Council’s position is that we should focus on each spring, identify causes of damage and support existing programs to improve springs. This legislation also required utilities to pay for septic tanks. Many utilities provided research on the real cost of installing septic tanks. The Utility Council is in favor of supporting the bill but has many changes to recommend.

IV. Budget & Dues – Donald Palmer

There are currently outstanding invoices in the amount of $14,641. After those invoices are paid, the Utility Council will have a current operating balance of $243,291.

V. Administrator’s Report – Katie Ibarra

The FY 2014-2015 Meeting Schedule has been presented for final comments. The proposed October 17 meeting date was changed to October 9.

The next meeting will be on July 11 and it will also include the NNC Workshop.
VI. NNC Implementation Workshop

Paul Steinbrecher is currently putting together a panel of speakers to discuss NNC Implementation.

VII. FSAWWA Utility Council Business

The FSAWWA Utility Council conducted their business portion of the meeting.

VIII. Regulatory Update

Bacterial Impairment Statewide TMDL – Ed Cordova / Winston Borkowski

DEP is updating its rules with respect to indicator organisms. Under the current procedure, DEP will list the waters they determine as impaired. The Utility Council has objected to the proposed rules for various reasons and DEP has been amenable to working with us. DEP would like to adopt a statewide TMDL rule to identify fecal indicator bacteria. Impaired waters would then be subject to a TMDL. Then a generic BMP would take effect. Many utilities already follow this practice. We are attempting to meet with DEP to identify what the BMPs would include. DEP has agreed to compromise on the rule and stated that if water is not identified as impaired then it would not be required to implement the system. We may be getting close to a rule the Utility Council members can live with.

Human Health Criteria – Winston Borkowski

EPA has release new human health criteria, which were extremely low. The Utility Council has been following this at the DEP level. DEP previously proposed criteria but has not yet developed a rule. EPA’s criteria are purely suggestions and DEP does not have to follow them. At the moment, there is no deadline for enactment of these criteria. The EPA is taking technical comments which are due on July 14. The Utility Council will also submit comments to DEP.

**THANK YOU TO PALM BEACH COUNTY FOR BREAKFAST AND LUNCH**

Waters of the US – David Childs

The EPA has proposed rules that will define the Waters of the United States. The rules have three main concepts: 1) defines the word tributary as having bed/bank and contributes to the flow of navigable water; 2) adjacency/neighboring waters; and 3) significant nexus. One positive aspect of the rule is that it maintains waste treatment exemptions.
Comments on the proposed rules are due by July 21. The Utility Council has requested an extension of the deadline. The Connectivity Report that rule is based on is not yet final. We requested that the Connectivity Report be completed before comments are due. We plan to focus on wetlands and reclaimed waters issues relating to this rule.

Santa Fe River Inter-District MFL

The Santa Fe River MFL legislation exempts the rules from legislative ratification. The rule has been challenged arguing that it contains grandfathering provisions for existing water uses and that is not consistent with current rules. Several stakeholders have intervened to support the rule at the Administrative Hearing yesterday. If the judge rules in favor of the rule, the rule will become effective.

Anti-Degradation Lawsuit

The Utility Council and DEP have both filed a motion to intervene which has not yet been heard. There was a mediation two weeks ago. The Utility Council was denied its motion for leave to participate in the mediation. DEP also attempted to file a motion to delay the mediation but that was denied as well.

Domestic Wastewater Facilities Rule Development – Chris Pettit

DEP is currently cleaning up the domestic wastewater facilities rules. DEP introduced new language and the Utility Council has provided comments on the rule. The Utility Council has reached out to DEP and DEP has delayed the meeting. Most of this rule is inconsequential, but there is some disconcerting language regarding sinkholes.

FDEP Cross-Connection Rulemaking – Lisa Wilson-Davis

The Cross-Connection Rule went into effect on May 1. The FSAWWA Utility Council worked closed with DEP on the effort. DEP will be checking for compliance during all sanitary sewer surveys. The 2017 report will require that the utilities report whether or not they meet the criteria. Ms. Wilson-Davis has requested a guidance memorandum from DEP.

CUPCon Rulemaking – Rob Teegarden & Brian Wheeler

The St. Johns River Water Management District is still attempting to revise the agreed upon rule and be inconsistent with the other water management districts. There is a hearing on the item on June 10. There is a small team of stakeholders working with the SJRWMD.

Caloosahatchee River Water Reservation Rules – Eric Olsen
The existing users are protected from the remainder of the permit as long as it is not contrary to public interest. They are now re-proposing that rule to remove the current protection existing users have.

**Reclaimed Water Study Workgroup**

Southeast Florida is going to engage utilities with outfall to participate in the workshop. DEP has reached out to some utilities to participate. DEP plans on preparing an interim report due out in December. Tom Beck and Janet Llewelyn are the DEP contacts. This item will be on the agenda for DEP Day.

**IX. Palm Beach County Welcome – Chris Pettit**

Mr. Pettit welcomed the members and provided a brief summary of Palm Beach County utilities.

**IX. Adjournment**

The meeting was adjourned at 1:45 p.m.
Proposed Budget for 2015
## Proposed Budget for Calendar Year 2015

### [October 9, 2014]

<table>
<thead>
<tr>
<th></th>
<th>2014 Budget</th>
<th>2014 Year To-Date [1]</th>
<th>2014 Projected</th>
<th>Proposed 2015 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fund Balance [Jan. 1]</strong></td>
<td>$99,720</td>
<td>$140,392</td>
<td>$87,875</td>
<td>$101,444</td>
</tr>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Membership Dues</td>
<td>$75,000</td>
<td>$29,000</td>
<td>$75,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>Drinking Water Day Sponsorship</td>
<td>$2,500</td>
<td>$0</td>
<td>$0</td>
<td>$2,500</td>
</tr>
<tr>
<td>Small Utility Assistance [from General Fund]</td>
<td>$5,000</td>
<td>$0</td>
<td>$0</td>
<td>$5,000</td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td>$82,500</td>
<td>$29,000</td>
<td>$75,000</td>
<td>$87,500</td>
</tr>
<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultants</td>
<td>($60,000)</td>
<td>($50,104)</td>
<td>($61,136)</td>
<td>($70,000)</td>
</tr>
<tr>
<td>Drinking Water Day</td>
<td>($2,500)</td>
<td>($3,009)</td>
<td>$0</td>
<td>($3,000)</td>
</tr>
<tr>
<td>AIF Water Forum</td>
<td>($2,500)</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>AWWA Fly-In</td>
<td>($1,000)</td>
<td>$0</td>
<td>$0</td>
<td>($1,000)</td>
</tr>
<tr>
<td>Marketing</td>
<td>($1,000)</td>
<td>($295)</td>
<td>($295)</td>
<td>($500)</td>
</tr>
<tr>
<td>Meetings</td>
<td>($500)</td>
<td>$0</td>
<td>$0</td>
<td>($500)</td>
</tr>
<tr>
<td>Small Utility Outreach Program</td>
<td>($5,000)</td>
<td>$0</td>
<td>$0</td>
<td>($5,000)</td>
</tr>
<tr>
<td>Miscellaneous/Contingencies</td>
<td>($10,000)</td>
<td>$0</td>
<td>$0</td>
<td>($5,000)</td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td>($82,500)</td>
<td>($53,409)</td>
<td>($61,431)</td>
<td>($85,000)</td>
</tr>
<tr>
<td><strong>Net for Year</strong></td>
<td>$0</td>
<td>($24,409)</td>
<td>$13,569</td>
<td>$2,500</td>
</tr>
<tr>
<td><strong>Fund Balance [Dec. 31]</strong></td>
<td>$99,720</td>
<td>$115,983</td>
<td>$101,444</td>
<td>$103,944</td>
</tr>
</tbody>
</table>

Agreement with Anfield
January 16, 2014

Frank Bernardino, Project Officer
Anfield Consulting Group, Inc.
324 East Virginia Street
Tallahassee, Florida 32301

Re: Agreement for Advocacy/Government Relations Services
Between the
Florida Section American Water Works Association and
Anfield Consulting Group, Inc.
Agreement Amendment for One (1) Year Extension for 2014

Dear Mr. Bernardino:

The FSAWWA desires to extend the above referenced agreement for a one (1) year period through calendar year 2014. In accordance with SECTION 5 of the agreement may be extended upon mutual written agreement of both parties and confirmed by execution of a new agreement, in writing, signed by both parties.

Should the extension of the Agreement be acceptable, please sign both copies of this letter and return one copy to me. This letter shall be attached and incorporated as part of the Agreement. All other provisions of the Agreement remain in place and unchanged.

Sincerely,

Carl R. Larrabee, Jr.
Chair, FSAWWA

[Signature]

1/16/14  
Date

Albert Balido
Principal, Anfield Consulting Group, Inc.

[Signature]

1/16/14  
Date
AGREEMENT FOR ADVOCACY/GOVERNMENT RELATIONS SERVICES BETWEEN
THE FLORIDA SECTION AMERICAN WATER WORKS ASSOCIATION
AND ANFIELD CONSULTING GROUP, INC.

This Agreement is made this 19th day of December, 2011 between the Florida Section American Water Works Association, hereinafter referred to as “FSAWWA” whose address is 1300 Ninth Street, Suite B-124, St. Cloud, Florida 34769 and Anfield Consulting Group, Inc. hereinafter referred to as “Consultant” whose address is 324 East Virginia Street, Tallahassee, Florida 32301.

WHEREAS, the American Water Works Association (AWWA) is an international nonprofit scientific and educational society dedicated to the improvement of water quality and supply.

WHEREAS, the FSAWWA represents the water industry and professionals in Florida as a Section of the AWWA; and

WHEREAS, the Utility Council (UC) is established within the FSAWWA to represent the specific interests of water supply utilities through their membership in the council;

WHEREAS, the UC recognizes the importance of protecting and ensuring the viability and sustainability of Florida’s water resources and develops legislative policies and initiatives; and

WHEREAS, the interests of utilities include legislative issues and regulatory issues; and

WHEREAS, the UC desires to retain a firm for the purpose of providing advocacy/government relations services before the State of Florida, including executive branch, state legislature and various state agencies and commissions on an as-needed and as-required basis to represent and promote the interests of the UC; and

WHEREAS, the UC has selected Consultant in accordance with FSAWWA procurement procedures; and

WHEREAS, Consultant desires to render advocacy/government relations services to the UC, and has the experience, staff and resources to perform those services.
NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

SECTION 1. DEFINITIONS

A. "Agreement" – This written document and the Agreement Documents set forth in Section 7 hereof, as it may be amended from time to time.

B. "Scope of Services" – Specific tasks and duties to be conducted by Consultant within the term of this Agreement for a specified fee.

C. "Submittal" – Schedules, reports and any other documents required for submission by the Agreement Documents.

D. "Written approval" or "written notice" – for the purposes of this agreement, written notice or written approval may include e-mail, except with regard to any extension or renewal of this Agreement, which must be done by execution of a new document signed by both parties.

SECTION 2. ENGAGEMENT OF CONSULTANT

The FSAWWA hereby agrees to engage Consultant, and Consultant hereby agrees to perform as-needed services as directed by the UC. Key personnel shall not be assigned or removed by Consultant without the prior written approval of the UC. Key personnel shall at the commencement of this Agreement be Frank Bernardino, Lee Killinger, and Albert Balido, each of whom shall register to represent the FSAWWA before both the Executive and Legislative branches of Florida government.

SECTION 3. SCOPE OF SERVICES

A. Consultant shall secure at its own expense, all personnel, facilities and equipment required to perform the services necessary to complete the Scope of Services.

B. Consultant shall maintain an adequate and competent professional staff appropriately certified/licensed and operating within the State of Florida.
C. Consultant shall designate in writing a single representative with whom the FSAWWA UC shall coordinate. This representative shall have the authority act on behalf of Consultant.

D. Consultant shall secure all licenses and registrations required by law to perform the Scope of Services.

E. Consultant shall, at all times, keep the UC advised as to the status of work performed under the Scope of Services. Documents obtained or generated under the Agreement shall be maintained by Consultant and made available to the FSAWWA upon request by the FSAWWA.

SECTION 4. FSAWWA'S RESPONSIBILITY

A. To designate the UC Chair to act on the FSAWWA's behalf with respect to this Agreement. The UC Chair shall have complete authority to transmit instructions, receive information, approve invoices and authorize payments thereon, and interpret and define FSAWWA’s policies and decisions pertinent to this Agreement. Consultant shall provide updates and information to, and receive direction from, the UC Chair, or designee, who shall disseminate the updates and information to the UC members and who shall coordinate with UC members with regard to direction to be given to Consultant.

B. The UC Chair may identify other designee(s) to work directly with Consultant on specific issues.

C. To provide information necessary or that may be helpful to Consultant in their performance of their duties.

SECTION 5. TERM OF AGREEMENT

A. The term of this Agreement is for one (1) year and may be extended for two (2) one (1) year periods upon mutual written agreement of both parties. Any extension must be confirmed by execution of a new agreement, in writing, signed by both parties.

B. Consultant shall commence work pursuant to this Agreement effective January 1, 2012.
SECTION 6. COMPENSATION

A. Compensation shall be a retainer/flat fee structure, of $60,000 for a 12-month period, payable in equal installments of $5,000 per month, with the first installment due upon effective date of this Agreement. The fee includes all overhead and day-to-day regular expenses, such as regular U.S. mail and telephone charges.

B. Reimbursable expenses include registration fees for key personnel to represent the FSAWWA before both the Executive and Legislative branches of Florida government, and actual costs of any travel required to attend meetings, conventions, or other events as requested by FSAWWA through the UC Chair, and any extraordinary expenses that may be incurred as a result of preparing special exhibits or documents to present to legislators, committees, agencies, etc. Consultant shall make reasonable attempts to confer with FSAWWA in advance of any reimbursable expense being incurred to seek approval.

SECTION 7. AGREEMENT DOCUMENTS

The documents which comprise the Agreement consist of the Agreement and the following documents, which are attached hereto and incorporated by reference:

A. Consultant’s “Statement of Qualifications” dated September 1, 2011, except as to those matters that are clearly intended to be amended by this Agreement, such as FSAWWA’s selection of the flat fee arrangement, rather than the hourly fee arrangement also set forth in the Statement of Qualifications.

SECTION 8. STANDARD OF PERFORMANCE

Consultant shall perform and complete all assigned work in a timely manner and in accordance with the standard of care, skill and diligence customarily provided by an experienced professional firm rendering the same services, and in accordance with sound principles and practices.
SECTION 9. ACKNOWLEDGEMENTS AND REPRESENTATIONS

The parties to this Agreement acknowledge and represent to one another the following:

A. Consultant and FSAWWA are each duly authorized to conduct business in the State of Florida.

B. In connection with the work to be performed under this Agreement, Consultant agrees to comply with any applicable provisions of State and Federal Equal Employment Opportunity statutes and regulations.

C. FSAWWA represents, and Consultant recognizes, that the FSAWWA is a non-profit organization.

D. Consultant and FSAWWA each have familiarized themselves with the nature and extent of this Agreement, their respective responsibilities under this Agreement, and federal and state laws, statutes, rules and regulations that may affect their performance of this Agreement.

E. Consultant and FSAWWA both have participated in the drafting and review of this Agreement and therefore in the event of any dispute the Agreement shall not be construed against either party as the drafter.

F. Consultant shall provide FSAWWA written notice of any new client they may be retained to represent before the Legislature or Executive Branch agencies throughout the term of this Agreement on issues related to matters of interest to FSAWWA and identify any potential conflict between positions of that client and positions of FSAWWA on those issues, so that any conflict may be identified and a resolution identified. In the event that a conflict is identified that cannot be resolved, either party may terminate this contract in accordance with Section 10 of this Agreement.

SECTION 10. TERMINATION OF THE AGREEMENT BY THE FSAWWA

The Agreement may be terminated by either party, with or without cause, upon thirty (30) days written notice. If the Agreement is so terminated, Consultant shall be paid for all services performed and
reimbursable expenses incurred pursuant to the terms and conditions of the Agreement, through the date of termination.

SECTION 11. EXTENT OF AGREEMENT

A. The Agreement represents the entire and integrated agreement between the FSAWWA and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral.

B. The Agreement may only be amended, supplemented, modified, changed or cancelled by a written instrument executed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement as of the day and year written above.

WITNESS:

[Signatures]

FLORIDA SECTION AMERICAN WATER WORKS ASSOCIATION

[Signature]

Rick Ratcliffe
Chair

Date: 1-11-12

WITNESS:

[Signature]

ANFIELD CONSULTING GROUP, INC.

[Signature]

Albert Balido
Principal

Date: 12-19-11
FSAWWA Legislative Committee Issue Paper

TITLE: Minimum Flows and Levels

PROPOSPONENT: Florida Section, American Water Works Association (FSAWWA"

ISSUE SUMMARY: Under current law (Part II of Chapter 373, Florida Statutes and implementing regulatory rules), regulatory authority over the consumptive use of water is primarily exercised through the Consumptive Use Permitting (CUP) program by the water management districts (WMDs), under the general supervision of the Florida Department of Environmental Protection (DEP).

Sections 373.042 and 373.0421, Florida Statutes, require DEP and WMDs to adopt Minimum Flows and Levels (MFLs) to protect the water resources and ecology of the State. The WMDs and DEP are required to identify water bodies in need of MFLs and to establish minimum flows or levels for the water bodies at the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. DEP or the WMDs are required to establish MFLs based on a priority list and schedule, which is updated annually by the applicable WMD and approved by FDEP. MFLs are calculated using best available information and consider natural seasonal fluctuations; non-consumptive uses; and environmental values associated with coastal, estuarine, riverine, spring, aquatic, and wetlands ecology. When the flow or level of water in a water body is below, or is projected to fall below an established MFL within a 20 year timeframe, the FDEP or WMD is required to expeditiously implement a recovery or prevention strategy as part of the applicable regional water supply plan.

WMDs use a variety of differing information and methodologies to scientifically establish the point beyond which additional withdrawals would result in significant harm. These differing methodologies have resulted in challenges and inconsistencies in implementation through the CUP framework, particularly when an MFL being established overlaps the jurisdiction of adjacent WMDs. Chapter 2013-299, Laws of Florida (originally SB 244) amended the statutory language regarding the establishment of MFLs to address these situations. Previously, a WMD could not use an MFL or recovery and prevention strategy adopted by a neighboring WMD without separately going through its own rulemaking process. Under the new statutory requirements, WMDs are required to annually submit to DEP a priority list and schedule for establishment of minimum flows and levels for waters within the district, as well as a list of those listed water bodies that have the potential to be affected by withdrawals in an adjacent district for which the department’s adoption of a water reservation pursuant to s. 373.224(4) or a minimum flow or level may be appropriate. The WMDs are also required to provide the DEP with technical information and staff support for the development of a reservation, minimum flow or level, or recovery or prevention strategy adopted by DEP.

The first utilization of the new statutory provisions occurred under the auspices of the North Florida Water Supply Partnership (NFWSP) to set an MFL for the Lower Santa Fe River. The NFWSP planning initiative is pursuing the creation of consisted and coordinated approaches to setting MFLs in the NFWSP geographic area and is coordinated by the...
Suwannee River and St. Johns River Water Management Districts. The MFL developed by DEP as a result of the NFWSP effort was successfully challenged at the Division of Administrative Hearings. The participating parties are currently awaiting next steps from the DEP and Water Management Districts.

The Central Florida Water Initiative (CFWI) effort includes the South Florida, Southwest Florida and St. Johns River Water Management Districts, as well as stakeholder representatives from local governments, utilities, agriculture, and environmental groups. The CFWI strives to develop standard methodologies for the establishment of MFLs and water reservations, a standard procedure to peer review MFLs and reservations, guidelines for using MFLs in water use permitting programs, water supply planning and water shortage determinations, measures for using MFLs and reservation criteria in evaluations of groundwater availability, and a collaborative process for updating priority water body lists for establishing new MFLs and reservations, and for re-evaluating adopted MFLs. The Regulatory and Solutions Sub-Groups for the CFWI are currently developing proposals for the implementation of the Final Draft Regional Water Supply Plan that was completed in April 2014.

Given the unique nature of both of the regional efforts, it is highly likely that the MFL frameworks generated in each effort will be dissimilar from each other, as well as the MFL approaches of each of the WMDs involved. Put simply, consistency in the development and implementation of MFLs will be difficult to achieve.

The MFL program has generally been considered a success. However, there have been a number of criticisms of the program that have the potential to lead to proposed legislation. Although the WMDs have adopted several hundred MFLs encompassing most waters of statewide significance such as the Floridan aquifer in south-central Florida, the Everglades and the St. Johns, Peace and Caloosahatchee Rivers, some groups believe the WMDs have not done enough to protect the water resource and criticize the WMDs for not adopting MFLs for locally significant water bodies. Recent attention and efforts have focused on springs, aquifers and sand lakes in the central and northern sections of the state. As a result, certain stakeholders are calling for legislatively mandated MFLs, specifically mandated protections for springs or in one case a statewide Floridan aquifer MFL. Additionally, state law requires the WMDs to consider “harm” to the water resources when issuing consumptive use permits, to set MFLs at the limit at which further withdrawals will result in “significant harm” to the water resources or ecology, and to implement water shortage (drought) requirements in a matter that will avoid “serious harm” to the water resource. These terms have not been defined in state law and have been interpreted inconsistently in the implementing regulatory rules adopted by the WMDs, leading to regulatory confusion and continued debate. Lastly, concerned stakeholders have objected to the establishment of MFLs for Outstanding Florida Waters (OFW) allowing for additional withdrawals in areas where the stakeholders feel “significant harm” has already occurred due to the violation of the OFW and anti-degradation sections of Florida’s Water Quality Standards.

During the 2014 session, a number of bills were proposed that would have impacted MFL development. Senator Soto and Representative Stewart introduced companion bills (SB 76/HB 49) entitled the Springs Revival Act that would have required each WMD to identify the first and second magnitude springs within the district that are in decline based on
The historic average water quality and flow levels and to develop a 5-year plan to restore historic average water quality and flow levels to the springs identified. The WMDs would also be required to submit a quarterly report on the progress of restoration to the Governor, Speaker of the House and Senate President. Additionally, Senator Simmons and a group of 4 other Senators introduced omnibus springs legislation (SB 1576) that would have overhauled water resource regulation and impacted areas well beyond its intended reach. Importantly, the bill introduced language that would have required MFLs for specific springs to be set and the "harm" (permitting) standard instead of the traditional "significant harm" standard currently contained in statute. Although the legislation drew significant legislation and went through several iterations, it is widely expected to be the starting point for similar legislation during the 2015 Legislative Session. The 2014 Legislation was duplicative of the established MFL and Total Maximum Daily Load (TMDL) programs already included in Florida law, and has the potential to complicate and confuse a currently effective statutory regime.

**LEGISLATIVE COMMITTEE POSITION:**

1. The establishment of additional laws regarding MFL development is unnecessary. The 2013 legislative amendments to Section 373.042, F.S., resolved the outstanding issue of inter-district MFLs, and the CFWI and NFWSL are working to resolve regional issues in their designated geographic areas of concern. The WMDs and FDEP are doing a good job with the limited financial and technical resources available to establish MFLs on a priority basis for the most important water bodies in the state of Florida. The water resources in areas without MFLs are adequately protected by general consumptive use permit standards that prevent harm to the water resource. Finally, once an MFL is established, if its determined the water body is currently below or within 20 years will be below the MFL, a recovery/prevention strategy will be simultaneously adopted to ensure attainment of the MFL as soon as practicable.

2. The establishment of a statewide Floridan aquifer MFL based on historic conditions or any other single level will adversely impact the ability of utilities to meet the public water supply needs of their customers. First, water levels vary geographically too greatly to justify a single statewide MFL. Second, an MFL based on specific historic conditions would require a drastic reduction in permitted use for most public suppliers, agriculture and industry in most parts of the state and would restrict use of the Floridan aquifer as an alternative water supply source in south Florida. Any MFL adopted by the Legislature for political reasons rather than good science could result in the unnecessary and prohibitively expensive development of alternative water supply sources without a corresponding benefit to the environment. Lastly, any Legislation requiring the establishment of MFLs for specific water bodies and the imposition of a moratorium on new, modified or renewed consumptive use permits until the new MFLs are adopted would prove disruptive to the water supply planning process.

3. The establishment of an additional statutory regime requiring restoration of any water body to historic average water quality and flow levels is complex, confusing, and duplicative of existing MFL and TMDL programs. The establishment of MFLs includes policy considerations, as well as an examination of climatic and anthropogenic changes, while the TMDL program already provides for the restoration of established water quality criteria.
Determination of historic water quality and flow levels neglects consideration of changes related to rainfall pattern vacillation and climate change factors such as sea level rise.

RECOMMENDED ACTIONS:

MONITOR and work with groups interested in resolving issues for legislation that will be introduced to require specific protection for springs and spring-fed rivers or to resolve the debates regarding the various harm variations currently lacking statutory definition and regulatory consistency.

OPPOSE any legislation that would impose a statewide MFL, prohibit the issuance of new, modified or renewed consumptive use permits until MFLs are adopted for locally significant water bodies or require unfunded mandates to achieve compliance with MFLs.

OPPOSE any legislation mandating a recovery of water bodies to “historic water quality and flow levels” within a specific time period or linking flow rates to specific water quality criteria.
FSAWWA Legislative Committee Issue Paper

TITLE: Consultants Competitive Negotiation Act (CCNA)

PROponent: Palm Beach County Utilities

ISSUE SUMMARY: Section 287.055, Florida Statutes, requires state government agencies, municipalities or political subdivisions, school boards and school districts, to select a consulting firm based on qualifications rather than on a "lowest bid" basis. The CCNA allows "continuing contracts," defined as contracts for professional services entered into in accordance with all the procedures of the CCNA whereby the firm provides professional services for which the estimated construction cost of each individual project under the contract does not exceed $2 million, the fee for professional services for each individual study under the contract does not exceed $200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

On December 18, 2013, the Attorney General's Office issued an advisory opinion (AGO 2013-28) in response to a question asking whether an entity was compliant with the CCNA if it awarded a contract for continuing services for professional services of a specified nature even if the estimated cost of an individual construction project exceeds $2 million. The AGO found that the entity would not be in compliance with the CCNA. In support, the AGO examined the legislative history of the CCNA, finding that "the Legislature intended, by amending the CCNA in 1988, to include monetary limitations on 'continuing contracts' in cases involving construction projects and to extend those monetary limitations to such 'continuing contracts' within the scope of the Act." The AGO then found that a continuing contract for "professional services of a specified nature as outlined in the contract" and containing individual construction projects in excess of the $2 million would be outside the scope of the "continuing contract" exception of the CCNA and would be subject to the other competitive procedures of the Act.

IMPACT TO FSAWWA MEMBERS: As utilities develop project management processes for the implementation of their CIPs, many project bundles will include construction projects in excess of the $2 million threshold. The accompanying requirement to undertake the competitive procedures of the CCNA for every project bundle can delay the ability of a utility to efficiently and effectively roll out projects for bid. This will result in the expenditure of additional resources and administrative costs to undertake the competitive procedures of the CCNA, delays in getting projects to the street, and negative impacts on those consultants that rely on utilities for consistent work.
LEGISLATIVE COMMITTEE POSITION: SUPPORT language amending the CCNA to raise the allowable thresholds for dollar thresholds under the CCNA or to allow for continuing contracts for professional services of a specified nature as outlined in a contract regardless of the costs of any individual construction project, subject to possible term limitations.

CURRENT BILL STATUS: Not filed

OPTION A:

(g) A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $25 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $2500,000, or, without being subject to the above monetary limitations, for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term, provided that the term of said contract is no longer than five (5) years and shall not exceed seven (7) years with extensions to complete work started during the term of the contract, or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

OPTION B:

(g) A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $2 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $200,000, or, without being subject to the above monetary limitations, for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term, provided that the term of said contract is no longer than five (5) years and shall not exceed seven (7) years with extensions to complete work started during the term of the contract, or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

OPTION C:

(g) A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $25 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $2500,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a
termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.
FSAWWA Legislative Committee Issue Paper

TITLE: Computer Crimes

PROPOSER: Palm Beach County Utilities

ISSUE SUMMARY: During the 2014 Legislative Session, the Legislature passed CS/CS/CS/HB 641 regarding Computer Crimes (Chapter No. 2014-208, Laws of Florida). The bill substantially amends Chapter 815, Florida Statutes, entitled the “Computer Crimes Act.” The bill added legislative intent language recognizing the proliferation of new technologies and their impact on computer related crimes. The bill additionally amends and creates several definitions, as well as creates new computer related offenses and exceptions to those offenses. Lastly, the bill creates new second and third degree felony offenses related to public utilities.

New Section 815.061, Florida Statutes provides for Offenses against public utilities. As used within the Section, “public utility” includes: a public utility as defined in Section 366.02, F.S. (electric or gas); utility as defined in Section 367.021, F.S. (water or wastewater utility); natural gas transmission company; person, corporation, etc. owning, operating, managing or controlling gas transmission or distribution facilities; and any separate legal entity created under Section 163.01, F.S., for the purpose of providing utility services in the state (power and electric). Local government owned water and wastewater are not expressly included in the definition of “public utility.”

Local government owned water and wastewater utilities are included in the definition of “utility” contained within Section 367.021, F.S. That section provides that: “Utility” means “a water or wastewater utility and, except as provided in s. 367.022, includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation.” However, Section 367.022, F.S., exempts water and wastewater systems “owned, operated, managed, or controlled by governmental authorities” from regulation by the Public Service Commission and the provisions of Chapter 367.

LEGISLATIVE COMMITTEE POSITION:

Government owned utilities may be better served by the inclusion of a provision expressly covering them within the definition of a public utility under Section 815.061, F.S., to avoid any linkage to Chapter 367, Florida Statutes.

RECOMMENDED ACTIONS:

SUPPORT language amending Section 815.061, F.S., to expressly include government owned water and wastewater utilities within the definition of a “public utility.”
FSAWWA Legislative Committee Issue Paper

TITLE: Utility Worker Safety

PROPOSED: Palm Beach County Utilities

ISSUE SUMMARY: Section 784.07, Florida Statutes, provides for the reclassification of a misdemeanor or felony degree of specified assault and battery offenses when those offenses are knowingly committed against law enforcement officers, firefighters, and other specified persons engaged in the lawful performance of their duties.

Utility workers perform their work on private and public property to ensure service connectivity for its customers. During certain events, such as traffic accidents, fires, hurricanes, etc., utility employees will work side by side with a variety of public service providers, such as law enforcement, fire fighters, emergency personnel, etc. Because of the nature of work performed by utility workers, companies prepare and train their employees for all types of hazards associated with their jobs, including dealing with hostile customers during service disconnects or storm events.

Local government and investor owned utilities throughout Florida have experienced an increase in the assault or battery upon their utility workers, such as robberies, physical harm, death threats, etc. in the course of performing their duties. Over the past few years, efforts have been made to add “utility workers” to the list of specified persons that is already defined in current law. By doing so, a felony or misdemeanor degree of certain assault and battery offenses against a utility worker engaged in the lawful performance of his or her duties would be treated in the same manner as if those offenses were committed against a law enforcement officer or firefighter engaged in the lawful performance of his or her duties. Utility worker was further defined to mean “any person employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service.” The efforts have met resistance from gun rights advocates and have thus far failed to pass.

Alabama and Missouri have recently passed legislation that is substantially similar to that sought by the Utility Council. Alabama SB 66 (2013) increased the penalties for threatening a utility worker, including cable and broadband workers, if those workers were within the scope of their official duties. Missouri HB 1516 (2011) was substantially similar to the language currently being proposed by the Utility Council. Both bills were supported by the gun rights groups in Alabama and Missouri. Outreach efforts have been undertaken to attempt to obtain correspondence from legislators and gun rights groups indicating the support of or lack of opposition to the legislation passed in the two states.

Attempts have been made to reach out to those groups opposing the bill without success.
IMPACT TO FSAWWA MEMBERS: Upon passage of the proposed legislation, penalties against an individual that commits an assault or battery against a utility worker would be elevated to the same level as the penalties for an individual that commits such an offense against a law enforcement officer, firefighter, and other specified person engaged in the lawful performance of their duties. The penalties would be as follows:

- In the case of assault, from a misdemeanor of the second degree (maximum of 60 days in a county jail) to a misdemeanor of the first degree (maximum of one year in a county jail);
- In the case of battery, from a misdemeanor of the first degree (maximum of one year in a county jail) to a felony of the third degree (maximum of 5-years state imprisonment);
- In the case of aggravated assault, from a felony of the third degree (maximum of 5-years state imprisonment) to a felony of the second degree (maximum of 15-years state imprisonment);
- In the case of aggravated battery, from a felony of the second degree (maximum of 15-years state imprisonment) to a felony of the first degree (maximum is generally 30-years state imprisonment); and
- Fines may also be imposed in accordance to the degree of the offense.

LEGISLATIVE COMMITTEE POSITION: SUPPORT IF FILED

CURRENT BILL STATUS: Not filed
FSAWWA Legislative Committee Issue Paper

TITLE: Utility Relocation Funding

PROPOONENT: Florida Section of American Water Works Assoc. (FSAWWA).

ISSUE SUMMARY: The need for water and wastewater infrastructure in Florida has been well documented in recent years. In a 2013 study the American Society of Civil Engineers found that Florida would need $32.40 billion dollars to meet its new drinking water and wastewater infrastructure by 2020. Similarly, in a 2007 report to Congress the Environmental Protection Agency (EPA) reported an additional need of $7.2 billion over the same time period to repair aging transmission and distribution infrastructure. These estimates do not even take into account the additional costs of enhancing and protecting the quality of waters in the State through the implementation of Total Maximum Daily Loads (TMDLs) and the recently approved Numeric Nutrient Criteria (NNC) rule.

In response to these dramatic needs and mandates, local governments throughout the State are exploring ways to secure funding support as an alternative to increasing rates. Among the most significant activities utilities are forced to take, often without having the opportunity to adequately plan for the expenditure is the relocation of lines associated with the implementation of a road or bridge widening or improvement program. These unbudgeted costs have been identified nationally as a recurring problem, one which could benefit from improved interagency coordination and funding support from the State.

Although to date limited data exists detailing the annual impact of facilities relocation on Florida water and wastewater utilities formulas have been developed in other states to determine an estimate of the impact. For example, in South Carolina the Legislature convened a study commission that found that “In comparing the relocation costs to the dollars administered by SCDOT each year for highway and bridge construction . . . the historical ten year average ratio between construction costs (road widening and bridge replacement) and relocation expenses is approximately 15.6 to 1.”

The same study found that “for every million dollars in new funding for non-Interstate road widenings and bridge replacement projects, there will be an estimated $64,000 in non-reimbursed utility relocation costs incurred by publicly owned water and wastewater providers.” When one considers that Florida’s Department of Transportation (FDOT) annual work plan currently is in excess of $8 billion dollars a year one could conservatively estimate the line relocation costs could be in excess $75 million per year.

In recognition of the impact the costs were having upon local utilities in 2014 the Florida Legislature approved a provision in SB 218 which “provides an exception for payment of certain
utility work necessitated by a project on the State Highway System for municipally owned utilities or county-owned utilities located in rural areas of critical economic concern as defined in s. 288.0656(2). Specifically SB 218 authorizes the Department of Transportation to pay for such costs critical economic concern if the department determines “that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System.”

IMPACT TO AWWA MEMBERS: The current statewide impact of utility line relocation creates a significant financial impact to all water and wastewater utilities in the state often requiring the unplanned redirection of limited funds to these projects. The establishment of a state funding assistance program would only provide much-needed relief to local governments, but significantly stimulate the sector of the states’ economy which supports and provides services associated with the financing, design and construction of new water and wastewater infrastructure projects.

RECOMMENDATION TO LEGISLATIVE COMMITTEE: Strongly continue to SUPPORT efforts to promote the passage of legislation that enhances communication and collaboration between the FDOT and local utilities with respect to the implementation of the transportation work plan, and provides funding assistance to local utilities permitting them to direct their limited financial capacity to address new water supply development and wastewater infrastructure needs.
FSAWWA Legislative Committee Issue Paper

TITLE: Water infrastructure Funding

PROONENTS: Florida Section, American Water Works Association; Florida Water Advocates (FWA); and the AIF Florida H20 Coalition.

ISSUE SUMMARY: In 2005, as a result of visionary leadership in the Florida Legislature and concerted efforts of allied groups, the Legislature passed, and the Governor signed, SB 444, which provided a dedicated revenue source for water protection and sustainability. That bill provided $100 million dollars a year on a recurring basis for:

- the State’s Total Maximum Daily Load (or TMDL) pollution elimination program;
- the development of new water supply projects;
- the restoration of our wetlands and other water dependent natural areas; and
- the treatment and disposal of wastewater in poor communities.

Despite the significant funding called for in the bill, the total represented less than 1% of the State’s total budget- a small price to pay for the State’s water security. Unfortunately, when faced with dramatic shortfalls in revenues the past several years, the Legislature chose to disproportionately reduce water funding in the state budget compared to other public funding areas. The cuts were opposed by an unprecedented, broad-based coalition including well-known and well-connected representatives from local government, utilities, business, environment, and agriculture, who worked collectively to educate legislators on the state’s pressing water needs and preserve critical funding for water projects. Despite that group’s best efforts, however, the funding was eliminated from the FY 2009/2010 budget. To date, this much-needed funding has not been restored. Moreover, the water resource challenges which need to be addressed by such funding have multiplied exponentially.

Florida Water Advocates is an organization established in 2010 comprised exclusively of volunteers with extensive experience and expertise in water resource issues and challenges who seek to enhance Florida’s primary public resource – water – by promoting dedicated public sector funding and private investment in water infrastructure in Florida.

FWA has actively engaged legislative leadership in pursuit of this goal to enhance Florida’s water resources and their development, including:

1) Creation of a statewide program for:
   a. Regional and local water resource and water supply project development; and
   b. Water quality protection and treatment of impaired waters.
During the 2014 session the Legislature invited the FWA to make a presentation before the Senate General Government Appropriations sub-committee committee to address this issue. These were used to highlight how Florida is currently facing a challenge of needing to invest over $50 Billion dollars over the next 20 years to address new water quality regulations, expand services for water and wastewater and provide adequate levels of flood control. The FWA presentation also noted that in the last 10 years the legislature had only dedicated an average of 0.25% of the State budget to address water infrastructure.

Perhaps as a result of some of this advocacy, last year the Legislature provided $435,030,272 for various water resources programs, which represents a 100% increase in funding for this area of the budget relative to the previous budget year. As it pertains to support for local government infrastructure needs the Legislature provided $88,505,684 in grants for water projects.

**IMPACT TO AWWA MEMBERS:** The establishment of a state funding program not only would only provide much-needed assistance to local governments, but significantly stimulate a significant sector of the states’ economy which supports and provides services associated with the financing, design and construction of water infrastructure projects.

**RECOMMENDATION TO LEGISLATIVE COMMITTEE:** Strongly continue to SUPPORT ongoing efforts to promote the passage of legislation that enhances regional and local financial capacity to address water resource and water supply development by funding of the Water Protection and Sustainability Program for alternative water supply development, water quality protection and development, and comprehensive water supply infrastructure needs.