

2026

**Florida Water
Environment
Association
Utility Council**

Annual Report



A Message from the FWEA Utility Council President

If someone had suggested to me two years ago that I would be writing the President's Message in 2026, I would not have believed it. Yet, after one too many cups of coffee and a morning break during the 2024 Annual Meeting – WAM! – I suddenly became your Vice President. Thirteen months later, “*The President Formerly Known as K-Carter@Broward.org*” (a.k.a. Kevin Carter) unexpectedly decided retirement looked like fun - and POW! - I became your interim President.

Now, as I write this message, I realize just how colossal are the shoes of those who served before me. Despite these sudden and unexpected changes, let me assure you that our purpose remains clear. The Utility Council will continue to advocate on behalf of its member organizations to support sound policies and responsible legislation that protect public health, water quality, and the environment, and promote innovative and reliable wastewater treatment solutions.

In nautical terms, a captain is only as good as the crew. I believe the same is true for any organization – it is only as strong as its people. In our case, that means our members. Simply put, our members are amazing.

I would like to thank all our valued members – both Regular (Utility) Members and Subscribers – for your continued support and active participation in the FWEA Utility Council. Without you, our work would not be possible. Over the past year, as I have been learning to navigate this role, I recognize that our communication and engagement may not have been as strong as in years past. Looking ahead, I am committed to not only improving but exceeding your expectations in both areas.

I would also like to extend a heartfelt thank you to the Officers and Board of Directors (in alphabetical order):

- Brooke Bailey – Sarasota County
- James Ferguson – Miami-Dade County
- Jeff Greenwell, Past President – Hillsborough County
- Rick Hutton – Gainesville Regional Utilities
- Jeremy Johnston – Clay County Utility Authority

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- Don Palmer, Treasurer/Secretary – Emerald Coast Utilities Authority
 - Lindsay Starner – JEA
 - Todd Swingle – Toho Water Authority
 - Ed Torres – Orange County Utilities
 - Lisa Wilson-Davis, Vice President – City of Boca Raton

I recognize that each of you carries significant responsibilities within your respective organizations, and your dedication to the Utility Council is deeply appreciated. Thank you as well for your confidence in me to lead this team. Compared to many of our long-time members, I still feel relatively new, and your support means a great deal as I work to stay the course.

I would like to recognize two individuals who have recently retired or will soon be retiring.

First, Kevin Carter – Retired, former Assistant to the Director of Water and Wastewater Services for Broward County, former FWEA Utility Council President, former FlaWARN Steering Committee member, and (still) current Board Member of the nonprofit Operators Without Borders (OWB). While one might suspect the 2024 hurricane season influenced Kevin's retirement, it seems hurricanes are what energize him most. His work with OWB and his professional relationships with the water and wastewater industry professionals in the Caribbean placed Kevin on the front lines of disaster response in Jamaica following Hurricane Melissa last October. RESPECT! Kevin, nothing but respect for you. You obviously enjoy staying busy, but don't forget to take in the sunshine and boat drinks along the way.



*Kevin Carter - Former FWEA
Utility Council President.*

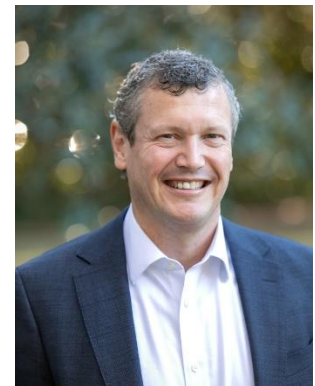


*Ed Torres – FWEA Utility Council
Director-at-Large*

I'd also like to recognize, Ed Torres, M.S., P.E., LEED AP – and new grandfather. Ed has just recently announced his retirement after a distinguished career that spans more than 30 years in both private consulting and public utility engineering and leadership. Ed is retiring as the Director of Orange County Utilities, but his service to our industry extends well beyond the County lines. He has been a long-time champion of the Utility Council, most recently serving as Director-at-Large representing the central Florida region. His experience, professionalism, and guidance on the Utility Council will be greatly missed. I am certain that I speak for the entire Utility Council when I wish Ed a long and happy

retirement.

Additionally, I would like to thank our long-time lobbyist and legal advisor, David Childs, Partner at Ballard Partners, for his continued dedication to the Utility Council. For nearly 20 years, David's regulatory knowledge and experience, combined with his legal acumen and ability to develop and maintain strong relationships with regulators and lawmakers makes his service to the Utility Council invaluable. His guidance has been especially helpful to me as I learn this role, and I was delighted when the Board unanimously voted to retain his services following his transition to Ballard Partners.



*David Childs - Ballard Partners &
FWEA Utility Council Advisor*



Florida Legislative Summary

By David Childs

The 2026 Florida Legislative Session came to a close on March 13. Well, actually, that is not entirely true. As of the writing of this summary, the Legislature is still yet to pass a state budget. So, we do not know what local government water projects will be funded, nor do we know the level of funding for grant programs administered by the Florida Department of Environmental Protection or the water management districts. We will have to stay tuned to learn those outcomes.

While the budget remains in limbo, the Legislature completed its policy work this Session, and the two chambers considered and passed several bills of interest to



FWEA Utility Council members. Thankfully, the Utility Council was able to shape bills concerning the biosolids use and provide much needed flexibility for members impacted by those bills. The Legislature also tacked PFAS again this Session, and we were able to insert much needed liability protection for utilities in that bill. Lastly, we engaged on the Department's agency package, and newly proposed language that would have dramatically increased

treatment costs on several utilities in the state was ultimately removed.

Here is a brief summary of the most relevant bills that passed this Legislative Session:

Class B Biosolids Ban (SB 290). The “Farm Bill” introduced by the Florida Department of Agriculture and Consumer Services included a statewide ban on the land application of Class A and B biosolids. For counties that land apply their biosolids within their own county, the ban goes into effect on July 1, 2031. For counties that land apply their biosolids outside of their county, the ban goes into effect on July 1, 2028. The Governor signed this bill into law.



Class AA Biosolids Regulation (HB 1245). Effective November 1, 2026, this legislation prohibits the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate. The bill provides that land application of bulk Class AA biosolids fertilizer and compost products at or below the agronomic rate must be managed for beneficial reuse rather than disposal, as the primary objective. The bill defines “agronomic rate” as the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS), which are to be periodically updated.

PFAS Monitoring (HB 1019). This legislation requires all public entities disposing of biosolids and treated effluent that have a designed average daily flow of 25,000 or more gallons per day to quarterly conduct at least one biosolids and treated effluent sampling for PFAS, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), as applicable. The results must be submitted to FDEP, and the sampling must be conducted in accordance with FDEP rules. (Note: FDEP is currently in rulemaking to establish PFAS sampling protocols.) Importantly, the bill provides that until water quality standards for PFAS are established by the United States Environmental Protection Agency and adopted by FDEP, such sampling and reporting is for informational purposes only and may not serve as the basis for any FDEP enforcement action or other cause of action. In addition to the effluent and biosolids sampling requirements, the bill also bans the use of aqueous film-forming foam (AFFF), though those provisions include a phased implementation and several exemptions.

FDEP Package (HB 1417). The FDEP package included a grab bag of updates to environmental programs in the state. Among other provisions, the bill repeals the Environmental Regulation Commission; requires erosion and sediment control plans for the construction of solar facilities to include certain protections, including the implementation of stormwater best management practices; limits the requirement that any commercial or residential property with an existing septic system, within the area covered by the Indian River Lagoon Protection Program, connect to central sewer or upgrade the septic system so that it only applies to commercial or residential properties of 10 acres or less; creates provisions allowing public-private partnerships for coastal resiliency projects; extends the due date for annual operating permits for major sources of air pollution; and ratifies rules relating to the Lower Santa Fe and



Ichetucknee Rivers and Priority Springs Minimum Flows and Levels and recovery strategies. The Governor signed this bill into law.

Data Centers (SB 484). One of the last bills to pass the 2026 Florida Legislature addressed state and local regulation of data centers. Much of the bill is focused on ensuring that the typically high electricity and water demands associated with large-scale data centers do not result in increased costs for Florida ratepayers. The bill also includes provisions that govern data centers' consumptive use permitting and reclaimed water use. Consistent with other provisions in Florida law, the bill requires reclaimed water use when (1) a permitted reclaimed water source is available; (2) distribution infrastructure is available at the site boundary; (3) the data center can access it; (4) its use is environmentally, technically, and economically feasible; and (5) it does not conflict with the facility's discharge permit.

Municipal Utility Services (HB 1451). The bill establishes terms related to the provision of municipal utility services in areas outside a municipality's boundaries. The bill requires certain public meetings and reporting for municipalities that provide utility service or intend to provide utility service in areas outside of their municipal boundaries. It also limits the rates, fees, and charges that a municipal water or sewer utility may impose on customers outside the boundaries of the municipality to no more than 25 percent in excess of those imposed on customers within the boundaries; however, the bill allows municipalities to continue imposing a surcharge on consumers outside the municipal boundaries if the surcharge was in effect before March 1, 2026, but only as necessary to comply with certain bond covenants and subject to certain time limitations. Lastly, the bill expressly preempts to the state the subject of a regional utility authority created by the Legislature through charter amendment after January 1, 2023. (Note: other bills addressing extraterritorial municipal services, such as SB 1014 / HB 1075, failed to pass this Session.)

On a final note, the FWEA Utility Council and FSAWWA Water Utility Council again convened a Legislative Fly-In during a committee week leading up to the 2026 Legislative Session. Utility representatives from across the state fanned out through Legislative Offices over two days and participated in a well-attended legislative reception. If you have not participated in a legislative fly-in, you should strongly consider doing so. There is no substitute for utility principals sitting in the room with elected leaders and discussing the issues that matter most to Florida's domestic

wastewater collection, treatment, and reuse community. Look for more information on the 2027 Legislative Fly-In later this year.



Pictured left to right: Florida House Speaker Danny Perez, Governor Ron DeSantis, Senate President Ben Albritton

Statewide BMAP Updates

By Todd Swingle & Rick Hutton

In April 2025, the Florida Department of Environmental Protection (FDEP) released draft updates to Basin Management Action Plans (BMAPs) statewide, with a statutory deadline of July 1, 2025. In many watersheds, the draft BMAPs required domestic wastewater utilities to meet advanced wastewater treatment (AWT) standards of 3 mg/L total nitrogen (TN) and 1 mg/L total phosphorus (TP), regardless of reclaimed water use or whether a utility had approved projects in place to meet its Total Maximum Daily Load (TMDL) obligations.

The Florida Water Environment Association (FWEA) Utility Council quickly coordinated with members, engaged FDEP leadership, and provided guidance on the technical information needed to support refinement of these requirements. As a result, many BMAPs were updated to remove broad AWT mandates. However, some finalized BMAPs still include requirements that raise concerns regarding scientific basis and equity, and several legal challenges have followed.

This experience reflects a shift in how the State is implementing the TMDL/BMAP program. As originally intended under the Florida Watershed Restoration Act (§ 403.067(7)(a)2, F.S.), pollutant reductions were to be allocated equitably based on proportional loadings within a watershed. More recent approaches applying uniform treatment requirements can move away from that structure, particularly where they do not consider existing load reductions, site-specific conditions, or progress already made by different contributors.

Several key issues include:

- Interpretation of AWT requirements under § 403.086, F.S., as applying to wet weather and emergency backup discharges;



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- Application of AWT requirements to reuse systems without a demonstrated pathway or contribution to impaired waters; and
 - Assignment of septic remediation responsibilities to local governments, including for systems recently permitted by FDEP or the Florida Department of Health.

Ultimately, utilities, regulators, environmental stakeholders, and communities share a common goal: protecting Florida's water resources. At the same time, we routinely differ in our approach to achieving that goal. From the perspective of regulatory and environmental stakeholder communities, presumptive solutions such as AWT are viewed as more straightforward to communicate, implement, and enforce across watersheds. However, in many cases, presumptive solutions don't reflect site-specific science and the resulting environmental benefit is limited compared to the high associated cost to communities. As both affordability and the need to protect water resources are becoming more critical, it is important that decisions be made and resources allocated based on sound science.

Looking ahead, there is an opportunity to better balance these perspectives. Presumptive solutions can be a reasonable starting point to meet or exceed required nutrient reductions; however, utilities must have clear pathways – through alternative, science-based compliance approaches – to achieve the same quantifiable nutrient loadings in a more cost-effective way, consistent with the TMDL framework. This is especially important as communities face increasing affordability challenges.

The FWEA Utility Council should play a proactive role by working with Florida Department of Environmental Protection (FDEP) and stakeholders to advance this balance—supporting updates to the Florida Watershed Restoration Act, sharing data and case studies that demonstrate cost-effective alternatives, and helping establish clear processes and compliance approaches aligned with measurable, TMDL-based proportional allocations and environmental outcomes.



Potable Reuse Rule Implementation

By Lindsay Starnner & David Childs

From 2023-2024, the FWEA Utility Council participated in an ad hoc workgroup of FDEP and utility representatives in the development of a potable reuse regulatory program. Committed utility representatives and consultants set aside their Friday afternoons every other week to formulate potable reuse permitting requirements that protect the public health and the environment. The workgroup strived to avoid rule requirements that would create regulatory roadblocks or cause undue economic burdens. The painstaking effort culminated in the adoption of Potable Reuse Rule 62-565, F.A.C.

In 2025, attention turned from rule promulgation to rule implementation. It has been fraught with challenges and opportunities. This new rule implementation covers complex situations with high potential for growth and innovation in Florida. Agency personnel and permit applicants occasionally interpret new rule provisions differently as they jointly work through untested terms and requirements. Indeed, the full scope of the rule and the different FDEP divisions that it touches complicate implementation. Progress, however, continues to be made, and Florida has a bright future as a national potable reuse leader. In the coming months and years, utilities and FDEP will learn more on what rule sections work, what ones do not, and what improvements can be made. The FWEA Utility Council will serve as an important thought leader in effectuating those needed changes, so reclaimed water can fully realize its potential as a viable drinking water supply source.



Sanitary Sewer Overflow Enforcement

By Jeff Greenwell

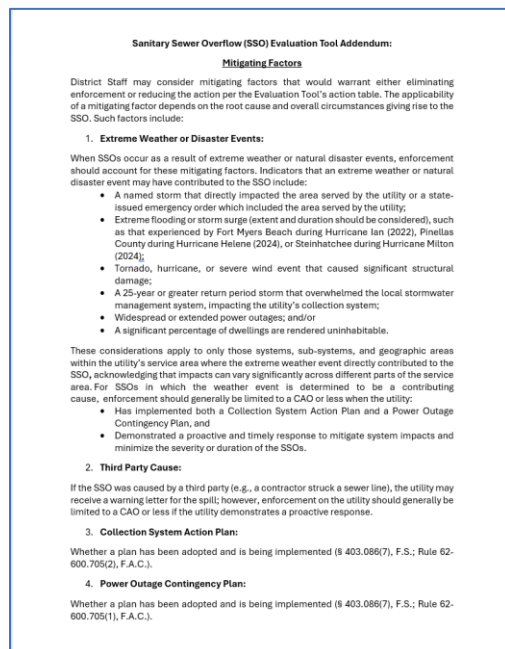
During the fall of 2025, FWEA Utility Council members convened several meetings with FDEP Deputy Secretary, John Truitt, to discuss FDEP enforcement actions against utilities for sanitary sewer overflows (SSOs) that occur during hurricanes and tropical storms. The primary goal was to have FDEP take a different tact in the aftermath of natural disasters. It should not be that road and electric power infrastructure can fail without recourse, but domestic wastewater infrastructure is supposed to function without fail during massive flooding and wind events. At a minimum, the Utility Council argued FDEP should distinguish between utilities that are implementing Collection System Action Plans and/or

CMOM programs (i.e. doing everything their regulators ask them to do) and those poorly managed, undercapitalized utilities.

As a result of those meetings, the Utility Council proposed specific updates to FDEP's SSO Evaluation Tool. The proposed amendments would have FDEP take into account whether the SSO occurred as a result of extreme weather or natural disaster events, but only if the utility demonstrates that it has implemented both a Collection System Action Plan and a Power Outage Contingency Plan as well as conducted a proactive and timely response to mitigate system impacts and

minimize the severity or duration of the SSOs. Further, if the SSO was caused by a third party (e.g., a contractor struck a sewer line), the utility may receive a warning letter for the spill; however, enforcement should generally be limited to a CAO or less if the utility demonstrates appropriate safeguards and a proactive response.

The FWEA Utility Council's proposed amendments remain under evaluation by the Department. Conversations will continue as we head into the 2026 hurricane season.





Public Outreach

By Lisa Wilson-Davis

Over the past year, the Florida Water Environment Association Utility Council (FWEAUC) Public Outreach Committee has continued to expand its efforts to effectively communicate the value and complexity of wastewater services to our communities, stakeholders, and decision-makers. Building on prior initiatives, we elevated our outreach by promoting our educational video content and more fully leveraging the FWEAUC website as a central hub for accessible, consistent information. These tools have enhanced our ability to reach a broader audience while reinforcing clear, unified messaging. Please explore our website at: <https://www.fweautilitycouncil.org/> and let us know what you think!

A key focus of this year's efforts has been the continued development of message mapping around critical industry topics, including asset management and potable reuse. By refining how we communicate these complex issues, we are better equipping utilities and professionals to engage with the public in a transparent, relatable, and proactive manner. Looking ahead, we will expand our outreach framework to include biosolids management and PFAS as it relates to wastewater and biosolids, ensuring that our messaging remains relevant and responsive to emerging regulatory, environmental, and public concerns.

We are excited about the momentum we've built, but there is more to do, and we need your voice at the table. If you are passionate about public outreach, storytelling, and advancing understanding of our industry, we invite you to get involved. Join us in shaping the conversation, please contact me at lwilsondavis@ci.bocaraton-fl.gov to learn more and be part of this important effort.



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