



STATE OF FLORIDA

JAMES UTHMEIER
ATTORNEY GENERAL

June 26, 2025

Mayor Brenda Ash
City Commissioners
City of Apalachicola
192 Coach Wagoner Blvd.
Apalachicola, Florida 32320

Dear Mayor Ash and City Commissioners:

Today, the State of Florida is fully aware of the intolerable hardship that the people of Apalachicola are enduring. Clean, safe water is not a privilege but an expectation in Florida. When access to clean, wholesome water is compromised because of government failures—especially failures exhibited over months of silence, inaction, or ineffective action—those responsible must be held accountable. What is unfolding in Apalachicola is not merely a technical failure. It is a failure of duty. And it has real, immediate human consequences.

Families are bathing in rivers because water from their taps is unusable. Restaurants cannot legally serve water to their customers. Homes are filled with a persistent, foul odor, and residents must boil their water to cook, drink, or brush their teeth. Daily life has been upended, and the system built to protect the public has failed at every level.

Reports detailing the failure of the city's water filtration system—specifically, the prolonged malfunction of the water scrubber and the unacceptable delays in both remediation and public notification—are deeply troubling.

Let's be clear: this crisis didn't begin yesterday.

Apalachicola has been in a state of emergency since September 2024 due to Hurricane Helene, which knocked out the water filtration system, making it unable to completely filter Apalachicola's water supply. In November, the city manager informed the City Commission that the water filtration system was compromised. This city manager assured the Commission that quotes were being obtained and the matter was under review. That quote was not submitted until March 2025—five months later. A public notice regarding the dangers of the system was not issued until this month—eight months later. And now, city officials claim a new scrubber should arrive in September—one year later.

During that time, residents were left in the dark, unknowingly using compromised water, while decision-makers chose delay over transparency.

This failure was a collective breakdown in communication, oversight, and basic responsibility. The City Commission knew of the issue but failed to follow through or demand urgency. Successive city administrators neglected to act swiftly or inform the public. And the city's longstanding practice of poor recordkeeping—routinely tolerated—allowed these failures to persist untracked and uncorrected.

The Apalachicola Bay Area Protection Act provides, “the quality of water shall be protected, maintained, and improved for public water supplies, the propagation of aquatic life, and recreational and other uses which are consistent with these uses.”¹ The City of Apalachicola's Areas of Critical State Concern (ACSC) Work Plan provides that the city has secured nearly \$34 million in funding, including \$5.5 million for wastewater treatment and \$450,000 for potable water improvements. Where has this money gone if not to improve Apalachicola's water quality? The people deserve it. The law demands it.

Today, I am announcing the following actions from my office:

1. The Attorney General's Office is opening a formal investigation into the past and present governance, administrative, and financial failures that led to this emergency.
2. I have directed my Office of Statewide Prosecution to work with the Florida Department of Law Enforcement, the Florida Department of Health, the Florida Department of Environmental Protection, and other state and federal agencies to determine if state or federal laws have been violated.
3. We will refer this matter to Florida DOGE for relevant review of financial records related to water management and quality issues in Apalachicola.
4. We will pursue all available civil, administrative, and criminal remedies.
5. Based on the results of these investigations, my office may recommend to the Governor that suspensions are warranted.²

Fortunately, we understand that the State has already stepped up to help respond to residents' immediate needs caused by this emergency. The Florida Division of Emergency Management recently sent four water tankers with more than 20,000 gallons of water and a truck full of ice. And local charities have delivered another two trailers full of pallets of bottled water. We appreciate these efforts and encourage them to continue.

The people of Apalachicola have borne the burden of institutional failure for far too long. It should never have come to this. Let this moment mark a turning point. My office will not tolerate a culture where warning signs are ignored, records are lost, and public health takes a backseat to bureaucratic delays. In Florida, we do not tolerate this kind of government failure.

To the residents: I hear your anger, and I share your urgency. You deserve more than apologies. You deserve answers. You deserve action. And you will have both.

Sincerely,



James Uthmeier
Florida Attorney General

CC: Sen. Corey Simon
Rep. Jason Shoaf

¹ § 380.0555(7)(f), Fla. Stat.

² Fla. Const. art. IV, § 7; § 112.51, Fla. Stat.