



266516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2022	.	
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The Committee on Environment and Natural Resources (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 514.023, Florida Statutes, is amended to
read:

514.023 Sampling of beach waters~~r~~ and public bathing
places; health advisories; signage.—

(1) As used in this section, the term "beach waters" means
the waters along the coastal and intracoastal beaches and shores



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11 of this ~~the~~ state, and includes salt water and brackish water.

12 (2) The department shall ~~may~~ adopt and enforce rules to
13 protect the health, safety, and welfare of persons using the
14 beach waters and public bathing places of this ~~the~~ state. The
15 rules must establish health standards and prescribe procedures
16 and timeframes for bacteriological sampling of beach waters and
17 public bathing places.

18 (3) The department shall ~~may~~ issue health advisories if the
19 quality of beach waters or a public bathing place fails to meet
20 standards established by the department. The issuance of health
21 advisories related to the results of bacteriological sampling of
22 beach waters and public bathing places is preempted to the
23 state.

24 (4) (a) When the department issues a health advisory against
25 swimming in beach waters or a public bathing place on the basis
26 of finding elevated levels of fecal coliform, *Escherichia coli*,
27 or enterococci bacteria in a water sample, the department must
28 ~~shall~~ concurrently notify the municipality or county in which
29 the affected beach waters or public bathing place is ~~are~~
30 located, whichever has jurisdiction, and the local office of the
31 Department of Environmental Protection, of the advisory.

32 (b) The local office of the Department of Environmental
33 Protection must ~~shall~~ promptly investigate wastewater treatment
34 facilities within 1 mile of the affected beach waters or public
35 bathing place to determine if a facility experienced an incident
36 that may have contributed to the contamination and provide the
37 results of the investigation in writing or by electronic means
38 to the municipality or county, as applicable.

39 (c) The department shall adopt by rule a sign to be used



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40 when it issues a health advisory against swimming in affected
41 beach waters or public bathing places due to elevated levels of
42 fecal coliform, *Escherichia coli*, or enterococci bacteria in the
43 water. The sign must include the following language: "THIS WATER
44 BODY HAS BEEN VERIFIED BY THE FLORIDA DEPARTMENT OF HEALTH TO BE
45 CONTAMINATED WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH
46 STATE WATER QUALITY STANDARDS IS REQUIRED. THIS WATER BODY
47 PRESENTS A RISK OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE
48 CAUTION TO AVOID INGESTING THE WATER OR EXPOSING OPEN WOUNDS.
49 SECTION 514.023, FLORIDA STATUTES." The department shall require
50 health advisory signs to be displayed in conspicuous areas
51 around affected beach waters or public bathing places until
52 subsequent testing of the water shows that the bacteria levels
53 meet the department's standards.

54 (d) Municipalities and counties are responsible for
55 maintaining health advisory signs in affected beach waters and
56 public bathing places that they own. The department is
57 responsible for maintaining health advisory signs in affected
58 beach waters and public bathing places owned by the state. The
59 department may coordinate with the Department of Environmental
60 Protection and the Fish and Wildlife Conservation Commission to
61 implement the signage requirements of this paragraph.

62 (e) The department shall monitor affected beach waters and
63 public bathing places for compliance with the signage
64 requirements of this subsection, ensuring that signage is posted
65 appropriately until the bacteria contamination is resolved.

66 Section 2. This act shall take effect July 1, 2022.

67
68 ===== T I T L E A M E N D M E N T =====



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69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to the Safe Waterways Act; amending s.
74 514.023, F.S.; requiring, rather than authorizing, the
75 Department of Health to adopt and enforce certain
76 rules; requiring, rather than authorizing, the
77 department to issue health advisories under certain
78 circumstances; requiring the department to notify a
79 municipality or county if the department issues a
80 health advisory against swimming on the basis of
81 elevated bacteria levels in a public bathing place
82 within the municipality's or county's jurisdiction;
83 requiring the department to adopt by rule a certain
84 health advisory sign; providing requirements for the
85 sign; requiring the sign to be posted in a specified
86 manner and maintained until subsequent testing shows
87 the water's bacteria levels meet the department's
88 standards; providing that municipalities and counties
89 are responsible for maintaining the health advisory
90 signs for affected beach waters and public bathing
91 places that they own; providing that the department is
92 responsible for maintaining the health advisory signs
93 for affected beach waters and public bathing places
94 owned by the state; authorizing the department to
95 coordinate with the Department of Environmental
96 Protection and the Fish and Wildlife Conservation
97 Commission to implement such signage requirements;



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98 requiring the department to monitor the affected beach
99 waters and public bathing places for compliance with
100 the signage requirements; providing an effective date.