

By Senator Berman

31-00208D-22

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1                                   A bill to be entitled  
2       An act relating to the Safe Waterways Act; amending s.  
3       514.011, F.S.; revising the definition of the term  
4       "public bathing place"; amending s. 514.023, F.S.;  
5       deleting the definition of the term "beach waters";  
6       requiring, rather than authorizing, the Department of  
7       Health to adopt and enforce certain rules; requiring,  
8       rather than authorizing, the department to issue  
9       health advisories under certain circumstances;  
10      requiring the department to notify a municipality or  
11      county if the department issues a health advisory  
12      against swimming on the basis of elevated bacteria  
13      levels in a public bathing place within the  
14      municipality's or county's jurisdiction; requiring the  
15      municipality or county to post certain signage around  
16      public bathing places that have elevated levels of  
17      specified bacteria; specifying requirements for the  
18      signage; requiring municipalities and counties to  
19      maintain the signage until subsequent testing shows  
20      the water's bacteria levels meet the department's  
21      standards again; requiring the department to monitor  
22      the affected public bathing places to ensure the  
23      appropriate signage is displayed; requiring the  
24      department to post and maintain the appropriate  
25      signage under certain circumstances; authorizing the  
26      department to coordinate with the Department of  
27      Environmental Protection and the Fish and Wildlife  
28      Conservation Commission to implement such signage  
29      requirements; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 514.011, Florida Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(4) "Public bathing place" means a body of water, including fresh water, salt water, and brackish water, that is natural or modified by humans; used for swimming, diving, and recreational bathing with ~~used by~~ consent of the owner or owners; and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of this ~~the~~ state.

Section 2. Section 514.023, Florida Statutes, is amended to read:

514.023 Sampling of ~~beach waters;~~ 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 of the state, and includes salt water and brackish water.~~

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

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59        (2)~~(3)~~ The department shall ~~may~~ issue health advisories if  
60 the quality of ~~beach waters~~ or a public bathing place fails to  
61 meet standards established by the department. The issuance of  
62 health advisories related to the results of bacteriological  
63 sampling of public bathing places ~~beach waters~~ is preempted to  
64 the state.

65        (3) (a)~~(4)~~ When the department issues a health advisory  
66 against swimming in ~~beach waters~~ or a public bathing place on  
67 the basis of finding elevated levels of fecal coliform,  
68 *Escherichia coli*, or enterococci bacteria in a water sample, the  
69 department shall concurrently notify the municipality or county  
70 in which the affected public bathing place is ~~beach waters are~~  
71 located, whichever has jurisdiction, and the local office of the  
72 Department of Environmental Protection, of the advisory.

73        (b) The local office of the Department of Environmental  
74 Protection shall promptly investigate wastewater treatment  
75 facilities within 1 mile of the affected ~~beach waters~~ or public  
76 bathing place to determine if a facility experienced an incident  
77 that may have contributed to the contamination and provide the  
78 results of the investigation in writing or by electronic means  
79 to the municipality or county, as applicable.

80        (c) The municipality or county in which the affected public  
81 bathing place is located, whichever has jurisdiction, shall post  
82 conspicuous signs, adopted by department rule, around the  
83 affected areas which advise the public that the department has  
84 issued a health advisory against swimming in that area due to  
85 elevated levels of fecal coliform, *Escherichia coli*, or  
86 enterococci bacteria in the water. The sign must include the  
87 following language: "THIS WATER BODY HAS BEEN VERIFIED BY THE

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88 FLORIDA DEPARTMENT OF HEALTH TO BE CONTAMINATED WITH FECAL  
89 BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER QUALITY  
90 STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK OF  
91 INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID  
92 INGESTING THE WATER OR EXPOSING OPEN CUTS. SECTION 514.023,  
93 FLORIDA STATUTES.” The municipality or county, as applicable,  
94 shall maintain the signage until subsequent testing of the water  
95 shows the bacteria levels meet the department’s standards again.  
96 The department shall monitor affected public bathing places to  
97 ensure that signage is posted appropriately until the bacteria  
98 contamination is resolved.

99 (d) If the affected public bathing place is not within the  
100 jurisdiction of a municipality or county, the department must  
101 post and maintain the required signage as provided in paragraph  
102 (c). The department may coordinate with the Department of  
103 Environmental Protection and the Fish and Wildlife Conservation  
104 Commission to implement the signage requirements of this  
105 paragraph.

106 Section 3. This act shall take effect July 1, 2022.