

By Senator Berman

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1 A bill to be entitled
2 An act relating to the Safe Waterways Act; providing a
3 short title; amending s. 514.023, F.S.; requiring,
4 rather than authorizing, the Department of Health to
5 adopt and enforce certain rules; revising requirements
6 for such rules; requiring, rather than authorizing,
7 the department to issue health advisories under
8 certain circumstances; directing the department to
9 require closure of beach waters and public bathing
10 places under certain circumstances; requiring such
11 closures to remain in effect for a specified period;
12 including public bathing places in an existing
13 preemption of authority to the state pertaining to the
14 issuance of such health advisories and an existing
15 notification requirement; requiring the department to
16 adopt by rule a certain health advisory sign;
17 providing requirements for the sign; requiring that
18 the sign be posted in a specified manner and
19 maintained until subsequent testing demonstrates that
20 the water's bacteria levels meet the standards
21 established by the department; providing that
22 municipalities and counties are responsible for
23 maintaining the health advisory signs around affected
24 beach waters and public bathing places that they own;
25 providing that the department is responsible for
26 maintaining the health advisory signs around affected
27 beach waters and public bathing places owned by the
28 state; requiring the department to coordinate with the
29 Department of Environmental Protection and the Fish

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30 and Wildlife Conservation Commission as necessary to
31 implement such signage requirements; requiring the
32 department to monitor the affected beach waters and
33 public bathing places for compliance with the signage
34 requirements; requiring the department to establish a
35 public statewide interagency database for a specified
36 purpose; requiring the department, in coordination
37 with the Department of Environmental Protection, to
38 adopt certain rules and procedures; providing
39 requirements for the database; providing an effective
40 date.

41
42 Be It Enacted by the Legislature of the State of Florida:

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44 Section 1. This act may be cited as the "Safe Waterways
45 Act."

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

48 514.023 Sampling of beach waters~~r~~ and public bathing
49 places; health advisories; signage; database.—

50 (1) As used in this section, the term "beach waters" means
51 the waters along the coastal and intracoastal beaches and shores
52 of this ~~the~~ state~~r~~, and includes salt water and brackish water.

53 (2) The department shall ~~may~~ adopt and enforce rules to
54 protect the health, safety, and welfare of persons using the
55 beach waters and public bathing places of this ~~the~~ state. The
56 rules must establish health standards and prescribe procedures
57 and timeframes for bacteriological sampling of beach waters and
58 public bathing places. The rules must, at a minimum, require

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59 owners of beach waters and public bathing places to both notify
60 the local county health department and resample the water within
61 24 hours after a test result indicates that the sample of the
62 beach waters or public bathing place fails to meet standards
63 established by the department.

64 (3) The department must ~~may~~ issue health advisories if the
65 quality of beach waters or a public bathing place fails to meet
66 standards established by the department and must require closure
67 of beach waters and public bathing places that fail to meet the
68 department's standards if it deems closure is necessary to
69 protect the health, safety, and welfare of the public. Closures
70 must remain in effect until the quality of the beach waters or
71 public bathing place is restored in accordance with the
72 department's standards and the department has removed any
73 related health advisories it issued. The issuance of health
74 advisories related to the results of bacteriological sampling of
75 beach waters and public bathing places is preempted to the
76 state.

77 (4) (a) When the department issues a health advisory against
78 swimming in beach waters or a public bathing place on the basis
79 of finding elevated levels of fecal coliform, *Escherichia coli*,
80 or enterococci bacteria in a water sample, the department must
81 ~~shall~~ concurrently notify the municipality or county in which
82 the affected beach waters or public bathing place is ~~are~~
83 located, whichever has jurisdiction, and the local office of the
84 Department of Environmental Protection, of the advisory.

85 (b) The local office of the Department of Environmental
86 Protection shall promptly investigate wastewater treatment
87 facilities within 1 mile of the affected beach waters or public

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88 bathing place to determine if a facility experienced an incident
89 that may have contributed to the contamination and provide the
90 results of the investigation in writing or by electronic means
91 to the municipality or county, as applicable.

92 (c) The department shall adopt by rule a sign that must be
93 used when it issues a health advisory against swimming in
94 affected beach waters or public bathing places due to elevated
95 levels of fecal coliform, *Escherichia coli*, or enterococci
96 bacteria in the water. The sign must include the following
97 language: "THIS WATER BODY HAS BEEN VERIFIED TO BE CONTAMINATED
98 WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER
99 QUALITY STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK
100 OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID
101 INGESTING THE WATER OR EXPOSING OPEN WOUNDS. SECTION 514.023,
102 FLORIDA STATUTES." The department shall require health advisory
103 signs to be displayed at beach access points and in conspicuous
104 areas around affected beach waters and public bathing places
105 until subsequent testing of the water demonstrates that the
106 bacteria levels meet the standards established by the
107 department.

108 (d) Municipalities and counties are responsible for posting
109 and maintaining health advisory signs as described in paragraph
110 (c) around affected beach waters and public bathing places that
111 they own. The department is responsible for posting and
112 maintaining health advisory signs around affected beach waters
113 and public bathing places owned by the state. The department
114 shall coordinate with the Department of Environmental Protection
115 and the Fish and Wildlife Conservation Commission as necessary
116 to implement the signage requirements of this subsection.

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117 (e) The department shall monitor affected beach waters and
118 public bathing places for compliance with the signage
119 requirements of this subsection, ensuring that only department-
120 approved health advisory signs are used and that such signage is
121 posted and maintained in compliance with this subsection until
122 the health advisory is no longer in effect.

123 (5) The department shall establish a public statewide
124 interagency database for the reporting of fecal indicator
125 bacteria data for beach waters and public bathing places in this
126 state. The department, in coordination with the Department of
127 Environmental Protection, shall adopt rules and procedures for
128 the sharing of fecal indicator bacteria data between agencies
129 and for the reporting of such data in the database. Fecal
130 indicator bacteria data relating to sampled beach waters and
131 public bathing places must be published in the database within 5
132 business days after receipt and confirmation of the data.

133 Section 3. This act shall take effect July 1, 2023.