

1 A bill to be entitled
2 An act relating to the Safe Waterways Act; providing a
3 short title; requiring the Department of Health to
4 provide a report of specified information to the
5 Governor and the Legislature by a specified date;
6 requiring the Department of Health and the Department
7 of Environmental Protection to submit to the Governor
8 and the Legislature, by a specified date, certain
9 recommendations relating to the transfer of duties
10 related to the bacteriological sampling of beach
11 waters and public bathing places; requiring the
12 departments to enter into an interagency agreement, by
13 a specified date, that meets certain requirements;
14 transferring the duties related to the bacteriological
15 sampling of beach waters and public bathing places
16 from the Department of Health to the Department of
17 Environmental Protection by a type two transfer by a
18 specified date; providing that certain employees
19 retain and transfer certain types of leave upon the
20 transfer; amending s. 514.021, F.S.; specifying that
21 the Department of Environmental Protection is solely
22 responsible for adopting and enforcing rules related
23 to the bacteriological sampling of beach waters and
24 public bathing places; amending s. 514.023, F.S.;
25 defining the term "department"; requiring, rather than

26 | authorizing, the Department of Health to adopt and
27 | enforce certain rules; revising requirements for such
28 | rules; requiring, rather than authorizing, the
29 | Department of Environmental Protection to issue health
30 | advisories under certain circumstances; directing the
31 | department to require closure of beach waters and
32 | public bathing places under certain circumstances;
33 | requiring that such closures remain in effect for a
34 | specified period; including public bathing places in
35 | an existing preemption of authority to the state
36 | pertaining to the issuance of such health advisories
37 | and an existing notification requirement; requiring
38 | the department to notify affiliates of national
39 | television networks in affected areas; requiring
40 | municipalities and counties to notify the department
41 | of any incident that may affect the quality of beach
42 | waters and public bathing places within their
43 | respective jurisdictions; requiring public boat docks,
44 | marinas, and piers to notify the jurisdictional
45 | municipality or county of any incident that may affect
46 | the quality of beach waters in which the dock, marina,
47 | or pier is located; requiring the department to
48 | investigate wastewater treatment facilities and ocean
49 | outfalls within the adjoining municipalities and
50 | counties of the affected beach waters and public

51 bathing places; requiring the department to adopt by
52 rule a certain health advisory sign; providing
53 requirements for the sign; providing that
54 municipalities and counties are responsible for
55 posting and maintaining the health advisory signs
56 around affected beach waters and public bathing places
57 that they own; providing that the department is
58 responsible for maintaining the health advisory signs
59 around affected beach waters and public bathing places
60 owned by the state; requiring the department to
61 coordinate with the Department of Health and the Fish
62 and Wildlife Conservation Commission as necessary to
63 implement such signage requirements; requiring the
64 department to monitor affected beach waters and public
65 bathing places for compliance with the signage
66 requirements; requiring the department to establish a
67 public statewide interagency database for a specified
68 purpose; requiring the department, in coordination
69 with the Department of Health, to adopt certain rules
70 and procedures; providing requirements for the
71 publication of certain data; amending s. 514.0231,
72 F.S.; deleting an obsolete provision; conforming a
73 provision to changes made by the act; providing
74 effective dates.
75

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

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78 Section 1. This act may be cited as the "Safe Waterways
79 Act."

80 Section 2. (1) By July 1, 2024, the Department of Health
81 shall provide a report to the Governor, the President of the
82 Senate, and the Speaker of the House of Representatives
83 detailing all of the following information regarding the
84 department's bacteriological sampling of beach waters and public
85 bathing places:

86 (a) The average number of bacteriological samples
87 collected each year, differentiated by those collected by the
88 department and those submitted by owners of beach waters or
89 public bathing places.

90 (b) The average number of health advisories issued each
91 year, including their average duration.

92 (c) The number of department employees conducting work on
93 or related to the bacteriological sampling of beach waters and
94 public bathing places, including enforcement duties.

95 (d) The costs associated with fulfilling the department's
96 duties, including, but not limited to, salaries and benefits,
97 operational costs, and equipment costs.

98 (2) By December 31, 2024, the Department of Health and the
99 Department of Environmental Protection shall submit
100 recommendations to the Governor, the President of the Senate,

101 and the Speaker of the House of Representatives regarding the
102 transfer of bacteriological sampling of beach waters and public
103 bathing places from the Department of Health to the Department
104 of Environmental Protection. The recommendations must address
105 all aspects of the transfer, including the continued role, if
106 any, of the county health departments in the collection and
107 tracking of data relating to bacteriological sampling of beach
108 waters and public bathing places and enforcement of posted
109 signage requirements under s. 514.023, Florida Statutes, which
110 would be conducted under the direction of the Department of
111 Environmental Protection.

112 (3) By June 30, 2025, the Department of Health and the
113 Department of Environmental Protection shall enter into an
114 interagency agreement, based on the report and recommendations
115 submitted pursuant to subsections (1) and (2), respectively,
116 which must address all aspects of cooperation between the two
117 agencies for a period of at least 5 years after the date of the
118 transfer, including, but not limited to, all of the following:

119 (a) Any continued role of the county health departments in
120 the collection and tracking of data relating to bacteriological
121 sampling of beach waters and public bathing places and
122 enforcement of posted signage requirements imposed under s.
123 514.023, Florida Statutes.

124 (b) The proportionate number of administrative, auditing,
125 inspector general, attorney, and operational support positions,

126 and their respective related funding levels and sources and
127 assigned property, that is appropriate to be transferred from
128 the Office of General Counsel, the Office of Inspector General,
129 and the Division of Administrative Services or other relevant
130 offices or divisions within the Department of Health to the
131 Department of Environmental Protection.

132 (c) The development of a recommended plan to address the
133 transfer or shared use of buildings, regional offices, and other
134 facilities used or owned by the Department of Health.

135 (d) Any operating budget adjustments that are necessary to
136 implement the requirements of this act. Adjustments made to the
137 operating budgets of the agencies in the implementation of this
138 act must be made in consultation with the appropriate
139 substantive and fiscal committees of the Senate and the House of
140 Representatives. The adjustments to the approved operating
141 budgets for the 2025-2026 fiscal year which are necessary to
142 reflect the organizational changes made by this act must be
143 implemented pursuant to s. 216.292(4) (d), Florida Statutes, and
144 are subject to s. 216.177, Florida Statutes. Subsequent
145 adjustments between the Department of Health and the Department
146 of Environmental Protection that are determined necessary by the
147 respective agencies and approved by the Executive Office of the
148 Governor are authorized and subject to s. 216.177, Florida
149 Statutes. Before such adjustments are made, the appropriate
150 substantive committees of the Senate and the House of

151 Representatives must be notified of the proposed adjustments to
152 ensure their consistency with legislative policy and intent.

153 (4) Effective July 1, 2025, all powers, duties, functions,
154 records, offices, personnel, associated administrative support
155 positions, property, pending issues, administrative authority,
156 administrative rules, and unexpended balances of appropriations,
157 allocations, and other funds for the regulation of
158 bacteriological sampling of beach waters and public bathing
159 places of the Department of Health are transferred by a type two
160 transfer, as defined in s. 20.06(2), Florida Statutes, to the
161 Department of Environmental Protection.

162 (5) Notwithstanding chapter 60L-34, Florida Administrative
163 Code, or any law to the contrary, employees transferred from the
164 Department of Health to the Department of Environmental
165 Protection to fill positions transferred by this act retain and
166 transfer any accrued annual leave, sick leave, and regular and
167 special compensatory leave balances.

168 Section 3. Effective July 1, 2025, subsection (1) of
169 section 514.021, Florida Statutes, is amended to read:

170 514.021 Department authorization.—

171 (1) With the exception of rules related to the
172 bacteriological sampling of beach waters and public bathing
173 places under s. 514.023, for which the adoption and enforcement
174 are solely the responsibility of the Department of Environmental
175 Protection, the department may adopt and enforce rules to

176 protect the health, safety, or welfare of persons by setting
177 sanitation and safety standards for public swimming pools and
178 public bathing places. The department shall review and revise
179 such rules as necessary, but not less than biennially.
180 Sanitation and safety standards must ~~shall~~ be limited to matters
181 relating to source of water supply; microbiological, chemical,
182 and physical quality of water in the pool or bathing area;
183 method of water purification, treatment, and disinfection;
184 lifesaving apparatus; and measures to ensure safety of bathers.

185 Section 4. Effective July 1, 2025, section 514.023,
186 Florida Statutes, is amended to read:

187 514.023 Sampling of beach waters~~r~~ and public bathing
188 places; health advisories; signage; database.-

189 (1) As used in this section, the term:

190 (a) "Beach waters" means the waters along the coastal and
191 intracoastal beaches and shores of this ~~the~~ state~~r~~, and includes
192 salt water and brackish water.

193 (b) "Department" means the Department of Environmental
194 Protection.

195 (2) The department shall ~~may~~ adopt and enforce rules to
196 protect the health, safety, and welfare of persons using the
197 beach waters and public bathing places of this ~~the~~ state. The
198 rules must establish health standards and prescribe procedures
199 and timeframes for bacteriological sampling of beach waters and
200 public bathing places. At a minimum, the rules must require

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201 owners of beach waters and public bathing places to both notify
202 the department and resample the water within 24 hours after a
203 test result indicates that a sample of the beach waters or
204 public bathing place fails to meet standards established by the
205 department.

206 (3) The department must immediately ~~may~~ issue health
207 advisories if the quality of beach waters or a public bathing
208 place fails to meet standards established by the department and
209 must require closure of beach waters and public bathing places
210 that fail to meet the department's standards if it deems closure
211 is necessary to protect the health, safety, and welfare of the
212 public. Closures must remain in effect until the quality of the
213 beach waters or public bathing place is restored in accordance
214 with the department's standards and until the department has
215 removed any related health advisories that it issued. The
216 issuance of health advisories related to the results of
217 bacteriological sampling of beach waters and public bathing
218 places is preempted to the state.

219 (4)(a) When the department issues a health advisory
220 against swimming in beach waters or a public bathing place on
221 the basis of finding elevated levels of fecal coliform,
222 *Escherichia coli*, or enterococci bacteria in a water sample, the
223 department must immediately and ~~shall~~ concurrently notify the
224 municipality or county in which the affected beach waters or
225 public bathing place is ~~are~~ located, whichever has jurisdiction,

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226 ~~and~~ the local office of the Department of Health, and the local
227 affiliates of national television networks in the affected area
228 ~~Environmental Protection~~, of the advisory.

229 (b) Municipalities and counties shall immediately notify
230 the department of any incident that may affect the quality of
231 beach waters or public bathing places within their respective
232 jurisdictions. Public boat docks, marinas, and piers shall
233 immediately notify the jurisdictional municipality or county of
234 any incident that may affect the quality of beach waters in
235 which the dock, marina, or pier is located.

236 (c) The local office of the department of Environmental
237 ~~Protection~~ shall promptly investigate wastewater treatment
238 facilities and ocean outfalls within the adjoining
239 municipalities and counties ~~1 mile~~ of the affected beach waters
240 or public bathing place to determine whether ~~if~~ a facility
241 experienced an incident that may have contributed to the
242 contamination and provide the results of the investigation in
243 writing or by electronic means to the municipality or county, as
244 applicable.

245 (d) The department shall adopt by rule a sign that must be
246 used when it issues a health advisory against swimming in
247 affected beach waters or public bathing places due to elevated
248 levels of fecal coliform, *Escherichia coli*, or enterococci
249 bacteria in the water. The sign must include the following
250 language: "THIS WATER BODY HAS BEEN VERIFIED TO BE CONTAMINATED

251 WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER
252 QUALITY STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK
253 OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID
254 INGESTING THE WATER OR EXPOSING OPEN WOUNDS. SECTION 514.023,
255 FLORIDA STATUTES." The department shall require that health
256 advisory signs be displayed at beach access points and in
257 conspicuous areas around affected beach waters and public
258 bathing places until subsequent testing of the water
259 demonstrates that the bacteria levels meet the standards
260 established by the department.

261 (e) Municipalities and counties are responsible for
262 posting and maintaining health advisory signs as described in
263 paragraph (d) around affected beach waters and public bathing
264 places that they own. The department is responsible for posting
265 and maintaining health advisory signs around affected beach
266 waters and public bathing places owned by the state. The
267 department shall coordinate with the Department of Health and
268 the Fish and Wildlife Conservation Commission as necessary to
269 implement the signage requirements of this subsection.

270 (f) The department shall monitor affected beach waters and
271 public bathing places for compliance with the signage
272 requirements of this subsection, ensuring that only department-
273 approved health advisory signs are used and that such signage is
274 posted and maintained in compliance with this subsection until
275 the health advisory is no longer in effect.

276 (5) The department shall establish a public statewide
 277 interagency database for the reporting of fecal indicator
 278 bacteria data for beach waters and public bathing places in this
 279 state. The department, in coordination with the Department of
 280 Health, shall adopt rules and procedures for the sharing of
 281 fecal indicator bacteria data between agencies and for the
 282 reporting of such data in the database. Fecal indicator bacteria
 283 data relating to sampled beach waters and public bathing places
 284 must be published in the database immediately after receipt and
 285 confirmation of the data.

286 Section 5. Effective July 1, 2025, section 514.0231,
 287 Florida Statutes, is amended to read:

288 514.0231 Advisory committee to oversee sampling of beach
 289 waters.—The Department of Environmental Protection ~~Health~~ shall
 290 form an interagency technical advisory committee ~~to oversee the~~
 291 ~~performance of the study required in s. 514.023 and~~ to advise it
 292 in rulemaking pertaining to standards for public bathing places
 293 along the coastal and intracoastal beaches and shores of the
 294 state. Membership on the committee must ~~shall~~ consist of equal
 295 numbers of staff of the Department of Environmental Protection
 296 and the Department of Health ~~and the Department of Environmental~~
 297 ~~Protection~~ with expertise in the subject matter of the study.
 298 Members shall be appointed by the Secretary of Environmental
 299 Protection and the State Surgeon General ~~and the Secretary of~~
 300 ~~Environmental Protection~~. The committee shall be chaired by a

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301 representative from the Department of Environmental Protection
302 ~~Health~~.

303 Section 6. Except as otherwise expressly provided in this
304 act, this act shall take effect upon becoming a law.