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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2024	.	
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The Committee on Health Policy (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. At a minimum, the rules must require
18 owners of beach waters and public bathing places to both notify
19 the department and resample the water within 24 hours after a
20 test result indicates that a sample of the beach waters or
21 public bathing place fails to meet standards established by the
22 department.

23 (3) The department shall, within 24 hours or the next
24 business day, whichever occurs first, may issue health
25 advisories if the quality of beach waters or a public bathing
26 place fails to meet standards established by the department and
27 shall require closure of beach waters and public bathing places
28 that fail to meet the department's standards if it deems closure
29 is necessary to protect the health, safety, and welfare of the
30 public. Closures must remain in effect until the quality of the
31 beach waters or public bathing place is restored in accordance
32 with the department's standards and until the department has
33 removed any related health advisories that it issued. The
34 issuance of health advisories related to the results of
35 bacteriological sampling of beach waters and public bathing
36 places is preempted to the state.

37 (4) (a) When the department issues a health advisory against
38 swimming in beach waters or a public bathing place on the basis
39 of finding elevated levels of fecal coliform, *Escherichia coli*,



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40 or enterococci bacteria in a water sample, the department shall,
41 within 24 hours or the next business day, whichever occurs
42 first, concurrently notify the municipality or county in which
43 the affected beach waters or public bathing place is ~~are~~
44 located, whichever has jurisdiction, ~~and~~ the local office of the
45 Department of Environmental Protection, and the local affiliates
46 of national television networks in the affected area of the
47 advisory.

48 (b) Municipalities and counties shall, within 24 hours or
49 the next business day, whichever occurs first, notify the
50 department of any incident that negatively impacts the quality
51 of beach waters or public bathing places within their respective
52 jurisdictions. Owners of public boat docks, marinas, and piers
53 shall, within 24 hours or the next business day, whichever
54 occurs first, notify the jurisdictional municipality or county
55 of any incident that negatively impacts the quality of beach
56 waters in which the dock, marina, or pier is located.

57 (c) The local office of the Department of Environmental
58 Protection shall promptly investigate wastewater treatment
59 facilities within 1 mile of the affected beach waters or public
60 bathing place to determine if a facility experienced an incident
61 that may have contributed to the contamination and provide the
62 results of the investigation in writing or by electronic means
63 to the municipality or county, as applicable.

64 (d) The department shall adopt by rule a sign that must be
65 used when it issues a health advisory against swimming in
66 affected beach waters or public bathing places due to elevated
67 levels of fecal coliform, *Escherichia coli*, or enterococci
68 bacteria in the water. The department shall require that the



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69 health advisory sign be no less than 20 inches by 20 inches in
70 diameter and posted at beach access points and in conspicuous
71 areas around affected beach waters and public bathing places
72 until subsequent testing of the water demonstrates that the
73 bacteria levels meet the standards established by the
74 department.

75 (e) Municipalities and counties are responsible for posting
76 and maintaining health advisory signs as described in paragraph
77 (d) around affected beach waters and public bathing places owned
78 by them. The Department of Environmental Protection is
79 responsible for posting and maintaining health advisory signs
80 around affected beach waters and public bathing places owned by
81 the state. The department shall coordinate with the Department
82 of Environmental Protection and the Fish and Wildlife
83 Conservation Commission as necessary to implement the signage
84 requirements of this subsection. Such signage must be posted and
85 maintained in compliance with this subsection until the health
86 advisory is no longer in effect.

87 Section 2. This act shall take effect July 1, 2024.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete everything before the enacting clause
92 and insert:

93 A bill to be entitled
94 An act relating to sampling of beach waters and public
95 bathing spaces; amending s. 514.023, F.S.; requiring,
96 rather than authorizing, the Department of Health to
97 adopt and enforce certain rules; revising requirements



98 for such rules; requiring, rather than authorizing,
99 the department to issue certain health advisories
100 within a specified timeframe; directing the department
101 to require closure of beach waters and public bathing
102 places under certain circumstances; requiring that
103 such closures remain in effect for a specified period;
104 preempting the issuance of certain health advisories
105 for public bathing places to the state; specifying a
106 timeframe within which the department must notify the
107 municipality or county, the local office of the
108 Department of Environmental Protection, and the local
109 affiliates of national television networks of areas
110 affected by a health advisory against swimming issued
111 by the department; requiring municipalities and
112 counties to notify the department of certain incidents
113 within a specified timeframe; requiring owners of
114 public boat docks, marinas, and piers to notify the
115 jurisdictional municipality or county of certain
116 incidents within a specified timeframe; requiring the
117 department to adopt by rule a health advisory sign;
118 providing requirements for such sign; providing that
119 municipalities and counties are responsible for
120 posting and maintaining such signs around certain
121 affected beach waters and public bathing places;
122 providing that the Department of Environmental
123 Protection is responsible for posting and maintaining
124 such signs around certain affected beach waters and
125 public bathing places; requiring the Department of
126 Health to coordinate with the Department of



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127 Environmental Protection and the Fish and Wildlife
128 Conservation Commission to implement signage
129 requirements; providing an effective date.