

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; 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 to adopt and enforce
27 certain rules; revising requirements for such rules;
28 requiring, rather than authorizing, the department to
29 issue health advisories under certain circumstances;

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30 directing the department to require closure of beach
31 waters and public bathing places under certain
32 circumstances; requiring that such closures remain in
33 effect for a specified period; including public
34 bathing places in an existing preemption of authority
35 to the state pertaining to the issuance of such health
36 advisories and an existing notification requirement;
37 requiring municipalities and counties to immediately
38 notify the department of any incident that may affect
39 the quality of beach waters or public bathing places
40 within their respective jurisdictions; requiring the
41 department to promptly investigate outfall pipes, in
42 addition to wastewater treatment facilities, within
43 municipalities adjoining affected beach waters or
44 public bathing places; requiring the department to
45 adopt by rule a certain health advisory sign;
46 providing requirements for the sign; requiring that
47 the sign be posted in a specified manner and
48 maintained until subsequent testing demonstrates that
49 the water's bacteria levels meet the standards
50 established by the department; providing that
51 municipalities and counties are responsible for
52 maintaining the health advisory signs around affected
53 beach waters and public bathing places that they own;
54 providing that the department is responsible for
55 maintaining the health advisory signs around affected
56 beach waters and public bathing places owned by the
57 state; requiring the department to coordinate with the
58 Department of Health and the Fish and Wildlife

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59 Conservation Commission as necessary to implement such
60 signage requirements; requiring the department to
61 monitor affected beach waters and public bathing
62 places for compliance with the signage requirements;
63 requiring the department to establish a public
64 statewide interagency database for a specified
65 purpose; requiring the department, in coordination
66 with the Department of Health, to adopt certain rules
67 and procedures; providing requirements for the
68 publication of certain data; amending s. 514.0231,
69 F.S.; conforming a provision to changes made by the
70 act; providing effective dates.

71
72 Be It Enacted by the Legislature of the State of Florida:

73
74 Section 1. This act may be cited as the "Safe Waterways
75 Act."

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

82 (a) The average number of bacteriological samples collected
83 each year, differentiated by those collected by the department
84 and those submitted by owners of beach waters or public bathing
85 places.

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

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

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

94 (2) By December 31, 2024, the Department of Health and the
95 Department of Environmental Protection shall submit
96 recommendations to the Governor, the President of the Senate,
97 and the Speaker of the House of Representatives regarding the
98 transfer of bacteriological sampling of beach waters and public
99 bathing places from the Department of Health to the Department
100 of Environmental Protection. The recommendations must address
101 all aspects of the transfer, including the continued role, if
102 any, of the county health departments in the collection and
103 tracking of data relating to bacteriological sampling of beach
104 waters and public bathing places and enforcement of posted
105 signage requirements imposed under s. 514.023, Florida Statutes,
106 which would be conducted under the direction of the Department
107 of Environmental Protection.

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

115 (a) Any continued role of the county health departments in
116 the collection and tracking of data relating to bacteriological

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117 sampling of beach waters and public bathing places and
118 enforcement of posted signage requirements imposed under s.
119 514.023, Florida Statutes.

120 (b) The proportionate number of administrative, auditing,
121 inspector general, attorney, and operational support positions,
122 and their respective related funding levels and sources and
123 assigned property, that is appropriate to be transferred from
124 the Office of General Counsel, the Office of Inspector General,
125 and the Division of Administrative Services or other relevant
126 offices or divisions within the Department of Health to the
127 Department of Environmental Protection.

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

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

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146 substantive committees of the Senate and the House of
147 Representatives must be notified of the proposed adjustments to
148 ensure their consistency with legislative policy and intent.

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

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

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

166 514.021 Department authorization.—

167 (1) With the exception of rules related to the
168 bacteriological sampling of beach waters and public bathing
169 places under s. 514.023, for which the adoption and enforcement
170 are solely the responsibility of the Department of Environmental
171 Protection, the department may adopt and enforce rules to
172 protect the health, safety, or welfare of persons by setting
173 sanitation and safety standards for public swimming pools and
174 public bathing places. The department shall review and revise

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175 such rules as necessary, but not less than biennially.
176 Sanitation and safety standards must ~~shall~~ be limited to matters
177 relating to source of water supply; microbiological, chemical,
178 and physical quality of water in the pool or bathing area;
179 method of water purification, treatment, and disinfection;
180 lifesaving apparatus; and measures to ensure safety of bathers.

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

183 514.023 Sampling of beach waters~~r~~ and public bathing
184 places; health advisories; signage; database.-

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

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

189 (b) "Department" means the Department of Environmental
190 Protection.

191 (2) The department shall ~~may~~ adopt and enforce rules to
192 protect the health, safety, and welfare of persons using the
193 beach waters and public bathing places of this ~~the~~ state. The
194 rules must establish health standards and prescribe procedures
195 and timeframes for bacteriological sampling of beach waters and
196 public bathing places. At a minimum, the rules must require
197 owners of beach waters and public bathing places to both notify
198 the department and resample the water within 24 hours after a
199 test result indicates that a sample of the beach waters or
200 public bathing place fails to meet standards established by the
201 department.

202 (3) The department must ~~may~~ issue health advisories if the
203 quality of beach waters or a public bathing place fails to meet

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

215 (4) (a) When the department issues a health advisory against
216 swimming in beach waters or a public bathing place on the basis
217 of finding elevated levels of fecal coliform, *Escherichia coli*,
218 or enterococci bacteria in a water sample, the department must
219 ~~shall~~ concurrently notify the municipality or county in which
220 the affected beach waters or public bathing place is ~~are~~
221 located, whichever has jurisdiction, and the local office of the
222 Department of Health Environmental Protection, of the advisory.

223 (b) Municipalities and counties shall immediately notify
224 the department of any incident that may affect the quality of
225 beach waters or public bathing places within their respective
226 jurisdictions.

227 (c) ~~The local office of the department of Environmental~~
228 ~~Protection~~ shall promptly investigate wastewater treatment
229 facilities and outfall pipes within municipalities adjoining ~~±~~
230 ~~mile of~~ the affected beach waters or public bathing place to
231 determine whether ~~if~~ a facility experienced an incident that may
232 have contributed to the contamination and provide the results of

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233 the investigation in writing or by electronic means to the
234 municipality or county, as applicable.

235 (d) The department shall adopt by rule a sign that must be
236 used when it issues a health advisory against swimming in
237 affected beach waters or public bathing places due to elevated
238 levels of fecal coliform, *Escherichia coli*, or enterococci
239 bacteria in the water. The sign must include the following
240 language: "THIS WATER BODY HAS BEEN VERIFIED TO BE CONTAMINATED
241 WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER
242 QUALITY STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK
243 OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID
244 INGESTING THE WATER OR EXPOSING OPEN WOUNDS. SECTION 514.023,
245 FLORIDA STATUTES." The department shall require that health
246 advisory signs be displayed at beach access points and in
247 conspicuous areas around affected beach waters and public
248 bathing places until subsequent testing of the water
249 demonstrates that the bacteria levels meet the standards
250 established by the department.

251 (e) Municipalities and counties are responsible for posting
252 and maintaining health advisory signs as described in paragraph
253 (d) around affected beach waters and public bathing places that
254 they own. The department is responsible for posting and
255 maintaining health advisory signs around affected beach waters
256 and public bathing places owned by the state. The department
257 shall coordinate with the Department of Health and the Fish and
258 Wildlife Conservation Commission as necessary to implement the
259 signage requirements of this subsection.

260 (f) The department shall monitor affected beach waters and
261 public bathing places for compliance with the signage

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262 requirements of this subsection, ensuring that only department-
263 approved health advisory signs are used and that such signage is
264 posted and maintained in compliance with this subsection until
265 the health advisory is no longer in effect.

266 (5) The department shall establish a public statewide
267 interagency database for the reporting of fecal indicator
268 bacteria data for beach waters and public bathing places in this
269 state. The department, in coordination with the Department of
270 Health, shall adopt rules and procedures for the sharing of
271 fecal indicator bacteria data between agencies and for the
272 reporting of such data in the database. Fecal indicator bacteria
273 data relating to sampled beach waters and public bathing places
274 must be published in the database within 1 business day after
275 receipt and confirmation of the data.

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

278 514.0231 Advisory committee to oversee sampling of beach
279 waters.—The Department of Environmental Protection ~~Health~~ shall
280 form an interagency technical advisory committee to oversee the
281 performance of the study required in s. 514.023 and to advise it
282 in rulemaking pertaining to standards for public bathing places
283 along the coastal and intracoastal beaches and shores of the
284 state. Membership on the committee must ~~shall~~ consist of equal
285 numbers of staff of the Department of Environmental Protection
286 and the Department of Health ~~and the Department of Environmental~~
287 ~~Protection~~ with expertise in the subject matter of the study.
288 Members shall be appointed by the Secretary of Environmental
289 Protection and the State Surgeon General ~~and the Secretary of~~
290 ~~Environmental Protection~~. The committee shall be chaired by a

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291 representative from the Department of Environmental Protection
292 Health.

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