

By the Committee on Health Policy; and Senators Berman and Rodriguez

588-02996-24

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1 A bill to be entitled
2 An act relating to sampling of beach waters and public
3 bathing spaces; 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 certain health advisories
8 within a specified timeframe; directing the department
9 to require closure of beach waters and public bathing
10 places under certain circumstances; requiring that
11 such closures remain in effect for a specified period;
12 preempting the issuance of certain health advisories
13 for public bathing places to the state; specifying a
14 timeframe within which the department must notify the
15 municipality or county, the local office of the
16 Department of Environmental Protection, and the local
17 affiliates of national television networks of areas
18 affected by a health advisory against swimming issued
19 by the department; requiring municipalities and
20 counties to notify the department of certain incidents
21 within a specified timeframe; requiring owners of
22 public boat docks, marinas, and piers to notify the
23 jurisdictional municipality or county of certain
24 incidents within a specified timeframe; requiring the
25 department to adopt by rule a health advisory sign;
26 providing requirements for such sign; providing that
27 municipalities and counties are responsible for
28 posting and maintaining such signs around certain
29 affected beach waters and public bathing places;

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30 providing that the Department of Environmental
31 Protection is responsible for posting and maintaining
32 such signs around certain affected beach waters and
33 public bathing places; requiring the Department of
34 Health to coordinate with the Department of
35 Environmental Protection and the Fish and Wildlife
36 Conservation Commission to implement signage
37 requirements; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
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41 Section 1. Section 514.023, Florida Statutes, is amended to
42 read:

43 514.023 Sampling of beach waters~~r~~ and public bathing
44 places; health advisories; signage.—

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

48 (2) The department shall ~~may~~ adopt and enforce rules to
49 protect the health, safety, and welfare of persons using the
50 beach waters and public bathing places of this ~~the~~ state. The
51 rules must establish health standards and prescribe procedures
52 and timeframes for bacteriological sampling of beach waters and
53 public bathing places. At a minimum, the rules must require
54 owners of beach waters and public bathing places to both notify
55 the department and resample the water within 24 hours after a
56 test result indicates that a sample of the beach waters or
57 public bathing place fails to meet standards established by the
58 department.

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59 (3) The department shall, within 24 hours or the next
60 business day, whichever occurs first, may issue health
61 advisories if the quality of beach waters or a public bathing
62 place fails to meet standards established by the department and
63 shall require closure of beach waters and public bathing places
64 that fail to meet the department's standards if it deems closure
65 is necessary to protect the health, safety, and welfare of the
66 public. Closures must remain in effect until the quality of the
67 beach waters or public bathing place is restored in accordance
68 with the department's standards and until the department has
69 removed any related health advisories that it issued. The
70 issuance of health advisories related to the results of
71 bacteriological sampling of beach waters and public bathing
72 places is preempted to the state.

73 (4) (a) When the department issues a health advisory against
74 swimming in beach waters or a public bathing place on the basis
75 of finding elevated levels of fecal coliform, *Escherichia coli*,
76 or enterococci bacteria in a water sample, the department shall,
77 within 24 hours or the next business day, whichever occurs
78 first, concurrently notify the municipality or county in which
79 the affected beach waters or public bathing place is ~~are~~
80 located, whichever has jurisdiction, ~~and~~ the local office of the
81 Department of Environmental Protection, and the local affiliates
82 of national television networks in the affected area of the
83 advisory.

84 (b) Municipalities and counties shall, within 24 hours or
85 the next business day, whichever occurs first, notify the
86 department of any incident that negatively impacts the quality
87 of beach waters or public bathing places within their respective

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88 jurisdictions. Owners of public boat docks, marinas, and piers
89 shall, within 24 hours or the next business day, whichever
90 occurs first, notify the jurisdictional municipality or county
91 of any incident that negatively impacts the quality of beach
92 waters in which the dock, marina, or pier is located.

93 (c) The local office of the Department of Environmental
94 Protection shall promptly investigate wastewater treatment
95 facilities within 1 mile of the affected beach waters or public
96 bathing place to determine if a facility experienced an incident
97 that may have contributed to the contamination and provide the
98 results of the investigation in writing or by electronic means
99 to the municipality or county, as applicable.

100 (d) The department shall adopt by rule a sign that must be
101 used when it issues a health advisory against swimming in
102 affected beach waters or public bathing places due to elevated
103 levels of fecal coliform, *Escherichia coli*, or enterococci
104 bacteria in the water. The department shall require that the
105 health advisory sign be no less than 20 inches by 20 inches in
106 diameter and posted at beach access points and in conspicuous
107 areas around affected beach waters and public bathing places
108 until subsequent testing of the water demonstrates that the
109 bacteria levels meet the standards established by the
110 department.

111 (e) Municipalities and counties are responsible for posting
112 and maintaining health advisory signs as described in paragraph
113 (d) around affected beach waters and public bathing places owned
114 by them. The Department of Environmental Protection is
115 responsible for posting and maintaining health advisory signs
116 around affected beach waters and public bathing places owned by

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117 the state. The department shall coordinate with the Department
118 of Environmental Protection and the Fish and Wildlife
119 Conservation Commission as necessary to implement the signage
120 requirements of this subsection. Such signage must be posted and
121 maintained in compliance with this subsection until the health
122 advisory is no longer in effect.

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