

By Senator Rodriguez

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30 requiring the department, in coordination with the
31 Department of Environmental Protection and the Fish
32 and Wildlife Conservation Commission, to adopt by rule
33 a health advisory sign for a specified purpose;
34 providing requirements for such sign; requiring
35 counties, municipalities, special districts, and the
36 Department of Environmental Protection, respectively,
37 to post and maintain health advisory signs; specifying
38 where health advisory signs must be posted and for how
39 long; providing an effective date.

40

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

42

43 Section 1. Subsection (4) of section 373.118, Florida
44 Statutes, is amended to read:

45 373.118 General permits; delegation.—

46 (4) (a) The department shall adopt by rule one or more
47 general permits for local governments to construct, operate, and
48 maintain public mooring fields, public boat ramps, including
49 associated courtesy docks, and associated parking facilities
50 located in uplands. Such general permits adopted by rule shall
51 include provisions to ensure compliance with part IV of this
52 chapter, subsection (1), and the criteria necessary to include
53 the general permits in a state programmatic general permit
54 issued by the United States Army Corps of Engineers under s. 404
55 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33
56 U.S.C. ss. 1251 et seq. A facility authorized under such general
57 permits is exempt from review as a development of regional
58 impact if the facility complies with the comprehensive plan of

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59 the applicable local government. Such facilities shall be
60 consistent with the local government manatee protection plan
61 required pursuant to chapter 379. Mooring fields authorized
62 under such general permits may not exceed 100 vessels. All
63 facilities permitted under this section shall be constructed,
64 maintained, and operated in perpetuity for the exclusive use of
65 the general public. The department is authorized to have
66 delegation of authority from the Board of Trustees of the
67 Internal Improvement Trust Fund to issue leases for mooring
68 fields that meet the requirements of such general permits. The
69 department shall initiate the rulemaking process within 60 days
70 after the effective date of this act.

71 (b) Notwithstanding any provision of law to the contrary, a
72 county, municipality, or special district may not apply for a
73 permit to establish or maintain a mooring field outside of its
74 territorial boundaries. Notwithstanding any provision of law to
75 the contrary, a county may not apply for a permit to establish
76 or maintain a mooring field within an incorporated area. This
77 paragraph does not apply to a mooring field that has been
78 approved by all jurisdictional local governments or that has
79 been issued a final, nonappealable permit by the department
80 before December 31, 2025.

81 Section 2. Section 514.023, Florida Statutes, is amended to
82 read:

83 514.023 Sampling of beach waters; ~~and~~ public bathing
84 places; health advisories and signage.—

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

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88 (2) The department shall ~~may~~ adopt and enforce rules to
89 protect the health, safety, and welfare of persons using the
90 beach waters and public bathing places of this ~~the~~ state. The
91 rules must:

92 (a) Establish health standards and prescribe procedures and
93 timeframes for bacteriological sampling of beach waters and
94 public bathing places.

95 (b) Require owners of beach waters and public bathing
96 places to notify the department within 24 hours after a test
97 result indicates that a sample of the beach waters or water in a
98 public bathing place fails to meet standards established by the
99 department.

100 (c) Prescribe minimum sanitation standards relating to
101 discharge that is disposed of in beach waters or the water at a
102 public bathing place.

103 (3) A county, municipality, or special district, or the
104 state if the affected beach waters and public bathing places are
105 owned by this state, must ~~The department may issue, within 24~~
106 hours after a sampling or the next business day, whichever
107 occurs first, health advisories if the quality of beach waters
108 or a public bathing place fails to meet standards established by
109 the department. The issuance of health advisories related to the
110 results of bacteriological sampling of beach waters is preempted
111 to the state.

112 (4) (a) When a county, municipality, or special district, or
113 the state if the affected beach waters and public bathing places
114 are owned by this state, the department issues a health advisory
115 against swimming in beach waters or a public bathing place on
116 the basis of finding elevated levels of fecal coliform,

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117 ~~Escherichia coli, or enterococci bacteria in a water sample, the~~
118 ~~department shall concurrently notify the municipality or county,~~
119 ~~municipality, or special district~~ in which the affected beach
120 ~~waters or public bathing places are located, or the state,~~
121 ~~whichever has jurisdiction, must notify, within 24 hours after a~~
122 ~~sampling or the next business day, whichever occurs first, and~~
123 ~~the local office of the Department of Environmental Protection~~
124 ~~and the local affiliates of national television networks in the~~
125 ~~affected area,~~ of the advisory.

126 (b) The county, municipality, or special district, or the
127 state if the affected beach waters and public bathing places are
128 owned by this state, in which the affected beach waters or
129 public bathing place is located must close the beach waters or
130 public bathing places that fail to meet the department's
131 standards if a closure is deemed necessary to protect the
132 health, safety, and welfare of the public. A closure remains in
133 effect until the quality of the beach waters or public bathing
134 place is restored and complies with the department's standards
135 and until the county, municipality, special district, or state,
136 as applicable, has removed any related health advisories that it
137 issued.

138 (5) Within 24 hours after the incident or the next business
139 day, whichever occurs first:

140 (a) A county, municipality, or special district shall
141 notify the department of any incident that makes the water
142 quality of beach waters or public bathing places within its
143 jurisdiction unsafe.

144 (b) An owner of a public boat dock, marina, or pier shall
145 notify the appropriate county, municipality, or special district

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146 of any incident that makes the water quality of the beach waters
147 in which the public dock, marina, or pier is located unsafe.

148 (6) The local office of the Department of Environmental
149 Protection shall promptly investigate wastewater treatment
150 facilities located within 1 mile of the affected beach waters or
151 public bathing place to determine whether if a facility
152 experienced an incident that may have contributed to the
153 contamination and provide the results of the investigation in
154 writing or by electronic means to the ~~municipality or~~ county,
155 municipality, or special district, as applicable.

156 (7) (a) The department shall adopt by rule a health advisory
157 sign that must be posted in certain locations when a county,
158 municipality, special district, or the state issues a health
159 advisory against swimming in affected beach waters or public
160 bathing places due to elevated levels of fecal coliform,
161 *Escherichia coli*, or enterococci bacteria in the water. The
162 department shall coordinate with the Department of Environmental
163 Protection and the Fish and Wildlife Conservation Commission as
164 necessary to implement the signage requirements in this
165 subsection.

166 (b) The health advisory sign must be at least 16.5 inches
167 by 30 inches in size.

168 (c) The county, municipality, or special district in which
169 the affected beach waters or public bathing place is located is
170 responsible for posting and maintaining the health advisory
171 signs around the affected beach waters and public bathing places
172 owned by the county, municipality, or special district.

173 (d) The Department of Environmental Protection is
174 responsible for posting and maintaining the health advisory

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175 signs around the affected beach waters and public bathing places
176 owned by this state.

177 (e) A health advisory sign must be posted at each beach
178 access point and in conspicuous areas around the affected beach
179 waters or public bathing place. A health advisory sign must
180 remain posted until subsequent testing of the water demonstrates
181 that the bacteria levels meet the standards established by the
182 department and the health advisory is no longer in effect.

183 Section 3. This act shall take effect upon becoming a law.