

By Senator Rodriguez

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A bill to be entitled

An act relating to public waters; amending s. 373.118, F.S.; prohibiting local governments and special districts from applying for a permit to establish or maintain a public mooring field under certain circumstances; providing applicability; amending s. 514.023, F.S.; requiring, rather than authorizing, the Department of Health to adopt and enforce certain rules; providing minimum requirements for such rules; requiring counties, municipalities, special districts, and, if applicable, the state to issue health advisories under certain circumstances and within a specified timeframe; deleting the preemption to the state of certain health advisories; requiring counties, municipalities, special districts, and, if applicable, the state to provide the Department of Environmental Protection and local affiliates of national television networks certain notification within a specified timeframe; requiring counties, municipalities, special districts, and, if applicable, the state to close certain beach waters and public bathing places; requiring that a closure remain in effect until certain conditions are met; requiring counties, municipalities, special districts, and certain owners to provide specified entities certain notifications under certain circumstances; requiring the Department of Environmental Protection to provide special districts the results of certain investigations, if applicable, and by certain means;

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

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

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

373.118 General permits; delegation.—

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

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

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

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

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

(1) As used in this section, the term “beach waters” means the waters along the coastal and intracoastal beaches and shores 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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of any incident that makes the water quality of the beach waters in which the public dock, marina, or pier is located unsafe.

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

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

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

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

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

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

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

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