

1 A bill to be entitled
2 An act relating to public waters; amending s. 373.118,
3 F.S.; prohibiting local governments and special
4 districts from applying for a permit to establish or
5 maintain a public mooring field under certain
6 circumstances; providing applicability; amending s.
7 514.023, F.S.; requiring, rather than authorizing, the
8 Department of Health to adopt and enforce certain
9 rules; providing minimum requirements for such rules;
10 requiring counties, municipalities, special districts,
11 and, under certain circumstances, the state to issue
12 within a specified timeframe health advisories under
13 certain circumstances; removing the preemption to the
14 state of certain health advisories; requiring
15 counties, municipalities, special districts, and,
16 under certain circumstances, the state to provide the
17 Department of Environmental Protection and local
18 affiliates of national television networks certain
19 notification within a specified timeframe; requiring
20 counties, municipalities, special districts, and,
21 under certain circumstances, the state to close
22 certain beach waters and public bathing places;
23 requiring a closure to remain in effect for a
24 specified amount of time; requiring counties,
25 municipalities, special districts, and certain owners

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

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 **Section 1. Subsection (4) of section 373.118, Florida**
41 **Statutes, is amended to read:**

42 373.118 General permits; delegation.—

43 (4) (a) The department shall adopt by rule one or more
44 general permits for local governments to construct, operate, and
45 maintain public mooring fields, public boat ramps, including
46 associated courtesy docks, and associated parking facilities
47 located in uplands. Such general permits adopted by rule shall
48 include provisions to ensure compliance with part IV of this
49 chapter, subsection (1), and the criteria necessary to include
50 the general permits in a state programmatic general permit

51 issued by the United States Army Corps of Engineers under s. 404
52 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33
53 U.S.C. ss. 1251 et seq. A facility authorized under such general
54 permits is exempt from review as a development of regional
55 impact if the facility complies with the comprehensive plan of
56 the applicable local government. Such facilities shall be
57 consistent with the local government manatee protection plan
58 required pursuant to chapter 379. Mooring fields authorized
59 under such general permits may not exceed 100 vessels. All
60 facilities permitted under this section shall be constructed,
61 maintained, and operated in perpetuity for the exclusive use of
62 the general public. The department is authorized to have
63 delegation of authority from the Board of Trustees of the
64 Internal Improvement Trust Fund to issue leases for mooring
65 fields that meet the requirements of such general permits. The
66 department shall initiate the rulemaking process within 60 days
67 after the effective date of this act.

68 (b) Notwithstanding any provision of law to the contrary,
69 a county, municipality, or special district may not apply for a
70 permit to establish or maintain a mooring field outside of its
71 territorial boundaries. Notwithstanding any provision of law to
72 the contrary, a county may not apply for a permit to establish
73 or maintain a mooring field within an incorporated area. This
74 paragraph does not apply to a mooring field that has been
75 approved by all jurisdictional local governments or that has

76 been issued a final, nonappealable permit by the department
77 before December 31, 2025.

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

80 514.023 Sampling of beach waters; ~~and~~ public bathing
81 places; health advisories and signage.—

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

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

89 (a) Establish health standards and prescribe procedures
90 and timeframes for bacteriological sampling of beach waters and
91 public bathing places.

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

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

100 (3) A county, municipality, or special district, or the

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

109 (4) (a) When a county, municipality, or special district,
110 or the state if the affected beach waters and public bathing
111 places are owned by this state, ~~the department~~ issues a health
112 advisory against swimming in beach waters or a public bathing
113 place on the basis of finding elevated levels of fecal coliform,
114 *Escherichia coli*, or enterococci bacteria in a water sample, the
115 ~~department shall concurrently notify the municipality or county,~~
116 municipality, or special district in which the affected beach
117 waters or public bathing places are located, or the state,
118 whichever has jurisdiction, must notify, within 24 hours after a
119 sampling or the next business day, whichever occurs first, and
120 the local office of the Department of Environmental Protection
121 and the local affiliates of national television networks in the
122 affected area, of the advisory.

123 (b) The county, municipality, or special district, or the
124 state if the affected beach waters and public bathing places are
125 owned by this state, in which the affected beach waters or

public bathing place is located must close the beach waters or
public bathing places that fail to meet the department's
standards if a closure is deemed necessary to protect the
health, safety, and welfare of the public. A closure remains in
effect until the quality of the beach waters or public bathing
place is restored and complies with the department's standards
and the county, municipality, special district, or state, as
applicable, has removed any related health advisories that it
issued.

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

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

(b) An owner of a public boat dock, marina, or pier must
notify the appropriate county, municipality, or special district
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 if a facility experienced an
incident that may have contributed to the contamination and
provide the results of the investigation in writing or by

151 electronic means to the ~~municipality or~~ county, municipality, or
152 special district, as applicable.

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

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

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

170 (d) The Department of Environmental Protection is
171 responsible for posting and maintaining the health advisory
172 signs around the affected beach waters and public bathing places
173 owned by this state.

174 (e) A health advisory sign must be posted at each beach
175 access point and in conspicuous areas around the affected beach

176 | waters or public bathing place. A health advisory sign must
177 | remain posted until subsequent testing of the water demonstrates
178 | that the bacteria levels meet the standards established by the
179 | department and the health advisory is no longer in effect.

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