

By the Committee on Environment and Natural Resources; and
Senator Berman

592-02785-22

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1 A bill to be entitled
2 An act relating to the Safe Waterways Act; amending s.
3 514.023, F.S.; requiring, rather than authorizing, the
4 Department of Health to adopt and enforce certain
5 rules; requiring, rather than authorizing, the
6 department to issue health advisories under certain
7 circumstances; requiring the department to notify a
8 municipality or county if the department issues a
9 health advisory against swimming on the basis of
10 elevated bacteria levels in a public bathing place
11 within the municipality's or county's jurisdiction;
12 requiring the department to adopt by rule a certain
13 health advisory sign; providing requirements for the
14 sign; requiring the sign to be posted in a specified
15 manner and maintained until subsequent testing shows
16 the water's bacteria levels meet the department's
17 standards; providing that municipalities and counties
18 are responsible for maintaining the health advisory
19 signs for affected beach waters and public bathing
20 places that they own; providing that the department is
21 responsible for maintaining the health advisory signs
22 for affected beach waters and public bathing places
23 owned by the state; authorizing the department to
24 coordinate with the Department of Environmental
25 Protection and the Fish and Wildlife Conservation
26 Commission to implement such signage requirements;
27 requiring the department to monitor the affected beach
28 waters and public bathing places for compliance with
29 the signage requirements; providing an effective date.

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

Section 1. Section 514.023, Florida Statutes, is amended to read:

514.023 Sampling of beach waters~~r~~ and public bathing places; health advisories; 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~~r~~, and includes salt water and brackish water.

(2) The department shall ~~may~~ adopt and enforce rules to protect the health, safety, and welfare of persons using the beach waters and public bathing places of this the state. The rules must establish health standards and prescribe procedures and timeframes for bacteriological sampling of beach waters and public bathing places.

(3) The department shall ~~may~~ issue health advisories if the quality of beach waters or a public bathing place fails to meet standards established by the department. The issuance of health advisories related to the results of bacteriological sampling of beach waters and public bathing places is preempted to the state.

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

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59 Department of Environmental Protection, of the advisory.

60 (b) The local office of the Department of Environmental
61 Protection must ~~shall~~ promptly investigate wastewater treatment
62 facilities within 1 mile of the affected beach waters or public
63 bathing place to determine if a facility experienced an incident
64 that may have contributed to the contamination and provide the
65 results of the investigation in writing or by electronic means
66 to the municipality or county, as applicable.

67 (c) The department shall adopt by rule a sign to be used
68 when it issues a health advisory against swimming in affected
69 beach waters or public bathing places due to elevated levels of
70 fecal coliform, *Escherichia coli*, or enterococci bacteria in the
71 water. The sign must include the following language: "THIS WATER
72 BODY HAS BEEN VERIFIED BY THE FLORIDA DEPARTMENT OF HEALTH TO BE
73 CONTAMINATED WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH
74 STATE WATER QUALITY STANDARDS IS REQUIRED. THIS WATER BODY
75 PRESENTS A RISK OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE
76 CAUTION TO AVOID INGESTING THE WATER OR EXPOSING OPEN WOUNDS.
77 SECTION 514.023, FLORIDA STATUTES." The department shall require
78 health advisory signs to be displayed in conspicuous areas
79 around affected beach waters and public bathing places until
80 subsequent testing of the water shows that the bacteria levels
81 meet the department's standards.

82 (d) Municipalities and counties are responsible for
83 maintaining health advisory signs in affected beach waters and
84 public bathing places that they own. The department is
85 responsible for maintaining health advisory signs in affected
86 beach waters and public bathing places owned by the state. The
87 department may coordinate with the Department of Environmental

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88 Protection and the Fish and Wildlife Conservation Commission to
89 implement the signage requirements of this paragraph.

90 (e) The department shall monitor affected beach waters and
91 public bathing places for compliance with the signage
92 requirements of this subsection, ensuring that signage is posted
93 appropriately until the bacteria contamination is resolved.

94 Section 2. This act shall take effect July 1, 2022.