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 of Health to issue certain health 8 advisories; directing the department to require 9 closure of beach waters and public bathing places under certain circumstances; requiring that such 10 11 closures remain in effect for a specified period; 12 requiring the department, municipalities and counties, 13 and owners of public boat docks, marinas, and piers to 14 provide certain notice; preempting the issuance of 15 certain health advisories for public bathing places to 16 the state; requiring the department to adopt by rule a 17 health advisory sign; providing requirements for such 18 sign; providing that municipalities and counties are 19 responsible for posting and maintaining such signs around certain affected beach waters and public 20 21 bathing places; providing that the Department of 22 Environmental Protection is responsible for posting 23 and maintaining such signs around certain affected 24 beach waters and public bathing places; requiring the 25 Department of Health to coordinate with the Department

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26	of Environmental Protection and the Fish and Wildlife
27	Conservation Commission to implement signage
28	requirements; providing an effective date.
29	
30	Be It Enacted by the Legislature of the State of Florida:
31	
32	Section 1. Section 514.023, Florida Statutes, is amended
33	to read:
34	514.023 Sampling of beach waters; and public bathing
35	places; health advisories <u>; signage</u>
36	(1) As used in this section, the term "beach waters" means
37	the waters along the coastal and intracoastal beaches and shores
38	of <u>this</u> the state $_{ au}$ and includes salt water and brackish water.
39	(2) The department <u>shall</u> may adopt and enforce rules to
40	protect the health, safety, and welfare of persons using the
41	beach waters and public bathing places of <u>this</u> the state. The
42	rules must establish health standards and prescribe procedures
43	and timeframes for bacteriological sampling of beach waters and
44	public bathing places. At a minimum, the rules must require
45	owners of beach waters and public bathing places to both notify
46	the department and resample the water within 24 hours after a
47	test result indicates that a sample of the beach waters or
48	public bathing place fails to meet standards established by the
49	department.
50	(3) The department shall, within 24 hours or the next
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51 business day, whichever occurs first, may issue health 52 advisories if the quality of beach waters or a public bathing 53 place fails to meet standards established by the department and 54 shall require closure of beach waters and public bathing places 55 that fail to meet the department's standards if it deems closure 56 is necessary to protect the health, safety, and welfare of the 57 public. Closures must remain in effect until the quality of the beach waters or public bathing place is restored in accordance 58 59 with the department's standards and until the department has 60 removed any related health advisories that it issued. The issuance of health advisories related to the results of 61 62 bacteriological sampling of beach waters and public bathing 63 places is preempted to the state. 64 (4) (a) When the department issues a health advisory

65 against swimming in beach waters or a public bathing place on 66 the basis of finding elevated levels of fecal coliform, 67 Escherichia coli, or enterococci bacteria in a water sample, the 68 department shall, within 24 hours or the next business day, 69 whichever occurs first, concurrently notify the municipality or 70 county in which the affected beach waters or public bathing 71 place is are located, whichever has jurisdiction, and the local office of the Department of Environmental Protection, and the 72 73 local affiliates of national television networks in the affected 74 area of the advisory.

75

(b) Municipalities and counties shall, within 24 hours or

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76	the next business day, whichever occurs first, notify the
77	department of any incident that negatively impacts the quality
78	of beach waters or public bathing places within their respective
79	jurisdictions. Owners of public boat docks, marinas, and piers
80	shall, within 24 hours or the next business day, whichever
81	occurs first, notify the jurisdictional municipality or county
82	of any incident that negatively impacts the quality of beach
83	waters in which the dock, marina, or pier is located.
84	(c) The local office of the Department of Environmental
85	Protection shall promptly investigate wastewater treatment
86	facilities within 1 mile of the affected beach waters or public
87	bathing place to determine if a facility experienced an incident
88	that may have contributed to the contamination and provide the
89	results of the investigation in writing or by electronic means
90	to the municipality or county, as applicable.
91	(d) The department shall adopt by rule a sign that must be
92	used when it issues a health advisory against swimming in
93	affected beach waters or public bathing places due to elevated
94	levels of fecal coliform, Escherichia coli, or enterococci
95	bacteria in the water. The department shall require that the
96	health advisory sign be no less than 20 inches by 20 inches in
97	diameter and posted at beach access points and in conspicuous
98	areas around affected beach waters and public bathing places
99	until subsequent testing of the water demonstrates that the
100	bacteria levels meet the standards established by the
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101	department.
102	(e) Municipalities and counties are responsible for
103	posting and maintaining health advisory signs as described in
104	paragraph (d) around affected beach waters and public bathing
105	places owned by them. The Department of Environmental Protection
106	is responsible for posting and maintaining health advisory signs
107	around affected beach waters and public bathing places owned by
108	the state. The department shall coordinate with the Department
109	of Environmental Protection and the Fish and Wildlife
110	Conservation Commission as necessary to implement the signage
111	requirements of this subsection. Such signage must be posted and
112	maintained in compliance with this subsection until the health
113	advisory is no longer in effect.
114	Section 2. This act shall take effect July 1, 2024.

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