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CS/CS/HB 165

2024 Legislature

1
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
10 under certain circumstances; requiring that such
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
20 around certain affected beach waters and public
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.

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

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; signage.—

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 this ~~the~~ state~~,~~ and includes salt water and brackish water.

39 (2) The department shall ~~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 this ~~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 notify the
 46 department within 24 hours after a test result indicates that a
 47 sample of the beach waters or public bathing place fails to meet
 48 standards established by the department.

49 (3) The department shall, within 24 hours or the next
 50 business day, whichever occurs first, ~~may~~ issue health

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51 | advisories if the quality of beach waters or a public bathing
52 | place fails to meet standards established by the department and
53 | shall require closure of beach waters and public bathing places
54 | that fail to meet the department's standards if it deems closure
55 | is necessary to protect the health, safety, and welfare of the
56 | public. Closures must remain in effect until the quality of the
57 | beach waters or public bathing place is restored in accordance
58 | with the department's standards and until the department has
59 | removed any related health advisories that it issued. The
60 | issuance of health advisories related to the results of
61 | bacteriological sampling of beach waters and public bathing
62 | places is preempted to the state.

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

74 | (b) Municipalities and counties shall, within 24 hours or
75 | the next business day, whichever occurs first, notify the

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76 department of any incident that makes the water quality of beach
77 waters or public bathing places within their respective
78 jurisdictions unsafe. Owners of public boat docks, marinas, and
79 piers shall, within 24 hours or the next business day, whichever
80 occurs first, notify the jurisdictional municipality or county
81 of any incident that makes the water quality of beach waters in
82 which the dock, marina, or pier is located unsafe.

83 (c) The local office of the Department of Environmental
84 Protection shall promptly investigate wastewater treatment
85 facilities within 1 mile of the affected beach waters or public
86 bathing place to determine if a facility experienced an incident
87 that may have contributed to the contamination and provide the
88 results of the investigation in writing or by electronic means
89 to the municipality or county, as applicable.

90 (d) The department shall adopt by rule a sign that must be
91 used when it issues a health advisory against swimming in
92 affected beach waters or public bathing places due to elevated
93 levels of fecal coliform, *Escherichia coli*, or enterococci
94 bacteria in the water. The department shall require that the
95 health advisory sign be no less than 16.5 inches by 30 inches in
96 diameter and posted at beach access points and in conspicuous
97 areas around affected beach waters and public bathing places
98 until subsequent testing of the water demonstrates that the
99 bacteria levels meet the standards established by the
100 department.

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101 (e) Municipalities and counties are responsible for
102 posting and maintaining health advisory signs as described in
103 paragraph (d) around affected beach waters and public bathing
104 places owned by them. The Department of Environmental Protection
105 is responsible for posting and maintaining health advisory signs
106 around affected beach waters and public bathing places owned by
107 the state. The department shall coordinate with the Department
108 of Environmental Protection and the Fish and Wildlife
109 Conservation Commission as necessary to implement the signage
110 requirements of this subsection. Such signage must be posted and
111 maintained in compliance with this subsection until the health
112 advisory is no longer in effect.

113 Section 2. This act shall take effect July 1, 2024.