

1                                   A bill to be entitled  
2           An act relating to the Safe Waterways Act; providing a  
3           short title; requiring the Department of Health to  
4           provide a report of specified information to the  
5           Governor and the Legislature by a specified date;  
6           requiring the Department of Health and the Department  
7           of Environmental Protection to submit to the Governor  
8           and the Legislature, by a specified date, certain  
9           recommendations relating to the transfer of duties  
10          related to the bacteriological sampling of beach  
11          waters and public bathing places; requiring the  
12          departments to enter into an interagency agreement, by  
13          a specified date, that meets certain requirements;  
14          transferring the duties related to the bacteriological  
15          sampling of beach waters and public bathing places  
16          from the Department of Health to the Department of  
17          Environmental Protection by a type two transfer by a  
18          specified date; providing that certain employees  
19          retain and transfer certain types of leave upon the  
20          transfer; amending s. 514.021, F.S.; specifying that  
21          the Department of Environmental Protection is solely  
22          responsible for adopting and enforcing rules related  
23          to the bacteriological sampling of beach waters and  
24          public bathing places; amending s. 514.023, F.S.;  
25          defining the term "department"; requiring, rather than

26 | authorizing, the Department of Health to adopt and  
27 | enforce certain rules; revising requirements for such  
28 | rules; requiring, rather than authorizing, the  
29 | Department of Environmental Protection to issue health  
30 | advisories under certain circumstances; directing the  
31 | department to require closure of beach waters and  
32 | public bathing places under certain circumstances;  
33 | requiring that such closures remain in effect for a  
34 | specified period; including public bathing places in  
35 | an existing preemption of authority to the state  
36 | pertaining to the issuance of such health advisories  
37 | and an existing notification requirement; requiring  
38 | the department to notify affiliates of national  
39 | television networks in affected areas; requiring  
40 | municipalities and counties to notify the department  
41 | of any incident that may affect the quality of beach  
42 | waters and public bathing places within their  
43 | respective jurisdictions; requiring public boat docks,  
44 | marinas, and piers to notify the jurisdictional  
45 | municipality or county of any incident that may affect  
46 | the quality of beach waters in which the dock, marina,  
47 | or pier is located; requiring the department to  
48 | investigate wastewater treatment facilities and ocean  
49 | outfalls within the adjoining municipalities and  
50 | counties of the affected beach waters and public

51 bathing places; requiring the department to adopt by  
52 rule a certain health advisory sign; providing  
53 requirements for the sign; providing that  
54 municipalities and counties are responsible for  
55 posting and maintaining the health advisory signs  
56 around affected beach waters and public bathing places  
57 that they own; providing that the department is  
58 responsible for maintaining the health advisory signs  
59 around affected beach waters and public bathing places  
60 owned by the state; requiring the department to  
61 coordinate with the Department of Health and the Fish  
62 and Wildlife Conservation Commission as necessary to  
63 implement such signage requirements; requiring the  
64 department to monitor affected beach waters and public  
65 bathing places for compliance with the signage  
66 requirements; requiring the department to establish a  
67 public statewide interagency database for a specified  
68 purpose; requiring the department, in coordination  
69 with the Department of Health, to adopt certain rules  
70 and procedures; providing requirements for the  
71 publication of certain data; amending s. 514.0231,  
72 F.S.; deleting an obsolete provision; conforming a  
73 provision to changes made by the act; providing  
74 effective dates.

75

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

77  
78 **Section 1.** This act may be cited as the "Safe Waterways  
79 Act."

80 **Section 2.** (1) By July 1, 2025, the Department of Health  
81 shall provide a report to the Governor, the President of the  
82 Senate, and the Speaker of the House of Representatives  
83 detailing all of the following information regarding the  
84 department's bacteriological sampling of beach waters and public  
85 bathing places:

86 (a) The average number of bacteriological samples  
87 collected each year, differentiated by those collected by the  
88 department and those submitted by owners of beach waters or  
89 public bathing places.

90 (b) The average number of health advisories issued each  
91 year, including their average duration.

92 (c) The number of department employees conducting work on  
93 or related to the bacteriological sampling of beach waters and  
94 public bathing places, including enforcement duties.

95 (d) The costs associated with fulfilling the department's  
96 duties, including, but not limited to, salaries and benefits,  
97 operational costs, and equipment costs.

98 (2) By December 31, 2025, the Department of Health and the  
99 Department of Environmental Protection shall submit  
100 recommendations to the Governor, the President of the Senate,

101 and the Speaker of the House of Representatives regarding the  
102 transfer of bacteriological sampling of beach waters and public  
103 bathing places from the Department of Health to the Department  
104 of Environmental Protection. The recommendations must address  
105 all aspects of the transfer, including the continued role, if  
106 any, of the county health departments in the collection and  
107 tracking of data relating to bacteriological sampling of beach  
108 waters and public bathing places and enforcement of posted  
109 signage requirements under s. 514.023, Florida Statutes, which  
110 would be conducted under the direction of the Department of  
111 Environmental Protection.

112 (3) By June 30, 2026, the Department of Health and the  
113 Department of Environmental Protection shall enter into an  
114 interagency agreement, based on the report and recommendations  
115 submitted pursuant to subsections (1) and (2), respectively,  
116 which must address all aspects of cooperation between the two  
117 agencies for a period of at least 5 years after the date of the  
118 transfer, including, but not limited to, all of the following:

119 (a) Any continued role of the county health departments in  
120 the collection and tracking of data relating to bacteriological  
121 sampling of beach waters and public bathing places and  
122 enforcement of posted signage requirements imposed under s.  
123 514.023, Florida Statutes.

124 (b) The proportionate number of administrative, auditing,  
125 inspector general, attorney, and operational support positions,

126 and their respective related funding levels and sources and  
127 assigned property, that is appropriate to be transferred from  
128 the Office of General Counsel, the Office of Inspector General,  
129 and the Division of Administrative Services or other relevant  
130 offices or divisions within the Department of Health to the  
131 Department of Environmental Protection.

132 (c) The development of a recommended plan to address the  
133 transfer or shared use of buildings, regional offices, and other  
134 facilities used or owned by the Department of Health.

135 (d) Any operating budget adjustments that are necessary to  
136 implement the requirements of this act. Adjustments made to the  
137 operating budgets of the agencies in the implementation of this  
138 act must be made in consultation with the appropriate  
139 substantive and fiscal committees of the Senate and the House of  
140 Representatives. The adjustments to the approved operating  
141 budgets for the 2026-2027 fiscal year which are necessary to  
142 reflect the organizational changes made by this act must be  
143 implemented pursuant to s. 216.292(4)(d), Florida Statutes, and  
144 are subject to s. 216.177, Florida Statutes. Subsequent  
145 adjustments between the Department of Health and the Department  
146 of Environmental Protection that are determined necessary by the  
147 respective agencies and approved by the Executive Office of the  
148 Governor are authorized and subject to s. 216.177, Florida  
149 Statutes. Before such adjustments are made, the appropriate  
150 substantive committees of the Senate and the House of

151 Representatives must be notified of the proposed adjustments to  
152 ensure their consistency with legislative policy and intent.

153 (4) Effective July 1, 2026, all powers, duties, functions,  
154 records, offices, personnel, associated administrative support  
155 positions, property, pending issues, administrative authority,  
156 administrative rules, and unexpended balances of appropriations,  
157 allocations, and other funds for the regulation of  
158 bacteriological sampling of beach waters and public bathing  
159 places of the Department of Health are transferred by a type two  
160 transfer, as defined in s. 20.06(2), Florida Statutes, to the  
161 Department of Environmental Protection.

162 (5) Notwithstanding chapter 60L-34, Florida Administrative  
163 Code, or any law to the contrary, employees transferred from the  
164 Department of Health to the Department of Environmental  
165 Protection to fill positions transferred by this act retain and  
166 transfer any accrued annual leave, sick leave, and regular and  
167 special compensatory leave balances.

168 **Section 3. Effective July 1, 2026, subsection (1) of**  
169 **section 514.021, Florida Statutes, is amended to read:**

170 514.021 Department authorization.—

171 (1) With the exception of rules related to the  
172 bacteriological sampling of beach waters and public bathing  
173 places under s. 514.023, for which the adoption and enforcement  
174 are solely the responsibility of the Department of Environmental  
175 Protection, the department may adopt and enforce rules to

176 protect the health, safety, or welfare of persons by setting  
177 sanitation and safety standards for public swimming pools and  
178 public bathing places. The department shall review and revise  
179 such rules as necessary, but not less than biennially.  
180 Sanitation and safety standards must ~~shall~~ be limited to matters  
181 relating to source of water supply; microbiological, chemical,  
182 and physical quality of water in the pool or bathing area;  
183 method of water purification, treatment, and disinfection;  
184 lifesaving apparatus; and measures to ensure safety of bathers.

185 **Section 4. Effective July 1, 2026, section 514.023,**  
186 **Florida Statutes, is amended to read:**

187 514.023 Sampling of beach waters~~r~~ and public bathing  
188 places; health advisories; signage; database.-

189 (1) As used in this section, the term:

190 (a) "Beach waters" means the waters along the coastal and  
191 intracoastal beaches and shores of this ~~the~~ state~~r~~, and includes  
192 salt water and brackish water.

193 (b) "Department" means the Department of Environmental  
194 Protection.

195 (2) The department shall ~~may~~ adopt and enforce rules to  
196 protect the health, safety, and welfare of persons using the  
197 beach waters and public bathing places of this ~~the~~ state. The  
198 rules must establish health standards and prescribe procedures  
199 and timeframes for bacteriological sampling of beach waters and  
200 public bathing places. At a minimum, the rules must require



201 owners of beach waters and public bathing places to both notify  
202 the department and resample the water within 24 hours after a  
203 test result indicates that a sample of the beach waters or  
204 public bathing place fails to meet standards established by the  
205 department.

206 (3) The department must immediately ~~may~~ issue health  
207 advisories if the quality of beach waters or a public bathing  
208 place fails to meet standards established by the department and  
209 must require closure of beach waters and public bathing places  
210 that fail to meet the department's standards if it deems closure  
211 is necessary to protect the health, safety, and welfare of the  
212 public. Closures must remain in effect until the quality of the  
213 beach waters or public bathing place is restored in accordance  
214 with the department's standards and until the department has  
215 removed any related health advisories that it issued. The  
216 issuance of health advisories related to the results of  
217 bacteriological sampling of beach waters and public bathing  
218 places is preempted to the state.

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

226 ~~and~~ the local office of the Department of Health, and the local  
227 affiliates of national television networks in the affected area  
228 ~~Environmental Protection~~, of the advisory.

229 (b) Municipalities and counties shall immediately notify  
230 the department of any incident that may affect the quality of  
231 beach waters or public bathing places within their respective  
232 jurisdictions. Public boat docks, marinas, and piers shall  
233 immediately notify the jurisdictional municipality or county of  
234 any incident that may affect the quality of beach waters in  
235 which the dock, marina, or pier is located.

236 (c) The local office of the department of ~~Environmental~~  
237 ~~Protection~~ shall promptly investigate wastewater treatment  
238 facilities and ocean outfalls within the adjoining  
239 municipalities and counties ~~1 mile~~ of the affected beach waters  
240 or public bathing place to determine whether ~~if~~ a facility  
241 experienced an incident that may have contributed to the  
242 contamination and provide the results of the investigation in  
243 writing or by electronic means to the municipality or county, as  
244 applicable.

245 (d) The department shall adopt by rule a sign that must be  
246 used when it issues a health advisory against swimming in  
247 affected beach waters or public bathing places due to elevated  
248 levels of fecal coliform, *Escherichia coli*, or enterococci  
249 bacteria in the water. The sign must include the following  
250 language: "THIS WATER BODY HAS BEEN VERIFIED TO BE CONTAMINATED

251 WITH FECAL BACTERIA. RESTORATION IN COMPLIANCE WITH STATE WATER  
252 QUALITY STANDARDS IS REQUIRED. THIS WATER BODY PRESENTS A RISK  
253 OF INFECTION OR ILLNESS. AVOID SWIMMING AND USE CAUTION TO AVOID  
254 INGESTING THE WATER OR EXPOSING OPEN WOUNDS. SECTION 514.023,  
255 FLORIDA STATUTES." The department shall require that health  
256 advisory signs be displayed at beach access points and in  
257 conspicuous areas around affected beach waters and public  
258 bathing places until subsequent testing of the water  
259 demonstrates that the bacteria levels meet the standards  
260 established by the department.

261 (e) Municipalities and counties are responsible for  
262 posting and maintaining health advisory signs as described in  
263 paragraph (d) around affected beach waters and public bathing  
264 places that they own. The department is responsible for posting  
265 and maintaining health advisory signs around affected beach  
266 waters and public bathing places owned by the state. The  
267 department shall coordinate with the Department of Health and  
268 the Fish and Wildlife Conservation Commission as necessary to  
269 implement the signage requirements of this subsection.

270 (f) The department shall monitor affected beach waters and  
271 public bathing places for compliance with the signage  
272 requirements of this subsection, ensuring that only department-  
273 approved health advisory signs are used and that such signage is  
274 posted and maintained in compliance with this subsection until  
275 the health advisory is no longer in effect.

276        (5) The department shall establish a public statewide  
277 interagency database for the reporting of fecal indicator  
278 bacteria data for beach waters and public bathing places in this  
279 state. The department, in coordination with the Department of  
280 Health, shall adopt rules and procedures for the sharing of  
281 fecal indicator bacteria data between agencies and for the  
282 reporting of such data in the database. Fecal indicator bacteria  
283 data relating to sampled beach waters and public bathing places  
284 must be published in the database immediately after receipt and  
285 confirmation of the data.

286        **Section 5. Effective July 1, 2026, section 514.0231,**  
287 **Florida Statutes, is amended to read:**

288        514.0231 Advisory committee to oversee sampling of beach  
289 waters.—The Department of Environmental Protection ~~Health~~ shall  
290 form an interagency technical advisory committee ~~to oversee the~~  
291 ~~performance of the study required in s. 514.023~~ and to advise it  
292 in rulemaking pertaining to standards for public bathing places  
293 along the coastal and intracoastal beaches and shores of the  
294 state. Membership on the committee must ~~shall~~ consist of equal  
295 numbers of staff of the Department of Environmental Protection  
296 and the Department of Health ~~and the Department of Environmental~~  
297 ~~Protection~~ with expertise in the subject matter of the study.  
298 Members shall be appointed by the Secretary of Environmental  
299 Protection and the State Surgeon General ~~and the Secretary of~~  
300 ~~Environmental Protection~~. The committee shall be chaired by a

301 representative from the Department of Environmental Protection  
302 Health.

303 **Section 6.** Except as otherwise expressly provided in this  
304 act, this act shall take effect upon becoming a law.