

By Representatives Hafner, Maygarden, Casey, Farkas, Jones
and Ritchie

1 A bill to be entitled
2 An act relating to healthy beaches; creating
3 the "Healthy Beaches Florida Act"; providing
4 legislative intent; amending s. 514.011, F.S.;
5 revising the definition of "public bathing
6 place"; creating s. 514.023, F.S.; authorizing
7 the Department of Health to adopt rules to
8 establish health standards for beach waters and
9 provide for sampling thereof; authorizing the
10 department to issue health advisories, under
11 certain circumstances; providing for a water
12 quality study, subject to an appropriation;
13 providing an appropriation for a research study
14 in the Tampa Bay area; providing an effective
15 date.

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17 WHEREAS, a large number of tourists are attracted to
18 Florida's beaches, which they understand to be safe and
19 healthy, therefore contributing a large portion of the state's
20 \$30-billion-a-year tourist industry, and

21 WHEREAS, Florida possesses an extensive coastline which
22 provides bountiful recreational opportunities and
23 environmental resources, and

24 WHEREAS, the state has a duty to evaluate the condition
25 of its recreational waters and beaches for the protection of
26 its residents and visitors, and

27 WHEREAS, human pathogens and public health risks have
28 been identified in Florida waters, and

29 WHEREAS, the United States Environmental Protection
30 Agency (EPA) is under pressure to develop a national standard
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1 for determining levels of pollution and for closing beaches,
2 and

3 WHEREAS, Florida's subtropical waters in many ways
4 present unique public health concerns that may not be
5 representative of conditions found elsewhere in the United
6 States, and likewise standards for other states may not
7 pertain to Florida, and

8 WHEREAS, the public and visitors rely upon an objective
9 evaluation of public health concerns for use of our beaches
10 and recreational waters, NOW, THEREFORE,

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

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14 Section 1. Short title.--This act may be cited as the
15 "Healthy Beaches Florida Act."

16 Section 2. Legislative intent.--The Legislature
17 intends to develop proper standards and protocols to ensure
18 the health, safety, and welfare of persons using Florida
19 beaches and recreational waters.

20 Section 3. Subsection (4) of section 514.011, Florida
21 Statutes, is amended to read:

22 514.011 Definitions.--As used in this chapter:

23 (4) "Public bathing place" means a body of water,
24 natural or modified by humans, for swimming, diving, and
25 recreational bathing, together with adjacent shoreline or land
26 area, buildings, equipment, and appurtenances pertaining
27 thereto, used by consent of the owner or owners and held out
28 to the public by any person or public body, irrespective of
29 whether a fee is charged for the use thereof. The bathing
30 water areas of public bathing places include, but are not
31 limited to, lakes, ponds, rivers, streams, ~~and~~ artificial

1 impoundments, and waters along the coastal and intracoastal
2 beaches and shores of the state.

3 Section 4. Section 514.023, Florida Statutes, is
4 created to read:

5 514.023 Health standards for beach waters; health
6 advisories.--

7 (1) The department is authorized to adopt and enforce
8 rules to protect the health, safety, and welfare of persons
9 using the beach waters of the state. The rules shall establish
10 health standards and prescribe procedures and timeframes for
11 bacteriological sampling of beach waters.

12 (2) The department may issue health advisories if the
13 quality of beach waters fails to meet standards established by
14 the department. The issuance of health advisories related to
15 the results of bacteriological sampling of beach waters is
16 hereby preempted to the state.

17 (3) For purposes of this section, "beach waters" means
18 the waters along the coastal and intracoastal beaches and
19 shores of the state and includes saltwater and brackish water.

20 Section 5. Contingent upon legislative appropriation
21 to the Department of Health in the amount of \$600,000
22 nonrecurring, the department shall perform a 3-year study to
23 determine the water quality at our beaches throughout the
24 state. The study shall be performed in all counties that have
25 public-access saltwater or brackish water beaches.

26 Section 6. There is appropriated to Pinellas County
27 the sum of \$745,000 to conduct, in coordination with the
28 Department of Health, a 2-year "healthy beaches" research
29 study in the Tampa Bay area. The purposes of the study shall
30 be:

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