

By Senator Childers

312-1074-00

1 A bill to be entitled
2 An act relating to public swimming and bathing
3 places; amending s. 514.011, F.S.; modifying a
4 definition; creating s. 514.023, F.S.;
5 authorizing the Department of Health to set
6 standards for and sample beach waters and issue
7 health advisories under certain conditions;
8 preempting to the state the issuance of health
9 advisories; providing for beach water-quality
10 studies; providing an appropriation; providing
11 an effective date.

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

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15 Section 1. Subsection (4) of section 514.011, Florida
16 Statutes, is amended to read:

17 514.011 Definitions.--As used in this chapter:

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

29 Section 2. Section 514.023, Florida Statutes, is
30 created to read:

31 514.023 Sampling of beach waters; health advisories.--

1 (1) The department may adopt and enforce rules to
2 protect the health, safety, and welfare of persons using the
3 beach waters of the state. The rules must establish health
4 standards and prescribe procedures and timeframes for
5 bacteriological sampling of beach waters.

6 (2) The department may issue health advisories if the
7 quality of beach waters fails to meet standards established by
8 the department. The issuance of health advisories related to
9 the results of bacteriological sampling of beach waters is
10 preempted to the state.

11 (3) For purposes of this section, the term "beach
12 waters" means the waters along the coastal and intracoastal
13 beaches and shores of the state, and includes salt water and
14 brackish water.

15 (4) Contingent upon legislative appropriation to the
16 department in the amount of \$600,000 nonrecurring, the
17 department will perform a 3-year study to determine the water
18 quality at beaches throughout the state. The study will be
19 performed in all counties that have public-access saltwater
20 and brackishwater beaches.

21 Section 3. The sum of \$745,000 is appropriated from
22 the General Revenue Fund to the Department of Health for
23 fiscal year 2000-2001, for a 2-year "Healthy Beaches" study in
24 the coastal waters of Escambia and Santa Rosa Counties and the
25 Tampa bay area of Pinellas County. The purpose of the study is
26 to determine which indicator organism is best suited to be
27 used with respect to Florida's waters and to establish a
28 statewide model to help predict when possible water-quality
29 problems will occur.

30 Section 4. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Redefines the term "public bathing place." Authorizes the Department of Health to provide bacteriological sampling of beach waters and issue health advisories. Provides that health advisories related to bacteriological sampling are preempted to the state. Provides for water quality studies and an appropriation.