

By the Committee on Health, Aging and Long-Term Care; and
 Senators Childers and Latvala

317-1716A-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; amending ss. 514.03, 514.031, F.S.;
 11 exempting coastal and intracoastal beaches from
 12 certain permitting requirements; providing an
 13 appropriation; requiring a technical advisory
 14 committee; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Subsection (4) of section 514.011, Florida
 19 Statutes, is amended to read:

20 514.011 Definitions.--As used in this chapter:

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

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

3 514.023 Sampling of beach waters; health advisories.--

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

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

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

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

24 Section 3. Section 514.03, Florida Statutes, is
25 amended to read:

26 514.03 Construction plans approval necessary to
27 construct, develop, or modify public swimming pools or bathing
28 places.--It is unlawful for any person or public body to
29 construct, develop, or modify any public swimming pool or
30 bathing place, other than coastal or intracoastal beaches,
31

1 without a valid construction plans approval from the
2 department.

3 (1) Any person or public body desiring to construct,
4 develop, or modify any public swimming pool or bathing place
5 shall file an application for a construction plans approval
6 with the department on application forms provided by the
7 department and shall accompany such application with:

8 (a) Engineering drawings, specifications,
9 descriptions, and detailed maps of the structure, its
10 appurtenances, and its intended operation.

11 (b) A description of the source or sources of water
12 supply and amount and quality of water available and intended
13 to be used.

14 (c) A description of the method and manner of water
15 purification, treatment, disinfection, and heating.

16 (d) Other applicable information deemed necessary by
17 the department to fulfill the requirements of this chapter.

18 (2) If the proposed construction of, development of,
19 or modification of a public swimming pool or bathing place
20 meets standards of public health and safety as defined in this
21 chapter and rules adopted hereunder, the department shall
22 grant the application for the construction plans approval
23 within 30 days after receipt of a complete submittal. If
24 engineering plans submitted are in substantial compliance with
25 the standards aforementioned, the department may approve the
26 plans with provisions for corrective action to be completed
27 prior to issuance of the operating permit.

28 (3) If the proposed construction, development, or
29 modification of a public swimming pool or bathing place fails
30 to meet standards of public health and safety as defined in
31 this chapter and rules adopted hereunder, the department shall

1 deny the application for construction plans approval pursuant
2 to the provisions of chapter 120. Such denial shall be issued
3 in writing within 30 days and shall list the circumstances for
4 denial. Upon correction of such circumstances, an applicant
5 previously denied permission to construct, develop, or modify
6 a public swimming pool or bathing place may reapply for
7 construction plans approval.

8 (4) An approval of construction plans issued by the
9 department under this section becomes void 1 year after the
10 date the approval was issued if the construction is not
11 commenced within 1 year after the date of issuance.

12 Section 4. Section 514.031, Florida Statutes, is
13 amended to read:

14 514.031 Permit necessary to operate public swimming
15 pool or bathing place.--

16 (1) It is unlawful for any person or public body to
17 operate or continue to operate any public swimming pool or
18 bathing place without a valid permit from the department, such
19 permit to be obtained in the following manner:

20 (a)~~(1)~~ Any person or public body desiring to operate
21 any public swimming pool or bathing place shall file an
22 application for a permit with the department, on application
23 forms provided by the department, and shall accompany such
24 application with:

25 1.~~(a)~~ Descriptions of the structure, its
26 appurtenances, and its operation.

27 2.~~(b)~~ Description of the source or sources of water
28 supply, and the amount and quality of water available and
29 intended to be used.

30 3.~~(c)~~ Method and manner of water purification,
31 treatment, disinfection, and heating.

1 ~~4.(d)~~ Safety equipment and standards to be used.

2 ~~5.(e)~~ Measures to ensure personal cleanliness of
3 bathers.

4 ~~6.(f)~~ Any other pertinent information deemed necessary
5 by the department to fulfill the requirements of this chapter.

6 ~~(b)(2)~~ If the department determines that the public
7 swimming pool or bathing place is or may reasonably be
8 expected to be operated in compliance with this chapter and
9 the rules adopted hereunder, the department shall grant the
10 application for permit.

11 ~~(c)(3)~~ If the department determines that the public
12 swimming pool or bathing place does not meet the provisions
13 outlined in this chapter or the rules adopted hereunder, the
14 department shall deny the application for a permit pursuant to
15 the provisions of chapter 120. Such denial shall be in
16 writing and shall list the circumstances for the denial. Upon
17 correction of such circumstances, an applicant previously
18 denied permission to operate a public swimming pool or bathing
19 place may reapply for a permit.

20 ~~(2)~~ Operating permits shall not be required for
21 coastal or intracoastal beaches.

22 ~~(3)(4)~~ Operating permits shall not be transferable
23 from one name or owner to another. When the ownership or name
24 of an existing public swimming pool or bathing place is
25 changed and such establishment is operating at the time of the
26 change with a valid permit from the department, the new owner
27 of the establishment shall apply to the department, upon forms
28 provided by the department, for a reissuance of the existing
29 permit.

30 ~~(4)(5)~~ Each such operating permit shall be renewed
31 annually and the permit must be posted in a conspicuous place.

1 ~~(5)(6)~~ An owner or operator of a public swimming pool,
2 including, but not limited to, a spa, wading, or special
3 purpose pool, to which admittance is obtained by membership
4 for a fee shall post in a prominent location within the
5 facility the most recent pool inspection report issued by the
6 department pertaining to the health and safety conditions of
7 such facility. The report shall be legible and readily
8 accessible to members or potential members. The department
9 shall adopt rules to enforce this subsection. A portable pool
10 may not be used as a public pool.

11 Section 5. The Department of Health shall form an
12 interagency technical advisory committee to oversee the
13 performance of the studies required in sections 2 and 6 of
14 this act, and to advise it in rulemaking pertaining to
15 standards for public bathing places along the coastal and
16 intracoastal beaches and shores of the state. Membership on
17 the committee shall consist of equal numbers of staff of the
18 Department of Health and the Department of Environmental
19 Protection with expertise in the subject matter of the
20 studies. Members shall be appointed by the respective
21 secretaries of these departments. The committee shall be
22 chaired by a representative from the Department of Health.

23 Section 6. The sum of \$745,000 is appropriated from
24 the General Revenue Fund to the Department of Health for
25 fiscal year 2000-2001, for a 2-year "Healthy Beaches" study in
26 the coastal waters of Escambia and Santa Rosa Counties and the
27 Tampa Bay area of Pinellas County. The purpose of the study is
28 to determine which indicator organism is best suited to be
29 used with respect to Florida's waters and to establish a
30 statewide model to help predict when possible water-quality
31 problems will occur.

1 Section 7. This act shall take effect July 1, 2000.

2

3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 1412

6

7 Exempts coastal and intracoastal beaches from the Department
8 of Health construction plans approval and operating permitting
9 requirements; establishes an interagency advisory committee of
10 experts from the Department of Health and the Department of
11 Environmental Protection to oversee the conduct of the studies
12 in the bill and rulemaking pertaining to standards for public
13 bathing places along the coastal and intracoastal beaches of
14 the state.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31