

By Senator Bennett

21-00679-09

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1 A bill to be entitled

2 An act relating to beach water contamination; amending  
3 s. 514.011, F.S.; defining the term "beach waters";  
4 amending s. 514.023, F.S.; requiring the Department of  
5 Health to notify the local government and the local  
6 office of the Department of Environmental Protection  
7 when it issues a health advisory against swimming in  
8 beach waters due to elevated levels of bacteria;  
9 requiring the Department of Environmental Protection  
10 to promptly investigate wastewater treatment  
11 facilities within a certain distance of the beach and  
12 notify the local government of the results of such  
13 investigation; amending s. 515.25, F.S.; conforming a  
14 cross-reference; providing an effective date.

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

17  
18 Section 1. Present subsections (1) through (5) of section  
19 514.011, Florida Statutes, are redesignated as subsections (2)  
20 through (6) respectively, and a new subsection (1) is added to  
21 that section to read:

22 514.011 Definitions.—As used in this chapter:

23 (1) "Beach waters" means the waters along the coastal and  
24 intracoastal beaches and shores of the state and includes salt  
25 water and brackish water.

26 Section 2. Section 514.023, Florida Statutes, is amended to  
27 read:

28 514.023 Sampling of beach waters; health advisories.—

29 (1) The department may adopt and enforce rules to protect

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30 the health, safety, and welfare of persons using the beach  
31 waters of the state. The rules must establish health standards  
32 and prescribe procedures and timeframes for the bacteriological  
33 sampling of beach waters.

34 (2) The department may issue health advisories if the  
35 quality of beach waters fails to meet standards established by  
36 the department. The issuance of health advisories related to the  
37 results of bacteriological sampling of beach waters is preempted  
38 to the state. If the department issues a health advisory against  
39 swimming in beach waters due to finding elevated levels of fecal  
40 coliform or enterococci bacteria in a water sample, the  
41 department shall contemporaneously notify the appropriate local  
42 government and the local office of the Department of  
43 Environmental Protection, which shall promptly investigate  
44 wastewater treatment facilities within 1 mile of the affected  
45 beach to determine if a facility experienced an incident that  
46 may have contributed to the contamination. Upon completion, the  
47 Department of Environmental Protection shall notify the  
48 appropriate local government in writing or by electronic  
49 correspondence of the results of its investigation.

50 ~~(3) For purposes of this section, the term "beach waters"~~  
51 ~~means the waters along the coastal and intra-coastal beaches and~~  
52 ~~shores of the state, and includes salt water and brackish water.~~

53 (3)~~(4)~~ Contingent upon legislative appropriation to the  
54 department in the amount of \$600,000 of nonrecurring revenue,  
55 the department shall ~~will~~ perform a 3-year study to determine  
56 the water quality at beaches throughout the state. The study  
57 shall ~~will~~ be performed in all counties that have public-access  
58 saltwater and brackish water beaches.

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59 Section 3. Subsection (9) of section 515.25, Florida  
60 Statutes, is amended to read:

61 515.25 Definitions.—As used in this chapter, the term:

62 (9) "Public swimming pool" has the same meaning as in s.  
63 514.011 and means a swimming pool that,~~as defined in s.~~  
64 ~~514.011(2), which~~ is operated, with or without charge, for the  
65 use of the general public; however, the term does not include a  
66 swimming pool located on the grounds of a private residence.

67 Section 4. This act shall take effect July 1, 2009.