

By the Committee on General Government Appropriations; and
 Senator Bennett

601-05039-09

20091296c1

1 A bill to be entitled
 2 An act relating to public swimming; amending s.
 3 514.011, 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. 514.025, F.S.; authorizing
 14 the department to delegate duties relating to public
 15 swimming or bathing facilities to independent special
 16 districts; amending s. 515.25, F.S.; conforming a
 17 cross-reference; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Present subsections (1) through (5) of section
 22 514.011, Florida Statutes, are redesignated as subsections (2)
 23 through (6) respectively, and a new subsection (1) is added to
 24 that section to read:

25 514.011 Definitions.—As used in this chapter:

26 (1) "Beach waters" means the waters along the coastal and
 27 intracoastal beaches and shores of the state and includes salt
 28 water and brackish water.

29 Section 2. Section 514.023, Florida Statutes, is amended to

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30 read:

31 514.023 Sampling of beach waters; health advisories.-

32 (1) The department may adopt and enforce rules to protect
33 the health, safety, and welfare of persons using the beach
34 waters of the state. The rules must establish health standards
35 and prescribe procedures and timeframes for the bacteriological
36 sampling of beach waters.

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

53 ~~(3) For purposes of this section, the term "beach waters"~~
54 ~~means the waters along the coastal and intracoastal beaches and~~
55 ~~shores of the state, and includes salt water and brackish water.~~

56 (3)(4) Contingent upon legislative appropriation to the
57 department in the amount of \$600,000 of nonrecurring revenue,
58 the department shall ~~will~~ perform a 3-year study to determine

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59 the water quality at beaches throughout the state. The study
60 shall ~~will~~ be performed in all counties that have public-access
61 saltwater and brackish water beaches.

62 Section 3. Subsection (3) is added to section 514.025,
63 Florida Statutes, to read:

64 514.025 Assignment of authority to county health
65 departments.—

66 (3) Notwithstanding subsections (1) and (2), the department
67 may also assign the responsibilities and functions specified in
68 this section to an independent special district created by the
69 Legislature which is authorized to provide municipal services
70 and improvements and whose personnel meet the same
71 qualifications specified in subsection (1).

72 Section 4. Subsection (9) of section 515.25, Florida
73 Statutes, is amended to read:

74 515.25 Definitions.—As used in this chapter, the term:

75 (9) "Public swimming pool" has the same meaning as in s.
76 514.011 and means a swimming pool that, ~~as defined in s.~~
77 ~~514.011(2), which~~ is operated, with or without charge, for the
78 use of the general public; however, the term does not include a
79 swimming pool located on the grounds of a private residence.

80 Section 5. This act shall take effect July 1, 2009.