

By Senator Sobel

31-00380-11

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1 A bill to be entitled
2 An act relating to beach waters; amending s. 514.023,
3 F.S.; requiring a report to the Governor and
4 Legislature by a certain date with certain
5 recommendations; requiring the Department of Health to
6 investigate the sources of contamination of beach
7 waters; requiring the department to develop and
8 implement a public education program regarding human
9 actions that affect the water quality of beach waters;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 514.023, Florida Statutes, is amended to
15 read:

16 514.023 Contamination ~~Sampling~~ of beach waters; health
17 advisories; educational program.—

18 (1) As used in this section, the term "beach waters" means
19 the waters along the coastal and intracoastal beaches and shores
20 of the state, and includes salt water and brackish water.

21 (2) The department may adopt and enforce rules to protect
22 the health, safety, and welfare of persons using the beach
23 waters of the state. The rules must establish health standards
24 and prescribe procedures and timeframes for bacteriological
25 sampling of beach waters.

26 (3) The department may issue health advisories if the
27 quality of beach waters fails to meet standards established by
28 the department. The issuance of health advisories related to the
29 results of bacteriological sampling of beach waters is preempted

31-00380-11

2011526__

30 to the state.

31 (4) ~~If~~ ~~When~~ the department issues a health advisory against
32 swimming in beach waters on the basis of finding elevated levels
33 of fecal coliform or enterococci bacteria in a water sample, the
34 department shall concurrently notify the municipality or county
35 in which the affected beach waters are located, whichever has
36 jurisdiction, and the local office of the Department of
37 Environmental Protection, of the advisory. The local office ~~of~~
38 ~~the Department of Environmental Protection~~ shall promptly
39 investigate wastewater treatment facilities within 1 mile of the
40 affected beach waters to determine if a facility experienced an
41 incident that may have contributed to the contamination and
42 provide the results of the investigation in writing or by
43 electronic means to the municipality or county, as applicable.

44 (5) By January 1, 2012, the department shall submit a
45 report to the Governor, the President of the Senate, and the
46 Speaker of the House of Representatives providing
47 recommendations relating to beach waters that have health
48 advisories. At a minimum, the report must:

49 (a) Provide priority ranking criteria for beach waters
50 failing to meet water quality standards established by the
51 department and rank beach waters according to these criteria;

52 (b) Propose methodologies developed by the advisory
53 committee established in s. 514.0231 for further exploration of
54 the sources of contaminants causing health advisories and
55 associated human health risks, including, but not limited to, a
56 tiered approach for performing sanitary surveys; and

57 (c) Recommend the appropriate level of funding necessary to
58 implement and administer this section.

31-00380-11

2011526__

59 ~~(5) Contingent upon legislative appropriation to the~~
60 ~~department in the amount of \$600,000 nonrecurring, the~~
61 ~~department will perform a 3-year study to determine the water~~
62 ~~quality at beaches throughout the state. The study will be~~
63 ~~performed in all counties that have public-access saltwater and~~
64 ~~brackish water beaches.~~

65 (6) Subject to appropriations, the department, in
66 cooperation with applicable agencies, shall investigate the
67 sources of contamination of beach waters that fail to meet water
68 quality standards required to protect the public health and
69 welfare in the priority ranking order established in subsection
70 (5). The results of such investigation shall be published on the
71 department's website.

72 (7) Subject to appropriations, the department shall
73 coordinate with the Department of Environmental Protection and
74 the Fish and Wildlife Conservation Commission to develop and
75 implement an educational program designed to inform the public
76 of human actions and behaviors that may adversely affect the
77 water quality of beach waters. The department may coordinate
78 with other agencies that have jurisdiction over the sources of
79 contamination in order to enhance efforts to minimize the
80 contamination of beach waters.

81 Section 2. This act shall take effect July 1, 2011.