

7. OLD BUSINESS

a. Water Quality Issues

- i. Reports from City Council members**
 - 2. Healthy Beach legislation – Senate Bill 1296 and House Bill 707**

21-00679-09

20091296__

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 intracoastal 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.

HB 707

2009

29 results of bacteriological sampling of beach waters is preempted
 30 to the state.

31 (4) 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)~~~~(4)~~ Contingent upon legislative appropriation to the
 45 department in the amount of \$600,000 nonrecurring, the
 46 department will perform a 3-year study to determine the water
 47 quality at beaches throughout the state. The study will be
 48 performed in all counties that have public-access saltwater and
 49 brackish water beaches.

50 Section 2. This act shall take effect July 1, 2009.

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