

Committee Substitute for Senate Bill No. 1412

An act relating to public swimming and bathing places; amending s. 514.011, F.S.; modifying a definition; creating s. 514.023, F.S.; authorizing the Department of Health to set standards for and sample beach waters and issue health advisories under certain conditions; preempting to the state the issuance of health advisories; providing for beach water-quality studies; amending ss. 514.03, 514.031, F.S.; exempting coastal and intracoastal beaches from certain permitting requirements; providing an appropriation; requiring a technical advisory committee; providing an effective date.

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

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

514.011 Definitions.—As used in this chapter:

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

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

514.023 Sampling of beach waters; health advisories.—

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

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

(3) For purposes of this section, the term “beach waters” means the waters along the coastal and intracoastal beaches and shores of the state, and includes salt water and brackish water.

(4) Contingent upon legislative appropriation to the department in the amount of \$600,000 nonrecurring, the department will perform a 3-year study to determine the water quality at beaches throughout the state. The

study will be performed in all counties that have public-access saltwater and brackishwater beaches.

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

514.03 Construction plans approval necessary to construct, develop, or modify public swimming pools or bathing places.—It is unlawful for any person or public body to construct, develop, or modify any public swimming pool or bathing place, other than coastal or intracoastal beaches, without a valid construction plans approval from the department.

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

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

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

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

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

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

(3) If the proposed construction, development, or modification of a public swimming pool or bathing place fails to meet standards of public health and safety as defined in this chapter and rules adopted hereunder, the department shall deny the application for construction plans approval pursuant to the provisions of chapter 120. Such denial shall be issued in writing within 30 days and shall list the circumstances for denial. Upon correction of such circumstances, an applicant previously denied permission to construct, develop, or modify a public swimming pool or bathing place may reapply for construction plans approval.

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

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

514.031 Permit necessary to operate public swimming pool or bathing place.—

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

(a)(4) Any person or public body desiring to operate any public swimming pool or bathing place shall file an application for a permit with the department, on application forms provided by the department, and shall accompany such application with:

- 1.(a) Descriptions of the structure, its appurtenances, and its operation.
- 2.(b) Description of the source or sources of water supply, and the amount and quality of water available and intended to be used.
- 3.(c) Method and manner of water purification, treatment, disinfection, and heating.
- 4.(d) Safety equipment and standards to be used.
- 5.(e) Measures to ensure personal cleanliness of bathers.
- 6.(f) Any other pertinent information deemed necessary by the department to fulfill the requirements of this chapter.

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

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

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

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

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

(5)(6) An owner or operator of a public swimming pool, including, but not limited to, a spa, wading, or special purpose pool, to which admittance is

obtained by membership for a fee shall post in a prominent location within the facility the most recent pool inspection report issued by the department pertaining to the health and safety conditions of such facility. The report shall be legible and readily accessible to members or potential members. The department shall adopt rules to enforce this subsection. A portable pool may not be used as a public pool.

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

Section 6. The sum of \$745,000 is appropriated from the Ecosystem Management and Restoration Trust Fund to the Department of Environmental Protection, Division of Water Resource Management, Beach Management Program, for fiscal year 2000-2001. These funds shall be transferred to the Department of Health. The sum of \$745,000 is appropriated from the County Health Department Trust Fund in the Department of Health during fiscal year 2000-2001 for a 2-year "Healthy Beaches" study in the coastal waters of Escambia and Santa Rosa Counties and the Tampa Bay area of Pinellas County. The purpose of the study is to determine which indicator organism is best suited to be used with respect to Florida's waters and to establish a statewide model to help predict when possible water-quality problems will occur.

[Section 6, ch. 2000-165, was vetoed by the Governor.]

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

Approved by the Governor June 16, 2000.

Filed in Office Secretary of State June 16, 2000.