

CHAPTER 64E-9
PUBLIC SWIMMING POOLS AND BATHING PLACES

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64E-9.001 General.

(1) Regulation of public swimming pools and bathing places is considered by the department as significant in the prevention of disease, sanitary nuisances, and accidents by which the health or safety of an individual(s) may be threatened or impaired. Any change resulting in the operation of the pool in a manner unsanitary or dangerous to public health or safety shall subject the state operating permit to suspension or revocation. Failure to comply with any of the requirements of these rules shall constitute a public nuisance dangerous to health.

(2) All pools which do not meet the definition of private pools are public pools.

(3) A public pool owner or their agent shall first make application to the department for an initial operating permit on form DH 4159, Application for a Swimming Pool Operating Permit, 9/2015, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06893>, along with the accompanying information listed in Section 514.031(1)(a), F.S., the required fee and a copy of the construction plans and specifications. The application shall be deemed incomplete pursuant to Section 120.60, F.S., until a copy of the final building department inspection is received by the department.

(a) After submitting an application for an initial operating permit, the owner or agent shall have the plans reviewed and a permit issued for the construction of a public pool by the jurisdictional building department in accordance with the Florida Building Code, Building, Chapter 4, Section 454.1.

(b) Upon completion of initial construction, the pool shall not be opened by the owner/operator for public use until an operational permit is issued by the department. At construction completion, the owner/operator or their agent shall notify the department in writing to request the department's initial operating permit inspection. A copy of the final building department inspection shall be submitted with this request.

(c) For modifications, the owner/operator or agent shall submit form DH 4159 to the Department and follow the same sequence in paragraphs (a) and (b), however, the department does not charge a state fee.

(4) Annually, the pool owner/operator shall apply for an operating permit renewal from the department on form DH 4159. Approval of the permit shall be based upon the pool's compliance with this chapter, with the previous operating permit, and the maintenance of the pool in the same functional, safety, and sanitation conditions as approved by the jurisdictional building department or the department. For the purposes of this determination, department staff shall refer to and use the Florida Building Code (FBC), Building Chapter 4, public swimming pool Section 454.1, or its predecessor, that was in effect at the time of the pool's construction permitting. Annual operating permits expire on June 30.

(5) The 2014 FBC section 454.1 is hereby incorporated by reference, has been deemed copyright protected, and is available for inspection at the Department of Health, Bureau of Environmental Health, 4025 Esplanade Way, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115(5), 514.021, 514.03, 514.031, 514.05, 514.06 FS. History–New 10-5-93, Formerly 10D-5.130, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.002 Definitions.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 514.021, 514.03, 514.031, 514.05, 514.06, 514.071 FS. History–New 10-5-93, Formerly 10D-5.131, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.003 Forms.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History–New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, 3-30-00, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.0035 Exemptions.

(1) A person seeking an initial exemption, or an existing facility claiming an exemption from department regulation pursuant to the provisions of Section 514.0115, F.S., shall submit an application and supportive documentation to the department, as described below.

(a) Applicants for an exemption pursuant to Section 514.0115(2)(a) or (2)(b), F.S., shall submit either a completed form DH 4065, Application for a Swimming Pool Exemption Status – 32 Units or Less, 03/98, or a completed form DH 1704, Application for a Swimming Pool Exemption Status More Than 32 Units, 03/98, both of which are hereby incorporated by reference. Copies of these forms are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06894> and, <http://www.flrules.org/Gateway/reference.asp?No=Ref-06895>.

(b) For purposes of determining exemption status, the term condominium shall be as defined in Chapter 718, F.S., and the term cooperative shall be as defined in Chapter 719, F.S. Applicants shall provide either the recorded declaration of condominium or the recorded cooperative documents and any additional documents which establish the criteria set forth in Section 514.0115(2)(a) or (2)(b), F.S.

(2) Beginning July 1, 2010, exemptions shall be renewed by July 1, every five years. Applicants seeking renewal, who have no changes to the pool or ownership, shall only submit the application form. If swimming pool related or ownership changes have been made, this information shall be submitted along with the application form.

(3) A person who received an exemption shall contact the department if the conditions upon which the exemption was granted change so as to eliminate the exemption status. Under such circumstances, the pool shall comply with the provisions of this chapter and Chapter 514, F.S.

(4) An exemption from department rules does not exempt the pool from other federal, state, and local requirements.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 514.0115, 514.031 FS. History–New 5-24-09, Amended 7-20-16.

64E-9.004 Operational Requirements.

(1) Water Quality – The water supply for all pools shall be an approved potable water system or shall meet the requirements for potable water systems by the submission from the operator of annual bacteriological and chemical laboratory reports to the county health department. Salt water sources are exempt from the potable water chemical standards except for iron and color requirements.

(a) Cross-connection prevention – To safeguard water quality, devices or systems shall be operational and maintained in their original functional condition.

(b) Bacteriological quality – The pool water shall be free of coliform bacteria contamination.

(c) Clarity – The pool water shall be 0.5 or less NTU and the main drain grate must be readily visible from the pool deck.

(d) Chemical quality – Chemicals used in controlling the quality of the pool water shall be tested and approved using the NSF/ANSI Standard 60-2011, Drinking Water Treatment Chemicals-Health Effects dated May 2011, which is incorporated by reference in these rules and shall be compatible with other accepted chemicals used in pools. The following parameters shall be adhered to for pool water treatment:

1. pH – 7.2 to 7.8.

2. Disinfection – Free chlorine residual shall be 1 milligram per liter (mg/L) to 10 mg/L, inclusive, in conventional swimming pools and 2 mg/L to 10 mg/L, inclusive, in all other type pools such as spa-type pools and interactive water fountains; bromine

residual shall be 1.5 mg/L to 10 mg/L, inclusive, in conventional swimming pools and 3 mg/L to 10 mg/L, inclusive, in all other type pools. Except that, the following maximum disinfectant levels shall apply to indoor conventional swimming pools: 5 mg/L free chlorine or 6 mg/L bromine.

3. When oxidation-reduction potential (ORP) controllers are required, the water potential shall be kept between 700 and 850 millivolts. Use of these units does not negate the manual daily testing requirement of subsection 64E-9.004(10), F.A.C.

4. Cyanuric acid – 100 mg/L maximum in pools, with 40 mg/L as the recommended maximum, and 40 mg/L maximum in spa pools.

5. Quaternary ammonium – 5 mg/L maximum.

6. Copper – 1 mg/L maximum.

7. Silver – 0.1 mg/L maximum.

(e) Landscape irrigation water that wets the wet deck area of the pool, the pool itself, enters the collector tank, or wets an interactive water feature must be potable water from a public water system or shall meet the bacteriological quality of potable water as evidenced by annual laboratory analysis submitted to the department. Reclaimed water may not be used in these areas. If reclaimed water is used in the vicinity of the pool (inside of the pool fence or within 100 feet of the pool water's edge) it must employ drip irrigation or soaker hoses. Signs shall be posted notifying pool patrons that reclaimed water is in use, and is not to be consumed.

(2) Manual addition of chemicals will be allowed under special conditions and requires that the pool be closed prior to addition and for at least 1 hour period after addition or a longer period as necessary for sufficient and safe distribution of the chemical. After treatment for breakpoint chlorination and algae prevention, use of the pool can be resumed when the free chlorine levels drop to 10 mg/L.

(3) Cleanliness – The pool and pool deck shall be kept free from sediment, floating debris, visible dirt and algae. Pools shall be refinished when the pool surfaces cannot be maintained in a safe and sanitary condition.

(4) Food, beverages, glass containers, and animals are prohibited in the pool. Individuals with a disability and service animal trainers may be accompanied by a service animal, as defined in Chapter 413.08, F.S., but the service animal is not allowed to enter the pool water or onto the drained area of an interactive water feature (IWF) in order to prevent a direct threat to the health of pool patrons.

(5) The pool recirculation system must be operated at all times when the pool is open for use. The recirculation system may be shut off three hours after the pool closes but must resume operation three hours before opening the pool. Shut down time must be controlled by a time clock. When a variable speed pump is used, the recirculation system shall be operated such that it achieves the equivalent of 6 hours of treatment at 100% design flowrate during the daily closed period, or at least one complete water volume turnover, whichever is greater. Exception: vacuum DE systems are excluded from this allowance.

(6) The pool water level must be maintained at an elevation suitable for continuous skimming without flooding during periods of non-use.

(7) When use of a public swimming pool requires an admission or a membership fee, the most recent pool inspection report shall be posted in plain view of existing and potential members and patrons.

(8) Footbaths are prohibited.

(9) Test kits are required to be on the premises of all pools to determine free active chlorine and total chlorine using N, N-Diethyl-p-Phenylenediamine (DPD), or bromine level, total alkalinity, calcium hardness, and pH. NSF/ANSI Standard 50-2012 certified water quality test devices/kits or specific laboratory analysis methods identified by the chemical product manufacturer must be available to determine the concentration in pool water of all NSF/ANSI Standard 60-2011 approved chemicals that are fed or added to a public pool, or the chemical cannot be used. NSF/ANSI Standard 50-2012, Equipment for Pools, Spas, Hot Tubs and other Recreational Water Facilities, September 16, 2012, is hereby incorporated by reference, has been deemed copyright protected, and is available for review at the Department of Health, Bureau of Environmental Health, 4025 Esplanade Way, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(a) If the following chemicals are fed or added to the pool water, then test kits for the specific chemical must be used: cyanuric acid, sodium chloride, quaternary ammonium, ozone and copper.

(b) When silver is added as a supplemental disinfectant, a water analysis must be done every six months and be submitted to the department upon request.

(c) A test kit may be used for multiple pools, provided the pools have common ownership and they are located on contiguous

property.

(d) The test kit shall be capable of measuring the level of disinfectant in the normal operating range.

(10) The keeping of a daily record of information regarding pool operation, using form DH 921, Monthly Swimming Pool Report, 3/98, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06896>, shall be the responsibility of the pool owner or operator. Customized report forms may be substituted provided they contain the appropriate information and are made available to the department. The completed report shall reflect manually conducted pool water tests for pH and disinfectant levels at least once every 24 hours, and weekly testing for cyanuric acid when chlorinated isocyanurates are used at spas and pools, and shall be retained at the pool and made available to the department upon request. Any able person can test the pool water and record it in the report.

(11) Should a human fecal accident occur, the pool operator or owner shall comply with all recommendations found in the Centers for Disease Control and Prevention's (CDC) "Fecal accident response recommendations for Aquatics Staff" dated February 15, 2008, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06897>. Alternative emergency disinfection methods developed by industry, or by the application of new disinfection technology, or by the use of chemical disinfectants that are effective, safe and appropriate for public bathing facilities, and are approved by the CDC, may also be used.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.031 FS. History—New 10-5-93, Formerly 10D-5.133, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.005 Construction Plan or Modification Plan Approval.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.025, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.134, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.006 Construction Plan Approval Standards.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.135, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.007 Recirculation and Treatment System Requirements.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.136, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.008 Supervision and Safety.

(1) All owners, managers, lifeguards or swimming instructors in charge of, or working at, public swimming pools shall be responsible for the supervision and safety of the pool.

(2) Lifeguard and Swimming Instructor Requirements.

(a) Definitions:

1. "Lifeguard" – Person responsible for the safety of the users of a public swimming pool.

2. "Nationally Recognized Aquatic Training Program" – A training and certification program for swimming instructors and lifeguards equivalent to the programs offered by the American Red Cross or the Y.M.C.A.

3. "Swimming Instructor" – Person who offers progressive swimming instruction.

(b) Lifeguards or swimming instructors, if provided, shall be in full charge of persons using the pool and shall have authority to enforce all rules. Lifeguards and swimming instructors shall be certified in lifeguarding or swimming instruction, respectively, by the American Red Cross, the YMCA or other equivalent national aquatic training agencies which meet the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs. For the purpose of this rule, the standards found in the 2007 edition of the American Red Cross Lifeguarding Instructors Manual, the 2009 edition of the American Red Cross Water Safety Instructors Manual, the On the Guard, The YMCA Lifeguard Manual, (2011) Fifth Edition, (YMCA), The Youth and Adult Aquatic Program Manual (1999), and (YMCA) The Parent/Child and Preschool Aquatic Program Manual (1999), are hereby adopted by reference, have been deemed copyright protected, and are available for review at the Department of Health, Bureau of Environmental Health, 4025 Esplanade Way, Tallahassee, Florida 32399-1710 or at the Department of State, R.A. Gray Building,

500 South Bronough Street, Tallahassee, Florida 32399-0250. Swimming instructors of developmentally disabled students shall also be certified in accordance with Section 514.072, F.S.

(c) Lifeguards and swimming instructors shall also be currently certified in first aid and in adult, child and infant cardiopulmonary resuscitation through the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopaedic Surgeons, by Medic First Aid International, Inc., or by American Safety and Health Institute.

(d) Swim coaches are exempted from the swimming instructor certification requirement when training advanced level swimmers for competition.

(e) Verification of equivalence, as required above, shall be the responsibility of the department. The department shall form an ad hoc advisory group composed of professionals in the field of aquatics. This group shall consist of five members and shall make recommendations to the department regarding the equivalence of lifeguard or swimming instructor certification programs submitted to the department under paragraph (b) above. Members shall be appointed for a period of 3 years with such appointments being staggered so that the terms of no more than two members expire in any one year.

(f) Lifeguard, swimming instructor, cardiopulmonary resuscitation and first aid certificates or photocopies thereof shall be maintained at the pool location and be available for inspection by department personnel at any reasonable hour.

(3) Safety Equipment – All pools shall be equipped with the following:

(a) Safety drain outlet cover(s)/grate(s) and allowable secondary anti-entrapment devices as required by section 514.0315, F.S.

(b) A shepherd's hook securely attached to a one piece pole not less than 16 feet in length. Pools over 50 feet in length shall have a shepherd's hook on each of the longer sides of the pool.

(c) At least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Pools over 50 feet in length shall have a lifesaving ring on each of the longer sides of the pool.

(d) Safety equipment shall be mounted in a conspicuous place and be readily available for use.

(e) Spa pools under 200 square feet of surface area, and interactive water features or wading pools with two feet or less of water depth are exempt from this shepherd's hook and lifesaving ring requirement.

(4) Safety Lines – All pools with a slope transition shall maintain safety line anchors and a safety line in place at all times. A safety line may be temporarily removed from the pool for patrons to swim laps only when there is a safety attendant or lifeguard present, and it must be reinstalled to its proper location upon completion of the exercise.

(5) Pool covers and solar blankets shall only be used during times when the pool is closed. If a pool cover or solar blanket is installed, it shall be secured around the entire perimeter and designed to support a live load of an adult person, or the pool area shall be inaccessible to unauthorized individuals during times of cover or blanket use.

(6) Pool Rules and regulations – Rules for bathers shall be posted as approved by the jurisdictional building department.

(7) Night swimming – Pools shall not be open for swimming at night unless lighting is provided as approved by the jurisdictional building department. Pools authorized for night swimming shall be noted on the operating permit issued by the department. Night swimming shall be considered one half hour before sunset to one half hour after sunrise.

(8) Pools with heaters shall have a maximum water temperature of 104° F and a functional in-line thermometer.

(9) General Pool Maintenance for Patron Safety.

(a) The bathing load shall be posted and the owner/operator shall not permit the bathing load to be exceeded at any time.

(b) The filtration system for swimming pools shall be maintained as capable of meeting operating performance standards as identified on the most current operating permit. Flowrate may not be reduced or adjusted after the initial operating permit is issued unless approved in advance by the department. All other types of projects shall be maintained as sized according to the anticipated bathing load and proposed uses.

(c) Access – All pools shall be maintained with a means of access as approved by the jurisdictional building department.

(10) General Equipment Maintenance for Safety –

(a) Recirculation and treatment equipment such as, but not limited to filters, recessed automatic surface skimmers, ionizers, ozone generators, UV systems, automatic controllers, disinfection feeders and chlorine generators must be tested and approved using the NSF/ANSI Standard 50-2012. The standard and a list of certified products is available from www.NSF.org, and product certifications are available from other American National Standards Institute (ANSI) 3rd party accredited product certifiers. If standards do not exist for a specific product, the manufacturer should consult NSF or other ANSI accredited product certifier to develop such standards.

(b) The recirculation system shall be operated to maintain a minimum of four turnovers of the pool volume per day (once per 6

hours). Pools that are less than 1000 square feet at health clubs are required to provide eight turnovers per day (once per 3 hours). Other pool types shall maintain the following minimum pool turnover rate: spa pool – 30 minutes; IWF – 30 minutes; wading pool – 1 hour; water activity pool – 1 hour in pools two foot deep or less, or 2 hours in pools over two foot deep; zero depth entry pool – 1 hour in area less than three feet deep; water slide plunge pool – 2 hours; river ride – 3 hours, and wave pool – 3 hours. Validation of the turnover rate shall be determined by the rate of the flow indicator.

(c) For compliance with Section 514.0315, F.S., and to ensure the safety of bathers:

1. All safety features shall be tested and replaced when necessary, in accordance with the manufacturer's specifications. The operations manual shall be on site.

2. The owner/operator shall provide a completed form DH 4157, Pool Owner/Operator Verification of Entrapment Safety Features, 09/2015, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06898>, to the department when a change in the safety feature occurs.

3. For an existing pool with a suction limiting vent (SLV) system, the system shall be tested annually by a Chapter 489, F.S., licensed pool contractor or a Florida licensed professional engineer to validate that the vacuum release timing is in compliance with the criteria for safety vacuum release systems in Section 514.0315(2)(a), F.S. A copy of the testing shall be submitted to the department with the annual operating permit renewal application.

(d) Filters – Filters sized to handle the required recirculation flow shall be maintained to perform as originally installed in accordance with the manufacturer's specifications and remain functional as designed.

1. The maximum filtration rate in gallons per minute per square foot of filter area shall be: fifteen (15), or twenty (20) if so approved utilizing the procedure in this chapter below for high rate sand filters, three (3) for rapid sand filters, three-hundred-seventy-five thousandths (375/1000) for pleated cartridge filters, and two (2) for Diatomaceous Earth (D.E.) type filters.

2. Pressure filter systems shall be maintained to perform as originally equipped with a functional air relief valve, influent and effluent pressure gauges with minimum face size of two inches reading 0-60 pounds per square inch (psi), and a sight glass when a backwash line is required.

3. Vacuum filter systems shall be maintained to perform as originally equipped with a functional vacuum gauge which has a two inch face and reads from 0-30 inches of mercury.

4. D.E. filter elements shall be maintained as installed with a minimum one inch clear spacing between elements. All cartridges used in public pool filters shall be maintained as permanently marked with the manufacturer's name, pore size and area in square feet of filter material. All cartridges with end caps shall have the permanent markings on one end cap. The D.E. filter tank and elements shall be maintained as installed, such that the recirculation flow draw down does not expose the elements to the atmosphere whenever only the main drain valve is open.

(e) Disinfection and pH adjustment shall be maintained as added to the pool recirculation flow using automatic feeders meeting the requirement of NSF/ANSI Standard 50-2012. All chemicals shall be fed into the return line after the pump, heater and filters, unless the feeder was designed by the manufacturer and approved by the NSF to feed to the collector tank or to the suction side of the pump. Feeding chlorinated isocyanurates disinfectant is prohibited in spas, wading pools and interactive water features. Dual or multiuse feeders can be used if approved for and feeding an acceptable rate of alternate disinfectant. Where pH adjustment feeders are not present on these three types of pools that were required to replace chlorinated isocyanurates feeders, pH adjustment feeders shall be installed. Exception: spa pools of 100 square feet or less with original department approval to be built without a pH adjustment feeder.

1. Gas chlorination – When gas chlorination is utilized, the chlorinator shall be maintained as capable of continuously feeding a chlorine dosage of six (6) mg/L to the recirculated flow of the filtration system.

a. Gas chlorinators shall be maintained in above grade rooms and in areas which are inaccessible to unauthorized persons.

b. When booster pumps are used with the chlorinator, the pump shall use recirculated pool water supplied via the recirculation filtration system. The booster pump shall be maintained as electrically interlocked with the recirculation pump to prevent the feeding of chlorine when the recirculation pump is not operating.

2. Hypohalogenation and Electrolytic chlorine generators – The hypohalogenation type feeder and electrolytic chlorine generators shall continuously feed a dosage of six (6) mg/L to the minimum required turnover flow rate of the filtration systems. Required backup chlorine feeders and generators shall be operated at least once per month and this test shall be recorded in the monthly pool log.

3. Feeders for pH adjustment – Feeders for pH adjustment shall be provided on all pools. pH adjustment feeders shall be

maintained as positive displacement type, shall be adjustable from zero to full range, and shall have an electrical interlock with the circulation pump to prevent discharge when the recirculation pump is not operating. When soda ash is used for pH adjustment, the maximum concentration of soda ash solution to be fed shall not exceed one-half pound soda ash per gallon of water. Feeders for soda ash shall be capable of feeding a minimum of three gallons of the above soda ash solution per pound of gas chlorination capacity. The minimum size of the solution reservoirs shall be maintained as not be less than 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate the contents.

4. Ozone generating equipment –

a. The concentration of ozone in the return line to the pool shall not exceed 0.1 mg/L.

b. Ozone generating equipment shall be maintained as equipped with an air flow meter and a means to control the flow. The generator shall be maintained as electrically interlocked with the recirculation pump to prevent the feeding of ozone when the recirculation pump is not operating. A flow sensor controller can also be used to turn off the feeder when flow is not sensed.

5. UV equipment used for any purpose shall constantly produce a dosage of at least 40 mJ/cm² (milliJoules per square centimeter).

6. Ozone generators shall produce no more than a pool water contact concentration of 0.1 milligrams per liter (mg/L). The contact concentration in mg/L shall be calculated as the amount of ozone in grams per hours divided by the recirculation flow rate in gallons per minute times 4.41.

(11) Maintenance for Safety of Wading Pools–

(a) Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be maintained to assist in maintaining proper disinfection and pH levels.

(b) All wading pools shall have drainage to waste without a cross-connection through a quick opening valve to facilitate emptying the pool should a fecal accident occur. Should a fecal accident occur, the requirements of this Chapter shall be met or the pool may be drained and both the pool and the filter system and all plumbing shall be properly disinfected.

(12) Maintenance for Safety of Spa Pools–

(a) Oils, body lotions, and minerals – Oils, body lotions, and minerals or materials not associated with chemicals used for water chemistry balance, algae control, and disinfection of the water are prohibited in the spa pool.

(b) Automated Controllers – Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided and maintained on spa pools to assist in maintaining proper disinfection and pH levels.

(c) Spa pool signs shall be posted as approved by the jurisdictional building department.

(d) Should a fecal accident occur, the requirements of this chapter shall be met or the spa pool may be drained and both the spa pool and the filter system and all plumbing shall be properly disinfected.

(13) Maintenance for Safety of Water Recreation Attractions and Special Purpose Pools – A lifeguard and/or safety plan shall be submitted to the department with the application for the initial operation permit of water slide plunge pools and water activity pools when climbable structures are installed.

(a) Water slide plunge pools.

1. Pump reservoir volume minimum shall be equal to three minutes of the combined flow rate in gpm of all filter and slide pumps.

2. Pump reservoirs shall be accessible only to authorized individuals.

3. Filter areas minimum requirements shall be maintained as twice the filter areas specified for the recirculation rates stipulated for other pools in this chapter and FBC Section 454.1. The filtration system shall be capable of returning the pool water turbidity to five-tenths NTU within eight hours or less after peak bather load.

4. Disinfection equipment shall be maintained as capable of feeding 12 mg/L of halogen to the continuous recirculation flow of the filtration system.

(b) Water activity pools.

1. The recirculation-filtration system of water activity pools shall achieve a minimum of one turnover every two hours for water activity pools over two feet deep, and in one hour for these pools that are two feet deep or less.

2. All water activity pool signs shall be posted as approved by the jurisdictional building department.

(c) The recirculation-filtration system for zero depth entry pools shall be of a minimum of one turnover every two hours in the area of the pool that is three feet deep or less. In the remainder of the pool where the depth is greater than three feet, the system shall have a maximum six hour turnover rate.

(d) Special purpose pool projects may deviate from the requirements of other sections of this chapter. Only those deviations necessary to accommodate the special usage shall be allowed and all other aspects of the pool shall comply with the requirements of this chapter and the FBC section 454.1. The operating permit shall state the purpose for which the pool is to be used.

(e) Interactive Water Features (IWFs).

1. An automatic skimmer system shall be maintained if provided in the collector tank. A variable height skimmer may be used or a custom surface skimmer device may be substituted.

2. Chemical feeders shall be maintained as in accordance with this chapter, except that the disinfection feeder shall be capable of feeding 12 mg/L of free chlorine to the pressure side of the recirculation system or the collector tank (based upon a hypothetical 30 minute turnover of the contained volume within the system). Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided to assist in maintaining proper disinfection and pH levels.

3. Hydraulics.

a. The filter system shall filter and chemically treat all water that is returned to the spray features. The filter system shall draft from the collector tank and return filtered water directly to the spray features. Excess water not required by the spray features shall be returned to the collector tank.

b. Alternatively, the contained volume of the system may be filtered and chemically treated based upon a 30 minute turnover of the contained volume with 100% returned to the collector tank by manifold piping. If this alternative is chosen, all water returned to the spray feature(s) must also be treated with an Ultraviolet (UV) light disinfection equipment to accomplish protozoan destruction in accordance with sound engineering. This alternative must have the ability to feed 6 mg/L free chlorine to the feature water as it is returned to the spray feature. The UV disinfection equipment shall be electrically interconnected such that whenever it fails to produce the required UV dosage, the water spray features pump(s) and flow will be immediately stopped.

c. An automatic water level controller shall be provided.

d. Where the filter system described in sub-subparagraph 3.a. above is utilized, a second filter system and disinfection system shall be provided to treat the water in the collector tank when the feature/filter pump is not in operation. Said system shall be capable of filtering the total volume of water in the collector tank in 30 minutes and the disinfection system shall be capable of providing 12 mg/L of disinfectant to this flow rate.

4. All IWF pool rule signs shall be posted as approved by the jurisdictional building department.

(f) Rules and regulations for water theme parks shall be posted as approved by the jurisdictional building department.

Rulemaking Authority 381.006, 514.021, 514.071 FS. Law Implemented 381.0015, 381.006, 514.021, 514.025, 514.03, 514.031, 514.0315, 514.05, 514.06, 514.071 FS. History—New 10-5-93, Formerly 10D-5.134, 10D-5.137, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.009 Wading Pools.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021 FS. History—New 10-5-93, Formerly 10D-5.138, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.010 Spa Pools.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.139, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.011 Water Recreation Attractions and Specialized Pools.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.140, Amended 12-27-98, 5-27-04, 5-24-09, Repealed 7-20-16.

64E-9.013 Bathing Places.

(1) General – All public bathing places are required to conduct monitoring for water quality, reporting these results to the department, notice to the department and public notification upon exceedance of water quality violations. As of April 29, 2012, bathing place operation permits are no longer required from the department by law.

(2) Operational water quality – The water shall be free of chemical and physical substances known or suspected of being capable of creating toxic reactions or skin or membrane irritations. Algae and aquatic vegetation shall be controlled so that no hazard

to bathers results.

(a) Bacteriological samples shall be collected by the owner/manager and tested monthly. A set of two samples shall be collected for every 500 feet of shoreline, the samples shall be taken a foot below the surface in three feet of water and at least 25 feet apart. The samples shall be analyzed by a DOH certified laboratory using EPA approved methods for ambient water and the results submitted to the department within 10 days after the end of the month.

1. Should the test results of these samples exceed the standards in subsection 64E-9.013(3), F.A.C., below, the county health department shall be notified within 24 hours of receipt of results by the owner/manager from the lab, and re-sampling by the owner/manager shall be required within 24 hours. All sampling results shall be submitted to the county health department.

2. If 24 hour re-sampling is not possible for any reason, then the bathing place owner/manager shall immediately post a No swimming advisory based upon these initial results during the time period waiting for re-sampling results. If the 24 hour confirmation samples reveal an exceedance of the standards, the bathing place owner/manager shall immediately post a No swimming advisory, form DH 4158, Bathing Place Public Health Advisory Sign – Poor Water Quality, 02/13, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06899> or sustain the already-posted advisory until additional testing reveals the water meets single sample standards again. The department shall post the advisory if the owner/manager does not. Only samples collected after the initial advisory shall be used to compare and calculate when the advisory may be rescinded. If a pollution source is identified, that source shall be eliminated before rescinding the bathing place advisory.

(b) County health departments shall perform an inspection upon receipt of test results exceeding standards, or upon receipt of a complaint from the public concerning safety, sanitation, illness, or water quality, and this inspection may include:

1. A site inspection in light of the original sanitary survey, changed natural conditions, changed use conditions, and originally permitted facilities.

2. A bacteriological test consisting of the normal monthly sampling requirement. The fecal coliform, *E. coli* or enterococci density must not exceed the single sample standards of subsection 64E-9.013(3), F.A.C.

3. A water clarity test wherein an 8" black and white secchi disk shall be visible to a minimum depth of four feet.

4. The bathing place shall be posted with an advisory or swimming prohibited, as appropriate, by the owner/manager or the department if inspection reveals water clarity violations, unsafe bacterial test results, or immediate hazards to health or safety such as, but not limited to sewage in water, broken glass, dangerous wildlife, hazardous structural or electrical conditions, toxic algal blooms, or other serious disease agents present.

5. Muck or silt shall not be present from the shoreline to a depth of five feet and aquatic vegetation shall be controlled.

6. Should an incident or finding of the county health department warrant it, site specific signage shall be provided. The bathing load shall be posted and due consideration shall be given to safety guidelines such as steep slope, diving areas, deep water, underwater obstruction, dangerous wildlife, or lifeguard not on duty. Additional signage shall be provided if the bathing area is longer than 300 feet.

7. Platforms, diving boards, docks, beaches and walkways shall be kept clean and in good repair. Diving areas shall be readily identified, and shall have and maintain adequate water depth for safe diving based on the depth requirements of public swimming pool construction requirements.

8. Glass items and domestic animals are prohibited in the bathing area and on the adjacent beach area.

9. Sanitary facilities shall be provided and maintained in good working order with all necessary supplies.

(3) Bacteriological Standards – Either fecal coliform, *E. coli*, or *enterococci* bacteria shall be tested for, at the option of the permit holder. All samples tested will be considered to determine compliance, unless found to be invalid by the certified lab or county health department. The *enterococci* density shall not exceed 61 colony forming units (CFU) per 100 mL of water in any single sample; or the *E. coli* density shall not exceed 235 CFU per 100 mL of water in any single sample; or the fecal coliform shall not exceed an average of 200 CFU per 100 mL of water, nor 400 per 100 mL of water in 10 percent of the samples, nor 800 CFU per 100 mL of water in a single sample. This average shall be expressed as geometric means using at least ten samples per 30 day period. Multiple samples collected on any one day during routine monthly sampling shall be arithmetically averaged to determine compliance for the bathing place.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.04, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.142, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.015 Fee Schedule.

(1) Operating Permit Issuance for Swimming Pools:

(a) Initial Operating Permit – \$150.00.

(b) Annual Operating Permit or Annual Renewal – Full annual fee if the authorization was issued from July 1st to December 31st; one half the annual fee if the authorization was issued from January 1st to June 30th. Payment is not required for a replacement copy of an operating permit or reissuances of an operating permit due to change of ownership or name.

1. Pools greater than 25,000 gallons and bathing places – \$250.00.

2. Pools of 25,000 gallons or less – \$125.00.

3. Exempted condominiums/cooperatives with over 32 units – \$50.00.

(2) Variances – Review of application for variance – \$300.00.

Rulemaking Authority 381.006, 514.021, 514.033 FS. Law Implemented 514.021, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.144, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.016 Variances.

A variance from requirements of these rules may be requested by the pool owner or their representative to relieve or prevent hardship only in cases involving deviations from the rule, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists and the health and safety of the pool patrons is not at risk. Application for variance shall be submitted through the county health department utilizing DOH Form 4080, Application for Variance from Chapter 64E-9, F.A.C., 07/08, which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06981>. Each application can be accompanied by supportive materials such as drawings, pictures or manufacturer's specifications and a fee must be paid in accordance with subsection 64E-9.015(2), F.A.C. Applications must be received by the county health department at least 30 days prior to the scheduled meeting of the Governor's Swimming Pool Advisory Board. Walk-in applications at the Board meeting may be reviewed only if there is time available as determined by the Chair. Each walk-in applicant must provide evidence they: have paid the variance fee to the county health department, have received a department review of the application, and applicant provides eight full sets of the application package to the Board.

Rulemaking Authority 381.006, 514.0115, 514.021 FS. Law Implemented 514.0115, 514.021, 514.028, 514.051, 514.06 FS. History—New 10-5-93, Formerly 10D-5.145, Amended 12-27-98, 5-24-09, 7-20-16.

64E-9.017 Enforcement.

Any public pool can be immediately posted closed by the department as not being in compliance with this chapter whenever any of the following conditions occur:

(1)(a) The disinfectant level is below the minimum or above the maximum that is prescribed in this chapter.

(b) The pH of the pool water is below 7.2 or above 7.8.

(c) The clarity of the pool water is such that the main drain grate is not readily visible from the pool deck.

(d) The recirculation system or disinfection feeding equipment is missing or not functioning.

(e) Any portion of the anti-entrapment system is missing or not functional, or a main drain cover/grate is missing, unsecured, improperly secured, damaged, or does not meet the requirements of this chapter by the dates specified.

(f) Operation without a valid permit.

(g) Direct suction exists on the main drain or other outlets, except vacuum fittings, automatic surface skimmer(s), and their equalizer grates provided the flow velocity through the equalizer grate does not exceed 1.5 feet per second, or the corrective actions specified in this chapter and Section 514.0315, F.S., are not completed by dates specified.

(h) Any other conditions which endangers the health, safety, or welfare of persons using the pool, which may include, but is not limited to: a drowning hazard, broken glass, sharp edged or broken tile or metal, fecal accident(s), electrical code violation, or severe biological growth. The department may attach a sign that states "Pool Closed. This pool is not in compliance with Chapter 64E-9, F.A.C., and may endanger the health, safety or welfare of persons using this facility". With the department's permission, the pool operator may remove signs from the pool area immediately following correction of the cited deficiencies provided the county health department is notified of this action.

(2) Correction of Unauthorized Modifications.

(a) When it is discovered that a pool has been modified from the original approved plans and application, corrective actions and replacement shall be allowed to occur to bring the pool back into compliance with the plans and applications as approved without the requirement for a modification permit, unless any of the following exist:

1. Critical conditions identified in paragraphs 64E-9.017(1)(d) and (g), F.A.C., above are discovered.
2. The original approved plans and application are not available for verification.
3. The extent of the unauthorized modification cannot be readily determined by the department or the design engineer.
4. The corrective construction or replacement will place the pool in violation of current pool construction rules.
5. The construction repair is regulated under the FBC 454.1 by the jurisdictional Building official.
6. Other unsanitary or unsafe conditions apparent to the department or the design engineer.

(b) Whenever any of the conditions numbered 1 through 6 above exist, the owner shall make application to the jurisdictional Building department for a modification permit to authorize any construction required to restore the condition of the pool to an approved or original condition. A copy of this permit application shall be provided to the department.

Rulemaking Authority 381.006, 514.021, 514.05 FS. Law Implemented 381.006, 514.021, 514.04, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.146, Amended 12-27-98, 5-27-04, 5-24-09, 7-20-16.

64E-9.018 Public Pool Service Technician Certification.

An individual who services a public pool by maintaining the cleanliness, water quality and chemical balance of public pools shall be certified. To be certified an individual must demonstrate knowledge of public pools. Examples of such knowledge include: pool cleaning, general pool maintenance, make-up water supply, bacteriological, chemical and physical quality of water and water purification, testing, treatment, and disinfection procedures. To ensure that the pool technicians are knowledgeable, said technician shall attend a training course of national recognition that is approved by the department of at least 16 hours in length and shall pass a test acceptable to the department. Certification is conferred upon an individual and is nontransferable. Certification does not imply any licensure and specifically not that of contractor as regulated by the Department of Business and Professional Regulation under Section 489.105(3)(j), (k), or (l), F.S. A certified pool technician may not affect the structural integrity of the pool or equipment, and shall not delegate work to others, including employees, that are not themselves certified under this section, or otherwise exempt from this provision per Chapter 514, F.S.

(1) Training shall include the following study topics for the hours indicated:

- (a) Swimming pool calculations 1 hour;
- (b) Filter type and filtration circulation 4 hours;
- (c) Water chemistry – balancing & testing 5 hours;
- (d) Spas and warm water pools 1 hour;
- (e) Pool and spa maintenance 2 hours;
- (f) Operational and safety requirements 2 hours; and
- (g) State health code Chapter 64E-9, F.A.C., 1 hour.

(2) Course materials must be provided that cover the required topics in detail. The course approval shall be contingent upon their meeting the items listed in subsection (1) above and the subjects listed in Section 514.075, F.S. The test approval shall be contingent upon all of the questions being related to the subject areas listed in subsection (1) above and the subjects listed in Section 514.075, F.S., with at least 10% of the questions from the subject areas in paragraphs (1)(a) through (f) above, and the remaining 40% covering any of the seven pool subject areas listed in this rule or Section 514.075, F.S. The minimum passing score for the test shall be no less than 70% correct for all questions. There shall be a minimum of 50 questions.

(3) Any individual or organization requesting the department to review their courses for compliance with the requirements of this rule, must submit copies of their training materials to the department prior to providing that training within the state. A copy of the test to be given, answers to the test questions, and a statement indicating the length of time a classroom topic will be conducted shall be included. The department shall review the materials and inform the applicant of its findings within 60 days from receipt of all training materials.

(4) The department shall deem certified any individual who has been proven certified by a course of national recognition.

(5) This requirement does not apply to a person or the direct employee of a person permitted as a public pool operator under Section 514.031, F.S. Further, persons licensed under Section 489.105(3)(j), (k), or (l), F.S., shall be deemed certified.

(6) Proof of certification shall be posted conspicuously in the equipment room of each pool serviced or must otherwise be

available for inspection by the department.

(7) Any reference to department approval shall state no more than: “This course is approved by the Florida Department of Health for student certification as a Public Pool Service Technician under Chapter 514, F.S., and Chapter 64E-9, F.A.C.”

Rulemaking Authority 381.006, 514.021, 514.075 FS. Law Implemented 514.025, 514.075 FS. History—New 9-25-97, Amended 5-27-04, 5-24-09.