

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF MANAGEMENT SERVICES**

**Commission on Human Relations**

RULE NO.:                   RULE TITLE:  
60Y-7.001                   Complaints

PURPOSE AND EFFECT: The proposed rule amendment seeks to clarify that a person need not exhaust their administrative remedies before commencing a civil action alleging housing discrimination.

SUBJECT AREA TO BE ADDRESSED: The proposed rule clarifies the information regarding housing discrimination complaints and time for filing a housing discrimination complaint with the Florida Commission on Human Relations.

RULEMAKING AUTHORITY: 760.31(5) FS.

LAW IMPLEMENTED: 760.34 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cheyanne Costilla, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Cheyanne.Costilla@fchr.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-7.001 Complaints.

(1) Who may file. An aggrieved person may, but is not required to, file a complaint with the Commission alleging a discriminatory housing practice. Whether or not a complaint has been filed with the Commission, an aggrieved person may commence a civil action in court under Section 760.35, F.S. A complaint may be filed by any person who claims to have been injured by a discriminatory housing practice or any person who believes that he will be injured by a discriminatory housing practice that is about to occur.

(2) Time for Filing. A complaint may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, be filed with the Commission. at any time within one year of the occurrence of the alleged discriminatory housing practice. If the alleged discriminatory housing practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the discriminatory housing practice up to and including the date on which it shall have ceased.

Rulemaking Specific Authority 760.31(5) FS. Law Implemented 760.34 FS. History--New 1-25-90, Amended 11-20-91, Formerly 22T-21.001, Amended 9-17-98, 12-31-03,\_\_\_\_\_.

## Section II Proposed Rules

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-9.001	General
64E-9.002	Definitions
64E-9.003	Forms
64E-9.0035	Exemptions
64E-9.004	Operational Requirements
64E-9.005	Construction Plan or Modification Plan Approval
64E-9.006	Construction Plan Approval Standards
64E-9.007	Recirculation and Treatment System Requirements
64E-9.008	Supervision and Safety
64E-9.009	Wading Pools
64E-9.010	Spa Pools
64E-9.011	Water Recreation Attractions and Specialized Pools
64E-9.013	Bathing Places
64E-9.015	Fee Schedule
64E-9.016	Variances
64E-9.017	Enforcement

PURPOSE AND EFFECT: Revision will allow for implementation of statutory changes made to Chapter 514, F.S., by Laws of Florida 2011-222 and 2012-184. To revise and clarify sanitation and safety topics for public pools and bathing places via technical & definition changes, reorganization, glitch repair, reference updates, forms updates, fee updates, and repeal / revise language to harmonize rules with the Florida Building Code.

SUMMARY: All listed rule chapters under 64E-9, F.A.C., will be revised or repealed to assure compliance with the statutory changes, assure consistency with other state rules, to update references, and to clarify statutory requirements and rule language.

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SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed changes remove construction standards for public swimming pools from the rule and permitting requirements for public bathing places reducing department regulation and cost to client.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 381.006, 514.0115, 514.021, 514.023(2), 514.033, 514.05, 514.071, 514.075 FS.

LAW IMPLEMENTED: 381.006, 386.01, 386.03, 386.041, 386.051, 514.011-514.075 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 7, 2013, 10:00 a.m.

PLACE: Bureau of Environmental Health, Conference Room 130L, Capital Circle Office Center, 4025 Esplanade Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Bob Vincent, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Vincent, same address and phone number as above, or email bob\_vincent@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

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.

(a) Any ~~change modification~~ 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.

(b) Failure to comply with any of the requirements of these rules shall constitute a public nuisance dangerous to health.

(2) This chapter prescribes incorporated references, department forms, safety and sanitation for operation and maintenance, minimum design, construction, and retrofitting of existing pools operation requirements.

~~(a) The department will accept dimensional standards for competition type pools as published by the National Collegiate Athletic Association, 2008; Federation Internationale de Natation Amateur (FINA), 2005-2009 Handbook; 2006-2007 Official Rules and Code of USA Diving with 2007 Amendments by USA Diving, Inc.; 2008 USA Swimming Rules and Regulations, and National Federation of State High School Associations, Swimming and Diving and Water Polo Rules Book, 2008-2009, which are incorporated by reference in these rules and can be obtained from: NCAA.org, fina.org, usadiving.org, usaswimming.org, and nfhs.org, respectively.~~

~~(b) Innovations not addressed by this Chapter or the statute shall be addressed by the variance process. Where adequate standards do not exist and these rules do not provide sufficient guidance for consideration of innovations in design, construction, and operation of proposed swimming pools or water recreation attractions, the department will establish requirements necessary to protect the health and safety of the pool patrons.~~

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

(4) As of April 29, 2012 per the Laws of Florida 2012-184, a public pool owner shall first have the plans reviewed and permit issued for the construction or modification of a public pool by the jurisdictional Building Official and these shall be accomplished in accordance with the Florida Building Code, Building, Chapter 4, Section 424.1.

(a) The pool owner / operator, or their agent shall provide the department a copy of the building department permit issued for construction or modification within 10 days of issuance.

(b) There shall be no changes to the pool equipment, recirculation system, structure, markings, access, or appurtenances for the life of the pool without first obtaining a modification approval from the jurisdictional Building Official, except where changes are allowed by the Florida Building Code, or by this Chapter.

(c) 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. For modifications, the completion must be certified to the department by the design professional before the pool is reopened.

(d) Annually, the pool owner / operator shall apply for an operating permit from the department, and their determination of approval for 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 424.1 that was in effect at the time of the pool's construction permitting.

~~(5)(4) The FBC 424.1 code is hereby incorporated by reference. The Americans with Disabilities Act of 1990 may relate to public pools and should be reviewed by the design engineer and the pool owner. Chapter 11 and Section 424.1 of the Florida Building Code (2007, with 2009 amendments also have application to public 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-5.130, Amended 12-27-98, 5-27-04, 5-24-09, \_\_\_\_\_.

#### 64E-9.002 Definitions.

Words and phrases used in this chapter shall have the same meaning as in Chapters 381, 386, 514, F.S., and the FBC 424.1, unless defined below:

(1) “Advanced Level Swimmer” – A person able to swim unassisted for five minutes or more.

(2) “Bathing Load” – The maximum number of persons allowed in the pool or bathing place at one time.

(3) “Closed Pool” – A pool which is not to be used by bathers and is posted with a pool closed sign that is visible from the pool deck, or is inaccessible for use.

(4) “Collector Tank” – A reservoir, with a minimum of 2.25 square feet water surface area open to the atmosphere from which the recirculation or feature pump takes suction, which receives the gravity flow from the main drain line, surface overflow system or feature water source line, and that is cleanable.

(5) “D.E.” – is the Diatomaceous Earth that is used as a filter aid in DE type filters. For the purpose of this rule, it also includes alternative filter aids that have been approved under NSF/ANSI Standard 50-~~2012~~ 2007, and accepted by the filter manufacturer.

(6) “Department” – The Department of Health (DOH), specifically, including the Bureau Division of Environmental Health and county health departments unless specified otherwise.

(7) “Dual Main Drain” – means two or more main drains, their sumps and their covers in the deepest areas of the pool that are connected to each other and connected to the pump by properly sized pipes, at least as large as a gravity pipe required for a collector tank, that are hydraulically balanced such that flow is nominally the same from both drains, and the drain edges are no more than 20 feet apart and edges are no closer than 3 feet together, and are connected to a single pump producing direct suction on the two or more drains equally.

~~(7) “Effective Barrier” – A barrier which consists of a building, or equivalent structure, plus a 48 inch minimum height fence on the remaining sides or a continuous 48 inch minimum height fence. All access through the barrier must have one or more of the following safety features: alarm, key lock or self-locking doors and gates. Safety covers that comply with the American Society for Testing Materials standard F1346-91 (2003) may also be considered as an effective barrier.~~

(8) “Flow Through” – Continuous verifiable inflow and outflow or in the case of spring fed lakes shall be verifiable by continuous outflow.

(9) “Inaccessible” – Enclosed by an effective barrier.

~~(10) Interactive Water Features – A structure designed to allow for recreational activities with recirculated, filtered, and treated water, but having minimal standing water. Water from the interactive fountain type features is collected by gravity below grade in a collector tank or sump. The water is filtered, disinfected and then pumped to the feature spray discharge heads.~~

(11) “Lifeguard” – Person responsible for the safety of the users of a public swimming pool.

~~(10)(12) “Living Unit” – Room(s) or spaces capable of being occupied by an individual or group for temporary or permanent lodging purposes. This includes motel and hotel rooms, apartment units, boarding house rooms, condominium units, travel trailers, recreational vehicles, mobile homes, single family homes, and individual units in multiple unit housing complexes.~~

~~(13) “Marking” or “Markings” – Refers to the placement and installation of visual marking cues to help patrons identify step, bench and swimout outlines, slope break location, depth designations, and NO ENTRY and NO DIVING warnings. When markings are specified by code to be dark the term dark shall mean a Munsell Color Value from zero to four.~~

~~(14) “Modification” – Any act which changes or alters the original characteristics of the pool as approved. For example, changes in the recirculation systems, decking, treatment systems, disinfection system, and pool shape are modifications.~~

(11) “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.

~~(12)(15) “NTU” – Nephelometric Turbidity Unit which is a means of measuring water clarity.~~

(13) “Owner / Operator” – The person, public body or entity who legally owns the pool and is issued the operating permit from the department.

~~(16) “Perimeter Overflow Gutter” – A level trough or ledge around the inside perimeter of the pool containing drains to clean the pool water surface.~~

~~(17) “Plunge Pool” – The receiving body of water located at the terminus of a recreational water slide.~~

~~(18) “Pool Floor” — The interior pool bottom surface which consists of that area from a horizontal plane up to a maximum of a 45-degree slope.~~

~~(19) “Pool Wall” — The interior pool side surfaces which consist of that area from a vertical plane to a 45-degree slope.~~

~~(20) “Pool Turnover” — The circulation of the entire pool volume through the filter system. Pool volume shall be determined from the design water level which is the normal operating water level; for gutter type pools is the horizontal plane of the upper lip of the gutter and for skimmer pools is the centerline of the skimmer opening.~~

~~(14)(21) “Precoat Pot” — A container with a valved connection to the suction side of the recirculation pump of a pressure diatomaceous earth (D.E.) type filter system used for coating the filter with D.E. powder or NSF/ANSI Standard 50-2012 2007 and manufacturer approved substitute filter aid.~~

~~(22) “Private Pool” — See Section 514.011(3), F.S.~~

~~(15)(23) “Public Bathing Place” — See Section 514.011(4), F.S. The bathing water areas of public bathing places include lakes, ponds, rivers, springs, streams, and artificial impoundments.~~

~~(16)(24) “Public Swimming Pool” or “Public Pool” — See Section 514.011(2), F.S.~~

~~(25) “Recirculation System” — The system of piping and mechanics designed to remove the water from the pool then filter, disinfect and return it to the pool.~~

~~(26) “River Ride” — A water recreation attraction designed to convey bathers around a relatively flat course using an artificially created current.~~

~~(17) “Safety Attendant” — an able individual whose primary function is to ensure the safety of pool patrons on the pool deck, on pool slides, and on other play structures that are outside of the pool proper, and who is not a certified lifeguard.~~

~~(18)(27) “Sanitary Survey” — A professional assessment of any existing and potential sources of pollution of a specific land or water area.~~

~~(28) “Slip Resistant” — Having a textured surface which is not conducive to slipping under contact of bare feet unlike glazed tile or masonry terrazzo and non-textured plastic materials. Manufactured surface products shall be designated by the manufacturer as suitable for walking surfaces in wet areas.~~

~~(29) “Spa Pool” — A pool used in conjunction with high velocity air or water.~~

~~(30) “Special Purpose Pool” — A public pool used exclusively for a specific, supervised purpose, including springboard or platform diving training, SCUBA diving instruction, and aquatic programs for handicapped individuals, pre-school or kindergarten children.~~

~~(19)(31) “Swimming Instructor” — Person who offers progressive swimming instruction.~~

~~(32) “Swimming Pool Slide” — a slide designed by its manufacturer to discharge over the sidewall of a swimming pool.~~

~~(33) “Swim Spa” — A pool used in conjunction with a directional flow of water against which one swims.~~

(20) “Unblockable drain” — a main drain sump with dimensions greater than 18 inches wide x 23 inches long, or for channel drains: dimensions more than 3 inches wide x 32 inches long, and this term includes the drain cover/grate. US Consumer Product Safety Commission has defined this term nationally to implement the Virginia Graeme Baker Pool and Spa Safety Act.

~~(34) “Wading Pool” — A shallow pool designed to be used by children.~~

~~(35) “Water Recreation Attraction” — A facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water. Water recreation attractions include water slides, river rides, water course rides, water activity pools, interactive water features, wave pools and any additional pool within the boundaries of the attraction.~~

~~(36) “Water Activity Pool” — A water recreation attraction which has water related activities such as rope ladders, rope swings, cargo nets and other similar activities.~~

~~(37) “Water Slides” — A water recreation attraction ride which is characterized by having trough like or tubular flumes or chutes.~~

~~(38) “Water Theme Park” — Means a complex with controlled access, fenced and gated attraction where guests enter through a limited number of entrances upon purchase of a ticket. These facilities are permanent and consist of multiple water recreation attractions. Lifeguards are present during all operating hours.~~

(21)(39) “Water Therapy Facilities” as that term is used in Section 514.0115(1), F.S., are pools used exclusively for water therapy to treat a diagnosed injury, illness, or medical condition, wherein the therapy is provided under the direct supervision of a Florida licensed physical therapist, occupational therapist, or athletic trainer; pursuant to a prescription by a physician or a physician’s assistant (PA) licensed pursuant to Chapter 458 or 459, F.S., a podiatrist licensed pursuant to Chapter 461, F.S., or an advanced registered nurse practitioner (ARNP) licensed pursuant to Chapter 464, F.S.; and the prescribing physician, PA, podiatrist or ARNP, authorizes a plan of treatment justifying use of the pool for health care purposes. Direct supervision shall mean therapy provided in the presence of a Florida licensed physical therapist, occupational therapist, or athletic trainer who is assuring patient activity comports with the physician’s prescription.

~~(40) “Wave Pool” — A water recreation attraction that is characterized by wave action.~~

~~(41) “Wet Deck Area” — The four foot wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.~~

~~(42) “Zero Depth Entry Pool” – A pool where the pool floor continues to slope upward to a point where it meets the surface of the water and the pool deck.~~

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 514.021, 514.03, 514.031, 514.0315, 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,\_\_\_\_\_.

64E-9.003 Forms.

(1) All forms listed in this chapter are herein incorporated by reference and may be obtained from the department, at: www.myfloridaeh.com, or at https://www.flrules.org, http://www.doh.state.fl.us/environment/water/swim/download.html, or write to DOH, Bureau of Environmental Health Water Programs, mail bin A-08 C-22, 4052 Bald Cypress Way, Tallahassee 32399-1710 4742, or at the local county health department. The following forms are for use by the department or the public:

(a) DH 1350, 2/13 7/08, Public Swimming Pool Initial Operating Permit Engineering Inspection Report.

(b) DH ~~Form~~ 920, 2/13 Jan. 04, Public Pool and Bathing Place Inspection Report.

(c) DH 921, 3/98, Monthly Swimming Pool Report.

(d) DH 4157, 2/13, Owner / Operator Verification of Entrapment Safety Features.

(e) DH 4158, 2/13 Bathing Place Public Health Advisory Sign – Poor Water Quality.

(2) Upon receipt of the following properly completed forms, the department shall approve or deny the following applications in accordance with the provisions of Chapters 120 and 514, F.S.:

(a) DH 4065, 3/98, Application for A Swimming Pool Exemption Status 32 units or less.

(b) DH 1704, 3/98, Application for A Swimming Pool Exemption Status More Than 32 Units.

~~(c) DH 914, 7/08, Application For Approval Of Swimming Pool Plans.~~

~~(c)(d) DH 4159, 2/13, 916, 7/08, Application for Swimming Pool Operating Permit/Authorization.~~

~~(e) DH 917, 3/98, Application for a Bathing Place Operating Permit/Authorization.~~

~~(f) DH 4063, 3/98, Application for Annual Renewal or Reissuance of Public Swimming Pool/Bathing Place Operating Permit.~~

~~(d)(e)~~ DH 4080, 7/08, Application for Variance from Chapter 64E-9, F.A.C.

~~(e)(h)~~ DH 4144 1/09, Application for Swimming Pool Exemption Status- Water Therapy Facilities.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.0315, 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,\_\_\_\_\_.

64E-9.0035 Exemptions.

(1) A person seeking an initial exemption, or an existing facility claiming to be exempt from department regulation pursuant to the provisions of section 514.0115, F.S., shall apply to the department on forms listed in Rule 64E-9.003, F.A.C. Each such application shall be renewed every five years following 2010 ~~bi-annually~~, by July 1<sup>st</sup> of the each even numbered year 2015, 2020, etc.

(a) Applicants for a swimming pool exemption pursuant to (2)(a) or (2)(b) or (1), of Section 514.0115, F.S., shall submit the following information along with the applicable department form listed for their initial exemption in electronic or paper format, and then shall provide only the swimming pool related and ownership changes to these documents for any subsequent submittals, and if no changes, only the completed form:

1. For condominiums: the recorded declaration of condominium; the condominium’s articles of incorporation; bylaws, and all duly adopted and recorded amendments; supplements, and recorded exhibits thereto; a copy of a plot plan diagram for the proposed property; and form DH 4065 for 32 units or less, or DH 1704 for more than 32 units, or

2. For cooperatives: the articles of incorporation of the association; bylaws, and the ground lease or other underlying lease, if any; the document evidencing a unit owner’s membership or share in the association; and the document recognizing a unit owner’s title or right of possession to his or her unit; a copy of a plot plan diagram for the proposed property; and a completed form DH 4065 for 32 units or less, or DH 1704 for more than 32 units.

3. For exemption as a water therapy facility pool: along with a completed form DH4144; a written statement signed by a medical professional that they have already, or intend to prescribe medical water therapy for a patient in the pool. This medical professional shall be a physician or a physician's assistant (PA) licensed pursuant to Chapters 458 or 459, F.S., a podiatrist licensed pursuant to Chapter 461, F.S., or an advanced registered nurse practitioner (ARNP) licensed pursuant to Chapter 464, F.S. For subsequent biannual exemption renewals, in addition to the signed written statement from a medical professional as required above, each water therapy facility shall provide a list of the Florida licensed physical therapist(s), occupational therapist(s), and athletic trainer(s) providing therapy in the pool.

(b) For purposes of Section 514.0115, F.S., the term condominium shall be as defined in Chapter 718, F.S., and the term cooperative shall be as defined in Chapter 719, FS.

(2) A person who sought and received an exemption from public swimming pool regulation, 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 must be modified in order to comply with the provisions of this chapter and Chapter 514, F.S.

(3) An exemption from department rules does not exempt the pool from other federal, state, and local requirements. Florida Building Code (2007 with 2009 amendments) requirements, found in sections 11 and 424.1.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented, 514.0115 FS. History—New 5-24-09, Amended.

#### 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 – ~~An atmospheric break or approved back flow prevention D devices or systems shall be operational and maintained in their original functional condition provided in each pool water supply line that is connected to a public water supply. Vacuum breakers shall be installed on all hose bibbs.~~

(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 National Sanitation Foundation (NSF-ANSI) Standard 60-2011 2005, Drinking Water Treatment Chemicals-Health Effects dated September, 2011 2005, 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(13), 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 and beverages are prohibited in the pool and on the pool wet deck area; animals and glass containers are prohibited within the fenced pool area, or 50 feet from pool edge when no fence exists. Individuals with a disability and service animal trainers may be accompanied by a service animal, as defined in Chapter 413.08, F.S., into the fenced pool area, and on the pool wet deck area; but the service animal is not allowed to enter the pool water nor 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) All equipment and appurtenances shall be kept in good repair.

(8) 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.

(9) Sanitary facilities shall be maintained in a clean and sanitary condition and sanitary supplies such as toilet paper, paper towels or blow dryer, soap and waste baskets shall be provided.

(10) Footbaths are prohibited.

(11) 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.

(a) The following test kits shall be provided if the corresponding chemicals are used: cyanuric acid, sodium chloride, quaternary ammonium, ozone and copper.

(12) Activity accessories such as volleyball and basketball nets may be used for designated times provided a clear four foot deck area is maintained behind the structures. When the pool is open for general use such accessories must be removed.

(13) The keeping of a daily record of information regarding pool operation, using the Monthly Swimming Pool Report – DH 921 3/98, 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 acceptable 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 or submitted monthly as required by the local health department. DH 921, 3/98, may be obtained at the local county health department or on the department's internet web site. For the purposes of daily testing of the pool water and keeping of the Monthly Swimming Pool Log, the requirements of Rule 64E-9.018, F.A.C., are not applicable; therefore any able person can test the pool water and record it on the pool log.

(14) 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, found on the

department's internet web site: <http://www.floridashhealth.org/Environment/water/swim/index.html>. 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.

(15) Pool and deck lighting for ~~For~~ pools used at night or when adequate natural lighting is not available, shall be maintained and operational at all times, except when the pool is closed the lighting requirements of paragraph 64E-9.006(2)(c) shall be met.

(16) Annual operating permits are valid from July 1, or from the date of issuance, until June 30.

Rulemaking Authority 381.006, 514.021 FS. Law Implemented 381.006, 514.021, 514.03, 514.031, 514.0315, 514.05, 514.06 FS. History—New 10-5-93, Formerly 10D-5.133, Amended 12-27-98, 5-27-04, 5-24-09, \_\_\_\_\_.

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 \_\_\_\_\_.

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 \_\_\_\_\_.

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 \_\_\_\_\_.

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.

(a) 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 2004 edition of the American Red Cross Water Safety Instructors Manual, the On the Guard

II, The YMCA Lifeguard Manual, ~~(2011)~~ ~~(2001)~~ ~~Fifth~~ ~~Fourth~~ 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. Swimming instructors of developmentally disabled students shall also be certified in accordance with Chapter 514.072, FS.

(b) 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, or the American Heart Association, or the National Safety Council, or the American Academy of Orthopaedic Surgeons, or by Medic First Aid International, Inc., or by American Safety and Health Institute.

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

(d) Verification of equivalence, as required above, shall be the responsibility of the ~~department~~ ~~Division Director for Environmental Health or his designee~~. 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 64E-9.008(1)(a), F.A.C. 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.

(e) 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.

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

(a) Safety drain outlet cover(s)/grate(s) and allowable secondary anti-entrapment devices in the time frame listed as described in this Chapter.

(b) A ~~All swimming pools shall be provided with a shepherd' s hook~~ securely attached to a one piece pole not less than 16 feet in length, and ~~for pools over 50 feet in length shall have a second unit with one on each of the longer sides of the pool.~~

(c) ~~At~~ at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck, and ~~for pools over 50 feet in length shall have a second unit with one 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. ~~Pools greater than 50 feet in length shall have multiple units with at least one shepherd' s hook and one lifesaving ring located along each of the longer sides of the pools.~~

(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 life ring~~ requirement.

(3) Safety Lines – All pools with a slope transition shall ~~maintain safety line anchors and have a safety line as required by sub-subparagraph 64E-9.006(1)(e)2.b., F.A.C. The safety line shall be in place at all times. unless a lifeguard or instructor is present. 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.~~

(4) Pool covers and solar blankets shall only be used during times when the pool is closed. ~~If a~~ ~~Unless~~ the pool cover or solar blanket is installed, it shall be secured around the entire perimeter and ~~is~~ 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.

(5) Chemical storage – ~~A room or space shall be provided for chemicals to~~ ~~Chemicals shall~~ be stored in a cool, dry, and well ventilated area under a roof and the area shall be inaccessible to the public. Chemicals which emit corrosive fumes shall not be stored in the equipment room. Empty chemical containers shall be stored and disposed of in such a manner that they are not accessible to the public.

(6) Swimming pool slides shall be operated and maintained ~~installed~~ in accordance with manufacturer's specifications and sound engineering practice. ~~Pools with slides designed for swimming pools are not required to satisfy those of slide plunge pools in subsection 64E-9.011(2), F.A.C., however, the need for increased turnover shall be taken into consideration by the design engineer in determining what constitutes sound engineering.~~

(7) Pool Rules and regulations – Rules and regulations for bathers shall be posted in minimum 1 inch letters which must be legible from the pool deck, and shall contain the following:

1. No food or beverages in pool or on pool wet deck.
2. No glass or animals in the fenced pool area (or 50 feet from unfenced pool).
3. Bathing load: \_\_\_ persons.
4. Pool hours: \_\_ a.m. to \_\_ p.m.
5. Shower before entering.

Pools of 200 square feet in area or greater without an approved diving well configuration shall have "NO DIVING", in four inch letters included with the above listed pool rules.

6. For new or modified pools submitted for plan approval application or annual operating permit approval on or after May 24, 2010 ~~the effective date of this rule~~, their posted sign shall add: Do not swallow the pool water.

(8) Night swimming – Pools shall not be open for swimming at night unless approved and all lights are properly operated and maintained except when the pool is closed. Pools authorized for night swimming shall be noted on the operating



~~permit issued by the department the requirements for lighting as specified in paragraph 64E-9.006(2)(e), F.A.C., are met.~~ Night swimming shall be considered one half hour before sunset to one half hour after sunrise.

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

(10) Floating and climb-on devices, objects or toys that are not a part of the approved pool design shall not be tethered in the pool or installed without ~~engineering modification application and~~ department approval.

(11) Whenever pools are closed by the owner or operator at night or during service, the existing fenced area entrance gates shall be locked or secured. This is not applicable where another open pool occupies the same area, or where the pool area provides egress to other site facilities, however, a pool closed sign shall be posted by the owner/operator.

(12) General Pool Maintenance for Patron Safety.

(a) Pool Structure – Pools shall be maintained as watertight, free from structural cracks, and floors and walls shall be maintained, and whenever resurfaced, as white or light pastel in color. Light pastel shall mean a Munsell Color Value of eight or higher. Water line tile shall be replaced when it is loose, damaged or missing. Tiles shall not have sharp edges exposed that could cause bather injury. Any design or logo on the pool floor or walls installed after the initial operating permit is granted shall be such that it will not hinder the detection of a human in distress, algae, sediment, or other objects in the pool and written approval must be obtained from the department prior to installation. A single design or logo may be installed without prior department approval if it is no larger than one square foot, and the Munsell Color Value is at least seven or higher. If a design or logo is installed on the pool deck, benches, or on steps or in water 5 feet deep or less, it shall be slip resistant tile.

(b) Floating rope lines associated with lap lanes must not obstruct the entrance or exit from the pool and are prohibited when the pool is open for general use.

(c) The bathing load for conventional swimming pools, wading pools, interactive water features, water activity pools less than 24” deep, and special purpose pools shall be maintained as computed on the basis of one person per five gallons per minute (gpm) of recirculation flow. The bathing load for spa type pools shall be maintained as based on one person per each 10 square feet of surface area. This load shall be posted and the owner/operator shall not permit the bathing load to be exceeded at any time.

(d) The filtration system for swimming pools shall be maintained as capable of meeting operating standards as identified on the most current operating permit while providing a flowrate of at least one gallon per minute for each living unit at transient facilities and three-fourths gallon per minute at non-transient facilities. Recreational vehicle sites, campsites and boat slips designated for live-aboards shall be considered a

transient living unit. For properties with multiple pools, this requirement includes the cumulative total GPM of all swimming pools, excluding spa pools, wading pools and interactive water features. 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.

(e) For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than three hours.

(f) Multiple floor levels in pools are prohibited.

(g) Floor slope transition shall occur at a minimum of five feet of water depth. A slope transition must maintain a 2 to 6 inch wide dark contrasting tile marking across the bottom and must extend up both sides of the pool at the transition point. A slope transition must have a safety line mounted by use of recessed cup anchors, two feet before the contrasting marking, towards the shallow end. The safety line shall maintain visible floats at maximum seven foot intervals.

(h) Depth markings shall be maintained so that they are not loose, damaged, faded or missing or any sharp edges exposed that could cause bather injury. Permanent depth markings followed by the appropriate full or abbreviated words “FEET”, “FT” or “INCHES”, “IN”, shall be maintained in minimum four inch high numbers and letters on a contrasting background. Depth markers shall indicate the actual pool depth, within three inches, at normal operating water level when measured three feet from the pool wall. In pools designed with the deep point at the center, a dual marking system which indicates the depth at the wall and at the deep point are allowed, and shall be maintained.

(i) Markings shall be maintained on both sides of the pool at the shallow end, slope break, deep end wall and deep point (if located more than five feet from the deep end wall). Depth markings shall be maintained as legible from inside the pool and also from the pool deck. When a curb is provided, the depth markings shall be maintained on the inside and outside or top of the pool curb. When a pool curb is not provided, the depth markings shall be maintained on the inside vertical wall at or above the water level and on the edge of the deck within 2 feet of the pool water. When open type gutter designs are utilized, depth markers shall be maintained on the back of the gutter wall.

(j) When deck level perimeter overflow systems (aka: vanishing edge) are utilized, additional depth marking signs shall be maintained as posted nearby or placed on adjacent fencing or walls and the size shall be increased so they are recognizable from inside the swimming pool. Alternatively tile depth markers may be maintained at the top of the pool wall just under the water level. Depth markers placed on the pool deck shall be maintained within 3 feet of the water.

(k) “No Diving” markings shall be maintained so that they are not loose, damaged, faded or missing or any sharp edges exposed that could cause bather injury. Those areas of the pool that are not part of an approved diving bowl shall have dark contrasting tile four inch high “NO DIVING” markings maintained along the perimeter of the pool on the top of the pool curb or deck within two feet of the pool water with a maximum perimeter distance of 25 feet between markings. A 6-inch tile with a 4-inch or larger red, international “NO DIVING” symbol may be substituted for the “NO DIVING” markings.

(l) All markings shall be maintained, repaired, or replaced as tile, except that pools constructed of fiberglass, thermoplastic or stainless steel may substitute other type markings when it can be shown that said markings are permanent and will not fade over time. This exception does not extend to concrete pools that are coated with fiberglass. Tile alternative examples include stone or manufactured plaques with engraved or sandblasted numbers and characters with permanent paint. Permanent appliques may be used for fiberglass, thermoplastic or stainless steel pools. All markings installed on horizontal surfaces shall maintain a slip resistant finish. Markings shall be maintained as flush with the surrounding area where placed and recessed if necessary to provide a smooth finish that will avoid creation of an injury hazard to bathers. Pools that are not conducive to tile can employ other equivalent markings as stated above.

(m) Depth markings on the wet deck adjacent to Americans with Disabilities Act (ADA) ramps shall be maintained to show the depth of water below the ramp surface. Depth markings for pool depth shall be maintained on the pool side wall and the top of the ramp near the pool side edge, in accordance with this Chapter’s above wet deck marking requirements. In addition to depth markings, there shall be “NO ENTRY” signs made of tile with 4 inch letters maintained on the deck along the entire length of the ramp placed every ten feet. A permanent dark contrasting colored band of tile shall be maintained the entire length of the ramp at the edge of the ramp’s horizontal surface and the interior pool wall and must extend two inches on the horizontal and vertical surfaces. Tile must be maintained slip resistant. Bullnose tile may be substituted and installed in accordance with this Chapter and the FBC 424.1. Where transfer walls and lift chairs are installed, an additional depth marking shall be maintained on the deck immediately in front of the entry point of the device, or as close as possible to the entry point. For those existing pools retrofitted to comply with ADA, these markings shall be provided with installation of the ADA device. New pools shall have these markings at the initial operating permit inspection.

(n) Access – All pools shall be maintained with a means of access every 75 feet of pool perimeter with a minimum of two, located so as to serve both ends of the pool. In addition, an access point shall be maintained at the deep portion, if the deep

portion is not at one end of the pool. When the deep portion of the pool is over 30 feet wide both sides of this area shall have a means of access. Access shall consist of ladders, stairs, recessed treads or swimouts and may be used in combination. All access treads shall have a slip resistant surface.

1. Ladders – Ladders shall be maintained as the cross-braced type and shall be constructed of corrosion resistant materials and be securely anchored into the pool deck. Clearance between the ladder and pool wall shall be maintained between three to six inches. Ladders shall extend at least 28 inches and no more than 40 inches above the pool deck. Ladder bottom braces shall be maintained with intact end caps or bumpers that rest firmly against the pool wall.

2. Stairs – Stairs shall be maintained with a minimum tread width of 10 inches and a maximum width of 48 inches for a minimum tread length of 24 inches and a maximum riser height of 10 inches. Treads and risers between the top and bottom treads shall be uniform to within 1/2 inch in width and height. The riser heights shall be measured at the marked step edges and the differences in elevation shall be considered the riser heights. The front 3/4 to 2 inches of the tread and the top 2 inches of the riser shall be tile, dark in color, and be maintained contrasting with the interior of the pool. Tile shall be slip resistant. Bullnose tile that is slip resistant may be used when the 3/4ths inch segment is placed on the tread or horizontal surface and the 2 inch segment is placed on the riser or vertical surface. Where the gutter is used as the top step, the tile on the gutter for only the width of the steps shall be maintained as slip resistant. Vinyl liner and fiberglass pools may use other material for the step edge marking, provided the material is permanent, permanently secured, dark in color, non-fading, and slip resistant.

3. Swimouts – Swimouts shall be maintained 18 to 24 inches back from the pool wall, 4 to 5 feet wide, a maximum of 12 inches below the deck, unless stairs are provided in the swimout, and shall be maintained located only in areas of the pool greater than 5 feet deep. A permanent dark contrasting colored band of tile shall be maintained at the intersection of the pool wall and the swimout and must extend two inches on the horizontal and vertical surfaces. Tile must be maintained as slip resistant. Bullnose tile may be substituted and installed in accordance with this Chapter.

4. Handrails and Grabrails – Handrails shall be maintained as provided for all stairs, shall be anchored in the bottom step and the deck. Where “figure 4” deck mounted type handrails are used, they shall be anchored in the deck and extend laterally to any point vertically above the bottom step. Grabrails must be mounted in the pool deck at each side of recessed steps. Handrails and grabrails shall extend between 28 and 40 inches above all the step edges and wet deck edge, and excluding pool curbs. All measurements should occur from the top of the rail. Resurfacing does not require a change of

handrail when the originally approved dimensions are maintained. Handrails shall be maintained as provided for all ADA ramps.

5. Permanent or portable steps, ramps, handrails, lifts, or other devices designed to accommodate individuals in swimming pools may be provided. Lifts mounted into the pool deck shall have a minimum four foot wide deck behind the lift mount.

6. Where ADA compliant grab bars, handrails, transfer walls and ramps are installed, there shall be appropriate markings installed that caution patrons of trip hazards. These shall be contrasting color that outline the grab bars or transfer wall. Alternatively, for grab bars placed on steps, handrails may be placed above them for their entire length from top to bottom step to prevent a trip hazard on the grab bars. Transfer walls that are installed over perimeter gutters are allowed. The gutter may not be blocked off more than 5 feet. The transfer wall pool-side face shall be vertically even with the vertical wall below it with no obstructions that may cause bather injury. The entire length of the top of the handrail for a ramp shall be configured to be at least 6 inches above the operating water level.

(o) The pool water area shall be maintained as unobstructed by any type structure unless justified as a part of the recirculation system, as identified in the operating permit. Structures in accord with the above shall not be located in a diving bowl area or within 15 feet of any pool wall.

1. Stairs, ladders and ramps, necessary for entrance/exit from the pool are not considered obstructions.

2. Underwater seat benches may be maintained as installed in areas less than five feet deep. Bench seats must be maintained with a dark contrasting tile marking on the seat edge extending two inches on the horizontal and vertical surface, or bullnose tile as for steps. Tile shall be maintained as slip resistant.

(p) The vertical clearance above the pool deck shall be maintained at least seven feet.

(q) Diving Areas –

1. Diving boards, platforms and their ladders shall be maintained with a nonabsorbent, slip resistant finish. Diving equipment one meter and greater shall be maintained with guard rails which extend to the edge of the pool wall. All diving boards over 21 inches from the deck shall be provided with a ladder. Diving boards or platforms shall not be installed on curved walls where the wall enters into the diving area. Adjacent platform and diving boards shall be parallel.

2. Trampoline type diving facilities are prohibited.

(13) Pool Appurtenances.

(a) Decks and Walkways – Wooden decks and walkways are prohibited.

1. Pool wet decks shall be maintained with a minimum unobstructed width of four feet around the perimeter of the pool, pool curb, ladders, handrails, diving boards, diving

towers, any ADA mandated features, and slides, shall be maintained as constructed of concrete or other nonabsorbent material having a smooth slip resistant finish and shall be maintained as uniformly sloped away from the pool or to deck drains to prevent standing water. Non-absorbent materials used for the wet deck that are not brick or concrete must be maintained after installation onto a rigid, structurally sound, and non-absorbent sub-surface, and shall meet the same drainage slope of concrete, shall meet the slip resistance properties of concrete, shall be non-toxic as evidenced by certified laboratory testing, and shall not drain water into the pool. Textured deck finishes that accumulate soil shall be cleaned as needed. If settling or weathering occurs that would cause standing water, the original drainage slopes shall be restored or corrective drains installed. When a curb is provided, the deck shall not be more than 10 inches below the top of the curb. Wet deck area finishes shall be designed for such use and shall be maintained in accordance with the manufacturer's specifications. Traffic barriers shall be provided as needed so that parked vehicles do not enter the deck area. Walkways shall be maintained as provided between the pool and the sanitary facilities, constructed of concrete or other nonabsorbent material and a smooth slip resistant finish shall be maintained for the first 15 feet of the walkway measured from the nearest pool water's edge.

2. Twenty percent of the deck along the pool perimeter may be obstructed as long as any one obstruction does not exceed ten percent or ten feet, whichever is less, in any one area. Obstructions shall be maintained with a wet deck area behind or through them. These obstructions must be protected by a barrier or must be maintained to discourage patron access. Obstructions shall not include pool exit points. When an obstruction exists in multiple areas around the pool the minimum distance between obstructions shall be four feet to allow for bather rescue access.

3. Food or drink service facilities shall not be located within 12 feet of the water's edge.

(b) Bridges and overhead obstructions over the swimming pool or river ride shall be maintained so they will not introduce any contamination to the pool water. The minimum height of the bridge or obstruction shall be maintained as at least four feet above the surface of the pool in all cases except when the pool is a river ride where it shall be at least 5 feet above the surface of the pool. However, overhead obstructions in pools 2 feet deep or less shall maintain a minimum seven foot overhead clearance from the bottom of the pool. The walking surfaces shall be maintained as above for decks.

(c) Lighting – Artificial lighting shall be maintained as provided at all swimming pools which are to be used at night or which do not have adequate natural lighting so that all portions of the pool, including the bottom, may be readily seen.

1. Outdoor pool lighting – Lighting shall be maintained to provide a minimum of three foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of one-half watt per square foot of pool water surface area.

2. Indoor pool lighting – Lighting shall be maintained to provide a minimum of 10 foot candles of illumination at the pool water surface and the pool wet deck surface. Underwater lighting shall be a minimum of eight-tenths watt per square foot of pool surface area.

3. Underwater lighting – Underwater lighting shall be operated and maintained with transformers and low voltage circuits. The maximum voltage for each light shall be a maximum of 15 volts and the maximum incandescent lamp size shall be no more than 300 watts. Alternative white lighting systems which use 15 volts or less, or use no electricity in the pool or on the pool deck, such as LED, (light emitting diode) or fiber optic systems, may be utilized if the applicant demonstrates to the department that the pool illumination is equal to the requirements in this Chapter above.

(d) Where emergency cut-off switches are provided on existing or new pools, the alarm and signage specified in this Chapter for spa pools, if not already installed, shall be provided within 180 days of effective date of this rule.

(e) Equipment Enclosures, Area or Rooms – Equipment designated by the manufacturer for outdoor use may be located in an equipment area; all other equipment must be located in an equipment room or enclosure. Plastic pipe subject to a period of prolonged sunlight exposure must be coated to protect it from ultraviolet light degradation. An equipment area shall be surrounded with a fence maintained of at least four feet high on all sides where not confined by a building or equivalent structure. A self-closing and self-latching gate with a locking device shall be provided if necessary for access. An equipment room shall be provided as protected on at least three sides and overhead. The fourth side must use a locking device, or may be open if otherwise protected from unauthorized entrance. Any fence or gate installed shall use members spacing that shall not allow passage of a 4 inch diameter sphere. An equipment enclosure shall use a locking or otherwise protected from unauthorized access. This access security, if not already installed, shall be installed on all pool equipment areas by one year from the effective date of this rule for those that do not presently have a similar level of security. The equipment enclosure, area or room floor shall be maintained with a smooth slip resistant finish and drainage, including a sump pump if necessary. Ancillary equipment, such as a heater, not contained in an equipment enclosure or room shall necessitate an equipment area as described above, which if not already, shall also be installed by one year from the effective date of this rule.

1. Ventilation and Access – Equipment enclosures or rooms shall be maintained as either forced draft or cross ventilation. All below grade equipment rooms shall maintain a stairway access with forced draft ventilation or a fully louvered door and powered intake within 6 inches of the floor. Where stairway access is not necessary to carry heavy items into the below grade room or vault, a “ship’s ladder” may be maintained instead.

2. Size and Lighting – The size of the equipment enclosure, room or area shall be maintained to provide working space to perform routine operations. Clearance shall be provided for all equipment as prescribed by the manufacturer to allow normal maintenance operation and removal without disturbing other piping or equipment. Equipment enclosures, rooms or areas shall not be used for storage of chemicals emitting corrosive fumes or for storage of other items to the extent that entrance to the room for inspection or operation of the equipment is impaired. Equipment enclosures, rooms or areas shall be lighted to provide 30 foot candles of illumination at floor level.

(f) Sanitary Facilities – Swimming pools with a bathing load of 20 persons or less may be maintained to utilize a unisex restroom. Pools with bathing loads of 40 persons or less may be maintained to utilize two unisex restrooms or meet the requirement on the FBC Plumbing Code required fixture count chart. Unisex restrooms shall include a functional water closet, a diaper change table, a urinal, and a lavatory.

1. Outside access to facilities shall be maintained as provided for bathers at outdoor pools. If the restrooms are not visible from any portion of the pool deck, signs shall be maintained as posted showing directions to the facilities. These directions shall be maintained as legible from any portion of the pool deck and the letters shall be a minimum of one inch high. International symbol signs for restrooms may be used instead of lettered signs; if used, they shall be at least 8 inches per side.

2. Sanitary facility floors shall be maintained with a smooth slip resistant finish and floor drains. Carpets, duckboards and footbaths are prohibited.

3. Sanitary facilities shall be maintained with the following supplies when the pool is open: trash receptacle, hand wash soap, toilet paper, and a means to dry hands.

4. A hose bibb with vacuum breaker shall be maintained as provided in or within 25 feet of each restroom to allow for ease of cleaning.

5. One diaper changing table shall be maintained as provided at each restroom. Swim diapers are recommended for use by children that are not toilet trained.

6. Persons that are ill with diarrhea can not enter the pool.

(g) Rinse shower – A minimum of one rinse shower shall be maintained as provided within the perimeter of the fence at all outdoor pools.

(h) All public pools shall be surrounded by a minimum 48 inch high fence or other substantial barrier approved by the jurisdictional building department and shall be maintained structurally in their approved functional condition, including all gates, latches, and locks, or they shall be repaired or replaced.

(14) 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, Equipment for Pools, Spas, Hot Tubs, and other Recreational Water Facilities dated April, 2012, which is incorporated by reference in these rules. The standard and a list of certified products is available from [www.NSF.org](http://www.NSF.org), and product certifications are available from other American National Standards Institute (ANSI) 3<sup>rd</sup> 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 shall be 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.

(c) Recessed automatic surface skimmers may be installed with an equalizer valve and an equalizer line when the skimmer piping system is connected directly to pump suction. If installed, the equalizer valve shall be a spring loaded vertical check valve which will not allow direct suction on the equalizer line. Float valves are prohibited. The equalizer line inlet on the pool wall shall be protected by a compliant cover/grate certified to the American National Standards Institute / Association of Pool and Spa Professionals (ANSI/APSP) Standard 16 – 2011, titled “American National Standard for Suction Fittings for Use in Swimming Pools, Wading Pools, Spas and Hot Tubs”. For existing pools, skimmer equalizer lines shall be permanently plugged or ANSI/APSP Standard 16- 2011 compliant covers/grates shall be installed at the inlet. Note that existing drain covers/grates in use in Florida pools do meet this 2011 APSP-16 standard if they were ANSI laboratory certified under the identical former standard, ASME/ANSI A112.19.8-2007. The 2011 APSP-16 successor standard is available from APSP, at [www.APSP.org](http://www.APSP.org), or this address: APSP, 2111 Eisenhower Avenue, Alexandria, Virginia, 22314. This successor safety standard complies with

Chapter 514.0315, FS, and was approved by the U.S. Consumer Product Safety Commission, effective September 6, 2011, for the Agency’s implementation of the federal Virginia Graeme Baker Pool and Spa Safety Act. (per federal public notice available at <http://www.cpsc.gov/BUSINFO/frnotices/fr11/vgb-pssa-successor-standard.pdf>)

1. A functional wall inlet fitting shall be maintained directly across the pool from each skimmer.

2. A minimum 6-inch water line tile shall be maintained as provided on all pools with automatic skimmer systems. Glazed tile that is smooth and easily cleanable shall be utilized and maintained in good condition.

(d) Pumps – Pumps producing the design approved flow through the recirculation system shall be maintained. 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.

(e) Filters – Filters sized to handle the required recirculation flow shall be maintained in accordance with the manufacturer’s specifications and remain functional as designed.

1. Filter capacities – 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. Filter Appurtenances. Pressure filter systems shall be maintained as 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 as equipped with a functional vacuum gauge which has a two inch face and reads from 0-30 inches of mercury.

(f) Filter tanks and elements – D.E. filter elements shall be maintained with a minimum one inch clear spacing between elements up to a four square foot effective area. The spacing between filter elements shall increase one-eighth inch for each additional square foot of filter area or fraction thereof above an effective filter area of four square feet. 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 installed and maintained such that the recirculation flow draw down does not expose the elements to the atmosphere whenever only the main drain valve is open or only the surface overflow gutter system valve is open.

(g) Piping – All plastic pipe used in the recirculation system shall be maintained as imprinted with the manufacturer’s name and the NSF-pw logo for potable water applications.

(h) Valves – Return lines, main drain lines, and surface overflow system lines shall each be maintained as functional proportioning valves.

(i) Flow Velocity – The following design requirements shall be maintained: Pressure piping shall not exceed ten (10) feet per second, except that precoat lines with higher velocities may be used when necessary for agitation purposes. The flow velocity in suction piping shall not exceed six (6) feet per second except that flow velocities up to ten (10) feet per second in filter assembly headers will be acceptable. Main drain systems and surface overflow systems which discharge to collector tanks shall be sized with a maximum flow velocity of three (3) feet per second. The filter and vacuuming system shall have the necessary valves and piping to allow filtering the pool, vacuuming to waste, vacuuming to filter, complete drainage of the filter tank, backwashing for sand and pressure D.E. type filters and precoat recirculation for D.E. type filters.

(j) Inlets – All inlets shall be maintained as adjustable with wall type inlets being directionally adjustable and floor type inlets having a means of flow adjustment. Floor inlets shall be maintained as installed or if replaced such that they do not protrude above the pool floor and all inlets shall be designed and installed so as not to constitute sharp edges or protrusions hazardous to pool bathers. Floor inlets for vinyl liner and fiberglass pools, shall be maintained as smooth with no sharp edges, and shall not extend more than 3/8 inches above the pool floor. The flow rate through each inlet shall not exceed 20 gpm.

(k) Main Drain Outlets – All new pools shall be constructed and maintained with a gravity drainage system that uses a collector tank. All pools shall be maintained as provided with an outlet at the deepest point.

1. All existing and new pool main drain outlets must be equipped by a drain cover/grate, which is an anti-entrapment system or device, that complies with the “Suction Fittings for Use in Swimming Pools...” ANSI/APSP Standard-16-2011. This system or device’s open area shall be sized such that the maximum velocity of water passing through the openings does not exceed one and one-half (1.5) feet per second (fps) at 100 percent of the design recirculation flow (or less velocity if the APSP Standard 16 certification test rates it lower than 1.5 fps).

2. Multiple outlets, equally spaced from each other, shall be maintained as functional in pools where the deep portion of the pool is greater than 30 feet in width.

3. The main drain outlet(s) shall be maintained connected to a collector tank as an integral part of a gravity drainage system.

a. The capacity of the collector tank shall be maintained as at least one (1) minute of the design recirculated flow.

b. Vacuum filter tanks are considered collector tanks.

c. The maximum delta height of the collector tank shall be maintained at four and half (4.5) feet between the pool water at operating level and the highest elevation of either of the following measurement points: the invert of the main drain discharge line in the collector tank, or the invert of the pump suction line.

d. When a collector tank is outfitted with a lid, it shall be permanently fitted or molded to allow continuous air flow around the entire perimeter of the intersection of the bottom of the lid and the top lip of the tank.

e. All water pumps on all pools shall draw from the collector tank.

f. A modification permit shall be obtained from the jurisdictional Building department prior to installation of a collector tank on a pool without one.

4. Every pool that was issued plan approval by the department before January 1, 1993 must be in compliance with section 514.0315(2), FS, unless the pool is under a legally binding consent agreement or variance approval of the department to complete this requirement at a future date.

a. The American Society for Mechanical Engineers (ASME) standards are available online from ASME.org, and the ASTM standard (formerly known as the American Society for Testing and Materials) is available online from ASTM International at ASTM.org.

b. All suction-limiting vent (SLV) and drain disablement devices or systems that are proposed or existing shall meet the criteria in subparagraph 64E-9.008(13)(k)6. or 7., F.A. C.

c. All safety features installed or existing shall be tested, repaired and replaced when deemed necessary, in accordance with the manufacturer’s specifications and in accordance with a design engineer’s specifications. The operation and maintenance manual shall be onsite and readily available.

d. The owner / operator of every pool required to install one of the safety features above (except suction limiting vents that were issued plan approval (to be built) by January 1, 1993), shall provide a completed Owner/Operator Verification of Entrapment Safety Features, Form DH 4157, 2/13, or other documentation that includes the information requested by the form, to the county health department, and then again whenever a change of the safety feature(s) occurs.

e. A licensed contractor described in Section 489.105(3)(j), (k), or (l), F.S., must install the safety feature; and jurisdiction ensuring the proper licensure resides with the Department of Business and Professional Regulation. The owner/operator shall retain a copy of all conducted tests, repairs or replacements onsite, and enter a summary into the pool operation monthly log.

5. Main drain covers/grates installed after May 24, 2009 shall comply with the requirements of ANSI/APSP Standard-16 2011, or the former equivalent standard, ASME/ANSI A112.19.8-2007, and must comply with the water velocity maximum requirement of this rule.

6. Where drain disablement is proposed on an existing pool, the following criteria shall be considered by the design engineer and pool owner, to assure that continued sanitary water quality and patron safety are both achieved initially and continuously, in the modification permit application submitted to the jurisdictional Building department and the subsequent operational permit application to the department:

a. The entire recirculation-filtration system is in the same or better condition as when it was originally approved.

b. 100% of the design flow can be obtained through the skimmer or gutter system.

c. Provide hydraulic calculations.

d. Flow-adjustable and directional wall and floor inlets (where required) are used.

e. Rule mandated flow velocities are not exceeded.

f. An automated water level fill device should be installed to protect the pump and water quality.

g. A before and after-construction dye test reveals the same or better recirculation of the returned water.

h. The pool walls and floor are in new or nearly new condition without significant pitting or cracks.

i. An automated or robotic pool vacuum system is available and used daily after nighttime closure.

k. The main drain can be outfitted with a floor-flush directional inlet fitting and the sump can be filled with cement.

l. The recirculation piping in the equipment room should be permanently cut and re-plumbed.

m. There shall be a safety warning and permanent system information signage placed in the equipment room near the newly plumbed piping.

n. An automated controller for disinfection and pH adjustment is installed, and

o. When the turnover rate is no less than twice the current rule required rate.

7. For an existing pool that has a suction-limiting vent (SLV) system that was issued a plan approval (to be built) by January 1, 1993, the following criteria shall be required:

a. Each vent should be made tamper-resistant at the atmospheric opening and for the length of the vent if it is not already tamper-resistant by at least one of the following methods – hardening, protective covering, enclosure, or by other appropriate means.

b. There shall be a permanent safety warning and system information signage approved by the department and placed in the equipment room directly on or near the suction limiting

vent system alerting people that the vent system is an entrapment safety device and must not be tampered with or changed in any way.

d. A copy of the field testing shall be provided to the owner/operator and to the county health department swimming pool program office by the contractor or engineer. c. The vent system shall be field tested within one year of effective date of this rule by a qualified individual who is a Chapter 489, FS, licensed pool contractor or a Florida licensed professional engineer to determine that the vent system functions as originally designed to release vacuum upon obstruction of the main drain or any other suction outlet, and for vacuum release timing that is in accordance with the same timing test method and criteria listed for safety vacuum release systems (SVRS) in ASME/ANSI A112.19.17-2010 or ASTM standard F2387-2004.

e. At a minimum, annual retests shall be conducted, and if the pool is seasonally closed, a test shall be conducted before opening for the season.

(l) An automatic and manual water makeup control must be maintained as functional to maintain the correct pool water level and water must discharge through an air gap into a fill pipe or collector tank. Over the pool rim fill spouts are prohibited.

(m) Cleaning system – A portable or plumbed in vacuum cleaning system shall be provided. Exception: Wading pools shall not have plumbed in vacuum systems in floor or walls.

1. When the system is plumbed in, the pool wall vacuum fittings shall be provided with a spring loaded entrapment safety cover which shall be kept in place at all times, and this type of vacuum port cover shall be installed on all existing pools within one year of the effective date of this rule. These safety covers shall be installed securely, not removable without a tool, and left in place at all times.

2. Recirculation or separate vacuum pumps shall not be used for vacuuming purposes when in excess of 3 horsepower.

3. All vacuum pumps shall be maintained as equipped with hair and lint strainers.

4. Bag type cleaners which operate as ejectors on potable water supply pressure must be maintained as protected by a vacuum breaker.

5. Cleaning devices shall not be used while the pool is open to bathers.

(n) Rate of flow indicators – A rate of flow indicator, reading in gpm, shall be maintained as functional installed on the return line.

(o) Heaters – Pool heaters shall be maintained to comply with applicable heating codes. Heater replacement or addition meeting the provisions of this section does not constitute a modification, unless recirculation flowrate is reduced.

(p) Pool waste water disposal – Pool waste water shall be maintained as discharged through an air gap; disposal shall be to sanitary sewers, storm sewers, drain fields, or by other

means, in accordance with local municipal and building official requirements including obtaining all necessary permits. Waste lines from different sources (e.g. pool, spa, overflow, sump pump) shall be maintained as not tied together, but may discharge into a common sump or receptacle after the air gap. Disposal of water from pools using D.E. powder shall be maintained as accomplished through separation tanks which are equipped with air bleed valves, bottom drain lines, and isolation valves, or through a settling tank with final disposal being acceptable to local authorities.

(q) 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 as of June 1, 2011. Dual or multiuse feeders can be used if approved for and feeding an acceptable rate of alternate disinfectant. pH adjustment feeders have been required on existing spas, wading pools and interactive water features as of June 1, 2011. 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 within 1 year of the effective date of this rule. 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. Chlorine rooms shall be maintained as having: continuous forced draft ventilation capable of a minimum of one air change per minute with an exhaust at floor level to the outside, a minimum of 30 foot candles of illumination with the switch located outside and the door shall open out and shall not be located adjacent to the filter room entrance or the pool deck. A shatter-proof gas tight inspection window shall be provided.

c. Chlorine areas shall be maintained as having a roof and shall be enclosed by a chain-link type fence at least six feet high to allow ventilation and prevent vandalism.

d. A gas mask, or a self-contained breathing apparatus, approved for use in chlorine gas contaminated air, shall be maintained and shall be located out of the area of possible contamination.

e. 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.

f. A means of weighing chlorine containers shall be maintained as provided. When 150 pound cylinders are used, platform type scales shall be maintained as provided and shall be capable of weighing a minimum of two full cylinders at one time. The elevation of the scale platform shall be within two inches of the adjacent floor level, and the facilities shall be constructed to allow easy placement of full cylinders on the scales.

g. Each cylinder shall be maintained as secured at all times, with 150 pound cylinders maintained in an upright position. A protective cap shall be maintained on the cylinder port at all times when the cylinder is not connected to the chlorinator.

2. Hypohalogenation and Electrolytic chlorine generators – The hypohalogenation type feeder and electrolytic chlorine generators shall be maintained as adjustable from zero to full range. The feeders shall be maintained as capable of continuously feeding a dosage of six (6) mg/L to the minimum required turnover flow rate of the filtration systems. Solution feeders shall be maintained as capable of feeding the above dosage using a ten percent sodium hypochlorite solution, or five percent calcium hypochlorite solution, whichever disinfectant is to be utilized at this facility. Required backup chlorine feeders and generators shall be maintained as ready to activate and use at all times the pool is open, and shall be operated briefly at least once per month. Operation readiness testing shall be conducted by the owner/operator when a device is used less often than monthly and this test shall be recorded in the log. To prevent the disinfectant from siphoning or feeding directly into the pool or pool piping under any type failure of the recirculation equipment, an electrical interlock with the recirculation pump shall be maintained as incorporated into the system for electrically operated feeders. A flow sensor controller can also be used to turn off the feeders when flow is not sensed. The minimum size of the solution reservoirs shall be maintained as at least 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate contents.

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.

c. Ozone generating equipment shall be maintained in equipment rooms with either forced draft or cross draft ventilation. Below grade equipment rooms with ozone generators shall be maintained as having functional forced draft ventilation and all equipment rooms with forced draft ventilation shall have the fan control switch located outside the equipment room door.

d. When ozone generator installations are capable of exceeding the maximum pool water ozone contact concentration of 0.1 milligrams per liter (mg/L), a self contained breathing apparatus (SCBA) designed and rated by it's manufacturer for use in ozone contaminated air shall be maintained as available at all times and shall be used at times when the maintenance or service personnel have determined that the equipment room ozone concentration exceeds 10 mg/L. Ozone generator installations which require the SCBA shall also be provided with Draeger-type detector tube equipment which is capable of detecting ozone levels of 10 mg/L and greater. Exception: SCBA is not required if an ozone detector capable of detecting 1 mg/L in air is used. Said detector must be maintained as capable of stopping the production of ozone, venting the room and sounding an alarm once ozone is detected.

e. UV light or ozone generating equipment is encouraged to be used to eliminate or reduce chlorine resistant pathogens, especially the protozoan *Cryptosporidium*.

5. Ultraviolet (UV) light disinfectant equipment –

May be used as supplemental water treatment on public pools (and additional treatment on Interactive Water Features (IWF)) subject to the conditions of this paragraph and manufacturer's specifications.

a. UV equipment shall be maintained as electrically interlocked with recirculation pump(s) on all pools and with feature pump(s) on an IWF such that when the UV equipment fails to produce the required dosage as measured by an automated sensor, the feature pump(s) are disabled so the water features do not operate.

b. UV equipment used as supplemental treatment shall meet the certification requirements of NSF/ANSI Standard 50-2012.

c. UV equipment used for additional treatment in an Interactive Water Feature (IWF) shall be validated by a capable party that it delivers the required and predicted UV dose at the validated flow, lamp power and water UV transmittance conditions, and has complied with all professional practices summarized in the USEPA Ultraviolet Disinfectant Guidance Manual dated November, 2006, which is publication number EPA 815-R-06-007 available from the department on the internet web site or at [http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide\\_lt2\\_uvguidance.pdf](http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_uvguidance.pdf).

d. The UV equipment used for additional treatment in an IWF shall not be located in a side stream flow and shall be located to treat all water returning to the water features. A flow meter shall be installed in the line going to the features.

e. UV equipment used for any purpose shall constantly produce a dosage of at least 40 mJ/cm<sup>2</sup> (milliJoules per square centimeter).

(r) Ionization units shall be maintained as electrically interlocked with recirculation pump.

(s) Spray features mounted in the pool deck shall be maintained as flush with the pool deck and shall be operated with the safety of the pool patron in mind.

(15) Maintenance for Safety of Wading Pools –

(a) Wading pools and associated piping shall be maintained as not be physically connected to any other swimming pools and have no minimum width dimensions requirements.

(b) Wading pools shall be maintained as having a minimum of one turnover every one hour. Lines from main drains shall be maintained as discharging into a collector tank.

(c) Where a main drain exists, the grate / cover shall be vacuum maintained as sized so as not to allow the flow to exceed 1.5 feet per second (fps) when the equalizer line is operating.

(d) Vacuuming – Wading pools shall have no provisions for direct suction vacuuming where the vacuum port is in the pool floor or pool wall or accessible to patrons. Wading pools of less than 200 square feet are not required to have a vacuuming method provided. Wading pools 200 square feet or larger shall provide for vacuuming through the skimmer, a portable vacuum system or an alternative approved method that does not involve a direct suction port in the pool. The department recommends that all existing direct suction vacuum apparatus be removed for bather safety.

(e) Wading pools are exempt from underwater lighting requirements but shall be maintained with deck and surface lighting of 10 foot-candles if indoors or 6 foot-candles for outdoor night use. Such illumination shall be provided over the pool water surface and the pool deck surface.

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

(g) 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.

(16) Maintenance for Safety of Spa Pools –

(a) Steps and handrails – Steps or ladders shall be maintained as provided and shall be located to provide adequate entrance to and exit from the pool. Contrasting markings on the leading edges of the submerged benches and the intersections of the treads and risers are required to be installed in accordance with subparagraph 64E-9.006(1)(d)3., F.A.C. Handrails shall be provided for all sets of steps and shall be anchored in the bottom step and in the deck. Handrails shall be located to provide maximum access to the steps and handrails shall extend 28 inches above the pool deck. Where “figure four” handrails are used, they shall be anchored in the deck and shall extend laterally to any point vertically above the bottom step.

(b) Decks – Decks shall maintained as to have a minimum four foot wide unobstructed width around the entire pool perimeter except that pools of less than 120 square feet of pool water surface area shall have a minimum four foot wide unobstructed continuous deck around a minimum of 50 percent of the pool perimeter. Decks less than four feet wide shall maintained as to have barriers to prevent their use. Decks shall not be more than 10 inches below the top of the pool. For pools of 120 square feet or greater, ten percent of the deck along the pool perimeter may be obstructed.

(c) Filtration recirculation – Spa type pools shall be maintained as having a minimum of one turnover every 30 minutes. All recirculation lines to and from the pool shall be individually valved with proportional flow type valves in order to control the recirculation flow.

(d) 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.

(e) Bench seat edges shall be maintained as marked in accordance with this Chapter and the FBC 424.1. When spa pools are part of a conventional swimming pool, the spa pool area shall be offset from the main pool area with the same water depth as the main pool area. The spa pool shall be maintained as meeting all the spa pool requirements of this chapter, and the deck area at the spa shall be protected by connected 30 inch high stanchions or other acceptable impediment. The deck perimeter at the offset spa area shall not exceed 15 percent of the entire swimming pool perimeter.

(f) Portable and wooden type spa pools are prohibited.

(g) 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.

(h) In addition to the requirements of subsection 64E-9.008(7), F.A.C., spa pool signs shall include the following:

1. Maximum water temperature 104° F.

2. Children under twelve must have adult supervision.

3. Pregnant women, small children, people with health problems and people using alcohol, narcotics or other drugs that cause drowsiness should not use spa pools without first consulting a doctor.

4. Maximum use 15 minutes.

(i) A clock shall be visible from the spa pool to assist the patron in meeting the requirement above. The 15 minute therapy pump timer installed at construction shall be maintained.

(j) If a spa is equipped with an emergency cut-off or kill switch, it shall include provisions for a minimum 80 decibel audible alarm near the spa to sound continuously until deactivated when such device is triggered and shall be maintained. This is to alert pool patrons and operators of a potential public health situation or to indicate that the spa filtration and treatment system may be off. The following additional rule sign shall be visible by the spa which reads “ALARM INDICATES SPA PUMPS OFF. DO NOT USE SPA WHEN ALARM SOUNDS UNTIL ADVISED OTHERWISE.” Where emergency cut-off switches are provided on existing or new spa pools, the alarm and signage specified in subsection 64E-9.010(16), F.A.C., above shall be provided within 180 days of effective date of this rule.

(k) 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.

(17) 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 shall be maintained as constructed of concrete or other structurally rigid impervious materials with a non-toxic, smooth and slip resistant finish. The minimum plunge pool operating water depth at the slide flume terminus shall be three feet. This depth shall be maintained for a minimum distance of 10 feet in front of the slide terminus from which point the plunge pool floor may have a constant upward slope to allow a minimum water depth of two feet at the base of the steps.

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 424.1. 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 shall be maintained as constructed of concrete or other structurally rigid impervious materials with a non-toxic, smooth and slip resistant finish. These pools shall be of such shape, length, width, and design as to be operated and maintained in a safe and sanitary manner. 5. A lockable gate shall be provided at the stair or ladder entrance to the slide.

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. Those portions of the activity pool where the water depth will not allow for the proper installation of underwater lighting, shall be provided with six foot candles of lighting on the deck and the water surface.

3. Fence requirements shall be in accordance with this Chapter and the FBC 424.1.

4. Play features with an overhead clearance of less than four feet shall be blocked or barricaded to preclude children becoming entrapped.

5. In addition to the requirements of this Chapter, all water activity pool signs shall have the following added in one inch letters within one year of the effective date of this rule.

Do not swallow the pool water, it is recirculated.

Do not use pool if you are ill with diarrhea.

(c) Wave pools shall be maintained as constructed of concrete or other impervious materials with a smooth slip resistant finish. These pools shall be of such shape and design as to be operated and maintained in a safe and sanitary manner.

(d) River Rides shall be maintained as constructed on concrete or other impervious materials with a non-toxic, smooth and slip resistant finish. These rides shall be of such shape and design as to be operated in a safe and sanitary manner.

1. Access and exit shall be maintained as provided at the start and end of the ride, and additional exit locations shall be located along the ride course as necessary to provide for the safety of the patrons.

2. Propulsion jets shall be maintained as installed in the walls of the river ride. In the alternative, propulsion jets may be installed in the floor if they are covered by a grate that will inhibit entrapment or injury of the pool patrons' feet or limbs.

(e) Zero Depth Entry Pools.

1. No-Entry, Shallow Water signs shall be maintained as provided along the pool wall edge where the water depth is less than 3 feet deep. No-entry signs shall be slip-resistant tile, shall have 4 inch high letters, shall be located within 2 feet of the pool edge, shall be spaced no more than 15 feet apart and shall be recessed flush with the surrounding area.

2. Additional inlets shall be maintained as provided in areas of less than 18 inches deep. The numbers and location shall be such as to double the flow rate into this area.

3. The recirculation-filtration system 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.

4. Those portions of the zero depth entry pool, where the water depth will not allow for the proper installation of underwater lighting, shall be provided with 6 foot candles of lighting on the deck and the water.

5. Play structures in a zero depth entry area (in depth 0-3 feet) may be within 15 feet of the pool walls, but shall comply with sound engineering requirements for the safety of pool patrons.

(f) Special purpose pool projects may deviate from the requirements of other sections of this Chapter and the FBC 424.1. 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 424.1. The operating permit shall state the purpose for which the pool is to be used.

(g) Interactive Water Features (IWFs).

1. Waters discharged from all fountain or spray features shall not pond on the feature floor but shall flow by gravity through a main drain fitting to a collection system which discharges to a collector tank. Adequate access shall be provided to the collector tank. Stairs or a ladder shall be provided as needed to ensure safe entry into the tank.

2. 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.

3. 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.

4. If night operation is proposed, 6 foot candles of light shall be maintained as provided on the pool deck and the water feature area. Lighting that may be exposed to the feature pool water shall maintained as not to exceed 15 volts, shall be installed in accordance with manufacturer's specifications and be approved for such use by UL or NSF.

5. 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 and the requirements at 64E-9.007(16)(f). 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. The flow rate through the feature nozzles of the water features shall be such as not to harm the patrons and shall not exceed 20 feet per second.

e. Where the filter system described in 64E-9.011(8)(f)1. 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.

6. IWFs shall be fenced in the same fashion as wading pools as noted in this Chapter and the FBC 424.1. Where the IWF is at least 50 feet from all other pools and is not designed to have any standing water, fencing requirements should be carefully considered by the applicant to control usage, but are not required by rule.

a. IWFs shall be maintained as constructed of concrete or other impervious and structurally rigid material.

b. In addition to the requirements of this Chapter, all IWF pool rule signs shall have the following added in one inch letters within one year of the effective date of this rule.

Do not swallow the fountain water, it is recirculated.

Do not use fountain if you are ill with diarrhea.

(h) Water Theme Parks: Shall meet all other aspects of this Chapter and the FBC 424.1 for the features provided.

1. Rules and regulations for water theme parks shall be posted in minimum 1-inch letters at each entrance to the park and shall contain the following:

1. No food, drink, glass, or animals in the pool or on the pool decks.

2. Park operating hours A.M. to P.M.

3. Shower before entering.

4. Do not swallow the pool water.

2. Showers shall be provided at or near the entrance (queue line) to a water recreation attraction.

3. Water theme parks are exempt from the fencing requirements of subsection 64E-9.006(2)(h), F.A.C., except that pools designed for small children shall be fenced when located within 50 feet of a pool with water depths of 3 feet or more.

4. Sanitary Facilities within a water theme park shall be as near to the water recreation attractions as prudent to ensure patron use, but not over 200 feet walking distance from any exit of a water attraction.

(18) Modifications.

Modifications include non-equivalent changes or additions to the recirculation system, treatment equipment, physical structure, or appurtenances. Replacement of the pool or spa shell is considered to be construction of a new facility and shall be processed as such, except under the specific conditions listed below for spa pools outfitted with optional collector tank retrofits. The installation of new decking is not considered a modification if it is installed in conformance with this Chapter and the FBC 424.1, and deck markings are upgraded per this Chapter and the FBC 424.1. Resurfacing the pool interior to original non-toxic slip-resistant and smooth specifications or equivalent replacement of equipment are not considered modifications. However, the following items shall be addressed during resurfacing projects:

(a) The lip of the gutter must be leveled to within 1/4 inch between the highest and lowest point and the downward slope from the lip to the drain must be maintained as originally designed or increased, but shall not exceed new construction standards.

(b) Tile step markings must be installed meeting the requirements of this Chapter and the FBC 424.1.

(c) Where applicable the slope break marking must be installed meeting the requirements of this Chapter and the FBC 424.1, and the safety line must be installed two feet before the marking.

(d) Depth markers and NO DIVING markers must be installed in accordance with this Chapter and the FBC 424.1.

(e) The pool ladder must have a three to six inch clearance from the pool wall. New Cross braced ladder(s) shall be installed in place of non-cross braced ladder(s) in conformance

with this Chapter and the FBC 424.1, during a pool re-surfacing. Handrails shall be installed during resurfacing that meet this Chapter and the FBC 424.1.

(f) During resurfacing, no step riser shall exceed 12 inches and the intermediate step risers shall be made uniform.

(g) When fiberglass is used to resurface a pool any existing tile shall not be covered by the fiberglass finish.

(h) The county health department shall be notified in writing of any proposed pool resurfacing or upgrades to decking at least 10 days prior to commencement. The notification shall include an itemized list of all proposed work that is to be performed, the license number of the contractor selected and shall indicate that all work will meet the requirements of paragraphs this Chapter and the FBC 424.1.

(i) Upon completion of the work the licensed contractor shall provide the county health department a letter bearing their license number which certifies that the work was completed in accordance with this Chapter and the FBC 424.1.

(j) Recessed treads that protrude from the pool wall shall be removed and replaced with a cross braced ladder or reconstructed to meet the requirements of this Chapter and the FBC 424.1.

(2) Approval for pool modifications shall be obtained in the same manner as a construction approval from the jurisdictional Building Official.

(3) Upon completion of an approved modification, a copy of the written certification of completion or certification of occupancy issued by the Building Official shall be provided by the owner / operator to the county health department for their records to amend the operating permit.

(4) Upon completion of a modification, the pool shall not be reopened without authorization from the jurisdictional Building Official, or the department, after their receipt of certification from the design professional.

(5) The painting of pools shall not be considered a modification provided the following conditions are met:

(a) Only paints designated by the manufacturer as pool paints are used.

(b) All step stripes, slope break markers and safety line, and depth and NO DIVING markings shall be provided to comply with this Chapter and the FBC 424.1.

(6) The installation of copper or copper/silver ionization units shall be considered a pool modification and must meet the following requirements:

(a) The ionization unit complies with this Chapter and the FBC 424.1.

(b) The owner /operator shall provide a copper test kit and maintain the disinfectant levels in accordance with this Chapter and the FBC 424.1. Copper levels shall comply with this Chapter and the FBC 424.1.

(c) The unit shall meet the requirements of the NSF/ANSI Standard 50-2012.

(7) The installation of an ozone generator shall not be considered a pool modification provided the following requirements are met:

(a) The ozone generator is capable of producing no more than a pool water contact concentration of 0.1 milligrams per liter (mg/L). The contact concentration shall be calculated as follows: Amount of ozone in grams per hour divided by the recirculation flow rate in gallons per minute times 4.41 equals the contact concentration in milligrams per liter.

(b) The manufacturer provides one set of signed and sealed engineering drawings indicating the following:

1. The unit does not interfere with the design flow rate.

2. The unit and the typical installation meets the requirements of the National Electrical Code.

(c) The unit shall meet the requirements of the NSF/ANSI Standard 50-2012.

(d) At least 7 days before the time of installation at each facility, the installer will provide a photocopy of the above drawings and a letter of intent identifying the pool on which the unit is to be installed to the county health department.

(e) Upon completion of the installation, a professional engineer or electrician licensed in the State of Florida shall provide a letter, to the county health department, indicating the unit was properly installed in accordance with the typical drawings, the National Electrical Code and with local codes.

(9) The installation of an optionally retrofitted collector tank for a gravity drain system for an existing fiberglass spa achieving all the criteria in (a)- (f) below is not considered a new pool in accordance with this Chapter and the FBC 424.1; however it does constitute a modification as defined this Chapter and the FBC 424.1, and therefore, the existing equipment including the filter system, may be used, unless it is not the same as was originally approved or is not properly working:

(a) Like-for-like replacement with fiberglass or a change to concrete and in either case the water volume may not change by more than 10%.

(b) The new spa meets all the dimensional requirements and marking requirements of the current rule.

(c) All of the following meet current rule: handrails, pool shell plumbing, underwater lighting.

(d) The disinfectant system must not be an iso-cyanurate feeder system, and a pH adjustment feeder must meet the current rule. Automated controller with ORP is not required.

(e) Restroom upgrades are not required unless the restrooms are not as originally approved or are in disrepair.

(f) Fencing shall meet original approval specifications or be repaired to meet these.

Rulemaking Authority 381.006, 514.021 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 and 10D-5.137, Amended 12-27-98, 5-27-04, 5-24-09,\_\_\_\_\_.

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.

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, Repealed.

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, 514.0315, 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.

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. Monitoring may be contracted by the bathing place owner to a 3rd party who is familiar with water quality testing. As of April 29, 2012, bathing place operation permits are no longer required from the department by law. New construction or modification of existing bathing places however, do require the approval of the jurisdictional Building department under the Florida Building Code. Approval for the development of a public bathing place and a permit to operate a public bathing place shall be obtained from the department.

(2) Development – The following shall be submitted to the department for consideration towards the development of a public bathing place:

(a) ~~Six sets of site plans, prepared by a professional engineer or professional surveyor or mapper which detail the location, contours of the shoreline and bottom, appurtenances such as sanitary facilities, nearby boat docks/mooring facilities, diving or slide facilities, and pertinent details from the sanitary survey. Said professional engineer(s) and surveyors and mappers shall be licensed in the state of Florida under the provision of Chapter 471 or 472, F.S., and shall fulfill the requirements of Section 471.025 or 472.025, F.S.~~

(b) ~~A sanitary survey identifying potential sources of contamination identifying potential sources of contamination as exemplified by streams, unsewered residential areas, water and wastewater treatment plants, sewage outfalls, storm drain outfalls, industrial drainage and waste outfalls, agricultural drainage, sanitary landfills, open dumps, animal enclosures, wildlife populations, and potential high erosion areas. The survey shall include consideration of present or possible future pollution of the bathing water from the above potential sources~~

~~of contamination and from other forms of pollution including bottom deposits, turbidity of water, decaying vegetation, surface runoff, and the anticipated bather load. The survey shall establish that the bathing water has a flow through of a minimum of 500 gallons per anticipated bather per 24 hours, unless the water surface area of the body of water is two acres or more. The bathing load in lakes shall be based on 100 sq. ft. per bather, and only those portions of the lake within the bathing area shall be considered as the basis of the bathing load. Water currents shall not exceed three feet per second. A written report of the sanitary survey shall be submitted to the department and shall include a presentation and evaluation of the findings and a recommendation relative to the development and permitting of the bathing place.~~

~~(e) A bacteriological survey shall be submitted to the department; and the fecal coliform, E. coli, or enterococci densities indicated by this survey shall not exceed the standards of subsection 64E 9.013(4), F.A.C. The survey shall consist of a minimum of three bacteriological samples collected from the proposed bathing area daily for the first three days of each week for three consecutive weeks. Either MPN or MF counts may be utilized. Should the MF method results differ significantly from the MPN method results, the MPN results shall prevail. The bacteriological survey results shall be reviewed in light of the sanitary survey.~~

~~(d) Fees as per Rule 64E 9.015, F.A.C.~~

~~(e) A legal survey of the property by a registered land surveyor shall be provided.~~

~~(f) A water clarity measurement by Secchi disk reading in feet using an 8 inch diameter black and white Secchi disk. Where water clarity does not achieve four feet depth for a period of at least 5 days during the period of operation due to natural water color, the department will consider approval of the bathing area with submittal of a satisfactory lifeguard plan, patron notification plan and materials, swim zone depth demarcation for children and beginners, and other special conditions that would apply to the individual site.~~

~~(g) A lifeguard and/or safety plan shall be submitted with the application for development of all new bathing areas.~~

~~(3) Operation:~~

~~(a) The following must be submitted prior to operation:~~

~~1. Six operating permit applications, DH 917.~~

~~2. Fees as per Rule 64E 9.015, F.A.C.~~

~~(2)(b) 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)(e) Bacteriological samples shall be collected by the owner / manager and tested monthly. A set of two samples shall be collected for every 500 200 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. Monitoring may be contracted to a 3rd party who is familiar with water quality testing.

1. Should the test results of these samples exceed the standards in subsection 64E-9.013(3)(4) 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 permit holder shall be required within 24 hours. All sampling results shall be submitted to the county health department.

2. If 24 hour resampling is not possible for any reason, then the bathing place owner/manager shall be closed immediately post a No to 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) 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 reopening the bathing place advisory area.

(b)(d) Inspections – County county health departments may shall perform an two inspections per year 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 which shall 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(4), F.A.C.

3. A water clarity test shall be performed 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 temporarily closed 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.~~ The bathing load shall be calculated on one bather per 25 square feet of surface area in areas of less than four feet of depth and one bather per 75 square feet of surface area where the water depth exceeds four feet,

~~(e)~~ Trash and garbage receptacles shall be provided and said trash disposed of at least weekly.

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

~~6.(g)~~ 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.(h)~~ Restrooms, Pplatforms, 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 the FINA standards previously adopted herein. Shallow areas shall not be utilized for diving and shall be so marked.

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

~~9.(j)~~ Sanitary facilities shall be provided and maintained in good working order with all necessary supplies shall be as near to the bathing area as prudent to ensure patron use.

1. Women's restrooms shall have a fixture set including a water closet and a lavatory.

2. Men's restrooms shall have a fixture set including a urinal, a water closet and a lavatory.

3. Additional restroom fixture shall be provided based on stated usage. A second water closet, urinal and lavatory shall be provided in the men's restroom if the stated usage exceeds 50 patrons, but is less than 150 patrons. Another urinal, water closet and lavatory shall be provided for each additional 100 patrons. The number of water closets in the women's restroom shall be based on a three to two ratio with three water closets being provided in the women's restroom for every two fixtures in the men's restroom. For this purpose of establishing the men's restroom fixture count, both water closets and urinals shall be included. The number of lavatories in the women's restroom shall match the number in the men's restroom.

4. Restroom floors shall be impervious, slip resistant and slope to floor drains.

~~(3)(4)~~ 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 an average of 33 colony forming units (CFU) per 100 mL of water, nor exceed 61 colony forming

units (CFU) per 100 mL of water in any single sample; or the E. coli density shall not exceed an average of 126 CFU per 100 mL of water, nor exceed 235 CFU 800 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~~ 5 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,\_\_\_\_\_.

64E-9.015 Fee Schedule.

~~(1) Plan review:~~

~~(a) Original construction—~~

~~1. Pools of 25,000 gallons or less — \$350.00~~

~~2. Pools greater than 25,000 gallons — \$500.00~~

~~(b) Modifications of Approved Construction Plans — \$150.00~~

~~(c) Modification of existing pools — \$150.00~~

~~(d) Original development of bathing places — \$275.00~~

~~(e) Modification of existing bathing places — \$100.00~~

~~(1)(2) Authorization and Operating Permit Issuance for Swimming Pools and Bathing Places~~

~~(a) Initial Operating Permit Inspection – \$150.00 Use form DH 4159, 2/13.~~

~~(b) Operating Permits as indicated below:~~

~~(b)(e) Original Operating Permit – Full annual renewal 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.~~

~~(c)(d) Annual renewal of operating permits, use form DH4063:~~

~~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.~~

~~4. Non-routine inspection (no charge for first reinspection) – \$40.00.~~

~~(3) All fees collected pursuant to this subsection shall be deposited in the Public Swimming Pool and Bathing Place Trust Fund under a unique revenue code within the individual county public health fund to be used to meet the cost of carrying out that portion of the Public Swimming Pool and Bathing Place Program described in this chapter. Ten percent of each fee collected by the county public health unit pursuant to Rule 64E 9.015, F.A.C., shall be transferred to a special account set up by the department’s State Health Office to offset~~

~~the headquarters’ cost of providing technical, monitoring, training, standardization, quality assurance and administrative assistance for this program.~~

~~(2)(4) Fee payment is not required for a replacement copy of an operating permit or reissuance of an operating permit due to change of ownership or name.~~

~~(3)(5) 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,\_\_\_\_\_.

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. Each application can be accompanied by supportive materials such as drawings, pictures or manufacturers’ specifications and a fee. Applications must be received by the county health department or regional engineering office at least 30 days prior to the scheduled meeting of the Governor’s Swimming Pool Advisory Board, which normally meets on the second Wednesday of each odd-numbered month. 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 or regional engineering office, 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,\_\_\_\_\_.

64E-9.017 Enforcement.

Any public pool can be immediately posted closed by the department as not being in compliance with this Chapter 64E-9, F.A.C., 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 subparagraph 64E-9.004(1)(d)2., F.A.C.

(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 64E-9.007(10)(f)2. by the dates specified time allowed.

(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., 64E-9.007(3)(b) and (10)(f) 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 ~~division or~~ 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 department approved plans and application, corrective actions construction 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) 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 424.1 by the jurisdictional Building official requires concrete work or placement of underground pipes.
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 with form DH 914 pursuant to 64E-9.005(1) 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, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerald Briggs, Environmental Administrator, Water and Onsite Sewage Programs, Bureau of Environmental Health  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary of Health  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

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### Section III Notices of Changes, Corrections and Withdrawals

**NONE**

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### Section IV Emergency Rules

**NONE**

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### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On February 22, 2013, the Department issued a Final Order that was in response to a Petition for Variance from 850 Trafalgar Associates, LLC, filed February 7, 2013, and advertised on February 14, 2013 in Vol. 39, No. 31, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, and 2.7.4 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations

and restricted door openings because Petitioner was previously granted three years to come into compliance but has demonstrated no efforts to do so (VW 2013-041).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On February 22, 2013 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Ragtops Motocards Inc/McCoy Motors, filed February 6, 2013, and advertised in Vol. 39, No. 31, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3, 3.10.1 and 3.11.1 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters' emergency operations, two way communication and types of operating devices because the Petitioner has demonstrated that the intent of the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2013-040).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on February 25, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Plaza Tower. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 5

days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-059).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 6, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: Conference call number (888)670-3525, conference code (7923533220#)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Executive Committee, General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, FRC Program Administrator, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Roy Cosgrove, FRC Program Administrator, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, FRC Program Administrator, (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org).

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 19, 2013; Open House: 6:00 p.m. – 7:30 p.m.

PLACE: Palm Bay Community Center, 1502 Port Malabar Boulevard NE, Palm Bay, Florida 32905

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 237650-6-52-01. Project Description: Babcock Street (State Road (SR) 507) Widening from Malabar Road to Palm Bay Road, Brevard County, Florida. The proposed improvements include widening to a six-lane, divided roadway and will include bicycle lanes and sidewalks. The design will also include a northbound bridge replacement and a southbound bridge widening over the

Melbourne-Tillman Canal. This meeting is an open house from 6:00 p.m. – 7:30 p.m. Information on the plan to widen Babcock Street (SR 507) from four lanes to six lanes will be available at the meeting. Representatives from the design team will be available during the meeting to discuss the project and answer questions. FDOT welcomes and appreciates everyone's participation in the project.

A copy of the agenda may be obtained by contacting: Andy DeWitt at [adewitt@inwoodinc.com](mailto:adewitt@inwoodinc.com) or (407)971-8850.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ashraf Elmaghraby at (386)943-5645 or via e-mail at [ashraf.elmaghraby@dot.state.fl.us](mailto:ashraf.elmaghraby@dot.state.fl.us).

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

Persons who require translation services (free of charge) should contact Ashraf Elmaghraby at the phone number above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Either Mr. Ashraf Elmaghraby, PE, the FDOT Project Manager at (386)943-5645 or e-mail at [ashraf.elmaghraby@dot.state.fl.us](mailto:ashraf.elmaghraby@dot.state.fl.us) and/or Mr. Andy DeWitt at (407)971-8850 or via e-mail at [adewitt@inwoodinc.com](mailto:adewitt@inwoodinc.com).

Additional information on the project is also available at [www.cflroads.com](http://www.cflroads.com).

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#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

##### RULE NO.: RULE TITLE:

59G-4.320: Therapy Services

The Agency for Health Care Administration announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, March 21, 2013, 10:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a hearing in Tallahassee, FL for the purpose of discussing the Florida Medicaid Therapy Services Coverage and Limitations Handbook. The Agency is proposing additional changes to the handbook.

A copy of the agenda may be obtained by contacting: Brenda Jones-Garrett, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4260, e-mail: [brenda.jones-garrett@ahca.myflorida.com](mailto:brenda.jones-garrett@ahca.myflorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Brenda Jones-Garrett, Bureau of Medicaid Services at (850)412-4260. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2013, 10:00 a.m.

PLACE: via; telephone conference call, dial in number: (888)670-3525, conference code: 9801392456

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Education Advisory Committee will meet to consider items relating to the education requirements to sit for the CPA Examination.

A copy of the agenda may be obtained by contacting: DeWayne McBride Regulation Specialist II, Florida Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: DeWayne McBride Regulation Specialist II, Florida Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, FL 32607. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: DeWayne McBride.

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#### DEPARTMENT OF HEALTH

The Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELLED: Wednesday, February 27, 2013, 8:00 a.m.

PLACE: Smith Auditorium, Duval County Health Department, 900 University Boulevard North, MC-33, Jacksonville, Florida 32211; or, (888)670-3525, Participation Code: 5855727282#  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meeting published on February 13, 2013 in Vol. 39/30 has been cancelled.

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

The Florida PDMP Foundation, Inc. announces a public meeting to which all persons are invited.

DATES AND TIME: March 8, 2013; March 22, 2013; April 5, 2013; April 19, 2013; May 3, 2013; May 17, 2013, 9:00 a.m. – 10:00 a.m. ET

PLACE: Via conference call, (888)670-3525, conference code 1648696226.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The General Business of The Florida PDMP Foundation, Inc.

A copy of the agenda may be obtained by contacting: The Florida PDMP Foundation, Inc., C/O Florida Prescription Drug Monitoring Program, www.eforcse.com. The public agenda will be available two days prior to the meeting date on this website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the meeting by contacting: the Prescription Drug Monitoring Program at (850)245-4797. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: The Florida PDMP Foundation, Inc., C/O Florida Prescription Drug Monitoring Program, 4052 Bald Cypress Way, C-16, Tallahassee, FL 32399, or (850)245-4797.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-149.003: Rate Filing Procedures

The Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: April 2, 2013, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.003, Florida Administrative Code, published on July 20, 2012 in Vol. 38, No. 29, of the Florida Administrative Register has been changed from March 7, 2013 to April 2, 2013.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Zutell at E-mail [Tom.Zutell@flor.com](mailto:Tom.Zutell@flor.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Tom Zutell at email [Tom.Zutell@flor.com](mailto:Tom.Zutell@flor.com).

JACKSONVILLE SHERIFF’S OFFICE

The Florida Model Jail Standards announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2013, 9:00 a.m.

PLACE: Keiser University, 6430 Southpoint Parkway, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed changes, issues and concerns involving the minimum standards and operation of Florida’s county and municipal jails.

A copy of the agenda may be obtained by contacting: Sgt. David Harvey at (904)630-5724.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Sgt. David Harvey at (904)630-5724. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sgt. David Harvey at (904)630-5724.

FLORIDA WORKERS’ COMPENSATION INSURANCE GUARANTY ASSOC., INC.

The Audit Committee of the FWCIGA announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 12, 2013, 2:00 p.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet regarding the general business of the Association. The agenda will include but not limited to: Audit Report and Charter/Checklist.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**NONE**

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

DEPARTMENT OF EDUCATION

Florida State University

Notice to Professional Consultants

Florida State University, State of Florida, announces that professional services for minor projects are required in the discipline of civil engineering. Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$2,000,000 or less; or studies for which the fee for professional services is \$200,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. The University intends to award multiple contracts for the upcoming fiscal year through June 30, 2014. At the option of the University and the consultant, the contract may be renewed for up to two additional one year periods.

INSTRUCTIONS:

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Florida State University "Professional Qualifications Supplement," August, 2003. Applications on any other form, on versions dated prior to August, 2003 or exceeding the 40 page limit will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned.

Submittals must be received at the above location, by 2:00 p.m., local time, on Tuesday, March 26, 2013. Facsimile (FAX) submittals are not acceptable and will not be considered.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, <https://www.facilities.fsu.edu/FDC>, or by contacting: Lynetta Mills, Facilities Design & Construction, 969 Learning Way, Suite 109, Mendenhall Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on campus service projects, contact: Bill Lamb at the address and phone number above.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

DEPARTMENT OF EDUCATION

Florida State University

Notice to Professional Consultants

Florida State University, State of Florida, announces that professional services are required in the discipline of structural engineering for minor projects, and threshold inspections for major projects. Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$2,000,000 or less; or studies for which the fee for professional services is \$200,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis. The University intends to award multiple contracts for the upcoming fiscal year through June 30, 2014. At the option of the University and the consultant, the contract may be renewed for up to two additional one year periods.

INSTRUCTIONS:

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Florida State University "Professional Qualifications Supplement," dated August, 2003. Applications on any other form, on versions dated prior to August, 2003, or exceeding the 40 page limit will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered.

Application material will not be returned.

Submittals must be received at the Facilities Design & Construction Office address below, by 2:00 p.m., local time, on Wednesday, March 26, 2013. Facsimile (FAX) submittals are not acceptable and will not be considered.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained through our website, <https://www.facilities.fsu.edu/FDC>, or by contacting: Lynetta Mills, Facilities Design & Construction, 969 Learning Way, Suite 109 Mendenhall Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on campus service projects, contact: Bill Lamb at the address and phone number above.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Section XII  
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under the State's Generic Permit for MS4's

The Department announces receipt of the application listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems from the City of Destin. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Ms. Kathleen Downey, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, (MS 2500) Tallahassee, FL 32399-2400.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN February 18, 2013  
 and February 22, 2013**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-4.0041	2/21/13	3/13/13	38/77	
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**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

11B-14.001	2/21/13	3/13/13	38/96	
11B-14.002	2/21/13	3/13/13	38/96	
11B-14.003	2/21/13	3/13/13	38/96	
11B-14.005	2/21/13	3/13/13	38/96	
11B-18.003	2/21/13	3/13/13	38/96	
11B-18.004	2/21/13	3/13/13	38/96	
11B-18.005	2/21/13	3/13/13	38/96	
11B-18.0053	2/21/13	3/13/13	38/96	
11B-18.0071	2/21/13	3/13/13	38/96	
11B-18.008	2/21/13	3/13/13	38/96	
11B-20.001	2/21/13	3/13/13	38/96	
11B-20.0014	2/21/13	3/13/13	38/96	
11B-20.0016	2/21/13	3/13/13	38/96	
11B-20.0017	2/21/13	3/13/13	38/96	
11B-21.002	2/21/13	3/13/13	38/96	
11B-21.005	2/21/13	3/13/13	38/96	
11B-27.0011	2/21/13	3/13/13	38/96	
11B-27.002	2/21/13	3/13/13	38/96	
11B-27.0021	2/21/13	3/13/13	38/96	
11B-27.00212	2/21/13	3/13/13	38/96	
11B-27.00213	2/21/13	3/13/13	38/96	
11B-27.0022	2/21/13	3/13/13	38/96	
11B-27.013	2/21/13	3/13/13	38/96	
11B-27.014	2/21/13	3/13/13	38/96	
11B-30.0062	2/21/13	3/13/13	38/96	
11B-35.001	2/21/13	3/13/13	38/96	
11B-35.0010	2/21/13	3/13/13	38/96	
11B-35.0011	2/21/13	3/13/13	38/96	
11B-35.002	2/21/13	3/13/13	38/96	
11B-35.0021	2/21/13	3/13/13	38/96	
11B-35.0023	2/21/13	3/13/13	38/96	
11B-35.0024	2/21/13	3/13/13	38/96	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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11B-35.003	2/21/13	3/13/13	38/96	
11B-35.006	2/21/13	3/13/13	38/96	
11B-35.007	2/21/13	3/13/13	38/96	
11B-35.009	2/21/13	3/13/13	38/96	

**Division of Criminal Justice Information Systems**

11C-4.003	2/21/13	3/13/13	38/96	
11C-4.006	2/21/13	3/13/13	38/96	
11C-6.004	2/21/13	3/13/13	38/96	

**Division of Local Law Enforcement Assistance**

11D-6.001	2/21/13	3/13/13	38/96	
11D-6.003	2/21/13	3/13/13	38/96	
11D-9.001	2/21/13	3/13/13	38/96	
11D-9.005	2/21/13	3/13/13	38/96	
11D-9.006	2/21/13	3/13/13	38/96	

**DEPARTMENT OF CORRECTIONS**

33-203.601	2/18/13	3/10/13	39/13	
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**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

40B-2.331	2/22/13	3/14/13	38/55	
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**DEPARTMENT OF THE LOTTERY**

53ER13-13	2/22/13	2/22/13	39/38	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

59G-13.081	2/21/13	3/13/13	38/29	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**State Boxing Commission**

61K1-1.002	2/22/13	3/14/13	38/56	
61K1-1.0024	2/22/13	3/14/13	38/56	
61K1-1.0025	2/22/13	3/14/13	38/56	
61K1-1.050	2/22/13	3/14/13	38/56	
61K1-1.070	2/22/13	3/14/13	38/56	
61K1-4.001	2/22/13	3/14/13	38/57	
61K1-4.002	2/22/13	3/14/13	38/57	
61K1-4.004	2/22/13	3/14/13	38/57	
61K1-4.005	2/22/13	3/14/13	38/57	
61K1-4.006	2/22/13	3/14/13	38/60	
61K1-4.007	2/22/13	3/14/13	38/57	
61K1-4.009	2/22/13	3/14/13	38/57	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61K1-4.0011	2/22/13	3/14/13	38/57		69I-52.003	2/21/13	3/13/13	38/90	
61K1-4.0012	2/22/13	3/14/13	38/57		69I-52.004	2/21/13	3/13/13	38/90	
61K1-4.0013	2/22/13	3/14/13	38/57		69I-52.005	2/21/13	3/13/13	38/90	
61K1-4.0014	2/22/13	3/14/13	38/57		69I-52.006	2/21/13	3/13/13	38/90	
61K1-4.0015	2/22/13	3/14/13	38/57		69I-52.007	2/21/13	3/13/13	38/90	
61K1-4.0016	2/22/13	3/14/13	38/57		<b>Division of Worker's Compensation</b>				
61K1-4.0017	2/22/13	3/14/13	38/57		69L-3.001	2/21/13	3/13/13	38/95	
61K1-4.0018	2/22/13	3/14/13	38/57		<hr/>				
61K1-4.0019	2/22/13	3/14/13	38/57		LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO (CHAPTER 2010-279, LAWS OF FLORIDA)				
61K1-4.020	2/22/13	3/14/13	38/57		<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>				
61K1-4.021	2/22/13	3/14/13	38/57		62-304.300	3/2/12	*****	38/3	
61K1-4.022	2/22/13	3/14/13	38/57		62-304.330(10), (11)	2-7-13	*****	38/81	
61K1-4.023	2/22/13	3/14/13	38/57		62-304.610	8/20/12	*****	35/31	38/23
61K1-4.024	2/22/13	3/14/13	38/57		62-304.900	11/21/12	*****	38/39	
61K1-4.025	2/22/13	3/14/13	38/57		<b>DEPARTMENT OF FINANCIAL SERVICES</b>				
61K1-4.026	2/22/13	3/14/13	38/57		<b>Division of Workers' Compensation</b>				
61K1-4.027	2/22/13	3/14/13	38/57		69L-7.020	10/24/11	*****	37/24	37/3

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

64B5-14.0034	2/22/13	3/14/13	39/03	
64B5-14.0036	2/22/13	3/14/13	39/03	
64B5-17.002	2/22/13	3/14/13	39/04	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

69I-52.001	2/21/13	3/13/13	38/90	
69I-52.002	2/21/13	3/13/13	38/90	