

ARTICLE V. PUBLIC SWIMMING POOLS

Sec. 66-116. Regulations incorporated by reference and definitions.

(a) The provisions and definitions of Chapter 64E-9 of the Florida Administrative Code in effect on the effective date of this article, and future amendments to Chapter 64E-9 or to any successor in function to Chapter 64E-9 which regulates public swimming pools and/or public bathing places are incorporated by reference into this article as though set out fully herein.

(b) For the purpose of this article, the following terms are defined:

Health department shall mean the county health department, a subdivision of the Florida Department Of Health.

Public swimming pool shall mean any swimming pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, together with buildings, appurtenances and equipment used in connection therewith. A public swimming pool, where admission is gained with or without payment of any fee for admission, operated by or serving a camp, church, city, county, day care center, group home facility for eight or more clients, health spa, institution, park, state or federal agency, school, subdivision; or cooperative type living project of five or more living units, such as an apartment or condominium, boarding house, mobile home park, recreational vehicle park, townhouse, or transient living location (such as a motel or hotel) or where the public is allowed to swim.

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Course shall mean a course of study in the care, maintenance and operation of public swimming pools as the course is approved and administered by the health department.

Transient lodging shall mean a building, facility, or portion thereof (excluding inpatient medical care facilities) which contains one or more dwelling units or sleeping accommodations, including, but not limited to, a resort, group home, hotel, motel, or dormitory.

Barrier shall mean fence, wall, building wall, or combination thereof, which completely or surrounds the swimming pool and obstructs unauthorized access to/or from the swimming pool.
(Ord. No. 77-51, § 1; Ord. No. 99-65, § 1, 9-14-99)

Sec. 66-117. Pool operator's certificate.

(a) From the effective date of this article, it shall be unlawful for any person, corporation, partnership, association or other legal entity to operate and/or maintain a public swimming pool unless and until some person directly responsible for the maintenance and care of such swimming pool shall first obtain a pool operator's certificate from the health department, which must be displayed at the pool area. The pool shall have daily maintenance and records of the daily maintenance must be retained on the pool site for review by the health department.

(b) All persons engaged in public swimming pool services or maintenance must acquire a pool operator's certificate from the health department. Pool service contractors holding a current license to operate issued by the county or by the State of Florida are excluded from this requirement. All pool service contractors must be prepared, upon oral request by the health department., to immediately present this license at the pool for inspection.
(Ord. No. 77-51, § 2; Ord. No. 99-65, § 2, 9-14-99)

Sec. 66-118. Procedure for obtaining a pool operator's certificate.

(a) All applications for a pool operator's certificate

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shall be made and filed with the health department.
The health department shall pre

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scribe the form of application and make such investigation concerning all applications filed as it shall deem necessary.

(b) A pool operator's certificate shall be issued by the health department to all applicants who shall first present evidence of satisfactory completion of an approved course in the care, maintenance and operation of public swimming pools. A \$20.00 fee shall be charged for the issuance of each pool operator's certificate.

(c) Upon payment of a fee of \$20.00, any applicant may elect to challenge the final examination instead of completing the course. If the examination is passed, a pool operator's certificate shall be issued. If the examination is failed, the course must be completed before re-examination and the course fee must be paid. The pool operator's certificate will be valid for three years and may be reissued upon payment of an additional fee of \$20.00. Certificates valid on the effective date of this article will remain valid until September 30, 2001.

(d) A pool operator's certificate issued pursuant to section 66-118(b) of this article shall be valid for the time periods specified in subsection (c), above unless sooner revoked for cause by the health department. Continued violation of any provision of the Florida Administrative Code, Chapter 64E-9, as amended, shall be prima facie grounds for revocation of the pool operator's certificate. The certificate may be declared invalid if the holder does not attend a refresher course as prescribed by the health department. Such refresher courses shall not be required more frequently than annually.

(e) In lieu of a pool operator's certificate, a provisional certificate will be issued for an individual on registration for the course. This provisional certificate will be valid until the date of satisfactory completion of the course, or for six months, whichever occurs first.

(f) A fee of \$50.00 shall be charged by the health department for all of the following: Processing applications, issuing a certificate, conducting the

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course and supplying the required educational materials.

(Ord. No. 77-51, § 3; Ord. No. 99-65, § 3, 9-14-99)

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(a) The health department will conduct unannounced inspections of public swimming pools (including water sampling) at least two times per year but not more frequently than four times per year for each pool. Each water sample shall be analyzed for bacterial contamination. Upon a positive reading of the sample, the pool owner or owners' representative will be notified of the positive reading. The swimming pool and adjacent areas shall be immediately posted as being "closed" and shall remain closed until completion of the then required superchlorination procedures.

(b) In the event of fecal contamination of any pool water, the health department must be notified immediately by the staff of the swimming pool; and the pool and adjacent area shall immediately be posted as "closed." All solids must be removed; filters must be backwashed and be thoroughly cleaned, and the pool shall be superchlorinated to 20 parts per million. The chlorine level shall be checked to assure that it meets the then applicable minimum standards before the pool is reopened.

(c) Any pool, on inspection, that is found to be in violation of the Florida Administrative Code, Chapter 64E-9, or that is creating a public health hazard shall be closed by the health department until corrections are made and such corrections are verified by a re-inspection.

(d) A fee of \$180.00 shall be charged annually by the health department for the above-specified pool water sampling and analysis.

(Ord. No. 77-51, § 4; Ord. No. 99-65, § 4, 9-14-99)

State law reference—Penalty for ordinance violations, F.S. § 125.69.

Sec. 66-120. Plumbing inspections.

(a) A health department engineer shall perform inspections on the plumbing for each planned public swimming pool to verify compliance with the

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approved engineered plans related thereto. Upon
completion of the plumbing installation, the pool
contractor must contact the health .

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department's engineer for inspection before hydraulically compacting the backfill around the pool.

(b) A fee of \$50.00 shall be charged by the health department for each such plumbing inspection. When compliance with the inspection has been established, the health department will issue written confirmation of same as no extra charge.

(Ord. No. 99-65, § 5, 9-14-99)

Sec. 66-121. Violations.

(a) Violation of any of the provisions of this article may be punished as provided by law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such thereafter.

(b) It shall be a violation of this article to commence any construction, modification, or re-surfacing of a public swimming pool or any adjacent deck adjacent without obtaining prior written approval to do so from the health department.

(c) Each spa located within a pool/spa combination and the pool having a water capacity of 25,000 gallons or more, or where the pool is within (or is a component part of) transient lodging, shall comply with Subsection 64E-9.010, Florida Administrative Code, as now exists or amended hereafter (or its successor in function) which now reads: "Oxidation reduction potential" (ORP) controllers shall be provided on spa pools to assist in maintaining proper disinfection levels." Such ORP/PH controllers must be installed by or on behalf of the pool owner (at no cost to the county) within one year following the effective date of this article.

(d) Each public pool owner who applies for exempt status for construction must submit (to the health department) performance based plans to prove that the proposed pool will not manifest a direct main drain suction condition. Hand feeding chlorine into a public pool shall not be any substitute for an automated chlorination system. A final inspection will be required to verify compliance with this requirement. A fee of \$50.00

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shall be charged by the health department for performance plans review and the final inspection.

(e) A civil fine of \$500.00 shall be paid for each first violation of any provision of this article. A fine of \$1,000.00 shall be paid for a second violation of this article by the same pool facility within any 360 days of the effective date of the first violation. In addition, enforcement of this article may be accomplished by applying section 1-6 of the county's Code of Ordinances.

(Ord. No. 99-65, § 6, 9-14-99)

Sec. 66-122. Fees.

Fees specified in this article may be revised from time-to-time by resolution of the board of county commissioners.

(Ord. No. 99-65, § 7, 9-14-99)