

64E-9.013 Bathing Places.

(1) General – 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 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.

(c) 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.

(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.

(c) Bacteriological samples shall be collected monthly. A set of two samples shall be collected for every 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. Should the test results of these samples exceed the standards in subsection 64E-9.013(4), F.A.C., below, the county health department shall be notified within 24 hours of receipt from the lab, and re-sampling by the permit holder shall be required within 24 hours. All sampling results shall be submitted to the county health department. If 24 hour re-sampling is not possible for any reason, then the bathing place shall be closed immediately to swimming 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 shall be closed immediately to swimming until additional testing reveals the water meets single sample standards again. If a pollution source is identified, that source shall be eliminated before reopening the bathing area.

(d) Inspections – county health departments shall perform two inspections per year 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 temporarily closed or swimming prohibited, as appropriate, by the owner 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.

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

(g) 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.

(h) Restrooms, platforms, diving boards, docks, beaches and walkways shall be kept clean and in good repair. Diving areas shall be readily identified, and shall have adequate water depth for safe diving based on the depth requirements of the FINA standards previously adopted herein. Shallow areas shall not be utilized for diving and shall be so marked.

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

(j) Sanitary facilities shall be provided and 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.

(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 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 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 5 samples per 30 day period.

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.