

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 530

INTRODUCER: Senator Sobel

SUBJECT: Calder Sloan Swimming Pool Electrical-Safety Task Force

DATE: December 2, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cochran</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Pace</u>	<u>Hrdlicka</u>	<u>FP</u>	<b>Favorable</b>

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**I. Summary:**

SB 530 creates the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission. The task force will make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives for statutory revisions regarding all electrical aspects for safety in and around public and private pools by November 1, 2016.

The task force expires on December 31, 2016.

**II. Present Situation:**

The Department of Health (DOH) is responsible for the oversight and regulation of water quality and safety of public swimming pools in Florida under ch. 514, F.S. Inspections and permitting for public swimming pools are conducted by the county health departments.<sup>1</sup> Sanitation and safety standards for public pools have been adopted by rule under Chapter 64E-9 of the Florida Administrative Code.

Current construction rules for public swimming pools require that written approval must be received from the DOH before construction can begin.<sup>2</sup> Plans are required that show the pool layout, tile markings, size of the pool ladder, gutter heights, and if night swimming is permitted,<sup>3</sup> an engineer in Florida must provide certification that the underwater lighting meets the requirements of Rule 64E-9.006(2)(c), F.A.C. The rule also permits all underwater lighting requirements to be waived if overhead lighting provides at least 15 foot candles of illumination at the pool water surface and wet pool deck.<sup>4</sup>

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<sup>1</sup> Section 514.025, F.S.

<sup>2</sup> Section 514.03, F.S., and Rule 64E-9.005, F.A.C.

<sup>3</sup> Rule 64E-9.005, F.A.C.

<sup>4</sup> Rule 64E-9.006(2)(c)3., F.A.C.

Electrical equipment and wiring must meet national standards relating to the grounding of pool components. The standards that are incorporated into the rule are those of the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, and any applicable local code. Finally, as part of the plan approval, the electrical contractor or electrical inspector must certify as to a pool's compliance, on the form designated by the DOH.<sup>5</sup>

The United States Consumer Product Safety Commission issued a Safety Alert in August 2012 recommending the installation of ground-fault circuit interrupter (GFCI) protections for pools, spas, and hot tubs for protection against electrocution hazards involving electrical circuits and underwater lighting circuits in and around pools, spas, and hot tubs.<sup>6</sup> The Safety Alert noted that pools older than 30 years may not have the proper GFCI protection as the NEC provisions for spas only became effective in 1981. Underwater pool lighting electrical incidents happened more frequently than any other consumer product used in or around pools, spas, or hot tubs.

Several recent news stories in South Florida have also highlighted the issue. Three children were shocked in a Hialeah condominium community pool in April 2014. The building inspector's report found that the pool pump was not properly grounded.<sup>7</sup> During the same month in North Miami, a 7-year-old boy, Calder Sloan, was electrocuted and killed in his family's North Miami swimming pool from faulty wiring.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill creates the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission (commission). The task force is required to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016, on recommended revisions to the Florida Statutes related to standards concerning grounding, bonding, lighting, and all electrical aspects for safety in and around public and private pools. The bill requires the study to focus on minimizing the risk of electrocution at swimming pools.

The task force is required to be chaired by the swimming pool contractor appointed to the commission, and consist of the Swimming Pool and Electrical Technical Advisory Committees of the commission. Staff, information, and other assistance that is reasonably necessary for the task force to perform its responsibilities, shall be provided by the commission. Members of the task force serve without compensation and are required to meet as often as necessary to fulfill the responsibilities of the task force. Meetings may be conducted by conference call, teleconference, or similar technology. The task force expires December 31, 2016.

The bill is effective July 1, 2016.

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<sup>5</sup> Rule 64E-9.006(2)(d), F.A.C.

<sup>6</sup> U.S. Consumer Product Safety Commission, *Safety Alert, CPSC Document #5039* (August 14, 2012), available at <http://www.cpsc.gov/PageFiles/118868/5039.pdf> (last visited Nov. 11, 2015).

<sup>7</sup> Roger Lohse, *Shoddy Electrical Work Lead to 3 Kids' Injuries at a Pool in Hialeah, Policy Say*, LOCAL10.COM, May 8, 2014, available at <http://www.local10.com/news/police-photos-show-shoddy-electrical-work-at-pool-that-caused-three-kids-to-be-shocked/25861796>. (last visited Nov. 11, 2015).

<sup>8</sup> Roger Lohse, *South Fla. Boy Electrocuted by Pool Light While Swimming*, LOCAL10.COM, April 17, 2014, available at <http://www.local10.com/news/south-fla-boy-electrocuted-by-pool-light-while-swimming/25538944> (last visited Nov. 11, 2015).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Members of the private sector may participate on the task force and provide input on the recommendations for statutory changes pertaining to grounding, bonding, lighting, wiring, and any other electrical aspect relating to safety in and around public and private pools. Final action on any recommendations would be the decision of the Legislature.

## C. Government Sector Impact:

The bill may cause an indeterminate negative fiscal impact on the Florida Building Commission due to the creation of the Calder Sloan Swimming Pool Electrical-Safety Task Force and the requirement that the commission assist the task force. However, the Department of Business and Professional Regulation (DBPR) notes that the Florida Building Commission anticipates a joint meeting with Swimming Pool Technical Advisory Committee and the Electrical Technical Advisory Committee as part of its activities for this fiscal year without the need for additional resources.<sup>9</sup>

The DBPR may be required to support teleconferencing for the task force, however, the DBPR expects that this can be accomplished with existing resources.<sup>10</sup>

**VI. Technical Deficiencies:**

None.

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<sup>9</sup> Department of Business and Professional Regulation, House Bill Analysis 295 (Nov. 9, 2015) (on file with the Senate Fiscal Policy Committee).

<sup>10</sup> Id.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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