

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.)

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

BILL: CS/SB 926

INTRODUCER: Health Policy Committee and Senator Sobel

SUBJECT: Underwater Pool Lighting Safety

DATE: March 31, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 926 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 relating to grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private pools.

The 10-member task force's report is due by October 1, 2015, and the task force will dissolve on December 31, 2015.

The act is effective July 1, 2015.

II. Present Situation:

The Department of Health (department) is responsible for the oversight and regulation of water quality and safety of certain swimming pools in Florida under ch. 514, F.S. Inspections and permitting for swimming pools are conducted by the county health departments. 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 pools require that written approval must be received from the department before construction can begin.¹ Plans are required that show the pool layout, tile markings, size of the pool ladder, gutter heights and if night swimming is permitted, an engineer in Florida must provide certification that the underwater lighting meets the requirements of Rule 64E-9.006(2)(c)3 of the Florida Administrative Code, which sets the maximum lighting at 15 volts. 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.²

Electrical equipment and wiring must meet national standards relating to the grounding of pool components. The standards that are incorporated into the rule as those of the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, and with 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 department.³

The United States Consumer Product Union 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.⁴

The Safety Alert noted that pools older 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 news stories in South Florida in the past year 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.⁵ During the same month in North Miami, a 7 year old boy, Calder Sloan, was electrocuted in his family's North Miami swimming from faulty wiring.⁶

III. Effect of Proposed Changes:

The Calder Sloan Swimming Pool Electrical-Safety Task is created within the Florida Building Commission (commission) as an undesignated section of law. The task force is required to provide a report to the Governor, the President of the Senate, and the Speaker of the House of

¹ Rule 64E-9.005, F.A.C.

² Rule 64E-9.006(2)(c)3, F.A.C.

³ Rule 64E-9.006(2)(d), F.A.C.

⁴ U.S. Product Safety Commission, *Safety Alert, CPSC Document #5059* (August 14, 2012) available at <http://www.cpsc.gov/PageFiles/118868/5039.pdf> (last visited: March 19, 2015).

⁵ Roger Lohse, *Shoddy Electrical Work Lead to 3 Kids' Injuries at a Pool in Hialeah*, Policy Say, LOCAL 10.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 Mar. 19, 2015).

⁶ 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 Mar. 19, 2015).

Representatives by October 1, 2015, with statutory recommendations relating to grounding, bonding, lighting, and all electrical aspects for safety in and around public and private pools.

The bill provides for a 10-member task force which includes the chair of the commission or his or her designee, the State Surgeon General or his or her designee, and the following eight other members appointed by the commission chair:

- An electrical contractor certified to do business in this state and actively engaged in the profession, who has experience with swimming pools;
- A general contractor certified to do business in this state and actively engaged in the profession, who has experience with swimming pools;
- A swimming pool contractor licensed to do business in this state and actively engaged in the profession;
- An electric utility provider doing business in this state;
- A county building code inspector;
- A licensed real estate broker;
- An owner of a public swimming pool as defined in s. 514.011, F.S.; and
- An owner of a private swimming pool as defined in s. 514.011, F.S.

The task force members will elect the chair. Staff, information and other assistance that is reasonably necessary for the task force to perform its responsibilities shall be provided by the commission. No compensation is provided to task force members; however, members may receive reimbursement under s. 112.061, F.S., for travel and other necessary expenses incurred as part of their official duties.

CS/SB 926 directs the task force to meet as often as necessary to fulfill its responsibilities and permits meetings via conference call, teleconference or similar technology.

The task force will expire on December 31, 2015.

The act is effective July 1, 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:

Members of the public 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.

The bill may also 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 support and assist the task force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Health Policy - March 31, 2015:

The committee substitute:

- Deletes the requirement for the Department of Health to conduct underwater electrical lighting inspections on all public pools every 5 years;
- Deletes the requirement for certain disclosures to residential real estate buyers of homes with a pool be provided an underwater pool lighting summary prior to execution of a sale contract;

- Deletes modifications to the Florida Building Code to require updated installation standards in new or existing residential or public swimming pools; and
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force to study and recommend proposed statutory revisions concerning standards pertaining to grounding, bonding, lighting, wiring and all electrical aspects for safety in and around public and private swimming pools.

B. Amendments:

None.

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