

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 295 Calder Sloan Swimming Pool Electrical-Safety Task Force

SPONSOR(S): Fresen

TIED BILLS: **IDEN./SIM. BILLS:** SB 530

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	11 Y, 0 N	Whittier	Anstead
2) Government Operations Subcommittee			
3) Government Operations Appropriations Subcommittee			
4) Regulatory Affairs Committee			

SUMMARY ANALYSIS

Several news stories in South Florida in the past two years have highlighted the issue of electrocution in swimming pools. Three children were injured by electrical shocks in a Hialeah condominium community pool in April 2014 and the building inspector's report found that the pool pump was not properly grounded. During the same month in North Miami, a 7-year-old boy, Calder Sloan, died from electrocution in his family's North Miami swimming pool due to faulty wiring.

The Florida Building Commission (FBC) has included standards for the construction of swimming pools in the Florida Building Code (Code). Although provisions related to public pools include the use of low-voltage pool lighting as a safety measure, Code provisions related to residential swimming pools rely on the use of bonding and grounding to protect users from electrocution and do not include a requirement for low voltage lighting.

The bill establishes within the FBC, the Calder Sloan Swimming Pool Electrical-Safety Task Force (Task Force), the purpose of which is to study the need for the adoption of standards for grounding, bonding, lighting, wiring, and all other electrical aspects in and around public and private swimming pools. The focus of the study shall be on minimizing the risks of electrocutions at swimming pools.

The task force is directed to meet as often as necessary to fulfill its responsibilities, and meetings may be conducted by conference call, teleconferencing, or similar technology. The Task Force members are to serve without compensation.

The Task Force must submit a report on its findings, including any recommended revisions to state law, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016. The Task Force expires on December 31, 2016.

The bill does not appear to have a fiscal effect on state or local governments. The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Department of Health (DOH) 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 DOH before construction can begin.¹ Plans are required to 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 are those of the National Fire Protection Association 70, National Electrical Code (NEC), 2008 Edition, and with any applicable local code. As a part of the plan approval, the electrical contractor or electrical inspector must certify a pool's compliance, on a form designated by DOH.³

The Florida Building Commission (FBC) has included standards for the construction of swimming pools in the Florida Building Code (Code). Although provisions related to public pools include the use of low-voltage pool lighting as a safety measure, Code provisions related to residential swimming pools rely on the use of bonding and grounding to protect users from electrocution and do not include a requirement for low voltage lighting.⁴

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.⁵ 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 and that "electrical incidents involving underwater pool lighting were more numerous than those involving any other consumer product used in or around pools, spas, and hot tubs."⁶

Several news stories in South Florida in the past two years have also highlighted the issue. Three children were injured by electrical shocks in a Hialeah condominium community pool in April 2014. The building inspector's report found that the pool pump was not properly grounded.⁷ During the same

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 Florida Department of Business and Professional Regulation, Agency Analysis of 2016 HB 295 (Nov. 9, 2015).

⁵ U.S. Product Safety Commission, *Safety Alert, CPSC Document #5039* (Aug. 14, 2012), available at <http://www.cpsc.gov/PageFiles/118868/5039.pdf> (last visited: Jan. 8, 2016).

⁶ *Id.*

⁷ Roger Lohse, *Shoddy Electrical Work Lead to 3 Kids' Injuries at a Pool in Hialeah, Police 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 Jan. 8, 2016).

month in North Miami, a 7-year-old boy, Calder Sloan, died from electrocution in his family's North Miami swimming pool due to faulty wiring.⁸

In August 2015, the FBC charged a workgroup comprised of the Swimming Pool Technical Advisory Committee and the Electrical Technical Advisory Committee with making recommendations to the FBC on issues related to electrocution hazards of residential swimming pools.⁹

Effects of Proposed Changes

The bill establishes within the FBC the Calder Sloan Swimming Pool Electrical-Safety Task Force (Task Force), the purpose of which is to study the need for the adoption of standards for grounding, bonding, lighting, wiring, and all other electrical aspects in and around public and private swimming pools. The focus of the study shall be on minimizing the risks of electrocutions at swimming pools.

The task force is to be composed of the Swimming Pool Committee and Electrical Technical Advisory Committee (both within the FBC) and is to be chaired by the Swimming Pool Contractor appointed to the FBC. The FBC will provide such staff, information, and other assistance necessary to assist the task force in carrying out its responsibilities.

The Task Force is directed to meet as often as necessary to fulfill its responsibilities, and meetings may be conducted by conference call, teleconferencing, or similar technology. The Task Force members are to serve without compensation.

The Task Force must submit a report on its findings, including any recommended revisions to state law, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2016. The Task Force expires on December 31, 2016.

B. SECTION DIRECTORY:

Section 1. Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission; requires a report to the Governor and the Legislature by a specified date; requires the Florida Building Commission to provide staff, information, and other assistance to the task force; provides that members of the task force serve without compensation; provides for future repeal of the task force.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

⁸ 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 Jan. 8, 2016).

⁹ Florida Department of Business and Professional Regulation, Agency Analysis of 2016 HB 295 (Nov. 9, 2015).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.