

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: SB 926

INTRODUCER: Senator Sobel

SUBJECT: Underwater Pool Lighting Safety

DATE: March 19, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	FP	_____

I. Summary:

SB 926 directs the Department of Health to conduct underwater electrical lighting inspections on all public pools. County health departments must inspect each public pool every 5 years to ensure the safety of the underwater electrical wiring, including voltage, grounding, and wiring.

Prospective residential real estate buyers of homes with a pool must be provided an underwater pool lighting summary disclosure prior to the execution of a sale contract.

The Florida Building Code must be revised to contain the updated installation standards which must prohibit the installation of any underwater electrical lights of greater than 15 volts in new or existing residential or public swimming pools.

The Department of Health estimates a fiscal impact of \$2,122,230 in the first year and \$398,940 on a recurring basis.

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 Chapter 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, F.A.C.

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

¹ Rule 64E-9.005, F.A.C.

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, F.A.C, 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

In October 2014, the Miami-Dade Board of County Commissioner passed the Swimming Pool Light Ordinance 14-95. The Ordinance modifies two sections of the Florida Building Code, which applies to commercial pools for underwater lighting and makes those requirements applicable to residential pools.⁷ Existing pools will be required to comply with the new low voltage requirements at the time of repair or alteration or the homeowner may decide not to have an underwater pool light. The county permit to change an existing pool light to low voltage light or to remove a light without a replacement in unincorporated Miami-Dade County is \$65.

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), <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*, <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), <http://www.local10.com/news/south-fla-boy-electrocuted-by-pool-light-while-swimming/25538944> (last visited Mar. 19, 2015).

⁷ Miami-Dade County Regulatory and Economic Resources Department, *Is My Pool Safe?* <http://www.miamidade.gov/permits/library/brochures/swimming-pool-light.pdf> (last visited Mar. 19, 2015).

III. Effect of Proposed Changes:

Private pools and water therapy facilities, pools connected to condominiums or cooperative associations, or pools serving residential child care agencies that have been exempt from most supervision or regulatory review by the department, will be subject to underwater electrical lighting inspections for the first time.

Safety inspections of each public pool will be done by the county health department every 5 years and will include inspections of the pool's voltage, grounding, and wiring.

Sections 515.51 - 515.53, F.S. are created as the "Calder Sloan Swim in Safety Act." The Act recognizes the high number of residential swimming pools in Florida and the number of electrical pool incidences that occur. As a result, the Legislature intends that an owner of residential swimming pools be adequately informed of the potential dangers of underwater lights in swimming pools.

If a residential property for sale has a pool, before a prospective purchaser executes a contract for sale, the seller must present the purchaser with an Underwater Pool Lighting disclosure summary. The disclosure summary under s. 515.53, F.S., states:

UNDERWATER POOL LIGHTING

Faulty underwater lighting has caused and can cause grave bodily injury or death. In particular, pools may have 120 volts of electricity going to their lights, may not be properly grounded, or may have faulty wiring. Newer pools may need to be inspected to ensure proper voltage, wiring, and grounding. Additional information regarding underwater pool lighting may be obtained from your county health department or licensed electrician.

A separate disclosure may also be attached to the contract if not included in the contract.

The Florida Building Code, s. 553.73, F.S., is also amended to add a requirement for the Building Code to include standards for underwater electrical lighting in residential and public swimming pools, as they are defined under s. 515.25, F.S. Those standards must prohibit the installation of or replacement with lights greater than 15 volts in new or existing residential public swimming pools.

Other sections are updated with new cross references.

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:

Private pools, pools associated with condominium associations, or residential child care agencies that had previously been exempt from department supervision, except for water quality, will be subject to new underwater electrical lighting inspections by the department every 5 years.

Sellers of residential real estate must also provide a purchaser with a disclosure summary if the property has a pool before a contract for sale is executed.

Finally, the Florida Building Code is required to update its installation standards for underwater electrical lighting standards to prohibit the installation of underwater electrical lights of greater than 15 volts in new or existing residential or public swimming pools. To the extent that an existing pool has lights greater than 15 volts, there may be financial impact to the resident or owner of a public pool to comply with this new standard.

C. Government Sector Impact:

The department staff is not trained or licensed to perform electrical inspections as required under SB 926. The bill requires the department to perform electrical inspections every 5 years at the 34,499 public swimming pools it currently inspects. An additional 3,092 public swimming pools currently exempt from department supervision under Chapter 489, F.S., may be subject to inspection by the department.

The department estimates that an electrical inspection would add an hour to the current inspection time per pool. Staff would also need additional training prior to the inspection start date. One-time modifications would be required to the Environmental Health database at a cost of \$82,180.

Florida Department of Health - Estimated Expenditures		
Estimated Expenditures	1st Year	2nd Year Annualized\Recurring
Cost of Additional Inspections/services	\$1,974,950	\$394,990

39,499 @ \$50 each		
Equipment for 300 staff @ \$217	\$65,100	\$0
Modification to EHDatabase	\$82,180	\$3,950
Total Estimated Expenditures:	\$2,122,230	\$398,940

The department suggested it may be more cost effective to require the inspections be conducted by licensed electricians and submitted to the department. Modifications to the database would still be required, but it would reduce staff and equipment costs to the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

At least one local government has an ordinance addressing swimming pool safety, specifically underwater lighting standards and mandatory inspections of private pools. Permits are issued to contractors to perform the replacement or removal work. It is not clear if SB 926 will conflict with the provisions of the local ordinance.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 514.0115, 514.025, 515.21, 515.33, 515.35, and 553.73.

This bill creates the following sections of the Florida Statutes: 515.51, 515.52, 515.53, and 553.881.

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.