

**Request to Pull Modifications from
Florida Building Commission Consent Agenda
December 2022**



SW10310

FSPA requests that the Commission overturn the TAC committee's denial recommendation and approve the below alternate language for modification SW10310 for adoption in to the 2023 Florida Building Code.

454.1.4.2.3 Underwater lighting.

Underwater luminaires shall comply with Chapter 27 of the *Florida Building Code, Building*. The location of the underwater luminaires shall be such that the underwater illumination is as uniform as possible. Underwater lighting requirements can be waived when the overhead lighting provides at least 15 footcandles (150 lux) of illumination at the pool water surface and pool wet deck surface. If signage clearly indicates that night swimming is prohibited, underwater lights supplying less than minimum illumination required for night swimming may be installed for safety and decorative purposes. Nothing in this section exempts swimming pools located in coastal areas, as specified in Section 3109 of this code, from compliance with all applicable local and state wildlife and environmental lighting requirements.

Comment:

The current code is unclear if underwater illumination below the required levels for night swimming is allowed when night swimming is prohibited in the swimming pool. This additional language clarifies that it is allowed if the prohibition on swimming after dark is indicated on the pool signage. Many public pool operators would like to use colored lighting to avoid having a completely dark swimming pool during non-operational hours. Allowing lighting levels lower than required for night operation will improve the safety of the pools during non-operational hours. Several code officials have disallowed such lighting in pools where there will be no night swimming leaving pool operators to choose between applying for and building to night swimming specifications or having a completely dark pool during non-operational hours. This modification will greatly clarify the code, improve safety of commercial swimming pools, and prevent future interpretive conflicts. **FSPA requests that the Commission overturn the TAC committee's denial recommendation and approve the above language for modification SW10310 for adoption in to the 2023 Florida Building Code.**

**Request to Pull Modifications from
Florida Building Commission Consent Agenda
December 2022**



SW10315 - A1

FSPA requests that the Commission overturn the TAC committee's denial recommendation and approve the A1 language for modification SW10315 for adoption in to the 2023 Florida Building Code.

454.1.2.1 Pool structure. Pools shall be constructed of concrete or other impervious and structurally rigid material. All pools shall be watertight, free from structural cracks and shall have a nontoxic smooth and slipresistant finish. All materials shall be installed in accordance with manufacturer's specifications unless such specifications violate Chapter 64E-9, Florida Administrative Code, rule requirements or the approval criteria of NSF/ANSI Standard 50 or NSF/ANSI Standard 60.

(a) Floors and walls shall be white or pastel in color and shall have the characteristics of reflecting rather than absorbing light. Tile used in less than ~~5~~ 3 feet (~~1524~~914 mm) of water must be slip resistant. A minimum 4-inch (102 mm) tile line, each tile a minimum size of 1 inch (25 mm) on all sides, shall be installed at the water line, but shall not exceed 12 inches (305 mm) in height if

a dark color is used. Gutter-type pools may substitute 2-inch (51 mm) tile, each a minimum size of 1 inch (25 mm) on all sides, along the pool wall edge of the gutter lip.

Comment:

The current requirement of using slip resistant tile in 5 feet of water or less is unnecessary for bather safety. This requirement also causes unnecessary price increases due the cost of slip resisting title and poses pool maintenance issues due to the difficulty in cleaning submerged slip resistant tile.

Reducing the water depth in which the code requires slip resistant titles will have no negative affect on bather safety. No published study to date supports need to have slip resistant tile in any depth of water greater than 3 feet deep. The published studies on bather injuries in shallow water deal with bather injuries from diving or falling from the deck into 5 feet or less of water. The injuries described in these studies (cervical spine compression and fractures of vertebra C3, C4, and C5) are consistent with diving or falling from the pool deck into the pool and are not consistent with slip and fall incidents where the bather loses their footing while standing in the pool.

For the vast majority of bathers falling while standing in 3 feet of water poses no danger. The average height of a human female in the United States is 5 feet 4 inches (64 inches) and the average height of a human male in the United states 5 feet 9 inches (69 inches). This means that for an average male or female standing in 3 feet (36 inches) of

Request to Pull Modifications from Florida Building Commission Consent Agenda December 2022



water, over half of their body is submerged under water. Should they slip and fall at this water depth the resistance of the water and their bodily buoyancy make it unlikely that they will impact any part of the pool with sufficient force to cause injury. Furthermore, tile placed on pool floors is usually done to form race lanes with the lanes closest to the walls being several feet away making it very unlikely that a bather will slip and impact the side wall of the pool.

Lastly, the International Pool and Spa Code (IPSC) Section 411.3.1 only requires slip resistance in 36 inches (3 feet) of water or less. There is prescient to set the slip resistant threshold at 3feet (36 inches) and Florida should follow suit. **FSPA requests that the Commission overturn the TAC committee's denial recommendation and approve the A1 langue for modification SW10315 for adoption in to the 2023 Florida Building Code.**

SW10465

FSPA requests that the commission make the following modifications to the to the TAC approved proposal below SW10465.

454.1.2.3.2 Designs or logos.

Any design or logo on the pool floor or walls shall be such that it will not hinder the detection of a human in distress, algae, sediment, or other objects in the pool. Proposed dark designs and logos, or designs and logos greater than 12 inches X 12 inches, must have prior approval through the Department of Health's public swimming pool advisory & variance board.

454.1.3.3.1

All swimming pools shall be installed with a shepherd's hook securely attached to a one piece pole not less than 16 feet (4880 mm) in length, and at least one ~~16-24~~ 18-inch (457 mm) diameter lifesaving ring, approved or certified under a nationally recognized water safety device standard, with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Pools greater than 50 feet (15 250 mm) in length shall have multiple units with at least one shepherd's hook and one lifesaving ring located along each of the longer sides of the pools. Spa pools under 200 square feet (1.86 m²) of surface area, and interactive water features or wading pools with 2 feet (610 mm) or less of water depth are exempt from this requirement.

454.1.6.5.16.2 Hypohalogenation and electrolytic chlorine generators.

The hypohalogenation-type feeder and electrolytic chlorine generators shall be adjustable from 0 to full range. A rate of flow indicator is required on erosion-type feeders. The feeders shall be capable of continuously feeding a dosage of 6 mg/L to the minimum required turnover flow rate of the filtration systems. Solution feeders shall be

Request to Pull Modifications from Florida Building Commission Consent Agenda December 2022



capable of feeding the above dosage using a 10-percent sodium hypochlorite solution, or 5-percent calcium hypochlorite solution, whichever disinfectant is to be utilized at this facility. To prevent the disinfectant from siphoning or feeding directly into the pool or pool piping under any type failure of the recirculation equipment, an electrical interlock with the recirculation pump shall be incorporated into the system for electrically operated feeders. The minimum size of the solution reservoirs shall be at least 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate contents. The solution reservoirs shall be manufactured to accommodate corrosive and oxidizers liquid chemicals.

454.1.6.5.16.3 Feeders for pH adjustment.

Feeders for pH adjustment shall be provided on all pools. pH adjustment feeders shall be positive displacement type, shall be adjustable from 0 to full range, and shall have an electrical interlock with the circulation pump to prevent discharge when the recirculation pump is not operating. When soda ash is used for pH adjustment, the maximum concentration of soda ash solution to be fed shall not exceed 1/2-pound (0.2 kg) soda ash per gallon of water. Feeders for soda ash shall be capable of feeding a minimum of 3 gallons (11 L) of the above soda ash solution per pound of gas chlorination capacity. The minimum size of the solution reservoirs shall not be less than 50 percent of the maximum daily capacity of the feeder. The solution reservoirs shall be marked to indicate the type of contents. The solution reservoirs shall be manufactured to accommodate corrosive and oxidizers liquid chemicals.

Comment:

This proposed alternate language deletes the proposed requirement that all dark colored logos greater than 12 inches by 12 inches be submitted the Department of Health's public swimming pool advisory & variance board (the board) for prior approval. There are several problems with this language and it should be removed from proposal SW10465.

A prior approval requirement for logos constitutes and unauthorized expansion of the board's authority.

Florida Statutes Section 514.028 creates the board and grants it the authority to review requests for variance from the Florida Building Code for commercial swimming pool projects. Florida Administrative Code Section 64E-9.016 expands on the requirement to apply for a variance.

Request to Pull Modifications from Florida Building Commission Consent Agenda December 2022



64E-9.016 states that a request for variance may be filed "...to relieve or prevent hardship only in cases involving deviations from the rule, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists and the health and safety of the pool patrons is not at risk." The hardship requirement is directly and explicitly required by Florida Statutes 514.0115(9) for any variance to be granted. 514.0115(9) F.S. states:

"The department may grant variances from any rule adopted under this chapter pursuant to procedures adopted by department rule. The department may also grant, pursuant to procedures adopted by department rule, variances from the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places when requested by the pool owner or the pool owner's representative to relieve hardship in cases involving deviations from the Florida Building Code provisions, when it is shown that the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists, and the health and safety of the pool patrons is not at risk."

Under the standard created by the Florida Statutes and 64E-9.016 there must be a hardship that would be borne by the applicant if they were made to comply with the requirements of the Florida Building Code. Such a hardship exists where construction of a regulated swimming pool feature is complete and cost and time to reconstruct the element would be unduly burdensome on the pool operator. For a pre-approval of logos as required by this proposal no hardship can exist because nothing has been constructed when the request would be required to be made.

Further, it must be noted that the DOH variance board is separate process from the engineering review conducted by the DOH on commercial swimming pool projects. The DOH engineering reviewers can give recommendations on submitted commercial pools plans to the building official with jurisdiction over the construction of a swimming pool but the recommendations are not binding on the building official with jurisdiction over the pool and to not constitute prior-approval of the plans. The building official with jurisdiction is free to consider the DOH's recommendations and comments on the submitted pool plans but is not bound to follow or apply them.

Requiring prior approval of logos by the variance board would circumvent the hardship requirement under 514.0115(9) F.S and 64E-9.016 F.A.C. and would constitute and unauthorized expansion of the board's authority. Expansion of the board's authority properly rests

**Request to Pull Modifications from
Florida Building Commission Consent Agenda
December 2022**



with the Florida Legislature or the DOH health as directly authorized by the legislature via statute. The Florida Building Commission has no authority to expand the scope of the swimming pool advisory board. If the DOH wishes to expand the authority of the board, then that must be accomplished via legislative action. Please strike the language from this proposal requiring prior approval of swimming pool logos.