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Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
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File #	

March 3, 2014

Mo Madani, Technical Unit Manager
Construction Industry Licensing Board
1940 North Monroe Street
Tallahassee, FL 32399-0783

Request for Declaratory Statement

DS 2014-032

Dear Mr. Madani,

My name is Ryan Holland, I hold a commercial swimming pool license and I'm the owner and operator of Evolution Pools & Construction Inc. We are requesting clarification on the use of an ASTM approved safety cover on a special use pool (**baptismal pool**) in lieu of using a 48 inch high fence.

We have been requested to build a baptismal pool or "special use" pool. This type pool is used in a church religious ceremony to baptize their members. This type of pool is only used for this purpose and is not used for bathing at any time, nor open to the public. When used, only the priest and the member being baptized are allowed into the baptismal pool at any time. This type of pool is only used on a limited basis. We have asked the State Health Department if they consider this type special use pool to be covered under **424.1 Public Swimming Pools and Bathing Places**, their answer is that they do not consider these pools to be covered by 64E-9 or the Florida building code **424.1 Public Swimming Pools and Bathing Places**. They indicated that they do not regulate them in any way nor do they issue an operating permit for this type pool.

We are asking two questions:

Question 1: Is a baptismal special use pool considered to be a commercial pool?

Baptismal pools are very small and are usually only 100 sq ft in area and are usually less than 10 ft wide. Baptismal pools are not reviewed as a commercial pool, and in our opinion do not meet many requirements of **424.1 Public Swimming Pools and Bathing Places**. For an example, **424.1.1 Sizing**. The bathing load for conventional swimming pools and special purpose pools shall be computed on the basis of one person per 5 gpm (.32 L/s) of recirculation flow. The bathing load for wading pools and interactive water features shall be established by averaging one person per 10 square feet (.9 m²) of pool area and one person per 5 gpm (.32 L/s) of filter rate. The bathing load for spa type pools shall be based on one person per each 10 square feet (.9 m²) of surface area. The filtration system shall be capable of meeting all other requirements of these rules while providing a flow rate of at least 1 gpm (.06 L/s) for each living unit at transient facilities and 3/4 gpm (.04 L/s) at non-transient facilities. All other types of projects shall be sized according to the anticipated bathing load and proposed uses. For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than 3 hours, this type pool does not meet this requirement. This type pool does not comply with



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424.1.3.1.6 (Ten percent of the deck along the pool perimeter may be obstructed. Obstructions shall have a wet deck area behind or through them, with the near edge of the walk within 15 feet (4572 mm) of the water. These obstructions shall be protected by a barrier or shall be designed to discourage patron access. When an obstruction exists in multiple areas around the pool the minimum distance between obstructions shall be 4 feet (1219 mm). This pool does meet this requirement as they have many obstructions to provide for the ceremony.

Question 2: Does this special use pool require a 48 inch high fence?

If the answer to question 1 is that this is not a commercial pool then this would have to be classified as a residential pool. The code is very clear that an approved ASTM F 1346 cover can be used on a residential pool to comply with **424.2.17** thru **424.2.17.3**

424.2.17 Residential swimming barrier requirement: Residential swimming pools shall comply with Sections 424.2.17.1 through 424.2.17.3.

Exception: A swimming pool with an approved safety pool cover complying with ASTM F 1346.

We would like to provide this pool with a properly installed pool cover complying with ASTM F 1346 not a 48 inch fence.

We would appreciate your help in clarifying this issue.

Sincerely,

A handwritten signature in black ink, appearing to be "Ryan Holland", with a long horizontal stroke extending to the right.

Ryan Holland CPC1458385
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