

**Issue: DS 2025-021:** The petitioner Martin Aquatics is seeking a declaratory statement regarding the number of sanitary facilities that are necessary to serve an artificial lagoon facility as required by sections 454.1.11.2, 454.1.12.2, 454.1.6.1.1 and 403.6 (Plumbing) of the Florida Building Code.

**Petitioner seeks clarification of the following questions:**

1. Does the exemption stated in Sections 454.1.11.2 and 454.1.12.2 apply not only to Section 454.1.6.1.1, but also to Section 403.6 of the Florida Building Code, Plumbing, which otherwise replicates the same fixture count requirements?
2. Should the more specific language in Sections 454.1.11.2 and 454.1.12.2 be interpreted to supersede the general fixture count requirement in Section 403. 6 for sanitary facilities serving patrons of an artificial lagoon?
3. Would the Commission confirm that the correct interpretation is that both Section 454.1.6.1.1 and Section 403.6 do not apply to artificial lagoons with regard to fixture counts?

**Background:**

The Petitioner is involved in the planning and development of an artificial lagoon facility intended for recreational use in Florida.

**8<sup>th</sup> Edition (2023) Florida Building Code, Building**

**454.1.6.1 Sanitary facilities.**

Restrooms shall include a water closet, a diaper change table, a urinal and a lavatory. The entry doors of all restrooms shall be located within a 200-foot (60 960 mm) walking distance of the nearest water's edge of each pool served by the facilities.

Exception: Where a swimming pool serves only a designated group of residential dwelling units including hotel rooms and not the general public, poolside sanitary facilities are not required if all living units are within a 200-foot (60 960 mm) horizontal radius of the nearest water's edge, are not over three stories in height unless serviced by an elevator, and are each equipped with private sanitary facilities.

**454.1.6.1.1 Required fixtures.**

Fixtures shall be provided as indicated on Table 454.1.6.1, rounded up to the next whole number. The fixture count on this chart is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface provided.

**TABLE 454.1.6.1 PUBLIC SWIMMING POOL—REQUIRED FIXTURE COUNT PER SQUARE FOOT OF POOL SURFACE**



MEN'S RESTROOM		WOMEN'S RESTROOM	
WC	Lavatory	WC	Lavatory
1 per 2,500 for first 10,000, 1 per 5,000 for remainder exceeding 10,000	1 per 5,000 for first 10,000, 1 per 10,000 for remainder exceeding 10,000	1 per 1,250 for first 10,000, 1 per 2,500 for remainder exceeding 10,000	1 per 5,000 for first 10,000, 1 per 10,000 for remainder exceeding 10,000

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

**454.1.11.1 General.** An artificial lagoon is a type of water impoundment used as a public bathing place as defined in Section 514.011, Florida Statutes, that is man-made and has either: a total water surface area of at least one-half acre (2023.4 m<sup>2</sup>) in size, with an impervious containment system such as an artificial liner, and incorporates a method of disinfection that results in a disinfectant residual in the swimming zone(s) that is protective of the public health; or has no impervious containment system or disinfectant system, and the water surface area of the artificial lagoon shall be at least 2 acres (8093.9 m<sup>2</sup>) in size. Such artificial lagoons shall be designed and constructed within the limits of sound engineering practice and the provisions of Section 454.1.11.

**454.1.11.2 Sizing and sanitary facilities for artificial lagoons.**

The maximum bathing load for an artificial lagoon with a disinfection system approved by the local authority shall be limited by total square footage of the entire lagoon area that allows for swimming or bathing with 25 square feet (2.32 m<sup>2</sup>) assigned per bather in water 4 feet (1.219 m) deep or less, and 75 square feet (6.96 m<sup>2</sup>) in water more than 4 feet deep. The maximum bathing load for all other artificial lagoons shall be limited by total square footage of the entire lagoon area that allows for swimming or bathing with 50 square feet (4.65 m<sup>2</sup>) assigned per bather in water 4 feet deep or less, and 75 square feet in water more than 4 feet deep. Sanitary facilities serving patrons of an artificial lagoon shall meet the Florida Building Code, Plumbing criteria and are exempt from the fixture count requirements in Section 454.1.6.1.1. All sanitary facilities shall be located as near to the designated swimming area(s) as prudent to ensure patron use, but not more than 200 feet (61 m) walking distance from the designated swimming area(s).

**454.1.12 Surf pools.**

**454.1.12.1 General.** A surf pool is a type of water impoundment used as a public bathing place as defined in Section 514.011, Florida Statutes, that is man-made and has either: a total water surface area of at least one-quarter acre (1012 m<sup>2</sup>) in size, with an impervious containment system such as an artificial liner, and incorporates a method of disinfection that results in a disinfectant residual in the swimming zone(s) that is protective of the public health. Such surf pools shall be designed and constructed within the limits of sound engineering practice and the provisions of Section 454.1.12.

**454.1.12.2 Sizing and sanitary facilities.**

The maximum bathing load for a surf pool with a disinfection system approved by the local authority shall be limited by total square footage of the entire area that allows for surfing with 100 square feet (9.29 m<sup>2</sup>) per bather in water more than 4 feet (1219 mm) deep. Sanitary facilities serving patrons of an artificial lagoon shall meet the Florida Building Code, Plumbing criteria and are exempt from the fixture count requirements in Section 454.1.6.1.1. All sanitary facilities shall be located as near to the designated surfing area(s) as prudent to ensure patron use, but not more than 200 feet (60 960 mm) walking distance from the designated surfing area(s).

**8<sup>th</sup> Edition (2023) Florida Building Code, Plumbing**

**403.6 Sanitary facilities for public swimming pools.** Restrooms shall include a water closet, a diaper change table and a lavatory. Diaper changing tables are not required at restrooms where all pools served are restricted to adult use only. The entry doors of all restrooms shall be located within a 200-foot (60 960 mm) walking distance of the nearest water's edge of each pool served by the facilities.

**TABLE 403.6PUBLIC SWIMMING POOL—REQUIRED FIXTURES COUNT PER SQUARE FOOT OF POOL SURFACE**

MEN'S RESTROOMS		WOMEN'S RESTROOMS	
WC	Lavatory	WC	Lavatory
1 per 2,500 for first 10,000, 1 per 5,000 for remainder exceeding 10,000	1 per 5,000 for first 10,000, 1 per 10,000 for remainder exceeding 10,000	1 per 1,250 for first 10,000, 1 per 2,500 for remainder exceeding 10,000	1 per 5,000 for first 10,000, 1 per 10,000 for remainder exceeding 10,000

For SI: 1 square foot = 0.0929 m<sup>2</sup>.

**403.6.1 Required fixtures.**

Fixtures shall be provided as indicated on Table 403.6. The fixture count of Table 403.6 is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface **provided**.

**Staff Analysis**

**Question #1:**

Does the exemption stated in Sections 454.1.11.2 and 454.1.12.2 apply not only to Section 454.1.6.1.1, but also to Section 403.6 of the Florida Building Code, Plumbing, which otherwise replicates the same fixture count requirements?

**Answer:**

**Option #1/Petitioner:**

Martin Aquatic believes that the Commission should confirm that the exemption stated in Sections 454.1.11.2 and 454.1.12.2 also applies to Section 403.6 (Plumbing) of the Florida Building Code.

**Option #2/Staff:**

The answer to the Petitioner's question is yes. The requirements of section 403.6.1 of the Florida Building Code, Plumbing, 8<sup>th</sup> Edition (2023), are the same as those of section 454.1.6.1.1 of the Florida Building Code, Building, 8<sup>th</sup> Edition (2023). Therefore, the requirements of section 403.6.1 of the Florida Building Code, Plumbing, 8<sup>th</sup> Edition (2023) are not applicable to an artificial lagoon facility as defined in sections 454.1.11.1 and 454.1.12.1 of the Florida Building Code, Building, 8<sup>th</sup> Edition (2023).

**Question #2:**

Should the more specific language in Sections 454.1.11.2 and 454.1.12.2 be interpreted to supersede the general fixture count requirement in Section 403. 6 for sanitary facilities serving patrons of an artificial lagoon?

**Answer:**

**Option #1/Petitioner:**

Martin Aquatic believes that the Commission should interpret the Florida Building Code to supersede the general fixture count requirement in Section 403.6 When determining the appropriate number of sanitary

facilities for the construction of an artificial lagoon.

**Option #2/Staff:** See answer to question 1.

**Question #3:**

Would the Commission confirm that the correct interpretation is that both Section 454.1.6.1.1 and Section 403.6 do not apply to artificial lagoons with regard to fixture counts?

**Answer:**

**Option #1/Petitioner:**

Martin Aquatic believes that the Commission should issue a declaratory statement to provide certainty as to the different possible reasonable interpretations of applicable rules in light of the glitch that exists between the specific and general rule.

**Option #2/Staff:** See answer to question 1.