

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the **Healthiest State** in the Nation

November 18, 2022

Certified Mail: 7021 1970 0000 7626 4930

Floataway USA
Debra Worthington, CEO
6465 East 51st Street
Tulsa, Oklahoma 74145

RE: Swimming Pool/Bathing Place Statewide Variance Request, Application #3060
Floataway Epsom Salt Float Tank Products

Dear Ms. Worthington:

The Advisory Review Board for Swimming Pools and Bathing Places reviewed your application for variance on March 14, 2018. When a variance is requested, the Advisory Review Board considers whether the hardship was caused intentionally, whether a reasonable alternative exists, and whether the health and safety of pool patrons are at risk.

The operation and design construction of the float rooms and float tanks as submitted are in violation of the requirements of Florida Administrative Code (FAC) Chapter 64E-9 and the Florida Building Code (FBC) Chapter 454.1 set forth as follows:

FAC/FBC Chapter	Requirement
64E-9.004(5)	Recirculation system must operate any time pool is open
454.1.2.1 (a)	Water line tile requirement: floor and wall color must be white or light pastel
454.1.2.2.4	The minimum water depth shall be 3 feet
454.1.2.3.5	Pool rules sign
454.1.2.5	Access shall consist of ladders, stairs, recessed treads or swimouts
454.1.3.1.2	Clear deck width, deck slope
454.1.3.2	Overhead obstruction clearance of 4 feet from water surface
454.1.4.2.2	Lighting requirements for indoor pools
454.1.5.5	Equipment enclosure must have minimum 3 x 6-foot opening
454.1.5.7	Equipment area lighting must provide 30-foot-candle
454.1.6.5.1	NSF/ANSI Standard 50-certified recirculation filter is required
454.1.6.5.10.5	Main drain must be connected to a collector tank

FAC/FBC Chapter	Requirement
454.1.6.5.11	Automatic makeup water control
454.1.6.5.14	Heater must be plumbed with a bypass and influent & effluent valves
454.1.6.5.16	Automatic feeders for disinfection and pH control required
454.1.6.5.3.2.5	6-inch water line tile required for skimmer pools
454.1.6.5.6	Plastic pipe used in the recirculation system shall be imprinted with the manufacturer's name and the NSF-pw logo for potable water applications.

The Board recommended to approve the variance application request for a statewide variance for manufacturer Floataway USA. The variance, as approved applies to the following product(s) as named in the application:

- PRODUCT Open Floataround; Outside diameter: 96" W Round x 18" H wall
- PRODUCT Cabin for 1; External: 94" L x 56" W x 89" high lid
- PRODUCT Cabin for 2; External: 94" L x 72" W x 89" high lid
- PRODUCT Open Float Pool for 1; External: 94" L x 56" W x 18" high wall
- PRODUCT Open Float Pool for 2; External: 94" L x 72" W x 18" high wall
- PRODUCTS Tranquility Pod; and Open Pod; External: 99" L x 63" W (at widest point) x 64" high lid
- PRODUCT Floataround; with lid; Outside diameter: 96" W Round x 92" H
- PRODUCT Serenity Open Float Pool; Outside diameter: 120" W Round

EQUIPMENT

- Cl/Br Feeder Rola-Chem™ Model 252, or EtaTron F, or Hayward CL220 brominator or chlorinator
- Pump: March Magnetic Drive type 6 (CMD-441) (**35 gpm**)
- Filter: Waterway Pro-Clean PCCF-100 vessel (37.5 gpm) or Waterway 502-5000
- Flowmeter: FloVis saline
- Inline heater: Hydroquip C2300 titanium or Jen-Ter UL listed panels
- Piping, tees and valves: Schedule 40 NSF- pw or rubber pressure hose certified by NSF 61; with CMP return jet inlets with adjustable orifice
- Surface Skimmer(s): 2 Floataway suction cover weirs each flow rated at 23.7 gpm @ 1.5 fps w/ 5.09 sq. in. open area w/ water level at mid-point of weir-full (both total 47.4 gpm), each feed water to a Custom Molded Products (CMP) 5" suction outlet model 2501-200-100 (#25201 US) on skimmer wall at 57.7 gpm FL max. flow
- pH feed: Manual adjustment of pH with hand fed chemical is acceptable, so no equipment is required. No patrons are allowed in pool for One (1) hour after hand feed.

Based on information submitted during the period beginning February 1, 2018, with other correspondence until September 14, 2022, I concur with the Advisory Review Board recommendation to approve the variance application as previously specified, with the following provisos:

- 1. Before an operation permit can be granted** by the Department, **the owner shall provide to the local county health department** where the pool is located and to the DOH Bureau of Environmental Health Water Programs either: the Underwriters Laboratory (UL) certificate of compliance for Standard # 1563, Standard for Electrical Spas, OR evidence of the final electrical inspection for the special purpose pool(s) in the form of an approved electrical

inspection to show compliance with the Florida Building Code grounding and bonding requirements of FBC Chapter 27 for electrical systems and Chapter 4, section 454.1.10.4 for public pools, OR other evidence acceptable to the jurisdictional building department official. Email digital copy of approved inspection report to the Bureau of Environmental Health Water Programs email: PoolInspectRequest@FLHealth.gov.

2. **The owner will ensure** that the recirculation treatment system provides complete water treatment for at least three (3) full water volume turnovers between each patron float session either manually or by electronic controls as follows:

9 Products (each w/ 2 skimmers)	Volume (US Gallon)	Time: 3 Turnovers
Tranquility Pod and Open Tranquility at 10" depth	160	14 minutes
Cabin for Two and Open Float Pool for Two at 11" depth	271	24 minutes
Cabin for One and Open Float Pool for One at 10" depth	193	17 minutes
Floataround and Open Floataround at 11" depth	317	27.5 minutes
Open Serenity at 11" depth	434	37.5 minutes

Each pool shall be equipped with a timer to ensure the turnover requirement is met.

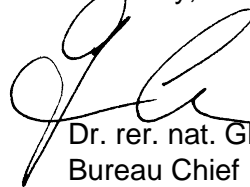
3. Fecal indicator bacteria testing **shall be initiated by owner within seven (7) days** of opening the float facility to the public. The pool owner shall use a Department-certified water laboratory to test for and enumerate Escherichia coli (*E. Coli*) bacteria in a 100-mL water sample collected from each special purpose pool. Samples shall be collected twice, once per week for two (2) consecutive weeks after several client's float sessions on that day. **Within one (1) day of receipt** of lab test results the **pool owner shall** email the Department digital scanned (or photographed) copies of the lab testing report, and this shall include the owner's pool water chemistry test results for chlorine or bromine residual and pH taken at the time of water sample collection. Email info to the Bureau of Environmental Health Water Programs email: PoolInspectRequest@FLHealth.gov.
4. The applicable standards for suction outlet safety features required in section 514.0315, Florida Statutes, have been met with the existing anti-entrapment skimmer devices installed for daily use of this pool by the manufacturer. To remain in compliance, the skimmer drain anti-entrapment covers must be maintained over the life of the float room(s) **by the pool owner**.
5. At least 4 feet of slip resistant wet deck area must be maintained as available for patron egress in front of the float room entrance/exit opening **by the pool owner**.
6. The **owner must provide** a code-compliant pool rules sign posted on a wall of the room within sight of the entrance to the float pool. Letter font may be reduced to ½ inch which is less than the code requirement. The sign shall include the following language as written in FBC sections 454.1.2.3.5- 1., 5., 7., and 454.1.8.13- 1., 3.: *No food or beverages in pool or on pool wet deck; ... Shower before entering.; ... Do not swallow the pool water; ... Maximum water temperature: 104 °F (40 °C); ... Pregnant women, small children, people with health problems and people using alcohol, narcotics or other drugs that cause drowsiness should not use a float tank without first consulting a doctor.*

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7. **The use of hydrogen peroxide for residual disinfection of water is prohibited. Florida prohibits use of chlorine stabilized with cyanuric acid. The halogen feeder used for disinfection shall be maintained in good operating order by the owner.** The halogen feeder installed in accordance with swimming pool code requirements precludes the need for either an ultraviolet light system or an ozone generating system to be certified to NSF or USEPA criteria. If an Ozone or UV device is provided by manufacturer, it shall be considered only as an optional oxidizer system.
8. A 'change list' documenting any operational and equipment corrections and any Department-approved or Building Official-approved equipment replacements made to the float room(s) shall be provided **by the owner** to the DOH Bureau of Environmental Health office at the email address listed in proviso #3 above **within 7 days** of completion. This document shall provide the make and model numbers of any equipment installed on the float room(s) that is not listed in this variance.
9. Manufacturer has submitted documents and laboratory tests proving a slip resistant floor is in place in accordance with the FBC definition at section 454.1. Tank floors manufactured by FloatawayUSA have an approved, code-compliant slip resistant floor made with upward extruded/embossed capital letters 'F' on the floor deemed "GRP floor F tread".
10. **One copy of this variance shall be provided by the manufacturer to the owner** upon purchase of a pool. Any changes from the representations made in the variance application and subsequent documents submitted for this variance approval by the manufacturer or by the owner to any dimensions, components, water treatment systems, or to any equipment shall be submitted to and approved in advance by the DOH Bureau of Environmental Health, or the existing variance for that model is no longer valid. This does not apply to for like-for-like repairs.
11. Floataway USA shall register as a corporation with the Secretary of State office within 60 days of receipt of this variance letter. See [Division of Corporations - Florida Department of State \(myflorida.com\)](http://myflorida.com)

If you have any questions concerning this matter, please email DOHPoolVariances@FLHealth.gov or call Bob Vincent at 850.245.4578.

Sincerely,



Dr. rer. nat. Gladys A. Liehr, CPM, FCCM, PMP
Bureau Chief

GAL/jbt
Enclosure

NOTICE OF RIGHTS

A party whose substantial interest is affected by this action may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. Chapter 28-106, Florida Administrative Code, governs such proceedings. A petition for hearing must be in writing and must be received by the Agency Clerk for the Department within twenty-one (21) days from receipt of this notice. The petition may be mailed to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703; hand delivered to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL; or sent by facsimile to 850-413-8743.

Mediation is not available as an alternative remedy.

The failure of any person to file a petition for hearing within 21 days from receipt of this notice will constitute a waiver of that person's right to an administrative hearing, and this notice shall become a "Final Order."

Should this notice become a "Final Order," a party who is adversely affected by it is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such Proceedings may be commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health and a second copy, accompanied by the filing fees required by law, with the Court of Appeal in the appropriate District Court. The notice must be filed within 30 days of the filing of the Final Order.

Please contact the Agency Clerk at 850-245-4005 if you have questions regarding the administrative hearing process.