

Department of Health Implementation Plan for HB 1263, Public Swimming Pools and Bathing Places, Chapter 514, FS, LOF 2012-184 May 8, 2012

- 1) What is House Bill 1263? This is the Department of Health reorganization bill that includes significant changes to the public swimming pool statute, Chapter 514, Florida Statutes. The bill is now listed as Laws of Florida (LOF) 2012-184.
- 2) When is HB1263 effective? Governor Scott signed the bill on April 27, 2012, and it became effective after filing with the Secretary of State on April 29. Rather than listing a specific date as some new laws do, it became effective “upon becoming law”; and his signing the bill makes it law.
- 3) What is the main change for Florida’s Department of Health and the Building Departments? The statute shifts responsibility for oversight of initial public pool construction from the DOH offices to the local Building Officials. These Officials will now process the engineered plans and applications to issue construction permits for public pools in accordance with Section 424.1 of the Florida Building Code.
- 4) Will the DOH assist the Building Officials with plan reviews and inspections? Procedures and tools used now by DOH staff will be provided soon to all Building Officials via the internet, live teleconference training, in-person classroom style, and face to face visits. DOH is sharing this information with several state agency offices and the Building Officials Association of Florida. Check the DOH pool webpage for updates:
<http://www.myfloridaeh.com/water/swim/index.html>
- 5) What role will the County Health Departments (CHDs) have with public pools? They will issue the operating permit initially and again annually. Engineering CHDs and DOH regional engineers will conduct the initial operating permit inspection. When public health incidents occur, all the CHDs will investigate and mitigate the cause.
- 6) Shall DOH engineering offices contact their building department(s) and vice versa? Yes, it is vital for a seamless transition between jurisdictions to discuss the flow of information, the documents and permits, the overlap of the jurisdictions, and the Building Plan Reviewers and Inspectors training by DOH pool experts.
- 7) What will all DOH engineers do with plans and applications they have in house? We cannot legally issue an approval for construction plans after Sunday, April 29. DOH engineers will contact the applicant and return all submitted documents if requested, or they will package and send the documents with recommendations including marked plans and the review checklist to the jurisdictional building official.
- 8) What will all DOH engineers do with plans and applications received after April 29? DOH cannot legally process them. DOH staff will ask the applicant if they want their plans, applications and fee returned to them. If the applicant can provide forwarding information, and the applicant requests it, DOH will forward the documents to the jurisdictional building department.
- 9) What will the Building Departments do with the public pool applications and engineered plans submitted for construction permits? They will review them for compliance with the Florida Building Code, Chapter 4, Special Occupancy,

- Section 424.1, Public Swimming Pools. If satisfactory, they will issue the construction permit and conduct necessary construction inspections per Chapter 553, FS, as the pool is built. Upon completion, they will conduct a final inspection, and after approval, they will provide a copy of the approval letter to the CHD.
- 10) Will the DOH engineers assist the Building Departments? Yes, coordination with the DOH staff is anticipated for this final building department inspection, and during the earlier plan review stage. Staff training materials and procedures for plan review and inspections will be provided to Building Officials.
 - 11) Will the Building Department approved plans be shared with the CHDs? Just like the DOH-approved plans were given to the Building Department by the applicant, the applicant will now provide the jurisdictional CHD a set of the Building Department-approved plans with the application for an operating permit.
 - 12) What will the County Health Department (CHD) engineers do with the form DH918 (new) Application for a Swimming Pool Operating Permit? The engineering CHDs will receive the completed Application with appropriate fee and documents (Building Department-approved construction plans or as-built plans with changes). The engineering CHD will review the application for completeness, and statute and rule compliance, and conduct the initial operating permit inspection. Form DH916, the previous DOH application for operating permit, may be processed with plans that were originally approved by DOH. All ten engineering CHDs* currently serving neighboring CHDs* will continue to provide these services into the future.
 - 13) What is the fee for the initial operating permit application? The Initial Operating Permit (IOP) inspection fee (\$150) will continue to be used. Local CHD fees may be added.
 - 14) Will those CHDs that provide pool engineering services to other CHDs continue? Yes, the engineering services associated with the review of application for an IOP and an associated inspection may continue to be performed. Similarly, the IOP services for the 45 non-engineering CHDs** will be provided by the DOH program office if requested by any of those 45 CHDs**.
 - 15) *The following listed engineering County Health Departments* will provide IOP inspection assistance to the (listed non-engineering CHDs), and engineering assistance to their Building Officials upon request: Broward, Collier, Escambia (Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay), Lee (Charlotte), Miami-Dade, Palm Beach, Pinellas, Polk (Sumter, Highlands), Sarasota (Manatee, Hardee) & Volusia (Flagler).
 - 16) ** The remaining 45 counties' CHDs and their Building Officials will be assisted by the DOH regional swimming pool engineers upon request. The new form DH918, Application for Swimming Pool Operating Permit, (and fee and documents) shall be submitted by the applicant to the non-engineering CHD for new pools in these counties to obtain the IOP inspection.
 - 17) Will CHDs still invoice the pool owner for their annual operating permit? Yes, after the pool operation is approved for initial use, each of the 67 CHDs will invoice their respective pool owner for the annual swimming pool operating permit.

- 18) Are there permits for public pool resurfacings? No, The 67 CHDs, under the DOH rule 64E-9.005(2), FAC, manage resurfacings without a modification permit, and will continue to with only the required contractor notification and CHD inspection. CHDs will continue to handle any changes to public swimming pools not deemed a modification using the definition of modification per the DOH rule and the FBC at 424.1 and 424.1.10.
- 19) Who will permit a modification to a public pool? The Building Department will permit modifications as the construction authority. This type of permit should be closely coordinated between the two Departments.
- 20) Who will deal with unpermitted public pools? The CHDs will take necessary compliance actions to close and/or issue an operating permit. The Building Department may be involved to issue a construction permit for modifications.
- 21) Who will permit a bathing place construction or modification? The Building Department will permit original construction and modifications as the construction authority. This type of permit should be closely coordinated between the two Departments since there is very limited information in 424.1.
- 22) Will the Governor's Swimming Pool Advisory Board continue to hear variances at DOH? Yes, however they will not hear pre-construction variance requests dealing with construction aspects, as these are now the building officials' jurisdiction. There is no other change in the current DOH variance process.
- 23) Will DOH continue to assist with pool design calls from private professional engineers (PE)? Yes, the Florida building code at section 424.1 is identical to the plan approval portions of DOH's rule, 64E-9, FAC; and so the DOH engineers may discuss these details with a PE. DOH staff will alert the private PE that the Building Official will be the final reviewer.
- 24) Will the DOH rule 64E-9, FAC be revised? Yes, a notice of proposed rulemaking will be initiated soon.
- 25) Implementation updates at: <http://www.myfloridaeh.com/water/swim/index.html>
- 26) Questions for DOH? Your first contact should be your CHD swimming pool program staff, and second, DOH Central Office is 850-245-4240 in Tallahassee.