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Sent: Friday, April 27, 2012 6:24 PM

To: DL EHDR

Subject: IMPORTANT NEWS FROM DEPARTMENT OF HEALTH - Impact on Local Building Officials from HB 1263 and s. 514, Florida Statutes regarding the Construction of Public Swimming Pools

Dear Directors,

The Florida Department of Health wanted to share some information with you about a change to s. 514, Florida Statutes, that has a significant impact on local building officials. We really appreciate your help getting this information to all the local building officials in your areas.

After extensive discussion by DOH legal staff including some County Health Department (CHDs) attorneys and DOH leadership, we have clarity as to the impact of the changes to s. 514, Florida Statute, as related to the public swimming pool program.

Changes to s. 514, Florida Statutes include:

- A. DOH is responsible for setting the standards for only sanitation and safety for public swimming pools and public bathing places.

- B. CHDs are responsible for routine surveillance of water quality in all public swimming pools and bathing places, routine inspections, complaint investigations, and enforcement procedures. The number of routine inspections is no longer mandated. Current law requires a minimum of two. (Inspection frequency will be discussed with CHDs as part of the implementation plan development process.)

PUBLIC SWIMMING POOLS:

- a. There will no longer be review of public swimming pool construction plans nor construction inspection performed by DOH/CHD engineering staff under the new law. **The responsibility for permitting the construction of public swimming pools is that of local building officials from the county, the city or special district. This includes all construction inspections that might have been performed by DOH/CHD engineering staff. It will be the responsibility of local building officials to ensure compliance with Florida Building Code, Chapter 4, section 424, in its entirety.**

- b. DOH operating permits are still required for public swimming pools. Application to DOH for operating permits is still required. Operating permits require annual renewal.

- c. DOH operating permits may be transferred from one name or owner to another. The new owner shall apply within 30 days after such a change.

- d. DOH may take enforcement against public swimming pools that present significant risk to public health by failing to meet sanitation and safety standards, so no change from current procedure .

WHAT ACTIONS ARE BEING TAKEN by the DOH Program Office:

- We have had discussion with the Florida Building Commission (FBC). This commission has formed a new Swimming Pool Technical Advisory Committee (TAC) to write building code pool rules into the FBC at chapter 4 section 424. DOH will be represented on this TAC. We will work to support and assist the FBC during the 2013 Florida Building Code update process.
- We have contacted the Construction Industry Licensing Board to obtain a list of all the local building officials in Florida. No such list exists at CILB. We will be writing to local building officials to notify them of the proposed changes in statute and their additional responsibility under this law. **This email is the first contact to alert the local building officials.**
- We will develop and offer training to the local building officials as they take on their new responsibility with regard to applying DOH sanitation and safety standards during construction plan permitting and construction inspection.
- We will work with the DOH Office of Communications to notify the affected public of the change in responsibilities.
- We will work on revision to chapter 64E-9, Florida Administrative Code, to align with the law.
- We will revise our webpage to reflect the changes in law.
- We hope to continue to provide services to CHDs without engineering staff with regard to review of the applications for new public swimming pool operating permits and to perform the 'first inspection' to assist with issuance of the first annual operating permit for these facilities.
- We hope to continue to provide engineering expertise to CHDs with regard to hydraulics, water treatment and safety.

WHAT ACTIONS ARE NEEDED FROM CHDs:

- It will be very helpful for CHDs to contact your local building officials to alert them to the change and help the transition. This will help even before formal correspondence is sent from the program office. Your local engineers and commercial pool contractors should be contacted as well. The program office will contact the contractors associations.
- Assist with the implementation plan development. There will be decisions required that affect CHDs available resources so input from the CHDs will be greatly appreciated.
- Those CHDs with engineering staff should begin the process turning over the applications for public swimming pool construction plans to local building officials that are new or in process of being reviewed as well as those construction plans that have been approved but construction not yet completed.
- We are hoping that CHDs with engineering staff will have the financial ability to retain some staff to assist with review of applications for new public swimming pool operating permits and to perform the first inspections that require expertise in hydraulics, water treatment and safety.
- We will handle existing variances that are in house in DOH, and DOH legal staff will review new request for applicable. If not within DOH authority these will be sent to local building officials.

WHAT ACTIONS ARE NEEDED FROM LOCAL BUILDING OFFICIALS:

- Prepare for the transfer of the responsibility from DOH to local building officials to review public swimming pool construction plans and issue construction permits and perform construction inspection for all aspects of the Florida Building Code, chapter 4, section 424, including the hydraulics, water treatment and safety that had previously been performed by DOH engineering staff.
- Assist with notification of the impacted industry, i.e., design engineers and contractors.
- Attend training, if at all possible, as offered by DOH.

HB 1263 was signed into law today. Therefore, we look forward to working with the CHDs and local building officials on the implementation of the changes required by law.

Please let us know if you have questions. Thank you for your attention to this change in responsibilities under the law and helping us get the word out. We look forward to working with you to ensure public swimming pools are constructed in a manner that protect the public health and welfare.

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