Implementation of s. 514.0315, Florida Statutes
Public Swimming Pools and Spas

June 2011

I. Legislative requirement for a safety device or system that protects against entrapment and evisceration.

1. On July 1, 2011, County Health Departments (CHDs) should not close direct suction public pools and spas that were built before January 1, 1993, when related directly to the statutory requirement that older direct suction public pools and spas with single blockable main drains be equipped with one of the devices or systems that protect against entrapment and evisceration. Nor should CHDs close any spa pools required to retrofit to gravity drainage by July 1, 2011.

2. CHDs can send a letter of information to the impacted direct suction pools and spas, at their earliest convenience. The attached template letter has been developed for this purpose (remaining attachments accompany this letter).

3. CHDs should begin to check for the anti-entrapment/evisceration device or system at the next scheduled routine inspection.

   a. Inspectors may not be able to easily identify such devices, so should make a note on the inspection form as to whether they could find a device or not.

   b. If there <u>is no device or system</u> the CHD should follow its normal violation compliance process. It is suggested that a letter be sent to the owner of the facility that a device or system could not be located and request their cooperation in verifying this.

   c. If there <u>is a device or system</u> installed, the inspector should make a note of it on the inspection form. We would like to capture this information in EHD. We will provide more instructions specifically about this in a separate correspondence.

      i. The inspector should not attempt to test the device or system, as the responsibility to ensure that the device or system meets the statutory requirements and standards therein is that of the owner.

      ii. We have developed some safety checklists for the types of devices that inspectors should hand/mail to the owner for their use.

II. Legislative requirement for suction outlet (drain) covers that meet the ASME/ANSI A112.19.8 standard: The statute requires all public swimming pools and spas to have the Virginia Graeme Baker (VGB) Act type drain covers.

1. CHDs should be checking for the VGB type drain covers already at every routine inspection of <u>direct suction</u> pools and spas. If a cover is missing or broken the CHD should be closing the pool or spa and then following up with a re-inspection within a short amount of time. The follow-up might be a few days or up to a week.

2. There may be a few <u>gravity drainage</u> pools and spas that have not replaced the drain cover with the VGB type because it is not required in the DOH rule, 64E-9, even though the VGB covers were required by the Federal VGB Act since December 2008. The

inspectors should verify that the gravity drainage pools and spas have these covers starting with the next routine inspection. The CHD should handle these facilities the same as it would any other facility with a missing or broken drain cover except the CHD might consider giving the facility owner up to a week to have the cover replaced before a closure would take place There has been no reported entrapment death nor injury associated with a gravity drainage type facility so the risk is very low as compared to direct suction facilities.

III. Legislative requirement to allow the owner or operator to choose the safety equipment.

DOH can not dictate which of the five options listed in statute that the owner will choose to install. However, considering the balance of the s. 514., F.S., DOH will continue to require that facilities obtain modifications permits as follows:

1. If the owner/operator chooses to install a gravity drainage system or a system that disables the main drain, DOH will continue to require a modification permit because these systems need to be engineered carefully to safeguard the water quality/water treatment characteristics of a pool or spa that protect against disease.

2. If the owner/operator chooses one of the following devices or systems, DOH will not issue a permit:
   a. Safety vacuum release system
   b. Suction limiting vent system with tamper resistant atmospheric opening
   c. Automatic pump shut-off system

   It will be the responsibility of the owner/operator to ensure the requirements of the statute and standards therein are met and to ensure the devices or systems are working properly.

   DOH will simply inspect for presence or absence of such devices.

IV. Direct suction pools and spas with unblockable or dual/multiple drains built before January 1, 1993, not addressed by the statute.

It is the intent of the program office to enter into rulemaking to allow the same safety equipment options for these facilities as for the single blockable drain facilities. Until we are successful completing rulemaking we recommend encouraging these facilities to apply for a variance. As part of the variance process, DOH can consider allowing the other options.

V. 64E-9, F.A.C., rule requirement for the spas built between 1977 and 1986 to be retrofitted to gravity by July 1, 2011.

Since the law allows the VGB options, it effectively cancels the rule's requirement to retrofit to only gravity by July 1, 2011. Each CHD should mail the attached template letter and the checklists to the 1977-'86 built spas as well as to the other pools and spas built before 1993 that are impacted by the new law. Those spa pools that have already begun the DOH permitting process or actual construction have the right to change their option as well. Wading pools and spa pools that closed last May 24, 2010 or July 1, 2010, respectively, also have the right to reopen after compliance with the new law.

VI. Public direct suction pools and spas built before January 1, 1993, that were exempt but are no longer eligible for exemption.

Educate the owners of pools and spas that had been exempt to the options being allowed under the new statute.

VII. Public direct suction pools and spas built before January 1, 1993, that were never issued a DOH permit.

The pools and spas that the CHDs find that are truly public pools but were built without DOH permits should be informed of the options allowed under the statute and handled accordingly.

VIII. Direct suction pools and spas built before January 1, 1993, that were private pools but have had a property use change so are now public pools by definition.

These pools and spas most probably have characteristics and features that do not meet the public pool or spa rule requirements. These facilities should be notified of the variance process and handled through this approach.

IX. Public direct suction pools and spas built before January 1, 1993, that were granted variances for an extension of time for retrofit to gravity drainage.

The program office will issue a letter of information to these facilities allowing the options under the statute. The CHD will receive a copy of such letters for the local facility file.

Please contact the program office with your questions and concerns, either Patti Anderson or Bob Vincent. This implementation plan was developed under the assumption that the HB 849 legislation, as passed during the 2011 Legislative Session, is presented to the Governor and becomes law effective July 1, 2011.

Attachments:

- Template Information Letter for Affected Pools and Spas built before January 1, 1993
- Device/system Verification Form to go with Information Letter
- Excerpt of HB 849
- Safety Checklist for Safety Vacuum Release System
- Safety Checklist for Suction Limiting Vent System with Tamper Resistant Atmospheric Opening