

Mission:

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



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

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

December 21, 2020

Certified Number: 7018 2290 0001 1333 5627

Royal Spa Corporation
Robert Dapper, Registered Agent
2041 West Epler Avenue
Indianapolis, Indiana 46217

RE: Swimming Pool/Bathing Place Variance Request, Application #3488
Royal Spa Corporation, 2041 West Epler Avenue, Indianapolis, Indiana

Dear Mr. Dapper:

The Advisory Review Board for Swimming Pools and Bathing Places reviewed your application for variance on July 8, 2020 and the Florida Department of Health (Department) has received additional information requested through December 17, 2020. 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 4, section 454.1 set forth as follows:

<u>FAC/FBC Chapter</u>	<u>Rule</u>
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
454.1.6.1	Unisex restrooms must include a urinal
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

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
454.1.6.5.16	NSF/ANSI Standard 50 -certified disinfectant feeder is required
454.1.6.5.16.4.2	Ozone generating equipment shall meet NSF/ANSI Standard 50
454.1.6.5.16.4.2	NSF/ANSI Standard 50-certified Ozone generator is required
454.1.6.5.16.4.4	Air flow meter required for ozone system
454.1.6.5.16.6 (3)	UV validation requirements by USEPA method
454.1.6.5.16.6 (3)	USEPA method to validate UV light disinfection is 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 of the variance application request for a statewide variance for manufacturer Royal Spa Corporation. The variance, as approved, applies for the following product as named in the application:

PRODUCT EQUIPMENT	Royal Spa Round Float Pod; Dimension: Exterior diameter: 94.5" W
Cl/Br Feeder:	Hayward CL220BR
Pump:	Iwaki 502-5000; limiting factor of 30 gpm with head pressure
Filter:	FSI Filter Specialists Inc. X100B with PolyLoc filter bag, <u>OR</u> X100C Cartridge filter; both@ 35 gpm flow per manufacturer
Flowmeter:	Blue/White F-30150P
Inline heater:	Hydroquip C2300 titanium
Piping, tees and valves:	Schedule 40 NSF- pw and flexible PVC spa hose, with one return inlet
Surface Skimmer(s):	2 Waterway 640-3250 VP, each at 17.3 gpm to equal = 34.6 gpm
Control Systems:	Allied Innovations, LLC
pH feed:	Manual pH adjustment by hand fed chemical is acceptable; no equipment required.

Based on information submitted during the period June 24 through December 17, 2020, 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 county health department where the pool is located and to the Bureau of Environmental Health a copy of the Building Department inspection report confirming the float tank has a UL certificate Number E507853 for UL Standard # 1563, Standard for Electrical Spas. Email the report to the Bureau of Environmental Health's Water Programs Section at: 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's float session manually or by electronic controls as follows:

<u>Special Purpose Pool (w/ 2 skimmers)</u>	<u>Volume</u>	<u>Time: 3 Turnovers</u>
Royal Spa Round 94.5" W Float Pod	210 US Gallons	21 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 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 halogen (chlorine or bromine) residual and pH taken at the time of water sample collection. Email info to the Water Programs Section listed in proviso #1 above.
4. The applicable standards for suction outlet drain covers and equipment area safety features required in section 514.0315, Florida Statutes, have been met with the existing anti-entrapment devices for daily use of this special purpose public pool by the manufacturer. To remain in compliance, surface skimmer drain anti-entrapment covers must be maintained fully functional over the operational life of the special purpose pool(s) **by the pool owner**.
5. The **pool owner must provide** entrance/exit access for a step riser above 10" outside of the special purpose pool, with a support handrail or grab bar within reach of the float room door entrance/exit.
6. At least 4 feet of wet deck area **must be maintained** by the owner as available for patron egress in front of the float room entrance/exit opening.
7. The **owner must provide** a code-compliant pool rules sign with posted inside the float device room. Font may be reduced to ½ inch from 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.*
8. The **use of hydrogen peroxide for residual disinfection of water is prohibited by federal law. Florida prohibits use of chlorine stabilized with cyanuric acid.** The **halogen (chlorine or bromine) feeder used for disinfection shall be maintained in good operating order by the owner.** The halogen feeder installed in accordance with code requirements precludes the need for either an ultraviolet light system or an ozone generating system to be certified to NSF or USEPA criteria. Any ozone and UV device(s) provided shall be considered only as an optional supplemental oxidizer system.

9. A 'change list' documenting any operational and equipment corrections and any Department-approved or Building Official-approved equipment replacements made to the float tank(s) shall be provided **by the owner** to the Bureau of Environmental Health office at the email address listed in proviso #1 above **within 7 days** of completion. This document shall provide the make and model numbers of any equipment installed on the float tank(s) that is not listed in this variance.
10. Applicant has submitted documents and laboratory tests proving a slip resistant floor can be provided in accordance with the FBC definition at section 454.1. Tank floors are manufactured with 'abstract entangled molded filaments' that must be enhanced per manufacturer's instructions by factory or field coating with SparkleTuff Anti-Slip brand coating distributed by Safety Direct America and certified by manufacturer Liquiguard Technologies as "pool paint" for the slip resistance required by Florida code. The coating shall be allowed to dry and off gas for several days before filling the tank with potable water and Epsom salt.
11. Any changes from the representations made in the variance application and subsequent documents submitted for this variance approval by the manufacturer or the owner to any dimensions, components, water treatment systems, or to any equipment shall be approved in advance by the 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.

If you have any questions concerning this matter, please call August Ursin at 850-901-6517.

Sincerely,



Kendra F. Goff, PhD, DABT, CPM, CEHP
State Toxicologist & Chief

KFG/jt

Enclosure

cc: Matthew R. Ringler, Palm Beach Float Holdings, LLC d/b/a True REST Palm Beach Gardens
Henry J. Hardman, P.E., Florida Department of Health in Palm Beach County

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.