

Tracking Chart – Swimming Pool TAC

Mod # 7798	Proponent Mo Madani	Chapter 4	Section 454.1.6.1	Summary Incorporating Commission's declaratory statements as required by 553.73(7)(d), Florida Statutes. DS2018-040	Approved as Submitted
Comment					Commission Action
<input checked="" type="checkbox"/> 1. Support comment. Comment sufficiently addresses the TAC's concern(s).	A5	<input type="checkbox"/> 2. Do Not Support comment. Comment does not address the TAC's concern(s).		<input type="checkbox"/> AS <input type="checkbox"/> AM <input type="checkbox"/> I	<input type="checkbox"/> W <input type="checkbox"/> NAR
<input type="checkbox"/> 3. No comment is needed.		<input type="checkbox"/> 4. Straw Poll.	6 Yes – 0 No		

Date Submitted 12/9/2018	Section 454.1.6.1	Proponent Mo Madani
Chapter 4	Affects HVHZ No	Attachments Yes
TAC Recommendation Approved as Submitted		
Commission Action Pending Review		

Comments

General Comments No	Alternate Language Yes
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Related Modifications

Table 406.3 Plumbing

Summary of Modification

Incorporating Commission's declaratory statements as required by 553.73(7)(d), Florida Statutes. DS2018-040

Rationale

To clarify that the square footage of interactive water features are required to be considered when calculating the "size of pool" for purpose of determining the type and number of fixtures for sanitary facilities.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

There is no fiscal impact on the local entity relative to enforcement.

Impact to building and property owners relative to cost of compliance with code

There is no fiscal impact to building and property owners relative to the cost of compliance.

Impact to industry relative to the cost of compliance with code

There is no fiscal impact to industry relative to the cost of compliance.

Impact to small business relative to the cost of compliance with code

There is no fiscal impact to small business relative to the cost of compliance.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Has a reasonable and substantial connection with the health and safety and welfare of the general public - the code change clarifies the code

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

Strengthens or improves the code by making the code requirements clearer to the user.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

Does not discriminate against materials, products, methods, or systems of construction. The proposed code change provides clarification to the code.

Does not degrade the effectiveness of the code

Does not degrade the effectiveness of the code.

The code change improves the effectiveness of the code by making it more clear.

Alternate Language

2nd Comment Period

7798-A5

Proponent Kari Hebrank Submitted 5/25/2019 Attachments Yes

Rationale

The Florida Swimming Pool believes this alternative language is a proper compromise to the original code proposal. A wading pool with an Interactive Water Feature doesn't necessarily create the need for additional sanitary facilities. Allowing the installation of a unisex bathroom when the combined pool size square footage exceeds the facility threshold count is a better alternative.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

The alternative language should reduce enforcement costs as a unisex bathroom will need to be inspected instead of separate facilities.

Impact to building and property owners relative to cost of compliance with code

The alternative language provides a cost-savings to building and property owners.

Impact to industry relative to the cost of compliance with code

The industry will receive a cost-savings by including a unisex bathroom rather than separate sanitary facilities.

Impact to Small Business relative to the cost of compliance with code

There is no fiscal impact to small business relative to the cost of compliance.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

The alternative modification protects the health, safety and welfare of the public.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

The alternative language provides a better method and system of construction.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

The alternative language does not discriminate against products, methods or systems of construction.

Does not degrade the effectiveness of the code

The alternative language enhances the code by providing a logical, cost-effective alternative.

Alternate Language

2nd Comment Period

7798-A1

Proponent Jacqueline Feliciano Submitted 5/1/2019 Attachments Yes

Rationale

The inclusion of IWFs in the calculation of the "size of pool" is illogical and inconsistent with the Code's purpose to promote health and safety. The the bathing load indicates the maximum number of persons allowed in the entire pool area, not just in the water. When calculating the bathing load, IWFs should not be included in such calculation if they accompany a conventional swimming pool on the same property—the "multiple pool" exception. As such, increasing the "size of pool" calculation to account for the square footage of an IWF serves no purpose and would have absolutely no beneficial impact because the inclusion of an IWF does not add to the bathing load, nor the number of persons permitted in the general pool area (which includes the IWF). Simply put, it is counterintuitive to require additional restroom fixtures when additional people will not be permitted to use such restrooms—the added restrooms would be rendered superfluous. There would be no benefit to the health and/or safety of the bathers, in direct contradiction of the purpose of the Code. We believe adding a unisex restroom would be a perfect compromise to any concern raised.

Fiscal Impact Statement

Impact to local entity relative to enforcement of code

When calculating the bathing load, IWFs are not to be included in such calculation if they accompany a conventional swimming pool on the same property—the "multiple pool" exception.

Impact to building and property owners relative to cost of compliance with code

Would create an increase in the cost of construction of the extra fixtures, increased utility costs, and increased water consumption by the property, yet would not provide any benefit to the health and/or safety of the bathers, in direct contradiction of the purpose of the Code.

Impact to industry relative to the cost of compliance with code

Would affect an entire project: building's requirements for HVAC, plumbing, electrical, parking spaces, and green space impacted significantly. The foregoing are all needless expenses that would be borne by the owner of the pool, and ultimately by those persons who enjoy the use of same.

Impact to Small Business relative to the cost of compliance with code

There is no fiscal impact to small business relative to the cost of compliance.

Requirements

Has a reasonable and substantial connection with the health, safety, and welfare of the general public

Compromises by providing for a unisex bathroom, without the additional expense. Simply put, it is counterintuitive to require additional restroom fixtures when additional people will not be permitted to use such restrooms—the added restrooms would be rendered superfluous.

Strengthens or improves the code, and provides equivalent or better products, methods, or systems of construction

Provides better alternative.

Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities

Does not discriminate.

Does not degrade the effectiveness of the code

Does not degrade effectiveness of the code, rather strengthens.

1st Comment Period History

Proponent	Kari Hebrank	Submitted	2/13/2019	Attachments	No
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Comment:

The Florida Swimming Pool Association is OPPOSED to this code modification.

SW7798-G1

1 Square Footage of Interactive Water Features are required to be included when calculating the "size of pool for the purposes of determining the type and number of fixtures for the sanitary facilities. For those facilities with an Interactive Water Feature in addition to the pool, causing the combined pool size square-footage to exceed the threshold required category fixture count, a unisex restroom may be installed to satisfy the fixture requirement for every additional 1,250 square feet or fraction thereof.

Language at the end of the footnote in table 454.1.6.1 should be modified to read:

In the event, the facility has an Interactive Water Feature in addition to the pool, causing the combined pool size square-footage to exceed the threshold required category fixture count, in unisex restroom may be installed to satisfy the fixture requirement for every additional 1,250 square feet or fraction thereof.

For example:

454.1.6.1.1 Required fixtures.

Fixtures shall be provided as indicated on Table 454.1.6.1. The fixture count on this chart is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface provided. When multiple fixture sets are required and separate facilities are provided for each sex, the fixtures used in ancillary family-style restrooms can be used to meet the requirements of this section. In the event, the facility has an Interactive Water Feature in addition to the pool, causing the combined pool size square-footage to exceed the threshold required category fixture count, in unisex restroom may be installed to satisfy the fixture requirement for every additional 1,250 square feet or fraction thereof.

Explanation:

When the amenity has a pool that is close to the threshold to go to the next level restroom fixtures, and a spa, Interactive Water Feature ("IWF"), or wade pool is going to put them over, the owner can provide a unisex restroom rather than additional fixtures. This would only be for pools that are on the threshold for the category square-footage, and the spa, IWF, or wade pool put them over.

FBC, Building

Revise table to add Note 1

TABLE 454.1.6.1

PUBLIC SWIMMING POOL—REQUIRED FIXTURE COUNT

(No change to the Table)

Note:

¹ Square Footage of Interactive water features are required to be included when calculating the “size of pool” for the purposes of determining the type and number of fixtures for the sanitary facilities.

FBC, Plumbing

Revise table to add Note 1

TABLE 406.3

PUBLIC SWIMMING POOL—REQUIRED FIXTURE COUNT

(No change to the Table)

Note:

¹ Square Footage of Interactive water features are required to be included when calculating the “size of pool” for the purposes of determining the type and number of fixtures for the sanitary facilities.

STATE OF FLORIDA
BUILDING COMMISSION

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/28/2018
File #	2018-07182

In the Matter of

G.B. COLLINS ENGINEERING, P.A.

DS 2018-040

Petitioner.

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DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Samuel A. Liberatore, for G.B. Collins Engineering, P.A. (Petitioner) that was received May 23, 2018. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code.
2. Petitioner's representative in this matter is Samuel A. Liberatore, 300 Alternate 19 North, Suite A, Palm Harbor, FL 34683.
3. Petitioner is a professional design engineering company that is considering undertaking two projects, each of which would include a public swimming pool and interactive water features. The first project would feature a swimming pool with an area of 1,330 square feet, and an interactive water feature with an area of 1,256 square feet. The second project would feature a swimming pool with an area of 1,060 square feet, and an interactive water feature with an area of 2,490 square feet.

4. Petitioner seeks clarification of section 454.1.6.1.1, Florida Building Code, Building, 6th Edition (2017), as it pertains to the provision of sanitary facilities for the projects in question.

5. Specifically, the Petitioner requests an answer to the following question based upon the projects described within the petition for declaratory statement:

For the prospective projects, should the proposed interactive water features be considered when calculating the "size of pool" for the purpose of determining the type and number of fixtures for sanitary facilities at the accompanying public swimming pools?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2018) to interpret the provisions of the Florida Building Code by issuing a declaratory statement.

7. Section 454.1, Florida Building Code, Building, 6th Edition (2017), states:

Public swimming pools and bathing places.

Public swimming pools and bathing places shall comply with the design and construction standards of this section.

Exceptions:

1. A portable pool used exclusively for providing swimming lessons or related instruction in support of an established educational program sponsored or provided by a school district may not be regulated as a public pool. Such pool shall be regulated as a private swimming pool under Section 454.2.

2. A temporary pool may not be regulated as a public pool. Such pool shall be regulated as a private swimming pool under Section 454.2.

8. Section 454.1.1, Florida Building Code, Building, 6th Edition (2017), states:

Flood hazard areas.

Public swimming pools installed in flood hazard areas established in Section 1612.3 shall comply with Section 1612.

Note: Other administrative and programmatic provisions apply. See Department of Health (DOH) Rule 64E-9, Florida Administrative Code and Chapter 514, Florida Statutes. The regulation and enforcement of the initial and annual operation permit for public pools are preempted to the DOH. The construction permit holder is responsible for obtaining an operation permit issued by DOH, as a public swimming pool shall not be put into operation without an inspection and operation permit issued from the DOH. DOH may grant variances from the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places as authorized by Section 514.0115, Florida Statutes. Building officials shall recognize and enforce variance orders issued by the Department of Health pursuant to Section 514.0115(5), Florida Statutes including any conditions attached to the granting of the variance.

“Bathing load” means the maximum number of persons allowed in the pool or bathing place at one time.

...

“Interactive water features” means a structure designed to allow for recreational activities with recirculated, filtered, and treated water; but having minimal standing water. Water from the interactive fountain type features is collected by gravity below grade in a collector tank or sump. The water is filtered, disinfected and then pumped to the feature spray discharge heads. The collector tank and water filtration features required make this structure a type of public swimming pool.

...

A **“public swimming pool”** or **“public pool”** means a watertight structure of concrete, masonry, or other approved materials which is located either indoors or outdoors, used for bathing or swimming by humans, and filled with a filtered and disinfected water supply, together with buildings, appurtenances, and equipment used in connection therewith. A public swimming pool or public pool shall mean a conventional pool, spa-type pool, wading pool, special purpose pool, interactive water feature or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses. The term does not include a swimming pool located on the grounds of a private residence.

...
“Spa pool” means a pool used in conjunction with high-velocity air or water.

...
“Wading pool” means a shallow pool designed to be used by children.

“Water recreation attraction” means a facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water. Water recreation attractions include water slides, river rides, water course rides, water activity pools, interactive water features, wave pools and any additional pool within the boundaries of the attraction.

“Water activity pool” means a water recreation attraction which has water-related activities such as rope ladders, rope swings, cargo nets and other similar activities.

(underscore provided).

9. Section 454.1.1.1, Florida Building Code, Building, 6th Edition (2017), states:

Sizing.

The bathing load for conventional swimming pools, wading pools, interactive water features, water activity pools less than 24 inches (610 mm) deep and special purpose pools shall be computed on the basis of one person per 5 gpm (0.32 L/s) of recirculation flow. The bathing load for spa type pools shall be based on one person per each 10 square feet (0.9 m²) of surface area. The filtration system for swimming pools shall be capable of meeting all other requirements of these rules while providing a flow rate of at least 1 gpm (0.06 L/s) for each living unit at transient facilities and ³/₄ gpm (0.04 L/s) at nontransient facilities. Recreational vehicle sites, campsites and boat slips designated for live-aboards shall be considered a transient living unit. For properties with multiple pools, this requirement includes the cumulative total gpm of all swimming pools, excluding spas, wading pools and interactive water features. All other types of projects shall be sized according to the anticipated bathing load and proposed uses. For the purpose of determining minimum pool size only, the pool turnover period used cannot be less than 3 hours.

10. Section 454.1.6, Florida Building Code, Building, 6th Edition (2017), states:

Sanitary facilities.

Public swimming pools and bathing places shall comply with the

Swimming pools with a bathing load of 20 persons or less may utilize a unisex restroom. Pools with bathing loads of 40 persons or less may utilize two unisex restrooms or meet the requirements of Table 454.1.6.1. Unisex restrooms shall meet all the requirements for materials, drainage and signage as indicated in Sections 454.1.6.1.1 through 454.1.6.1.4. Each shall include a water closet, a diaper change table, a urinal and a lavatory. Pools with a bathing load larger than 40 persons shall provide separate sanitary facilities labeled for each sex. The entry doors of all restrooms shall be located within a 200-foot (60 960 mm) walking distance of the nearest water's edge of each pool served by the facilities.

Exception: Where a swimming pool serves only a designated group of residential dwelling units and not the general public, poolside sanitary facilities are not required if all living units are within a 200-foot (60 960 mm) horizontal radius of the nearest water's edge, are not over three stories in height unless serviced by an elevator, and are each equipped with private sanitary facilities.

TABLE 454.1.6.1
PUBLIC SWIMMING POOL—REQUIRED FIXTURE COUNT

SIZE OF POOL (square feet)	MEN'S RESTROOM			WOMEN'S RESTROOM	
	Urinals	WC	Lavatory	WC	Lavatory
0 – 2,500	1	1	1	1	1
2,501 – 5,000	2	1	1	5	1
5,001 – 7,500	2	2	2	6	2
7,501 – 10,000	3	2	3	8	3

For SI: 1 square foot = 0.0929 m².

- Section 454.1.6.1.1, Florida Building Code, Building, 6th Edition (2017), states:

Required fixtures.

Fixtures shall be provided as indicated on Table 454.1.6.1. The fixture count on this chart is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface provided. When multiple fixture sets are required and separate facilities are provided for each sex, the fixtures used in ancillary family-style restrooms can be used to meet the requirements of this section.

One diaper changing table shall be provided at each restroom. Diaper changing tables are not required at restrooms where all pools served are restricted to adult use only. Swim diapers are recommended for use by children that are not toilet trained. Persons that are ill with diarrhea cannot enter the pool.

Exception: When a public swimming pool meets all of the following conditions the following shall apply:

1. The pool serves only a designated group of dwelling units,
2. The pool is not for the use of the general public, and
3. A building provides sanitary facilities;

The fixture requirement for the building shall be determined and if it exceeds the requirement in Table 454.1.6.1 then the building requirement shall regulate the fixture count, otherwise the fixture count shall be based on the requirement for the pool. Under no circumstances shall the fixture counts be cumulative.

An additional set of fixtures shall be provided in the men's restroom for every 7,500 square feet (697 m²) or major fraction thereof for pools greater than 10,000 square feet (929 m²).

Women's restrooms shall have a ratio of three to two water closets provided for women as the combined total of water closets and urinals provided for men.

Lavatory counts shall be equal.

12. Section 403.6, Florida Building Code, Plumbing, 6th Edition (2017), states:

Sanitary facilities for public swimming pools.

Swimming pools with a bathing load of 20 persons or less may utilize a unisex restroom. Pools with bathing loads of 40 persons or less may utilize two unisex restrooms or meet the requirement of Table 403.6. Unisex restrooms shall meet all the requirements for materials, drainage and signage as indicated in Sections 454.1.6.1.1 through 454.1.6.1.4 of the Florida Building Code, Building. Each shall include a water closet, a diaper change table, a urinal, and a lavatory. Pools with a bathing load larger than 40 persons shall provide separate sanitary facilities labeled for each sex. The entry doors of all restrooms shall be located within a 200-foot (60 960 mm) walking distance of the nearest water's edge of each pool served by the facilities.

Exception: Where a swimming pool serves only a designated group of residential dwelling units and not the general public, poolside sanitary facilities are not required if all living units are within a 200-foot horizontal radius of the nearest water's edge, are not over three stories in height unless serviced by an elevator, and are each equipped with private sanitary facilities.

13. Section 403.6.1, Florida Building Code, Plumbing, 6th Edition (2017), states:

Required fixtures.

Fixtures shall be provided as indicated on Table 403.6. The fixture count of Table 403.6 is deemed to be adequate for the pool and pool deck area that is up to three times the area of the pool surface provided. An additional set of fixtures shall be provided in the men’s restroom for every 7,500 square feet or major fraction thereof for pools greater than 10,000 square feet. Women’s restrooms shall have a ratio of three to two water closets provided for women as the combined total of water closets and urinals provided for men. Lavatory counts shall be equal.

14. Table 403.6, Florida Building Code, Plumbing, 6th Edition (2017), states:

TABLE 403.6
PUBLIC SWIMMING POOL - REQUIRED FIXTURES COUNT

SIZE (square feet)	MEN'S RESTROOMS			WOMEN'S RESTROOMS	
	Urinals	WC	Lavatory	WC	Lavatory
0 - 2500 sq ft	1	1	1	1	1
2501 - 5000 sq ft	2	1	1	5	1
5001 - 7500 sq ft	2	2	2	6	2
7501 - 10,000 sq ft	3	2	3	6	3

For SI: 1 square foot = 0.0929 m².

15. In response to Petitioner’s question, the answer is yes. Pursuant to section 454.1.6.1.1 and table 454.1.6.1, Florida Building Code, Building, 6th Edition (2017), and section 403.6 and table 403.6 Florida Building Code, Plumbing, 6th Edition (2017), the size of the proposed interactive water features is required to be included when calculating the “size of pool” for the purpose of determining the type and number of fixtures for the sanitary facilities for the projects in question.

DONE AND ORDERED this 21st day of AUGUST, 2018, in Punta Gorda,
Charlotte County, State of Florida.


E. JAY CARLSON
Chairman, Florida Building Commission

DS 2018-040
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NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes (2018), and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with the Agency Clerk, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-2203 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes (2018).

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U. S. Mail to the persons listed below this 28th day of August, 2018.



Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2203

Via U.S. Mail

G.B. Collins Engineering, P.A.
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Anthony Tilton
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Via Inter-Office or Email Delivery

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