

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 1580

INTRODUCER: Health Regulation Committee and Senator Rich

SUBJECT: Swimming Pool and Spa Safety

DATE: March 20, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Garner	Wilson	HR	Fav/CS
2.			RI	
3.			CA	
4.			HA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

Committee Substitute for Senate Bill 1580 establishes standards for swimming pool and spa drain safety in Florida to comply with a new federal law pertaining to pool and spa safety, and to ensure the state is eligible for a federal grant under the federal pool and spa safety law.

The committee substitute adds or modifies definitions for ASME/ANSI, barrier, main drain, safety vacuum release system, and unblockable drain under current Florida Statutes related to public and residential pool and spa safety.

The committee substitute requires each public swimming pool and public spa in this state to be equipped with an anti-entrapment device or system that complies with certain national performance standards; specifies the types of devices and systems that comply with this requirement; and specifies that noncompliance with these requirements is a misdemeanor of the second degree unless the person rectifies the problem within 45 days of an arrest or summons.

The committee substitute requires all residential swimming pools and spas in this state having a single main drain other than an unblockable drain to be equipped with devices and systems designed to prevent entrapment by pool or spa drains; specifies which devices and systems

comply with this requirement; requires all residential pools and spas built after July 1, 2009, to have more than one drain, one or more unblockable drains, or no main drain; and requires the Department of Health (DOH) to periodically notify owners of residential swimming pools and spas about compliance with the standards required in this section.

The committee substitute also requires the DOH to apply for and implement, if awarded, a federal grant for swimming pool and spa safety standards education and enforcement under the State Swimming Pool Safety Grant Program as established in Section 1405 of Title XIV of the federal Energy Independence and Security Act of 2007. To ensure the state's eligibility for the grant award, the DOH, in coordination with the Department of Community Affairs (DCA) and the Florida Building Commission, shall assess the Florida Statutes and the Florida Building Code to determine if additional changes are necessary to ensure compliance with federal standards regarding swimming pool and spa safety.

This committee substitute amends ss. 514.011 and 515.25, F.S., creates ss. 514.0215 and 515.295, F.S., and creates one undesignated section of law.

II. Present Situation:

Swimming Pool and Spa Entrapment

Swimming pool and spa safety standards take many forms. National and state laws and standards address safety through many methods including, but not limited to: barrier requirements (i.e., fences, gates, and other structures) which keep especially young children from having unsupervised access to pools and spas; pool and spa cover requirements that prevent individuals from falling in a pool accidentally or being trapped under a pool/spa cover; and anti-entrapment requirements that prevent a person from being injured or killed by getting entrapped in a pool or spa drain.

According to the U.S. Consumer Product Safety Commission (CPSC),¹ pool and spa entrapment injuries and death tend to be related to one of four hazard categories: body/limb entrapment, hair entrapment/entanglement, evisceration/disembowelment, or mechanical entrapment. Information on entrapment cases are collected by the CPSC from several sources including: the National Electronic Injury Surveillance System; a review of in-depth investigations; injury and potential injury incidence files; and death certificate files.

Body/Limb Entrapment

Body suction entrapment occurs when suction is applied to a large portion of the body or limbs resulting in entrapment. Limb entrapment may also be the result of a limb being sucked or inserted into an opening of a circulating outlet with a broken or missing cover in the pool resulting in a mechanical bind or swelling of the tissue in the limb.

The CPSC is aware of 74 cases of body entrapment, including 13 confirmed deaths, between January 1990 and August 2004. The deaths were the result of drowning after the body, or a limb, was held against the drain by the suction of the circulation pump. The incidents occurred in both

¹ Guidelines for Entrapment Hazards: Making Pools and Spas Safer, U.S. Consumer Product Safety Commission. (March 2005). Found at: <http://www.cpsc.gov/cpscpub/pubs/363.pdf> (last visited on March 17, 2008).

residential and public settings. Twenty-two incidents occurred at a residential location, and 31 at a public facility. In 21 cases, the location was not specified. Thirty-nine of the incidents occurred in spas, hot tubs, or whirlpools, 31 incidents occurred in swimming pools, and three occurred in a wading pool (one location was reported as “unknown”). In one of the spa incidents, a 16-year-old girl became trapped on a 12 by 12 inch flat drain grate in a large public spa and died.

The reported incidents involved people ranging in age from 22 months to 89 years. Most incidents were to older children (8 - 16 years of age); 77 percent of the victims were under the age of 15 years with a median age of 9 years. In some of the cases, it appears that the child was playing with the open drain, including inserting a hand or foot into the pipe, and then became trapped by the increased suction and resulting tissue swelling.

There are potentially many different circumstances of design and maintenance that can produce the conditions for this hazard, which can occur in either pools or spas. The scenarios suggest that any open drain, or any flat grating that the body can cover completely, coupled with a plumbing configuration that allows a strong suction force to persist if the drain is blocked, can present this hazard.

Drain covers available on the market since 1982 generally have a domed shape, which may offer some protection against body entrapment. Depending upon the plumbing configuration and pool maintenance conditions, a single bottom drain can serve as the sole water inlet to the pump. This condition becomes dangerous if there is an inadequate or missing drain cover.

Hair Entrapment/Entanglement

Hair entrapment/entanglement occurs when hair becomes knotted or snagged in an outlet cover. The CPSC reports there were 43 incidents of hair entrapment or entanglement in pools, spas, and hot tubs between January 1990 and August 2004. Twelve of the incidents resulted in drowning deaths, as a result of hair becoming entangled in the drain grates. Thirty-eight incidents occurred in spas, including hot tubs, and five occurred in a pool. The victims' ages were between 4 and 42, with a median age of 9 years – 92.5 percent were under the age of 15.

Typically, these incidents involve females with long, fine hair, who are underwater with their head near a suction outlet (drain). The water flow into the drain sweeps the hair into and around the drain cover, and the hair becomes entangled in and around holes and protrusions on both sides of the cover. Entrapment occurs because of the tangling and not necessarily because of strong suction forces, although the suction forces initially draw the hair into the drain cover.

Since about 1982, industry voluntary standards for pools, spas, and hot tubs require drain covers to be certified. The certification includes a maximum flow rate, in gallons per minute (GPM), which should never be exceeded, as this increases the possibility for hair entrapment/entanglement. Drain covers available on the market since 1982 are supposed to conform to a standard that provides hair entrapment/entanglement protection.

The design of a drain cover in association with the flow rate through it has been found to relate to the cover's ability to entrap hair. Large openings in the covers in combination with high flow rates can pull hair through the cover and cause entanglement in the turbulence behind the cover. Reduced flow rates and smaller holes in the drain cover can make entanglement less likely to

occur. However, it can be difficult to determine actual flow rates in pools and custom-built spas, and thus to know if they are equipped with the proper fitting to prevent hair entanglement.

Evisceration/Disembowelment

From January 1990 through August 2004, the CPSC has reports of two incidents of evisceration/disembowelment. As of 2005, the CPSC was not aware of any associated deaths, but the injuries are irreversible and have a devastating effect on the victim's future health and development.

These cases, in addition to cases prior to 1990, include incidents of young children sitting on and being "sucked into" drain sumps with missing covers, and suffering rectal lacerations and partial and nearly complete eviscerations. When these rare occurrences happen, the injury is nearly instantaneous and can occur in one-fourth of a second given a flow rate of 60 gallons per minute (gpm).

The scenario leading to disembowelment typically involves a young child, 2 - 6 years old, who sits on an uncovered drain. The incidents occur primarily in public wading pools where a floor drain cover is broken or missing. Young children have direct access to the bottom drain in wading pools because of the shallow water.

Generally, drains are equipped with either flat grates or dome-shaped covers. The domed shape helps to prevent sealing of the pipe opening by the body. However, if the grate or cover is unfastened, broken, or missing, the potential for an incident exists. When the child's buttocks cover the drain opening, the resulting suction force can eviscerate the child through the ruptured rectum. A small change in pressure is sufficient to cause such injury extremely quickly.

Mechanical Entrapment and Other/Unknown Cases

The potential risk of mechanical entrapment is associated with jewelry, swimsuits, hair decorations, or finger, toes, or knuckles being caught in an opening of an outlet or cover. The CPSC is aware of 11 cases of drain entrapment resulting from mechanical or other unknown types of entrapment occurring between January 1990 and August 2004; two of these cases resulted in death. In nine cases, the particular body part or object caught in the drain is unknown. There are two reports of drain entrapment where something being worn by the person became caught, neither resulted in death. In one case, a 43-year-old woman's necklace became caught and the other case involved a 21-year-old man's swim trunks.

Federal Law: The Virginia Graeme Baker Pool and Spa Safety Act

The law, which was included as part of a comprehensive energy bill (H.R. 6 in 2007), passed the U.S. Senate on December 13, 2007, the U.S. House of Representatives on December 18, 2007, and signed into law on December 19, 2007.² Named after the 7 year old granddaughter of James Baker III (former Secretary of State under President George H.W. Bush) who died due to a suction entrapment in a spa drain, the act promotes the safe use of pools, spas and hot tubs by imposing mandatory federal requirements for suction entrapment avoidance and by establishing a voluntary grant program for states with laws that meet certain minimum requirements as

² The law is contained in Title XIV of the federal Energy Independence and Security Act of 2007.

outlined in the act. The law was effective as of December 20, 2007, and is being administered by the CPSC.

The law creates mandatory federal requirements for entrapment avoidance. By December 20, 2008, the act requires:

- Each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the U.S. to conform to the American National Standards Institute (ANSI)/American Society of Mechanical Engineers (ASME) A112.19.8-2007 standard. This standard is entitled the *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs* published by the ASME. Compliance with this standard will be enforced by the CPSC as a consumer product safety rule.
- Each public pool and spa (as defined), both new and existing, to be equipped with drain covers conforming to the ASME/ANSI A112.19.8-2007 standard described above.
- Each public pool and spa (pump) with a single main drain, other than an unblockable drain, shall be equipped with one or more additional devices or systems designed to prevent suction entrapment that meet the requirements of any applicable ASME/ANSI standard or applicable consumer product safety rule. In addition to a compliant drain cover, such additional devices or systems include a safety vacuum release system (SVRS), or suction limiting vent system, or gravity drainage system, or automatic pump shutoff system, or drain disablement, or other system determined by the CPSC to be equally effective in preventing suction entrapment.

The law establishes that failure to comply with this section constitutes a violation of section 19(a)(1) of the Consumer Product Safety Act [15 U.S.C. 2068(a)(1)] and may also be enforced under section 17 of the Act (15 U.S.C. 2066).

The law also creates a voluntary grant program for states. The CPSC will establish and administer a grant program for eligible states pertaining to residential pool and spa safety. A sum of \$2 million is authorized to be appropriated to the CPSC for each of the fiscal years 2009 and 2010. In order to be eligible for a grant, a state must impose certain requirements by statute, including:

- Barriers - The enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access.
- Suction Entrapment Avoidance (new pools and spas) – Each pool and spa built more than one year after enactment of the state statute shall employ one of the following:
 - a. The installation of more than one safety drain per suction system, or
 - b. The installation of one or more unblockable drains, or
 - c. No drains.
- Suction Entrapment Avoidance (existing pools and spas) - In addition to a compliant drain cover, each pool or spa with a single main drain, other than an unblockable drain, shall be equipped with one or more of the following safety options:
 - a. a safety vacuum release system (SVRS), or
 - b. a suction limiting vent system, or
 - c. a gravity drainage system, or

- d. an automatic pump shut-off system, or
- e. a drain disablement, or
- f. another system determined by the CPSC to be equally effective in preventing suction entrapment.

The grant funding may be used by state recipients to hire and train enforcement personnel (50 percent of the grant award must be used for these purposes) and to educate pool companies, pool owners and operators, and other members of the public about the standards contained in the act and about the prevention of drowning or entrapment of children.

The act also requires the CPSC to establish and carry out a public education program on methods to prevent drowning and entrapment in pools and spas. An appropriation in the amount of \$5 million is authorized for each of the fiscal years 2008 - 2012 to carry out the education program.

Florida Law Pertaining to Pool and Spa Safety

Public Swimming and Bathing Facilities

Chapter 514, F.S., addresses the regulation of public swimming and bathing facilities. This chapter does not currently explicitly address pool and spa drain safety requirements. The DOH currently specifies main drain cover engineering criteria in rule 64E-9, F.A.C., which ensures a maximum velocity of water through the main drain cover of 1.5 feet per second to prevent entrapment.

Since 1977, public pools in Florida have been required by rule to have gravity drainage systems with collector tanks that ensure entrapment prevention. Public spas have been required to have such systems since 1993. There may be as many as 6,000 older public pools and spas that would have to be retrofitted with anti-entrapment devices or systems to comply with the requirements in the section of the federal law. The DOH rule 64E-9, F.A.C., is currently under revision, with a proposed 5-year schedule for retrofitting all existing direct suction pools and spas, with replacement of the main drain cover by January 1, 2009.

In order to meet the mandatory requirements in the federal act that require public pools to meet certain requirements by December 20, 2008, the DOH will need to amend 64-E-9, Florida Administrative Code. This can be done by incorporating the ANSI/APSP 7 Standard, as the Florida Building Commission has done for residential swimming pools, or by adopting the ASME/ANSI A112.19.8 – 2007 standard. The other option is to include the federal requirements into statute as required in this bill.

Residential Swimming Pool Safety Act

Chapter 515, F.S., establishes the Residential Swimming Pool Safety Act, which was the model for the current federal legislation. The Florida law requires all residential swimming pools to have a barrier (such as a fence), a pool cover, an exit alarm on doors that provide access to the pool, or self-closing/self-latching devices on gates and doors that provide access. Both chapter 515, F.S., and the Florida Building Code have specifications on each method, all of which meet the federal act's grant program provisions on barriers. However, current law does not explicitly address entrapment avoidance requirements consistent with the new federal law.

Florida Building Code

The 2007 Florida Building Code, which will go into effect October 1, 2008, provides that all residential pools follow the ANSI/Association of Pool & Spa Professionals (APSP)-7 *Suction Entrapment Avoidance* standard. According to the Florida Swimming Pool Association, all residential pools and spas configured to comply with the ANSI/APSP-7 standard will conform to the entrapment provisions provided in the voluntary grant program of the federal act. The association also states that the adoption of ANSI/APSP-7 makes the Florida Building Code stronger and more effective in preventing all known forms of entrapment injury by requiring ASME approved covers on all drains and by requiring that pools and spas not be used whenever approved covers are absent, removed or damaged. Others disagree and argue that state law should include the anti-entrapment devices and systems consistent with the ASME/ANSI A112.19.8-2007 standard.

III. Effect of Proposed Changes:

Section 1. Amends s. 514.011, F.S., adding definitions for: “ASME/ANSI” to mean a safety standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers; “barrier” to mean a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover; “main drain” to mean a submerged suction outlet typically located at the bottom of a swimming pool or spa to conduct water to a recirculating pump; “safety vacuum release system” to mean a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage; and “unblockable drain” to mean a drain of any size and shape which a human body cannot sufficiently block to create a suction-entrapment hazard.

Section 2. Creates s. 514.0215, F.S., establishing standards for public swimming pool and public spa drain-cover safety. Specifically, the committee substitute requires each public swimming pool and public spa in this state to be equipped with an anti-entrapment device or system that complies with certain national performance standards and have, at a minimum, one or more of the following devices or systems designed to prevent entrapment by the swimming pool or spa drain:

- A safety vacuum release system that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387;
- A suction-limiting vent system that has a tamper-resistant atmospheric opening;
- A gravity drainage system that uses a collector tank;
- An automatic pump shut-off system;
- A device or system that disables the drain; or
- Any other system determined by the department to be equally effective as, or better than, the systems described in this subsection at preventing or eliminating the risk of injury or death associated with swimming pool drainage systems.

The committee substitute specifies that noncompliance with these requirements is a misdemeanor of the second degree unless the person rectifies the problem within 45 days of an arrest or summons.

Section 3. Amends s. 515.25, F.S., adding definitions for: “ASME/ANSI” to mean a safety standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers; “barrier” to include a lockable cover with respect to a hot tub; “main drain” to mean a submerged suction outlet typically located at the bottom of a swimming pool or spa to conduct water to a recirculating pump; and “unblockable drain” to mean a drain of any size and shape which a human body cannot sufficiently block to create a suction-entrapment hazard.

Section 4. Creates s. 515.295, F.S., establishing standards for residential swimming pool and spa drain-cover safety. Specifically, the committee substitute requires all residential swimming pools and spas in the state having a single main drain other than an unblockable drain to be equipped with devices and systems designed to prevent entrapment by pool or spa drains. Such devices and systems must, at a minimum, include one or more of the following:

- A safety vacuum release system that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387;
- A suction-limiting vent system that has a tamper-resistant atmospheric opening;
- A gravity drainage system that uses a collector tank;
- An automatic pump shut-off system;
- A device or system that disables the drain; or
- Any other system determined by the department to be equally effective as, or better than, the systems described in this subsection at preventing or eliminating the risk of injury or death associated with swimming pool drainage systems.

The committee substitute also requires all residential pools and spas built after July 1, 2009, to have: more than one drain; one or more unblockable drains; or no main drain. Every residential swimming pool and spa in the state that has a main drain, other than an unblockable drain, must be equipped with a drain cover that meets the consumer product safety standard established by Section 1404 of Title XIV of the federal Energy Independence and Security Act of 2007. The DOH shall provide periodic notification to owners of residential swimming pools and spas about compliance with the standards required in this section.

Section 5. Creates an undesignated section of law requiring the DOH to apply for and implement, if awarded, a federal grant for swimming pool and spa safety standards education and enforcement under the State Swimming Pool Safety Grant Program as established in Section 1405 of Title XIV of the federal Energy Independence and Security Act of 2007. To ensure the state’s eligibility for the grant award, the DOH, in coordination with the DCA and the Florida Building Commission, shall assess the Florida Statutes and the Florida Building Code to determine if additional changes are necessary to ensure compliance with federal standards regarding swimming pool and spa safety. The DOH shall provide the assessment to the Legislature by January 1, 2009.

Section 6. Provides that the bill takes effect on July 1, 2008.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Although this committee substitute would require public swimming pools and spas owned and operated by municipalities to install anti-entrapment devices, which has an indeterminate cost at this time, the purpose of the mandate is to comply with a new federal law. As such, the provisions of this committee substitute have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

To the extent that owners of residential pools and spas do not have anti-entrapment devices and systems that comply with the standards established in the committee substitute, they will incur a cost associated with bringing their pool or spa into compliance. If all existing residential (private pools) are required to retrofit, they would incur the following costs:

- Drain cover cost: Drain covers cost approximately \$50 each x approximately 1.3 million pools would equate to \$65 million in private costs.
- Entrapment prevention system: Depending on the systems, the average cost for an anti-entrapment device is approximately \$600 each x 1 million pools (built before the Florida Building Code required these systems in 2002) would equate to up to \$600 million.

On the other hand, drowning injury and death avoidance, medical and societal costs avoided, and lawsuits avoided would offset these costs. The total annual lifetime cost of drowning among children ages 14 and under is approximately \$6.8 billion, with children ages 4 and under accounting for \$3.4 billion, or half, of these costs.

For children who do survive, the consequences of near-drowning can be devastating. As many as 20 percent of near-drowning survivors suffer severe, permanent neurological disability, the effects of which often result in long-lasting psychological and emotional trauma for the child, his or her family and their community. Near-drowning take a tremendous financial toll on affected families and society as a whole. Typical medical costs for a near-drowning victim can range from \$75,000 for initial treatment to \$180,000 a year for long-term care. The total cost of a single near-drowning that results in brain injury can be more than \$4.5 million.

C. Government Sector Impact:

Retrofitting of Pools

Most public pools are owned by hotels/motels, apartments, large condominium complexes, subdivisions, cities, counties, schools, and developers. According to the DOH, it is unclear if the public pool portion requires all existing public pools to retrofit their main drains. There are approximately 31,000 existing public pools and spas with gravity drainage-collection tank systems that may not be required to retrofit their main drain cover, depending upon the interpretation of the federal law by the CPSC. There are another estimated 6,000 existing public pools and spas that do not have gravity drainage-collector tank systems that clearly would have to retrofit their main drain covers.

- Drain cover cost: These devices on average cost \$100 each. If all public pools and spas need new covers to comply with these requirements, the cost would be \$100 x 31,000 pools equates to \$3.1 million. However, if only 6,000 are needed because they do not have gravity-drainage collector tanks, then the cost would only be \$600,000.
- Entrapment prevention system: For public pools, these systems cost on average \$1,200 each. The public pools that do not have gravity-drainage collector tanks (approximately 6,000 pools) would need these devices, which would equate to \$7.2 million.

If the effective date of the bill were delayed until the federal due date of December 20, 2008, the DOH could likely accomplish the tasks related to public pools with the addition of 10 FTEs at county health departments, and 3 FTEs at two regional DOH offices. These staff would consult with regulated pool owners, contractors and engineers, to assist with their decisions, and to determine compliance and conduct enforcement for public pool and spa retrofits.

To calculate the additional staff time to accomplish the required tasks at public pools and spas only, the following was used:

- Review of 6,000 retrofit proposals and approvals will take 18,000 man-hours. Site visits to 500 of these will take 1,000 hours. Compliance/enforcement for 500 of these will take 5,000 hours, for an estimated total of 24,000 hours, or 13 FTEs at 1,800 hours/year/FTE.

Notification Requirements

There are an estimated 1.3 million residential pools existing in Florida (based upon a 2006 survey of property appraisers by the DOH) that would require notification to the owners of such residential pools of the need to comply with the national anti-entrapment standards performance standard. The DOH would be required to identify residential spa owners and a method to notify such owners of the need to comply with the national anti-entrapment standards performance standard. If the DOH obtains funding through the grant program established under federal law, some of these administrative costs will be offset. However, the federal grant program is currently only appropriated \$2 million for federal FY 2009 and \$2 million for federal FY 2010. It is unknown how much Florida would receive through the grant because the grant award is dependent on the number of states applying and receiving the federal grant.

VI. Technical Deficiencies:

None.

VII. Related Issues:*Section 2 of SB 1580 – Affecting Public Swimming Pools and Spas*

The DOH reports that there are no drain covers yet manufactured in the United States that meet the new 2007 ASME national standard referenced in this section. Therefore, replacement at all 37,000 public pools and spas would be impossible by the bill's proposed July 1, 2008 effective date. The federal law allows until December 20, 2008 for this replacement to take place.

At present, the definition of "direct suction" may not apply to most Florida pools and spas, therefore, it is not clear if the replacement of these main drain covers would be required for all. Florida will need interpretation from the CPSC, the federal agency with jurisdiction to implement the federal law, and the ASME's Standards section.

According to the DOH, the requirements in this section may weaken Florida safety criteria for suction drains in public pools and spas. The DOH rule requirement for gravity drainage-collector tanks is the best engineering solution because it does not create "direct" suction. This section would allow safety retrofits that are mechanical devices, or systems, that can fail or be de-activated. The requirements in this section would require the retrofit of an estimated 6,000 older public pools and spas that were in place prior to the rule changes in 1977 and 1993, respectively, for gravity drainage systems.

Section 3 of SB 1580 – Affecting Residential Pools and Spas

According to the DOH, the department has no jurisdiction over the construction or renovation of residential pools. The DCA and the Florida Building Commission (FBC) have rules regarding residential pool construction and renovation.

The DOH is not aware of any complete registry of residential pool or spa owners that could be accessed to notify them about compliance with the entrapment-protection standards in this section. In 2006, the DOH surveyed the 67 county property appraiser's offices in an attempt to determine the number of residential pools included within the assessed value of private

residences within their counties. The estimate of 1.3 million pools used in this analysis is based on 60 of 67 counties that responded to that survey. The Florida Swimming Pool Association estimates there are 50,000 new residential pools built in Florida each year.

Section 6 of SB 1580 – Implementation Dates

The section provides an effective date of July 1, 2008. Many of the provisions and requirements in the bill are dependent on federal actions. Additionally, it will take a significant amount of time to retrofit all of the pools and spas in Florida that will not be compliant with the bill. Therefore, the DOH recommends that the effective date of the bill should be changed to coincide with the effective date of the federal legislation – December 20, 2008.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on March 19, 2008:

The committee substitute includes a clarification that all residential swimming pools and spas in the state having *a single main drain other than an unblockable drain* must be equipped with devices and systems designed to prevent entrapment by pool or spa drains.

- B. **Amendments:**

None.