

Florida Building Commission adopts 2008 NEC, exempting GFCI requirement on residential pools

by Jennifer Hatfield

On Tuesday, June 9, the Florida Building Commission (FBC) held a final rule hearing on glitch rule 9B-3.047, which encompassed a number of proposed changes to the 2007 Florida Building Code (the code). Changes within this rule varied from topics that included interior designers to the 2008 NEC and from roofing to energy related code language. This made for a very interesting rule hearing with all of the differing testimony and discussion. Most important to the pool industry was the 2008 NEC discussion.

In April the FBC voted to adopt the 2008 NEC but exempt the GFCI requirement on residential pools. However, in the interim the National Electrical Manufacturers Association (NEMA) and others received word of this action and were in attendance at the June 9 meeting to register their objections. The FBC heard testimony from a NEMA representative and an electrical contractor asking the FBC to reverse their original decision and to adopt the 2008 NEC in total. Representatives from FSPA and other groups provided testimony to rebut the NEMA claims and encourage the FBC to stand by their original decision.

Larry Brown, FSPA Central Florida member and electrical contractor for Mid Florida Pools, did a superb job rebutting the NEMA testimony. His comments were well received by both the FBC and those in the audience. He was a key part of this successful effort. In addition, comments were made to the FBC by UPSA members. FSPA President Alan Cooper and member Tony Caruso were in attendance to provide additional testimony as warranted. To sum up the discussion, Commissioner Ken Gregory spoke to his fellow Commissioners asking them to vote down a motion that would have adopted the 2008 NEC in its entirety, effectively reversing the original decision. The FBC agreed with Commissioner Gregory and the testimony the pool industry provided, ultimately voting down the motion 16-6. The original decision to adopt the 2008 NEC except for the GFCI requirement on residential pools withstood.

The action by the FBC eliminates a device that would have increased costs to consumers, and while doing so would not have provided any additional benefit. Rather, requiring a GFCI would have caused nuisance trips on the pool pump, increasing safety and health issues as pools would not be circulating. It is clear the FBC action ensures that Florida citizens and tourists are better protected and an additional, unwarranted cost has been eliminated. After this victory, FSPA President Alan Cooper stated, "This epitomizes what our government relations program is all about. Further, it is an excellent example of the importance of having a swimming pool contractor on the FBC."

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The FBC also voted to incorporate into the glitch rule the 64E-9, F.A.C., public pool code revisions. Those portions that deal with the construction of a pool will be made consistent within section 424.1 of the building code. This provides for less confusion among pool contractors, health and building officials. FSPA applauds the FBC and their quick reaction to the recent public pool rule changes in order to incorporate it into their glitch cycle.

Note that the entire glitch rule, including the 2008 NEC and 64E-9, F.A.C. incorporated revisions can be enforced NOW by any jurisdiction (building department). It has been officially adopted by the FBC; therefore, it is enforceable. However, check with you local building departments as some may choose to wait until the rule change has been published and final in the Florida Administrative Weekly. This could result in some jurisdictions not enforcing the new changes until August.

The two new FBC Swimming Pool Subcommittees also met for the first time at the June FBC meeting. The Swimming Pool Subcommittee to the Plumbing TAC met for organizational purposes and to discuss the task of looking at existing swimming pools in this state. A motion to have further discussions to develop what would be the trigger to retro-fit existing residential swimming pools with safety devices (barrier and entrapment) passed. At their August meeting they will begin to determine how this would work. In addition, the Pool Efficiency Subcommittee to the FL Energy Code Workgroup met for the first time. They opened discussion to identify items that this group will need to address regarding options for pool energy efficiency. It was also noted that two new members would be invited to the next meeting. Prior to the next meeting all the ideas put on the table would be put together in a worksheet. At the August meeting, a plan would be developed for what portion of these issues could be addressed for the 2010 code.

The Florida Building Commission and its committees will meet August 10-12 in Melbourne. Watch for committee meeting times in future e-news editions.