



## Environmental Health

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### *Information Letter to Spa or Pool Owners*

June, 2011

Subject: All Public Pools and Spas, and Especially if Built Before January 1, 1993 –  
New Florida Legislation Expected to Become Law on July 1, 2011

You may be aware that the Florida Legislature recently passed legislation requiring that all public pools or spas be equipped with anti-entrapment drain covers and a device or system that protects against entrapment. Under this new legislation, all public pools and spas are required to have anti-entrapment drain covers. These drain covers have already been required by the Federal Pool and Spa Safety Act known as the Virginia Graeme Baker (VGB) Act. Your facility should already have such a drain cover as this has been required by the Federal law since December, 2008. The County Health Department will be following its normal compliance process to ensure all public pools and spas have the required drain covers installed.

The new legislation also requires that a public pool or spa built before January 1, 1993 must be equipped with a system or device that protects against suction entrapment injury or death. This legislative change will allow several types of anti-entrapment device or system options to be used on your spa or pool if it becomes law effective on July 1, 2011.

As you know, the Department of Health (DOH) public pool rule, Chapter 64E-9, Florida Administrative Code, has required that pools built after 1977 and spas built after 1993 install only the safest anti-entrapment device, a collector tank with gravity drainage. The new law would continue to allow gravity drainage but allows other options as well to be used for anti-entrapment. The new law, if it becomes law, would supersede Chapter 64E-9, with regard to pools and spas built before January 1, 1993. You, as owner, would have the right to choose the option you install. Just so you know, if your spa was in the group required by DOH regulation to retrofit to gravity drainage by July 1, 2011, DOH will allow you to consider any option listed in the Florida legislation if it becomes a law on July 1, 2011.

The new Florida legislation is nearly identical to the Federal VGB Act in that it allows the same anti-entrapment device or system options. The Federal law required the installation of an anti-entrapment device or system for all public pools by December 2008. Both Federal law and State legislation require a device to be certified to national engineering standards. These national standards require that the device be installed, tested, and continuously perform per the manufacturer's instructions. Since these anti-entrapment devices are essential to protect against entrapment injuries and fatalities, we suggest you discuss the national standards and new legislative requirements with your professional engineer or a licensed swimming pool contractor.

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We have attached two device safety checklists to the web site that you should complete (depending on your system) and keep for your records to reduce the risk of entrapment or evisceration of a pool patron. We suggest that the checklist be completed at least monthly if not more often, but at a minimum the manufacturer's instructions should be followed.

The DOH swimming pool engineers believe that the gravity drainage system using a collector tank is the safest anti-entrapment option, and encourage you to seriously consider this option. However, you are given a choice under the new legislation when it becomes law. If you choose the gravity drain, or drain disablement option, these systems must be engineered with plans submitted to the Department for approval, and a licensed pool contractor must be employed to install them. These options have direct affect on the water treatment and water recirculation at a pool so must be engineered properly or there is a high risk of disease. This is why construction permits will be required for these types of systems.

If you choose one of the other options: safety vacuum release system, suction limiting vent with a tamper-resistant atmospheric opening or an automatic pump shut-off device, these must be installed by a licensed pool contractor as required by the new legislation when it becomes law. Please complete the attached form and submit it to your County Health Department. This information will become part of the record about your facility and help streamline the compliance process.

If you have any questions or concerns about compliance with existing DOH public pool regulations or the new legislation when it becomes law, please contact your local County Health Department. Thank you for your diligence and continued efforts to protect the health and welfare of the patrons of your public pool or spa.