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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Substitute
Agenda Item No. 11(A)(9)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	October 7, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging all Florida counties to act swiftly to enact local technical amendments to the Florida Building Code to require low voltage lighting in newly-built residential pools, and for permitted construction work on existing residential pools, to lessen the potential for lethal electrocution Resolution No. R-915-14

This substitute differs from the original in that it removes references to Ground Fault Circuit Interrupters (GFCI) so as to conform this item to similar changes in Item 7(a).

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson, and Co-Sponsors Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 7, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Substitute
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Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
✓	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Substitute
Agenda Item No. 11(A)(9)
10-7-14

RESOLUTION NO. R-915-14

RESOLUTION URGING ALL FLORIDA COUNTIES TO ACT SWIFTLY TO ENACT LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE TO REQUIRE LOW VOLTAGE LIGHTING IN NEWLY-BUILT RESIDENTIAL POOLS, AND FOR PERMITTED CONSTRUCTION WORK ON EXISTING RESIDENTIAL POOLS, TO LESSEN THE POTENTIAL FOR LETHAL ELECTROCUTION

WHEREAS, the Board of County Commissioners desires to maximize the health and safety of residents and visitors throughout the State of Florida, and to minimize the potential for electrocution in recreational swimming pools; and

WHEREAS, Calder Sloan, a seven year old boy who was swimming in the pool at his family home, was fatally electrocuted by malfunctioning lighting equipment in the swimming pool in April 2014; and

WHEREAS, the Florida Building Code currently restricts the maximum voltage allowed for use in underwater pool lights in "public swimming pools" but does not address swimming pools located on the grounds of a "private residence," including single family residences and joint tenancies of four or fewer living units; and

[[WHEREAS, ~~the Florida Building Code does not require a Ground Fault Circuit Interrupter (GFCI) to be used in conjunction with underwater lighting in swimming pools on the grounds of a "private residence;" and~~]][1]

WHEREAS, section 553.73, Florida Statutes, requires a local technical amendment to be made when modifying the Florida Building Code at the local level; and

[1] The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, on October 7, 2014, this Board adopted Ordinance No. 14-__, which provides a local technical amendment to the Florida Building Code to require low voltage lighting [[~~and a Ground Fault Circuit Interrupter (GFCI)~~]] in newly built residential pools, and for permitted construction work on existing residential pools, to lessen the potential for lethal electrocution; and

WHEREAS, the Broward County Board of County Commissioners is currently considering a similar local technical amendment; and

WHEREAS, this Board would like to encourage all Florida Counties to act swiftly to enact similar local legislation to minimize the potential for swimming pool electrocutions,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges all Florida Counties to act swiftly to enact local technical amendments to the Florida Building Code to require low voltage lighting [[~~and a Ground Fault Circuit Interrupter (GFCI)~~]] in newly-built residential pools, and for permitted construction work on existing residential pools, to lessen the potential for lethal electrocution.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayor, County Manager, County Administrator or other Chief Administrative Officer of each of the other 66 counties in Florida and the Executive Director of the Florida Association of Counties.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson, and the Co-Sponsors are Commissioner Sally A. Heyman and Chairwoman Rebeca Sosa. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	**aye**		
Lynda Bell, Vice Chair	**aye**		
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

David Sherman