

MEMORANDUM

Substitute
Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 18, 2015

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

SUBJECT: Resolution urging the Florida
Legislature to enact Legislation
directing the Florida Building
Commission to amend the
Florida Building Code to prohibit
high voltage underwater lighting
in residential swimming pools
Resolution No. R-175-15

This substitute differs from the original in that it urges the Florida Legislature to enact Senate Bill 926, House Bill 795 or similar legislation that would direct the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting. The original item, on the other hand, urged the Florida Legislature to implement such legislation without specifically referencing the Senate and House bills since the bills were filed on Monday, February 16, 2015 and Tuesday, February 17, 2015, respectively.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Daniella Levine Cava.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 18, 2015

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

SUBJECT: Substitute
Agenda Item No. 11(A)(3)

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)(3)
2-18-15

RESOLUTION NO. R-175-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 926, HB 795 OR SIMILAR LEGISLATION THAT WOULD DIRECT THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS; URGING THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS

WHEREAS, there have been reports of swimming pool electrocutions throughout the state; and

WHEREAS, faulty underwater lighting and improperly maintained electrical wiring are some causes of electrocution; and

WHEREAS, low voltage underwater lighting helps reduce the risk of electrocution in swimming pools; and

WHEREAS, the Florida Building Code currently restricts high voltage underwater lighting in public swimming pools, but does not address residential swimming pools; and

WHEREAS, on October 7, 2014, this Board passed Ordinance No. 14-95, which provides a local technical amendment to the Florida Building Code to require low voltage lighting in newly built residential pools, and for permitted construction work on existing residential pools; and

WHEREAS, on November 4, 2014, the Florida Building Commission legally adopted the local technical amendment into the current edition of the Florida Building Code; and

WHEREAS, this Board must recertify the local technical amendment so that it is legally adopted into the next edition of the Florida Building Code; and

WHEREAS, the next edition of the Florida Building Code will be published on June 30, 2015, but will remain silent on a statewide prohibition of high voltage underwater lighting in residential swimming pools; and

WHEREAS, as a result, all counties and municipalities that have not enacted their own local technical amendments to the Florida Building Code will be governed by a building code that allows high voltage underwater lighting, which could result in more electrocutions; and

WHEREAS, pursuant to section 553.73, Florida Statutes, the Florida Building Commission must update the Florida Building Code every three years, which means that the prohibition on high voltage underwater lighting would not be considered or implemented until 2018; and

WHEREAS, section 553.73, Florida Statutes, however, grants the Florida Building Commission the authority to amend the Florida Building Code once each year for statewide application, under certain circumstances; and

WHEREAS, this may occur if the amendment:

- (1) is needed to accommodate the specific needs of the state;
- (2) has a reasonable and substantial connection with the health, safety, and welfare of the general public;
- (3) strengthens or improves the Florida Building Code;
- (4) does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- (5) does not degrade the effectiveness of the Florida Building Code; and

WHEREAS, an amendment prohibiting high voltage underwater lighting in residential swimming pools substantially relates to the health, safety, and welfare of Florida residents and would strengthen the Florida Building Code; and

WHEREAS, the Florida Legislature has the power to enact legislation directing the Florida Building Commission to amend the Florida Building Code outside of the requirement to produce an updated edition of the code every three years; and

>>WHEREAS, Senate Bill 926 (“SB 926”) has been filed for consideration during the 2015 session of the Florida Legislature by Senator Eleanor Sobel (D – Hollywood); and

WHEREAS, House Bill 795 (“HB 795”) has been filed for consideration during the 2015 session of the Florida Legislature by Representative Richard Stark (D – Weston); and

WHEREAS, SB 926 and HB 795 would:

(1) require county health departments to inspect underwater lighting in public swimming pools every five years;

(2) require the Florida Building Code to contain underwater lighting standards for residential and public swimming pools; and

(3) require the Florida Building Code to prohibit the installation or replacement of underwater lights greater than 15 volts; and<<¹

WHEREAS, this Board would like to urge the Florida Legislature to enact ~~[[legislation directing]]~~>>SB 926, HB 795 or similar legislation that would direct<< the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in

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.

residential swimming pools, and urge the Florida Building Commission to amend the code in such a manner,

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

Section 1. Urges the Florida Legislature to enact ~~[[legislation directing]]~~>>SB 926, HB 795 or similar legislation that would direct<< the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools.

Section 2. Urges the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, >>Senator Eleanor Sobel, Representative Richard Stark,<< and the Chair and >>remaining<< Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 and for the administrative action set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsor is Commissioner Daniella Levine Cava. It was offered by

Commissioner **José "Pepe" Diaz** , 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

APP

Altanese Phenelus