FSPA Position Document regarding electrical aspects included under all three 489 pool contractor licenses scope of work

Over the last six months the Florida Swimming Pool Association (FSPA) has been asked by several jurisdictions our position on what electrical work can be done under a pool contractor's scope of work. The initial response from our leadership was "anything on the load side of the breaker." The responses and research we have done show that the industry has been doing this work since they obtained whichever pool license they received - it is the norm for them to address electrical termination to all pool appliances; such as:

- pool motors/pumps
- time clocks
- control boxes (air switches, controllers)
- heat pumps/low voltage gas heaters/solar systems
- chlorinating systems/ozone systems/sanitizing systems
- pool lights with bond and ground
- transformers
- LED lighting/laminar jets
- Motorized valving
- Automated backwash valves
- Bonding grid
- Ladder & handrail bond (there is no electrical current to bonding grids or equipment bonds)

FSPA also recognizes they do not have the authority to make an official position and is asking for the Board's assistance to provide clarification that until recently had never come up before. To assist the Board, we have also done research on why we think it is clear that the intent of our scope was to include such work.

Reasoning:

An applicant for any of the three pool contractor licenses has a list of reference documents that the test questions are based on and that are to be used to study and bring with to the exam. Included under all three pool contractor licenses is the NFPA 70 – National Electrical Code; specifically, Article 680, addressing Swimming Pools, Fountains & Similar Installations. Using the service exam

content information (since the residential and commercial pool contractor licenses can do everything a pool service contractor can do) we find the following content listed:

- Replacing and repairing pumps; including knowledge of grounding versus bonding
- Replacing and repairing electrical components; including knowledge of state codes, automatic timers, lights, electrical connections to chlorinating generators, heaters, and pumps and knowledge of automation devices.
- Installation of auxiliary lighting, which includes knowledge of fiber optic lighting and low voltage accent lighting.
- Replacing light bulbs and underwater lights; including knowledge of different voltage lights, proper safety procedures and requirements, importance of GFCI requirements, safe wiring and sealing water out, materials specification, bonding and grounding requirements, and knowledge of state codes.

When reviewing all other Division II contractor reference documents, the NFPA 70 is not listed. Further, electrical knowledge like what is listed in the pool contractor exam content is not included in the other categories.

Jumping to the scope of work laid out under Chapter 489, F.S., you find Division II contractors that do not have the NFPA 70 listed as a reference document for their exam also have specific electrical limitations laid out in their scope of work, for example:

- Class A or B HVAC contractor scope of work says "…to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring…" The scope of work goes on to say that it "does not include… any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting change-outs of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring."

- Mechanical Contractor scope of work says "…to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring..." The scope of work goes on to say that it "…does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring."
- Underground utility and excavation contractor scope of works says "…the installation of such conduit does not include installation of any conductor wiring or connection to an energized electrical system."

Whereas under s. 489.105(3)(l), F.S., the scope of work is as follows:

> "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves, **but is not limited to**, the repair and servicing of a swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the **repair or replacement of existing equipment**, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and **the installation of new pool/spa equipment**, interior refinishing, **the reinstallation or addition of pool heaters**, the repair or replacement of all perimeter piping and filter piping, **the repair of equipment rooms or housing for pool/spa equipment**, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in a way that does not affect the structural integrity of the pool or spa or its associated equipment.

There is no specific limitation listed under the scope of work in terms of electrical items. But we find words that are intended to encompass all aspects of the pool or spa: "but is not limited to," repair or replacement of existing equipment," "the installation of new pool/spa equipment," "the reinstallation or addition of pool heaters," and the "repair of equipment rooms or housing for pool/spa equipment."

Webster's defines "installation" as follows:

- the act or process of making a machine, a service, etc., ready to be used in a certain place: **the act of installing something**
- a ceremony in which someone is put in an official or important job
- **something (such as a piece of equipment) that is put together and made ready for use**

Webster's defines "repair" as follows:

- **to restore by replacing a part or putting together what is torn or broken: fix: to restore to a sound or healthy state: renew**
- to make good: compensate for: remedy

It would seem that whereas other licenses are specific to what they can and cannot do, and do not include the NFPA 70 as a reference for the test, nor specific electrical requirements, the intent of not having any limitations or exclusions under the pool and spa contractor licenses is to imply we are able to address all aspects needed to complete the installation or repair of whatever pool equipment is needed.

Section 489.134, F.S., provides that "A licensee under this part need not have a license under Part II to perform work within the scope of his or her license under this part." Therefore, a swimming pool/spa servicing contractor, in order to install a new pump, replace (repair) an existing light, etc. – items that are pool equipment and thereby covered under their scope – should not be considered outside the scope.

As noted earlier, these arguments apply to the commercial and residential pool/spa contractor because the scope of both licenses provides that it "also includes the scope of work of a swimming pool/spa servicing contractor." These

licenses also require the NFPA 70 as a reference document and have electrical content included in their exam.

A swimming pool contractor is unique to all other Division II licenses in that they are similar to a Division I contractor in acting as the prime contractor in most cases. They must be knowledgeable in all aspects of the pool & spa. We do not believe it was the intent of the Legislature or this Board to require that a homeowner, when calling a licensed pool contractor to come out and change out the pump that is no longer working, or the light that burned out, to have to also hire an electrician to do that work. This simple change out would now cost twice as much, take twice as much time and most likely lead to them hiring the unlicensed guy around the corner.

Pool Contractors clearly must have knowledge in the items listed above and continuing education classes on Article 680 exist to ensure they are aware of new requirements. If it was found that this work was not included under the scope of work it would mean the industry norm, since the beginning of licensure, would be turned upside down and one would have to conclude that licensed contractors would have been doing illegal work for decades. We do not believe this is the case for all the reasons laid out.

Our Request

FSPA would suggest adding a new definition under 61G4-12.011, F.A.C., defining installation or repair of pool/spa equipment as it pertains to electrical work as follows:

(16) Installation or repair: As it pertains to swimming pool and spa electrical work, pursuant to Section 489.105(3)(j)(k)(l), F.S., the term "installation or repair" of pool/spa equipment is defined as inclusive of installation and connection of electrical equipment on the load side of the disconnect for that equipment.

This suggested change has the support of the Association of Pool & Spa Professionals as well as the United Pool & Spa Association.