

By Representative Russell

1 A bill to be entitled
2 An act relating to pool/spa contracting;
3 amending s. 489.105, F.S.; redefining the scope
4 of work of commercial and residential pool/spa
5 contractors and swimming pool/spa servicing
6 contractors; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraphs (j), (k), and (l) of subsection
11 (3) of section 489.105, Florida Statutes, are amended to read:
12 489.105 Definitions.--As used in this part:

13 (3) "Contractor" means the person who is qualified
14 for, and shall only be responsible for, the project contracted
15 for and means, except as exempted in this part, the person
16 who, for compensation, undertakes to, submits a bid to, or
17 does himself or herself or by others construct, repair, alter,
18 remodel, add to, demolish, subtract from, or improve any
19 building or structure, including related improvements to real
20 estate, for others or for resale to others; and whose job
21 scope is substantially similar to the job scope described in
22 one of the subsequent paragraphs of this subsection. For the
23 purposes of regulation under this part, "demolish" applies
24 only to demolition of steel tanks over 50 feet in height;
25 towers over 50 feet in height; other structures over 50 feet
26 in height, other than buildings or residences over three
27 stories tall; and buildings or residences over three stories
28 tall. Contractors are subdivided into two divisions, Division
29 I, consisting of those contractors defined in paragraphs
30 (a)-(c), and Division II, consisting of those contractors
31 defined in paragraphs (d)-(q):

1 (j) "Commercial pool/spa contractor" means a
2 contractor whose scope of work involves, but is not limited
3 to, the construction, repair, and servicing of any swimming
4 pool, ~~or~~ hot tub, ~~or~~ spa, whether public, private, or
5 otherwise, regardless of use. The scope of work includes,
6 including the repair or replacement of existing equipment, any
7 cleaning or equipment sanitizing which requires at least a
8 partial disassembling, and ~~or~~ the installation of new pool/spa
9 equipment, including heaters of all types, installation of all
10 perimeter piping and filter piping, and construction of
11 equipment rooms or housing for pool/spa equipment, as
12 ~~necessary. The scope of such work includes layout,~~
13 ~~excavation, operation of construction pumps for dewatering~~
14 ~~purposes, steelwork, installation of light niches,~~
15 ~~construction of floors, guniting, fibreglassing, installation~~
16 ~~of tile and coping, installation of all perimeter and filter~~
17 ~~piping, installation of all filter equipment and chemical~~
18 ~~feeders of any type, plastering of the interior, construction~~
19 ~~of decks, construction of equipment rooms or housing for pool~~
20 ~~equipment, and installation of package pool heaters and also~~
21 includes the scope of work of a swimming pool/spa servicing
22 contractor. ~~However,~~ The scope of such work does not include
23 direct connections to a sanitary sewer system or to potable
24 water lines. The installation, construction, modification, or
25 replacement of equipment permanently attached to and
26 associated with the pool or spa for the purpose of water
27 treatment or cleaning of the pool or spa requires licensure;
28 however, the usage of such equipment for the purposes of water
29 treatment or cleaning shall not require licensure unless the
30 usage involves construction, modification, or replacement of
31 such equipment. Water treatment that does not require such

1 equipment does not require a license. In addition, a license
2 shall not be required for the cleaning of the pool or spa in
3 any way that does not affect the structural integrity of the
4 pool or spa or its associated equipment.

5 (k) "Residential pool/spa contractor" means a
6 contractor whose scope of work involves, but is not limited
7 to, the construction, repair, and servicing of any residential
8 swimming pool, ~~or hot tub, or spa, regardless of use.~~ The
9 scope of work includes, including the repair or replacement of
10 existing equipment, any cleaning or equipment sanitizing which
11 requires at least a partial disassembling, and or the
12 installation of new pool/spa equipment, including heaters of
13 all types, installation of all perimeter piping and filter
14 piping, and construction of equipment rooms or housing for
15 pool/spa equipment, as necessary. ~~The scope of such work~~
16 ~~includes layout, excavation, operation of construction pumps~~
17 ~~for dewatering purposes, steelwork, installation of light~~
18 ~~niches, construction of floors, guniting, fibreglassing,~~
19 ~~installation of tile and coping, installation of all perimeter~~
20 ~~and filter piping, installation of all filter equipment and~~
21 ~~chemical feeders of any type, plastering of the interior,~~
22 ~~construction of decks, installation of housing for pool~~
23 ~~equipment, and installation of package pool heaters~~ and also
24 includes the scope of work of a swimming pool/spa servicing
25 contractor. ~~However,~~ The scope of such work does not include
26 direct connections to a sanitary sewer system or to potable
27 water lines. The installation, construction, modification, or
28 replacement of equipment permanently attached to and
29 associated with the pool or spa for the purpose of water
30 treatment or cleaning of the pool or spa requires licensure;
31 however, the usage of such equipment for the purposes of water

1 treatment or cleaning shall not require licensure unless the
2 usage involves construction, modification, or replacement of
3 such equipment. Water treatment that does not require such
4 equipment does not require a license. In addition, a license
5 shall not be required for the cleaning of the pool or spa in
6 any way that does not affect the structural integrity of the
7 pool or spa or its associated equipment.

8 (1) "Swimming pool/spa servicing contractor" means a
9 contractor whose scope of work involves, but is not limited
10 to, the repair and the servicing and repair of any swimming
11 pool, or hot tub, or spa, whether public or private, or
12 otherwise, regardless of use. The scope of ~~such~~ work includes
13 the repair or may include any necessary piping and repairs,
14 replacement and repair of existing equipment, any cleaning or
15 equipment sanitizing which requires at least a partial
16 disassembling, and the or installation of new pool/spa
17 additional equipment, including heaters of all types, as
18 ~~necessary. The scope of such work includes the reinstallation~~
19 ~~of tile and coping, repair or and replacement of all perimeter~~
20 piping and filter piping, repair of equipment rooms or housing
21 for pool/spa equipment, and the substantial or complete
22 draining of a swimming pool, hot tub, or spa for the purposes
23 of any repair or renovation. The scope of such work does not
24 include direct connections to a sanitary sewer system or to
25 potable water lines filter equipment, and chemical feeders of
26 any type, replastering, reconstruction of decks, and
27 ~~reinstallation or addition of pool heaters.~~ The installation,
28 construction, modification, substantial or complete
29 disassembly, or replacement of equipment permanently attached
30 to and associated with the pool or spa for the purpose of
31 water treatment or cleaning of the pool or spa requires

1 licensure; however, the usage of such equipment for the
2 purposes of water treatment or cleaning shall not require
3 licensure unless the usage involves construction,
4 modification, substantial or complete disassembly, or
5 replacement of such equipment. Water treatment that does not
6 require such equipment does not require a license. In
7 addition, a license shall not be required for the cleaning of
8 the pool or spa in any way that does not affect the structural
9 integrity of the pool or spa or its associated equipment.

10 Section 2. This act shall take effect upon becoming a
11 law.

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13 HOUSE SUMMARY

14 Amends definitions relating to contracting under pt. I,
15 ch. 489, F.S., to revise the scope of work of commercial
16 and residential pool/spa contractors and swimming
17 pool/spa servicing contractors. See bill for details.

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