

By the Committee on Regulated Industries; and Senator  
Constantine

315-2216-04

1                                   A bill to be entitled  
2           An act relating to swimming pool and spa  
3           contracting; amending s. 489.117, F.S.;  
4           specifying when a person may perform specialty  
5           contracting services for the construction,  
6           remodeling, repair, or improvement of a  
7           swimming pool or spa without obtaining a local  
8           professional license; requiring local authority  
9           to permit local registration, as specified, as  
10          an alternative to other local licenses;  
11          creating s. 553.8414, F.S.; creating the  
12          Swimming Pool and Solar Technical Advisory  
13          Committee of the Florida Building Commission;  
14          providing for appointment and duties of  
15          committee members; providing an effective date.

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

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19           Section 1. Paragraph (f) is added to subsection (4) of  
20 section 489.117, Florida Statutes, to read:

21           489.117 Registration; specialty contractors.--

22           (4)

23           (f) Portions of work related to the construction of a  
24 swimming pool or spa require the use of specialized skill and  
25 equipment that is frequently available only through specialty  
26 contracting services. Due to these unique needs for specialty  
27 services, any person who is not required to obtain  
28 registration or certification pursuant to s. 489.105(3)(a)-(i)  
29 or (m)-(o) may perform specialty contracting services for the  
30 construction, remodeling, repair, or improvement of a swimming  
31 pool or spa as specified in s. 489.105(3)(j)-(l) without

1 obtaining a local professional license if such person is  
2 supervised by a certified or registered commercial pool/spa  
3 contractor, residential pool/spa contractor, or swimming  
4 pool/spa servicing contractor acting within the scope of the  
5 supervising contractor's license. A local authority that  
6 requires a local specialty contractor license or local  
7 certificate of competency for any service provided by a  
8 certified or registered commercial pool/spa contractor,  
9 residential pool/spa contractor, or swimming pool/spa  
10 servicing contractor must also allow, as an alternative to the  
11 local license or certificate, local registration of the person  
12 contracting with a supervising contractor to perform a  
13 specialty service under this paragraph. The local authority  
14 may charge a fee for local registration which does not exceed  
15 the fee for the local specialty contractor license or the  
16 local certificate of competency. The local authority may not  
17 require proof of competency for local registration and shall  
18 require documentation that a registrant is covered by workers'  
19 compensation coverage or a valid exemption from such coverage.  
20 Local registration shall require the registrant to contract  
21 with a certified or registered commercial pool/spa contractor,  
22 residential pool/spa contractor, or swimming pool/spa  
23 servicing contractor.

24 Section 2. Section 553.8414, Florida Statutes, is  
25 created to read:

26 553.8414 Swimming Pool and Solar Technical Advisory  
27 Committee.--

28 (1) The Florida Building Commission shall, on or  
29 before July 1, 2004, establish the Swimming Pool and Solar  
30 Technical Advisory Committee of the Florida Building  
31 Commission and appoint members of the committee in the same

1 manner as members are appointed to the commission's other  
2 technical advisory committees. The Swimming Pool and Solar  
3 Technical Advisory Committee must consist of no fewer than ten  
4 persons who represent the swimming pool and solar construction  
5 industry. The chairperson of the commission shall annually  
6 designate a commission member to serve as chairperson of the  
7 committee. A committee member must be appointed for a 2-year  
8 term and may be reappointed at the discretion of the  
9 commission.

10 (2) The Swimming Pool and Solar Technical Advisory  
11 Committee shall advise the commission on any matters relating  
12 to Building Code standards for swimming pools and spas and  
13 solar equipment.

14 Section 3. This act shall take effect July 1, 2004.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17 COMMITTEE SUBSTITUTE FOR  
18 Senate Bill 1586

19 The committee substitute deletes the provision requiring the  
20 appointment of a swimming pool contractor to the Florida  
21 Building Commission. The committee substitute provides an  
22 exemption from local licensing requirements for swimming pool  
23 and spa specialty contracting services, and provides for  
24 creation of the Swimming Pool and Solar Technical Advisory  
25 Committee of the Florida Building Commission.  
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