

1 Section 1. Paragraphs (j), (k), and (l) of subsection
2 (3) of section 489.105, Florida Statutes, are amended, and
3 subsection (20) is added to that section, to read:

4 489.105 Definitions.--As used in this part:

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

24 (j) "Commercial pool/spa contractor" means a
25 contractor whose scope of work involves, but is not limited
26 to, the construction, repair, and servicing of any swimming
27 pool, or hot tub or spa, whether public, private, or
28 otherwise, regardless of use. The scope of work includes the
29 installation, repair, or replacement of existing equipment;
30 any cleaning, or equipment sanitizing, or use of chemicals for
31 the purposes of water treatment; which requires at least a

1 ~~partial disassembling, excluding filter changes, and the~~
2 installation of new pool/spa equipment, interior finishes, ~~the~~
3 ~~installation of package pool heaters, and the installation of~~
4 all perimeter piping and filter piping;; and the construction
5 of equipment rooms or housing for pool/spa equipment, and also
6 includes the scope of work of a swimming pool/spa servicing
7 contractor. The scope of such work does not include direct
8 connections to a sanitary sewer system or to potable water
9 lines. The installation, construction, modification, or
10 replacement of equipment permanently attached to and
11 associated with the pool or spa for the purpose of water
12 treatment or cleaning of the pool or spa requires licensure;
13 ~~however, the usage of such equipment for the purposes of water~~
14 ~~treatment or cleaning shall not require licensure unless the~~
15 ~~usage involves construction, modification, or replacement of~~
16 ~~such equipment. Water treatment that does not require such~~
17 ~~equipment does not require a license. In addition, a license~~
18 ~~shall not be required for the cleaning of the pool or spa in~~
19 ~~any way that does not affect the structural integrity of the~~
20 ~~pool or spa or its associated equipment.~~

21 (k) "Residential pool/spa contractor" means a
22 contractor whose scope of work involves, but is not limited
23 to, the construction, repair, and servicing of any residential
24 swimming pool, or hot tub or spa, regardless of use. The scope
25 of work includes the installation, repair, or replacement of
26 existing equipment;; any cleaning, or equipment sanitizing, or
27 use of chemicals for the purposes of water treatment; which
28 ~~requires at least a partial disassembling, excluding filter~~
29 ~~changes, and the installation of new pool/spa equipment,~~
30 interior finishes, ~~the installation of package pool heaters,~~
31 and the installation of all perimeter piping and filter

1 piping;17 and the construction of equipment rooms or housing
2 for pool/spa equipment, and also includes the scope of work of
3 a swimming pool/spa servicing contractor. The scope of such
4 work does not include direct connections to a sanitary sewer
5 system or to potable water lines. The installation,
6 construction, modification, or replacement of equipment
7 permanently attached to and associated with the pool or spa
8 for the purpose of water treatment or cleaning of the pool or
9 spa requires licensure; ~~however, the usage of such equipment~~
10 ~~for the purposes of water treatment or cleaning shall not~~
11 ~~require licensure unless the usage involves construction,~~
12 ~~modification, or replacement of such equipment. Water~~
13 ~~treatment that does not require such equipment does not~~
14 ~~require a license. In addition, a license shall not be~~
15 ~~required for the cleaning of the pool or spa in any way that~~
16 ~~does not affect the structural integrity of the pool or spa or~~
17 ~~its associated equipment.~~

18 (1) "Swimming pool/spa servicing contractor" means a
19 contractor whose scope of work involves, but is not limited
20 to, the repair and servicing of any swimming pool, or hot tub
21 or spa, whether public, ~~or~~ private, or otherwise, regardless
22 of use. The scope of work includes the repair or replacement
23 of existing equipment;17 any cleaning, ~~or equipment~~ sanitizing,17
24 or use of chemicals for the purposes of water treatment; which
25 ~~requires at least a partial disassembling, excluding filter~~
26 ~~changes, and~~ the installation of new pool/spa equipment;17
27 interior refinishing;17 the reinstallation or addition of pool
28 heaters;17 the repair or replacement of all perimeter piping
29 and filter piping;17 the repair of equipment rooms or housing
30 for pool/spa equipment;17 and the substantial or complete
31 draining of a swimming pool, or hot tub or spa, for the

1 | purpose of any repair or renovation. The scope of such work
2 | does not include direct connections to a sanitary sewer system
3 | or to potable water lines. The installation, construction,
4 | modification, substantial or complete disassembly, or
5 | replacement of equipment permanently attached to and
6 | associated with the pool or spa for the purpose of water
7 | treatment or cleaning of the pool or spa requires licensure;
8 | ~~however, the usage of such equipment for the purposes of water~~
9 | ~~treatment or cleaning shall not require licensure unless the~~
10 | ~~usage involves construction, modification, substantial or~~
11 | ~~complete disassembly, or replacement of such equipment. Water~~
12 | ~~treatment that does not require such equipment does not~~
13 | ~~require a license. In addition, a license shall not be~~
14 | ~~required for the cleaning of the pool or spa in any way that~~
15 | ~~does not affect the structural integrity of the pool or spa or~~
16 | ~~its associated equipment.~~

17 | (20) "Provisional license" means a license granted to
18 | a swimming pool/spa servicing contractor who has met all
19 | qualifications for licensure but has no proven work experience
20 | related to the scope of work of such a contractor. A
21 | provisional license shall be effective for a period of 1 year
22 | from the date of issuance, at which time a license will be
23 | granted to the individual or business organization qualified
24 | by that individual. During the term of provisional licensure,
25 | the contractor shall be prohibited from performing any work
26 | involving public swimming pools, or hot tubs or spas, interior
27 | refinishing of private swimming pools, or hot tubs or spas,
28 | and any draining of a private swimming pool, or hot tub or
29 | spa, for the purpose of any repair or renovation. During the
30 | term of provisional licensure, the contractor may partially

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1 drain up to 75 percent of a private swimming pool, or hot tub
2 or spa, for the purposes of water treatment.

3 Section 2. Paragraph (c) of subsection (2) of section
4 489.111, Florida Statutes, is amended to read:

5 489.111 Licensure by examination.--

6 (2) A person shall be eligible for licensure by
7 examination if the person:

8 (c) Meets eligibility requirements according to one of
9 the following criteria:

10 1. Has received a baccalaureate degree from an
11 accredited 4-year college in the appropriate field of
12 engineering, architecture, or building construction and has 1
13 year of proven experience in the category in which the person
14 seeks to qualify. For the purpose of this part, a minimum of
15 2,000 person-hours shall be used in determining full-time
16 equivalency.

17 2. Has a total of at least 4 years of active
18 experience as a worker who has learned the trade by serving an
19 apprenticeship as a skilled worker who is able to command the
20 rate of a mechanic in the particular trade or as a foreman who
21 is in charge of a group of workers and usually is responsible
22 to a superintendent or a contractor or his or her equivalent,
23 provided, however, that at least 1 year of active experience
24 shall be as a foreman.

25 3. Has a combination of not less than 1 year of
26 experience as a foreman and not less than 3 years of credits
27 for any accredited college-level courses; has a combination of
28 not less than 1 year of experience as a skilled worker, 1 year
29 of experience as a foreman, and not less than 2 years of
30 credits for any accredited college-level courses; or has a
31 combination of not less than 2 years of experience as a

1 skilled worker, 1 year of experience as a foreman, and not
2 less than 1 year of credits for any accredited college-level
3 courses. All junior college or community college-level courses
4 shall be considered accredited college-level courses.

5 4.a. An active certified residential contractor is
6 eligible to take the building contractors' examination if he
7 or she possesses a minimum of 3 years of proven experience in
8 the classification in which he or she is certified.

9 b. An active certified residential contractor is
10 eligible to take the general contractors' examination if he or
11 she possesses a minimum of 4 years of proven experience in the
12 classification in which he or she is certified.

13 c. An active certified building contractor is eligible
14 to take the general contractors' examination if he or she
15 possesses a minimum of 4 years of proven experience in the
16 classification in which he or she is certified.

17 5.a. An active certified air-conditioning Class C
18 contractor is eligible to take the air-conditioning Class B
19 contractors' examination if he or she possesses a minimum of 3
20 years of proven experience in the classification in which he
21 or she is certified.

22 b. An active certified air-conditioning Class C
23 contractor is eligible to take the air-conditioning Class A
24 contractors' examination if he or she possesses a minimum of 4
25 years of proven experience in the classification in which he
26 or she is certified.

27 c. An active certified air-conditioning Class B
28 contractor is eligible to take the air-conditioning Class A
29 contractors' examination if he or she possesses a minimum of 1
30 year of proven experience in the classification in which he or
31 she is certified.

1 6.a. An active certified swimming pool servicing
2 contractor is eligible to take the residential swimming pool
3 contractors' examination if he or she possesses a minimum of 3
4 years of proven experience in the classification in which he
5 or she is certified.

6 b. An active certified swimming pool servicing
7 contractor is eligible to take the swimming pool commercial
8 contractors' examination if he or she possesses a minimum of 4
9 years of proven experience in the classification in which he
10 or she is certified.

11 c. An active certified residential swimming pool
12 contractor is eligible to take the commercial swimming pool
13 contractors' examination if he or she possesses a minimum of 1
14 year of proven experience in the classification in which he or
15 she is certified.

16 d. An applicant is eligible to take the swimming
17 pool/spa servicing contractors' examination if he or she has
18 satisfactorily completed 60 hours of instruction in courses
19 related to the scope of work covered by that license and
20 approved by the Construction Industry Licensing Board by rule
21 ~~and has at least 1 year of proven experience related to the~~
22 ~~scope of work of such a contractor.~~

23 Section 3. Section 514.075, Florida Statutes, is
24 amended to read:

25 514.075 Public pool service technician;
26 certification.--The department shall ~~may~~ require that a public
27 pool, as defined in s. 514.011, be serviced by a person
28 licensed under s. 489.105(3)(j), (k), or (l); a person
29 permitted as a public pool operator under s. 514.031; or a
30 person who is certified as a pool service technician and who
31 is the direct employee of a person permitted as a public pool

1 operator under s. 514.031. To be certified, an individual must
2 demonstrate knowledge of public pools which includes, but is
3 not limited to: pool cleaning; general pool maintenance; pool
4 safety codes; source of the water supply; bacteriological,
5 chemical, and physical quality of water; and water
6 purification, testing, treatment, and disinfection procedures.
7 The department may, by rule, establish the requirement for the
8 certification course and course approval. The department shall
9 deem certified any individual who is certified by a course of
10 national recognition such as the Certified Pool Operator
11 certification from the National Swimming Pool Foundation ~~or~~
12 ~~any person licensed under s. 489.105(3)(j), (k), or (l). This~~
13 ~~requirement does not apply to a person, or the direct employee~~
14 ~~of a person, permitted as a public pool operator under s.~~
15 ~~514.031.~~

16 Section 4. Subsection (1) of section 514.0115, Florida
17 Statutes, is amended to read:

18 514.0115 Exemptions from supervision or regulation;
19 variances.--

20 (1) Private pools and water therapy facilities
21 connected with facilities connected with hospitals, medical
22 doctors' offices, ~~and~~ licensed physical therapy
23 establishments, and licensed massage therapy establishments
24 shall be exempt from supervision under this chapter.

25 Section 5. A license is not required under chapter
26 489, Florida Statutes, for the direct infusion of chlorine gas
27 in residential swimming pools. This industry is regulated by
28 the Department of Agriculture and Consumer Services under
29 section 487.0437, Florida Statutes.

30 Section 6. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1694

The committee substitute provides that licensed massage therapy establishments are exempt from supervision under ch. 514, F.S.

The committee substitute provides that direct infusion of chlorine gas in residential swimming pools does not require a license.