

1                                   A bill to be entitled  
 2           An act relating to swimming pool/spa contractors and  
 3           service technicians; amending s. 489.105, F.S.; revising  
 4           the scope of work for commercial and residential pool/spa  
 5           contractors and swimming pool/spa servicing contractors;  
 6           removing licensure exemptions; defining and establishing  
 7           provisional licensure for swimming pool/spa servicing  
 8           contractors; amending s. 489.111, F.S.; removing the 1-  
 9           year experience requirement to qualify to take the  
 10          swimming pool/spa servicing contractors' examination;  
 11          amending s. 514.075, F.S.; revising duties of the  
 12          Department of Health; providing for public pools to be  
 13          serviced by specified persons; revising certification  
 14          requirements for public pool service technicians;  
 15          providing an effective date.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

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

22           489.105 Definitions.--As used in this part:

23           (3) "Contractor" means the person who is qualified for,  
 24           and shall only be responsible for, the project contracted for  
 25           and means, except as exempted in this part, the person who, for  
 26           compensation, undertakes to, submits a bid to, or does himself  
 27           or herself or by others construct, repair, alter, remodel, add  
 28           to, demolish, subtract from, or improve any building or

29 structure, including related improvements to real estate, for  
30 others or for resale to others; and whose job scope is  
31 substantially similar to the job scope described in one of the  
32 subsequent paragraphs of this subsection. For the purposes of  
33 regulation under this part, "demolish" applies only to  
34 demolition of steel tanks over 50 feet in height; towers over 50  
35 feet in height; other structures over 50 feet in height, other  
36 than buildings or residences over three stories tall; and  
37 buildings or residences over three stories tall. Contractors are  
38 subdivided into two divisions, Division I, consisting of those  
39 contractors defined in paragraphs (a)-(c), and Division II,  
40 consisting of those contractors defined in paragraphs (d)-(q):

41 (j) "Commercial pool/spa contractor" means a contractor  
42 whose scope of work involves, but is not limited to, the  
43 construction, repair, and servicing of any swimming pool, or hot  
44 tub or spa, whether public, private, or otherwise, regardless of  
45 use. The scope of work includes the installation, repair, or  
46 replacement of existing equipment; any cleaning, or equipment  
47 sanitizing, or use of chemicals for the purposes of water  
48 treatment; which requires at least a partial disassembling,  
49 ~~excluding filter changes, and~~ the installation of new pool/spa  
50 equipment, interior finishes, ~~the installation of~~ package pool  
51 heaters, and the installation of all perimeter piping and filter  
52 piping; ~~and~~ the construction of equipment rooms or housing for  
53 pool/spa equipment, and also includes the scope of work of a  
54 swimming pool/spa servicing contractor. The scope of such work  
55 does not include direct connections to a sanitary sewer system  
56 or to potable water lines. The installation, construction,

57 modification, or replacement of equipment permanently attached  
58 to and associated with the pool or spa for the purpose of water  
59 treatment or cleaning of the pool or spa requires licensure;  
60 ~~however, the usage of such equipment for the purposes of water~~  
61 ~~treatment or cleaning shall not require licensure unless the~~  
62 ~~usage involves construction, modification, or replacement of~~  
63 ~~such equipment. Water treatment that does not require such~~  
64 ~~equipment does not require a license. In addition, a license~~  
65 ~~shall not be required for the cleaning of the pool or spa in any~~  
66 ~~way that does not affect the structural integrity of the pool or~~  
67 ~~spa or its associated equipment.~~

68 (k) "Residential pool/spa contractor" means a contractor  
69 whose scope of work involves, but is not limited to, the  
70 construction, repair, and servicing of any residential swimming  
71 pool, or hot tub or spa, regardless of use. The scope of work  
72 includes the installation, repair, or replacement of existing  
73 equipment; any cleaning, or equipment sanitizing, or use of  
74 chemicals for the purposes of water treatment; ~~which requires at~~  
75 ~~least a partial disassembling, excluding filter changes, and the~~  
76 ~~installation of new pool/spa equipment, interior finishes, the~~  
77 ~~installation of package pool heaters, and the installation of~~  
78 ~~all perimeter piping and filter piping;~~ and the construction of  
79 equipment rooms or housing for pool/spa equipment, and also  
80 includes the scope of work of a swimming pool/spa servicing  
81 contractor. The scope of such work does not include direct  
82 connections to a sanitary sewer system or to potable water  
83 lines. The installation, construction, modification, or  
84 replacement of equipment permanently attached to and associated

85 with the pool or spa for the purpose of water treatment or  
 86 cleaning of the pool or spa requires licensure; ~~however, the~~  
 87 ~~usage of such equipment for the purposes of water treatment or~~  
 88 ~~cleaning shall not require licensure unless the usage involves~~  
 89 ~~construction, modification, or replacement of such equipment.~~  
 90 ~~Water treatment that does not require such equipment does not~~  
 91 ~~require a license. In addition, a license shall not be required~~  
 92 ~~for the cleaning of the pool or spa in any way that does not~~  
 93 ~~affect the structural integrity of the pool or spa or its~~  
 94 ~~associated equipment.~~

95 (1) "Swimming pool/spa servicing contractor" means a  
 96 contractor whose scope of work involves, but is not limited to,  
 97 the repair and servicing of any swimming pool, or hot tub or  
 98 spa, whether public, ~~or~~ private, or otherwise, regardless of  
 99 use. The scope of work includes the repair or replacement of  
 100 existing equipment; any cleaning, or equipment sanitizing, or  
 101 use of chemicals for the purposes of water treatment; which  
 102 ~~requires at least a partial disassembling, excluding filter~~  
 103 ~~changes, and the installation of new pool/spa equipment; the~~  
 104 ~~interior refinishing; the reinstallation or addition of pool~~  
 105 ~~heaters; the repair or replacement of all perimeter piping and~~  
 106 ~~filter piping; the repair of equipment rooms or housing for~~  
 107 ~~pool/spa equipment; and the substantial or complete draining of~~  
 108 ~~a swimming pool, or hot tub or spa, for the purpose of any~~  
 109 ~~repair or renovation. The scope of such work does not include~~  
 110 ~~direct connections to a sanitary sewer system or to potable~~  
 111 ~~water lines. The installation, construction, modification,~~  
 112 ~~substantial or complete disassembly, or replacement of equipment~~

113 permanently attached to and associated with the pool or spa for  
 114 the purpose of water treatment or cleaning of the pool or spa  
 115 requires licensure; ~~however, the usage of such equipment for the~~  
 116 ~~purposes of water treatment or cleaning shall not require~~  
 117 ~~licensure unless the usage involves construction, modification,~~  
 118 ~~substantial or complete disassembly, or replacement of such~~  
 119 ~~equipment. Water treatment that does not require such equipment~~  
 120 ~~does not require a license. In addition, a license shall not be~~  
 121 ~~required for the cleaning of the pool or spa in any way that~~  
 122 ~~does not affect the structural integrity of the pool or spa or~~  
 123 ~~its associated equipment.~~

124 (20) "Provisional license" means a license granted to a  
 125 swimming pool/spa servicing contractor who has met all  
 126 qualifications for licensure but has no proven work experience  
 127 related to the scope of work of such a contractor. A provisional  
 128 license shall be effective for a period of 1 year from the date  
 129 of issuance, at which time a license will be granted to the  
 130 individual or business organization qualified by that  
 131 individual. During the term of provisional licensure, the  
 132 contractor shall be prohibited from performing any work  
 133 involving public swimming pools, or hot tubs or spas, interior  
 134 refinishing of private swimming pools, or hot tubs or spas, and  
 135 any draining of a private swimming pool, or hot tub or spa, for  
 136 the purpose of any repair or renovation. During the term of  
 137 provisional licensure, the contractor may partially drain up to  
 138 75 percent of a private swimming pool, or hot tub or spa, for  
 139 the purposes of water treatment.

140 Section 2. Paragraph (c) of subsection (2) of section  
 141 489.111, Florida Statutes, is amended to read:

142 489.111 Licensure by examination.--

143 (2) A person shall be eligible for licensure by  
 144 examination if the person:

145 (c) Meets eligibility requirements according to one of the  
 146 following criteria:

147 1. Has received a baccalaureate degree from an accredited  
 148 4-year college in the appropriate field of engineering,  
 149 architecture, or building construction and has 1 year of proven  
 150 experience in the category in which the person seeks to qualify.  
 151 For the purpose of this part, a minimum of 2,000 person-hours  
 152 shall be used in determining full-time equivalency.

153 2. Has a total of at least 4 years of active experience as  
 154 a worker who has learned the trade by serving an apprenticeship  
 155 as a skilled worker who is able to command the rate of a  
 156 mechanic in the particular trade or as a foreman who is in  
 157 charge of a group of workers and usually is responsible to a  
 158 superintendent or a contractor or his or her equivalent,  
 159 provided, however, that at least 1 year of active experience  
 160 shall be as a foreman.

161 3. Has a combination of not less than 1 year of experience  
 162 as a foreman and not less than 3 years of credits for any  
 163 accredited college-level courses; has a combination of not less  
 164 than 1 year of experience as a skilled worker, 1 year of  
 165 experience as a foreman, and not less than 2 years of credits  
 166 for any accredited college-level courses; or has a combination  
 167 of not less than 2 years of experience as a skilled worker, 1

168 year of experience as a foreman, and not less than 1 year of  
 169 credits for any accredited college-level courses. All junior  
 170 college or community college-level courses shall be considered  
 171 accredited college-level courses.

172 4.a. An active certified residential contractor is  
 173 eligible to take the building contractors' examination if he or  
 174 she possesses a minimum of 3 years of proven experience in the  
 175 classification in which he or she is certified.

176 b. An active certified residential contractor is eligible  
 177 to take the general contractors' examination if he or she  
 178 possesses a minimum of 4 years of proven experience in the  
 179 classification in which he or she is certified.

180 c. An active certified building contractor is eligible to  
 181 take the general contractors' examination if he or she possesses  
 182 a minimum of 4 years of proven experience in the classification  
 183 in which he or she is certified.

184 5.a. An active certified air-conditioning Class C  
 185 contractor is eligible to take the air-conditioning Class B  
 186 contractors' examination if he or she possesses a minimum of 3  
 187 years of proven experience in the classification in which he or  
 188 she is certified.

189 b. An active certified air-conditioning Class C contractor  
 190 is eligible to take the air-conditioning Class A contractors'  
 191 examination if he or she possesses a minimum of 4 years of  
 192 proven experience in the classification in which he or she is  
 193 certified.

194 c. An active certified air-conditioning Class B contractor  
 195 is eligible to take the air-conditioning Class A contractors'

196 examination if he or she possesses a minimum of 1 year of proven  
197 experience in the classification in which he or she is  
198 certified.

199 6.a. An active certified swimming pool servicing  
200 contractor is eligible to take the residential swimming pool  
201 contractors' examination if he or she possesses a minimum of 3  
202 years of proven experience in the classification in which he or  
203 she is certified.

204 b. An active certified swimming pool servicing contractor  
205 is eligible to take the swimming pool commercial contractors'  
206 examination if he or she possesses a minimum of 4 years of  
207 proven experience in the classification in which he or she is  
208 certified.

209 c. An active certified residential swimming pool  
210 contractor is eligible to take the commercial swimming pool  
211 contractors' examination if he or she possesses a minimum of 1  
212 year of proven experience in the classification in which he or  
213 she is certified.

214 d. An applicant is eligible to take the swimming pool/spa  
215 servicing contractors' examination if he or she has  
216 satisfactorily completed 60 hours of instruction in courses  
217 related to the scope of work covered by that license and  
218 approved by the Construction Industry Licensing Board by rule  
219 ~~and has at least 1 year of proven experience related to the~~  
220 ~~scope of work of such a contractor.~~

221 Section 3. Section 514.075, Florida Statutes, is amended  
222 to read:



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223           514.075 Public pool service technician;  
224 certification.--The department shall ~~may~~ require that a public  
225 pool, as defined in s. 514.011, be serviced by a person licensed  
226 under s. 489.105(3)(j), (k), or (l); a person permitted as a  
227 public pool operator under s. 514.031; or a person who is  
228 certified as a pool service technician and who is the direct  
229 employee of a person permitted as a public pool operator under  
230 s. 514.031. To be certified, an individual must demonstrate  
231 knowledge of public pools which includes, but is not limited to:  
232 pool cleaning; general pool maintenance; pool safety codes;  
233 source of the water supply; bacteriological, chemical, and  
234 physical quality of water; and water purification, testing,  
235 treatment, and disinfection procedures. The department may, by  
236 rule, establish the requirement for the certification course and  
237 course approval. The department shall deem certified any  
238 individual who is certified by a course of national recognition  
239 such as the Certified Pool Operator certification from the  
240 National Swimming Pool Foundation ~~or any person licensed under~~  
241 ~~s. 489.105(3)(j), (k), or (l). This requirement does not apply~~  
242 ~~to a person, or the direct employee of a person, permitted as a~~  
243 ~~public pool operator under s. 514.031.~~

244           Section 4. This act shall take effect July 1, 2006.