

By Senator Gruters

23-00188-20

20201190__

1 A bill to be entitled
2 An act relating to cooling towers; providing a
3 directive to the Division of Law Revision; creating s.
4 386.301, F.S.; providing legislative intent; creating
5 s. 386.302, F.S.; defining terms; creating s. 386.303,
6 F.S.; requiring that owners of cooling towers register
7 them with the Department of Health; requiring the
8 department to create a statewide electronic system for
9 such registrations; providing minimum requirements for
10 the registration system; requiring that owners of
11 cooling towers report specified information regarding
12 the towers to the department, beginning on a specified
13 date; providing department responsibilities regarding
14 the registration system; requiring that owners of
15 cooling towers maintain certain cooling tower records
16 for a specified timeframe; requiring that a copy of
17 the cooling tower's maintenance program and plan be
18 kept on the cooling tower premises; creating s.
19 386.304, F.S.; requiring that owners of cooling towers
20 obtain or update a maintenance program and plan for
21 existing and newly installed cooling towers, by a
22 specified date; providing requirements for the
23 maintenance program and plans; creating s. 386.305,
24 F.S.; requiring that certain culture analyses be
25 conducted by certified environmental laboratories;
26 providing requirements for interpreting the results of
27 such analyses; creating s. 386.306, F.S.; requiring
28 that owners of cooling towers provide notification to
29 the county health department and the public within a

23-00188-20

20201190__

30 specified timeframe under specified circumstances;
31 requiring county health departments to provide certain
32 notification to the department; requiring the county
33 health department or, at its discretion, the
34 department to determine the method of certain
35 notifications; creating s. 386.307, F.S.; providing
36 cooling tower disinfection standards; requiring that
37 the person conducting the disinfection meet certain
38 qualifications; specifying the types of products that
39 may be used during a disinfection; providing cooling
40 tower efficiency standards; creating s. 386.308, F.S.;
41 requiring that owners of cooling towers have their
42 cooling towers inspected before initial startup and,
43 thereafter, at specified intervals; providing
44 inspection requirements; requiring that persons
45 conducting inspections report deficiencies to the
46 owner for corrective action; requiring initial and
47 annual certification of cooling towers by a specified
48 date; providing requirements for certification;
49 requiring that all inspection findings, deficiencies,
50 corrective actions, and certifications be reported to
51 the department and maintained by the owner; creating
52 s. 386.309, F.S.; authorizing the department or a
53 county health department to require an owner to
54 conduct a *Legionella* culture sampling and analysis
55 under certain circumstances; authorizing an officer,
56 employee, or agent of the department or county health
57 department to enter a property to inspect a cooling
58 tower; specifying that certain actions by the owner of

23-00188-20

20201190__

59 a cooling tower may constitute a nuisance; providing
60 for civil and criminal penalties; requiring the State
61 Surgeon General to submit a report to the Legislature
62 by a specified date; providing requirements for the
63 report; creating s. 386.3101, F.S.; authorizing county
64 health departments or the department to issue waivers
65 if the waiver does not present a danger to the public
66 health; providing requirements for the waivers;
67 authorizing county health departments to issue
68 variances under certain circumstances for a specified
69 period of time; providing for severability; providing
70 an effective date.

71

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

73

74 Section 1. The Division of Law Revision is directed to
75 create part III of chapter 386, Florida Statutes, consisting of
76 ss. 386.301-386.3101, Florida Statutes, to be entitled "Cooling
77 Towers."

78 Section 2. Section 386.301, Florida Statutes, is created to
79 read:

80 386.301 Legislative intent.—The purpose of this part is to
81 protect people from the health hazards of *Legionella*, a
82 bacterium that is known to originate in improperly sanitized
83 cooling towers.

84 Section 3. Section 386.302, Florida Statutes, is created to
85 read:

86 386.302 Definitions.—As used in this part, the term:
87 (1) "Bacteriological culture sampling and analysis" means

23-00188-20

20201190__

88 the collection of a water sample for the purpose of measuring
89 the live culture growth of aerobic bacterial populations using
90 heterotrophic plate count, dip slides, or a similar method
91 employed by the industry in accordance with the manufacturer's
92 directions for use.

93 (2) "Building," unless otherwise expressly indicated by the
94 text, means all or part of a structure, premises, or lot which
95 is used or is intended to support or shelter a use or occupancy.

96 (3) "Cleaning" means physical, mechanical, or other removal
97 of biofilm, scale, debris, rust, other corrosion products,
98 sludge, algae, and other potential sources of contamination.

99 (4) "Compliance inspection" means the inspection, testing,
100 and other activities that are required on a regular basis in
101 accordance with s. 386.308.

102 (5) "Cooling tower" means an evaporative condenser, a fluid
103 cooler, or another wet cooling device that is capable of
104 aerosolizing water; that contains or is part of a recirculated
105 water system; and that is incorporated into a building's cooling
106 process, industrial process, refrigeration system, or energy
107 production system.

108 (6) "Cooling tower cells" means the smallest subdivisions
109 of a tower which can function independently with regard to air
110 and water flow. Each cell may have one or more fans and one or
111 more distribution systems.

112 (7) "Cooling tower water system" means one or more cooling
113 towers and all of the recirculating water system components,
114 process instruments, and appurtenances through which water flows
115 or comes into contact with chemical applicators, valves, pumps,
116 condensers, heat exchangers, and other related components.

23-00188-20

20201190__

117 (8) "Corrective action" means disinfection, cleaning,
118 flushing, and other activities to remedy biofilm growth,
119 Legionella proliferation, or other system mechanical problems
120 identified through monitoring, inspections, or other means, as
121 determined by the department.

122 (9) "Cycles of concentration" means the ratio of make-up
123 water volume to blowdown water volume which may be approximated
124 from the ratio of the conductivity of the blowdown water to the
125 conductivity of the make-up water.

126 (10) "Department" means the Department of Health.

127 (11) "Dip slide" means a method to test for microorganisms
128 which consists of a sterile culture medium affixed to a sterile
129 slide that is dipped directly into the sampled liquid.

130 (12) "Disinfection" means the use of one or more biocides
131 at a defined concentration, under specified conditions, for an
132 established period of time to kill or inactivate pathogenic
133 microorganisms. The term does not include the cleaning of a
134 cooling tower through the application of detergents, penetrants,
135 brushes or other tools, highly pressurized water, or any other
136 method that does not involve the use of a pesticide or economic
137 poison, as defined in s. 482.021(23); the use of a pesticide, as
138 defined in s. 487.021(49); or the use of a restricted-use
139 pesticide, as defined in s. 487.021(58).

140 (13) "Drift eliminator" means a system of baffles that
141 causes separation of entrained water designed to remove aerosols
142 from cooling tower exhaust.

143 (14) "Heterotrophic plate count" means a measure of the
144 concentration of microorganisms that require an external source
145 of organic carbon for growth, including bacteria, yeasts, and

23-00188-20

20201190__

146 mold, in water samples.

147 (15) "Legionella" means the genus of bacteria that is
148 ubiquitous in aqueous environments, including the recirculated
149 water of cooling tower water systems that are not properly or
150 regularly maintained.

151 (16) "Legionella culture sampling and analysis" means the
152 collection of a water sample for the measurement of the live
153 culture of Legionella involving the use of specialized media and
154 laboratory methods for growth to determine the species and
155 serogroup.

156 (17) "Maintenance program and plan" means a written
157 document, developed by a qualified person, which specifies
158 required monitoring, cleaning, disinfection, and other practices
159 for the prevention and control of Legionella growth in a cooling
160 tower water system, and is in accordance with sections 5, 6, and
161 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk
162 Management for Building Water Systems and the manufacturer's
163 instructions.

164 (18) "Owner" means all of the following:

165 (a) A person, agent, firm, partnership, corporation, or
166 other legal entity that has a legal or equitable interest in, or
167 control of, a cooling tower or the premises of the cooling
168 tower.

169 (b) The legal owner of the building.

170 (c) A tenant, if the tenant:

171 1. Owns a cooling tower that services the tenant's leased
172 premises; or

173 2. Does not own the cooling tower but has a lease or
174 contractual arrangement to maintain the cooling tower.

23-00188-20

20201190__

175 (19) "Qualified person" means a professional engineer
176 licensed and registered in this state; a certified industrial
177 hygienist; a certified water technologist; a professional with
178 training and experience in developing management plans and
179 performing inspections in accordance with industry protocols,
180 including, but not limited to, NSF Protocol 453-2017: Cooling
181 Towers - Treatment, Operation, and Maintenance to Prevent
182 Legionellosis; or an environmental consultant who has at least 2
183 years of operational experience in water management planning and
184 operation.

185 Section 4. Section 386.303, Florida Statutes, is created to
186 read:

187 386.303 Registration; reporting; recordkeeping.-

188 (1) REGISTRATION.-Before initial operation, and upon any
189 change in ownership, the owner of a cooling tower shall register
190 each of his or her cooling tower water systems with the
191 department using a statewide electronic system designated by the
192 department. The registration system must require, at a minimum,
193 all of the following information:

194 (a) The street address of the building at which the cooling
195 tower is located.

196 (b) The name, address, telephone number, and e-mail address
197 of each cooling tower owner.

198 (c) The total number of cooling towers in the system.

199 (d) The name of the manufacturer of the cooling tower.

200 (e) The model number of the cooling tower.

201 (f) The specific unit serial number of the cooling tower,
202 if available.

203 (g) The cooling capacity of the cooling tower.

23-00188-20

20201190__

204 (h) The cooling tower water system volume, inclusive of any
205 piping, basin, or sump.

206 (i) The intended use of the cooling tower.

207 (j) Whether systematic disinfection in accordance with s.
208 386.307 is maintained, manually, through timed injection, or
209 through continuous delivery.

210 (k) Whether maintenance is performed by an employee, a
211 contractor, or another party.

212 (l) The year the cooling tower was placed into service.

213 (2) REPORTING.—

214 (a) Beginning July 1, 2020, a cooling tower owner shall
215 report through the statewide electronic system all of the
216 following information to the department at least every 90 days
217 while the cooling tower is in use:

218 1. The date of the last bacteriological culture sample
219 collection, the results of the analysis, and the designated due
220 date of any remedial action that is required pursuant to s.
221 386.304(2)(a).

222 2. The date of the last *Legionella* culture sample
223 collection, the results of the sample analysis, and the date
224 that any remedial action was taken as required by s.
225 386.304(2)(b)-(e).

226 3. The date of the last compliance inspection performed
227 pursuant to s. 386.308 and the resulting standardized inspection
228 report.

229 4. The date of the lowest daily cycles of concentration
230 recorded, and the target number of cycles.

231 5. The average daily make-up water volume and blowdown
232 water volume.

23-00188-20

20201190__

233 6. The percentage of make-up water that is delivered to the
234 cooling tower versus the blowdown water volume.

235 7. The date of most recent certification pursuant to s.
236 386.308.

237 8. The date of removal or permanent discontinuation of use
238 of the cooling tower, if applicable.

239 9. Any other information deemed necessary by the
240 department.

241 (b) If a landlord and a tenant are considered to be owners
242 of a cooling tower, as defined in s. 386.302, only one of the
243 parties is required to register the cooling tower. However, both
244 parties are responsible for ensuring that registration and
245 reporting are completed as required by this part.

246 (3) STATEWIDE SYSTEM.—

247 (a) The department shall make the data in the statewide
248 electronic system:

249 1. Publicly available, as appropriate.

250 2. Fully accessible to and searchable by county health
251 departments.

252 (b) This part does not prohibit a county health department
253 from requiring registration with and reporting to a county
254 system or collecting fees associated with the administration of
255 such a system.

256 (c) The department shall provide owners with a mobile data
257 collection platform that is compatible with Android and Apple
258 devices and that electronically collects, and allows owners to
259 electronically submit, the information required by this part.

260 (4) RECORDKEEPING.—A cooling tower owner shall:

261 (a) Maintain for at least 3 years all of the following

23-00188-20

20201190__

262 records:

263 1. Required sampling and analyses.

264 2. Disinfection schedules and applications.

265 3. Inspection findings, deficiencies, and corrective
 266 actions.

267 4. Required certifications.

268 (b) Maintain on the premises of the cooling tower a copy of
 269 the current maintenance program and plan required by this part.

270 (c) Make the records and plan required under this
 271 subsection immediately available to the department or county
 272 health department upon request.

273 Section 5. Section 386.304, Florida Statutes, is created to
 274 read:

275 386.304 Maintenance program and plan.-

276 (1) The owner of a cooling tower shall:

277 (a) By September 1, 2020, develop or update a maintenance
 278 program and plan for each existing cooling tower which must be
 279 consistent with section 7.2 of ANSI/ASHRAE Standard 188-2018,
 280 Legionellosis: Risk Management for Building Water Systems.

281 (b) After September 1, 2020, maintain such a maintenance
 282 program and plan for each newly installed cooling tower.

283 (2) The maintenance program and plan must include all of
 284 the following elements:

285 (a) A schedule for routine bacteriological culture sampling
 286 and analysis to assess microbiological activity. The sampling
 287 and analysis must be conducted at intervals of not more than 7
 288 days while the cooling tower is in use and must require
 289 additional bacteriological culture sampling and analysis, as
 290 needed, to validate process adjustments.

23-00188-20

20201190__

291 (b) A schedule for routine *Legionella* culture sampling and
292 analysis within 14 days after startup and, thereafter, while the
293 cooling tower is in use, at monthly intervals. Cooling towers in
294 use year-round must conduct sampling and analysis at intervals
295 of not more than 30 days and within 2 weeks after startup
296 following maintenance.

297 (c) A procedure for achieving water efficiency by
298 maintaining a minimum of eight cycles of concentration using
299 automatic conductivity control or for estimating the percentage
300 of water savings through the installation of water meters on
301 make-up and blowdown lines.

302 (d) A requirement that, in addition to development of the
303 routine *Legionella* culture sampling and analysis schedule
304 required by paragraph (b), immediate *Legionella* culture sampling
305 and analysis be conducted in the event of any of the following:

306 1. A mechanical breakdown of the cooling tower water system
307 for more than 72 hours.

308 2. A power failure affecting the cooling tower water system
309 for more than 72 hours.

310 3. A loss of biocide treatment of the cooling tower water
311 system for more than 72 hours.

312 4. Failure of conductivity control or any other control
313 methods for more than 72 hours.

314 5. A determination by the department or a county health
315 department that one or more cases of legionellosis are or may be
316 associated with the cooling tower, based on epidemiologic data
317 or laboratory testing.

318 6. Any other conditions specified by the department or a
319 county health department.

23-00188-20

20201190__

320 (e) A requirement that an owner take immediate and
321 appropriate action, including remedial action, in response to a
322 bacteriological or *Legionella* culture analysis. For
323 bacteriological analysis results, the response must include, but
324 need not be limited to, taking action as required by s.
325 386.305(2). For *Legionella* culture analysis results, the
326 response must include, but need not be limited to, taking action
327 as required by s. 386.305(3) and contacting the county health
328 department as required by s. 386.306.

329 (f) A requirement that any *Legionella* culture analyses be
330 performed pursuant to s. 386.305(1).

331 (g) A shutdown and disinfection plan for removing or
332 permanently discontinuing use of a cooling tower.

333 (h) Requirements for treatment and manual or automated
334 flushing of any piping, basin, sump, or wetted surface during
335 idle conditions.

336 Section 6. Section 386.305, Florida Statutes, is created to
337 read:

338 386.305 Culture analyses.—

339 (1) LABORATORY REQUIREMENTS.—A culture analysis must be
340 performed by an environmental laboratory certified pursuant to
341 s. 403.0625 which is approved to perform such an analysis.

342 (2) INTERPRETATION OF BACTERIOLOGICAL ANALYSIS RESULTS FROM
343 COOLING TOWERS.—

344 (a) Level 1.—Samples with a culture result that is less
345 than 10,000 colony-forming units per milliliter (CFU/mL). The
346 cooling tower owner shall maintain the treatment program and
347 bacteriological monitoring in accordance with the cooling
348 tower's maintenance program and plan.

23-00188-20

20201190__

349 (b) Level 2.—Samples with a culture result that is greater
350 than or equal to 10,000 CFU/mL but less than 100,000 CFU/mL. The
351 cooling tower owner shall do all of the following until the
352 water sample culture results meet the Level 1 criteria:

353 1. Review the treatment program.

354 2. Initiate immediate disinfection by increasing biocide
355 concentration or using a different biocide within 24 hours after
356 receiving the analysis results.

357 3. Retest the water within 3 to 7 days after receiving the
358 analysis results.

359 (c) Level 3.—Samples with a culture result that is greater
360 than or equal to 100,000 CFU/mL but less than 1,000,000 CFU/mL.
361 The cooling tower owner shall do all of the following until the
362 water sample culture results meet the Level 1 criteria:

363 1. Review the treatment program and provide notification as
364 required by s. 386.306.

365 2. Increase biocides within 24 hours after receiving the
366 analysis results.

367 3. Perform a visual inspection to evaluate the need to
368 perform cleaning and additional disinfection.

369 4. Retest the water within 3 to 7 days after receiving the
370 analysis results.

371 (d) Level 4.—Samples with a culture result that is greater
372 than or equal to 1,000,000 CFU/mL. The cooling tower owner shall
373 do all of the following until the water sample culture results
374 meet the Level 1 criteria:

375 1. Review the treatment program and provide notification as
376 required by s. 386.306.

377 2. Increase biocides within 2 hours after receiving the

23-00188-20

20201190__

378 analysis results.

379 3. Within 48 hours after receiving the analysis results,
380 perform remediation of the tower by hyper halogenating,
381 cleaning, and flushing the tower.

382 4. Retest the water within 3 to 7 days after receiving the
383 analysis results.

384 (3) INTERPRETATION OF *LEGIONELLA* CULTURE RESULTS FROM
385 COOLING TOWERS.—

386 (a) Level 1.—*Legionella* culture sample results of less than
387 20 CFU/mL. The cooling tower owner shall maintain the treatment
388 program and monitoring in accordance with the cooling tower's
389 maintenance program and plan.

390 (b) Level 2.—*Legionella* culture sample results of more than
391 or equal to 20 CFU/mL but less than 1,000 CFU/mL. The cooling
392 tower owner shall do all of the following until the water sample
393 culture results meet the Level 1 criteria:

394 1. Review the treatment program.

395 2. Perform immediate online disinfection.

396 3. Retest the water within 3 to 7 days after receiving the
397 analysis results.

398 a. If the retest indicates a presence of *Legionella* of more
399 than or equal to 20 CFU/mL but less than 100 CFU/mL, the cooling
400 tower owner must repeat the online disinfection.

401 b. If the subsequent retest indicates a presence of
402 *Legionella* of more than or equal to 100 CFU/mL but less than
403 1,000 CFU/mL, the cooling tower owner must further investigate
404 the water treatment program and immediately perform online
405 disinfection.

406 (c) Level 3.—*Legionella* culture sample results of more than

23-00188-20

20201190__

407 or equal to 1,000 CFU/mL. The cooling tower owner shall do all
408 of the following until the water sample culture results meet the
409 Level 1 criteria:

- 410 1. Review the treatment program.
411 2. Provide notification as required by s. 386.306.
412 3. Institute immediate system decontamination.
413 4. Retest the water within 3 to 7 days after receiving the
414 analysis results.

415 a. If the retest indicates a presence of *Legionella* of more
416 than or equal to 20 CFU/mL but less than 1,000 CFU/mL, the
417 cooling tower owner must take the actions required under
418 paragraph (b).

419 b. If the subsequent retest indicates a presence of
420 *Legionella* of more than or equal to 1,000 CFU/mL, the owner must
421 perform system decontamination.

422 Section 7. Section 386.306, Florida Statutes, is created to
423 read:

424 386.306 Notification.—A cooling tower owner shall:

425 (1) Notify the county health department within 24 hours
426 after receiving a *Legionella* water sample culture result that
427 exceeds 1,000 colony-forming units per milliliter. The county
428 health department shall notify the department within 24 hours
429 after receiving such a report.

430 (2) Notify the public of such test results in a manner
431 determined by the county health department or, at the discretion
432 of the department, by the department.

433 Section 8. Section 386.307, Florida Statutes, is created to
434 read:

435 386.307 Cooling tower standards.—

23-00188-20

20201190__

436 (1) DISINFECTION.—

437 (a) A person who disinfects a cooling tower must be a
438 commercial applicator or a certified applicator as defined in s.
439 487.021 who is licensed to apply biocide in a cooling tower and
440 who is certified in accordance with the requirements of the
441 Florida Pesticide Law, or be an apprentice who is under the
442 direct supervision of a licensed applicator, as defined in s.
443 487.021.

444 (b) The cooling tower owner shall maintain the name and
445 certification number of the applicator who disinfects the
446 cooling tower under paragraph (a) or the business name and
447 number of the company providing onsite disinfection.

448 (c) Only biocide products registered by the Department of
449 Environmental Protection for use in cooling towers or pesticidal
450 devices produced in an establishment registered by the
451 Environmental Protection Agency may be used to disinfect a
452 cooling tower.

453 (2) EFFICIENCY.—

454 (a) Each cooling tower owner shall install make-up and
455 blowdown meters on each of his, her, or its cooling towers to
456 monitor the total volume of water used by the cooling tower and
457 shall ensure that the cooling tower has an automatic
458 conductivity controller, a high-efficiency drift eliminator, and
459 an overflow alarm to prevent overflow of the sump in case of
460 make-up water valve failure. The overflow alarm must provide an
461 alert through an energy management control system to the cooling
462 tower operators in the event of an overflow of the sump.

463 (b) All cooling towers must achieve at least eight cycles
464 of concentration using automatic conductivity control.

23-00188-20

20201190__

465 (c) The efficiency of the cooling tower water system must
466 be measured by the percentage of water that is delivered to the
467 cooling tower versus the blowdown water volume.

468 (d) If the local water utility supplies water to the
469 property, water meters must meet the requirements of the
470 utility.

471 Section 9. Section 386.308, Florida Statutes, is created to
472 read:

473 386.308 Compliance inspection and certification.-

474 (1) COMPLIANCE INSPECTION.-

475 (a) Each cooling tower owner shall ensure that each of his,
476 her, or its cooling towers is inspected before initial startup
477 and at intervals of not more than every 90 days while in use.

478 (b) A compliance inspection must be performed by a
479 qualified person who is unaffiliated with the water treatment
480 company; a professional engineer licensed in this state; an
481 industrial hygienist; a water technologist; or an environmental
482 consultant, any of whom must have training and experience in
483 performing inspections in accordance with current standard
484 industry protocols, including, but not limited to, ANSI/ASHRAE
485 Standard 188-2018, Legionellosis: Risk Management for Building
486 Water Systems.

487 (c) Each compliance inspection must include an evaluation,
488 on a standardized inspection form created by the department, of
489 all of the following:

490 1. The cooling tower and associated equipment for the
491 presence of organic material, biofilm, algae, debris, and other
492 visible contaminants.

493 2. The general condition of the cooling tower basin, remote

23-00188-20

20201190__

494 sump, packing material, and drift eliminators.

495 3. The water make-up connections and control, including
496 backflow protection or air gaps, as needed.

497 4. Whether the conductivity control and the make-up and
498 blowdown meters are functioning properly.

499 5. Whether the water treatment equipment, including, but
500 not limited to, pumps, timers, valves, and strain gauges, are
501 functioning properly.

502 (d) Information collected during compliance inspections
503 must be collected and entered into the department's mobile data
504 collection platform, must include the standardized inspection
505 form, and must be submitted to the registration portal by a
506 qualified person as specified in paragraph (b).

507 (e) The person performing the inspection shall report any
508 deficiencies found to the owner so that corrective action may be
509 taken and document all completed corrective actions using the
510 department's mobile data collection platform.

511 (2) CERTIFICATION.—By November 1, 2020, and by each
512 November 1 thereafter, a cooling tower owner shall obtain an
513 annual certification from a qualified person which certifies
514 that a maintenance program and plan is in place for the cooling
515 tower and that all actions required under that plan and this
516 part have been taken, including, but not limited to, all of the
517 following:

518 (a) All required bacteriological culture sampling and
519 analyses.

520 (b) All *Legionella* culture sampling and analyses, including
521 any immediate *Legionella* culture sampling and analyses performed
522 pursuant to s. 386.304(2)(d) and (e).

23-00188-20

20201190__

523 (c) Any disinfection performed pursuant to the standards
524 specified in s. 386.307(1).

525 (d) All compliance inspections performed pursuant to
526 subsection (1).

527 (3) REPORTING.—All inspection findings, deficiencies,
528 corrective actions, and certifications must be reported to the
529 department and maintained by the owner as required by s.
530 386.303.

531 Section 10. Section 386.309, Florida Statutes, is created
532 to read:

533 386.309 Enforcement.—

534 (1) The department or a county health department may
535 require an owner to conduct *Legionella* culture sampling and
536 analysis following a determination, based on epidemiologic data
537 or laboratory testing, that one or more cases of legionellosis
538 are or may be associated with a cooling tower.

539 (2) An officer, employee, or agent of the department or the
540 county health department may enter onto any property to inspect
541 a cooling tower for compliance with this part and may take water
542 samples as part of such inspections. Such inspections must be
543 conducted as provided in s. 487.071.

544 (3) If an owner fails to register a cooling tower, develop
545 and maintain a maintenance program and plan for a cooling tower,
546 obtain certification for a cooling tower, disinfect a cooling
547 tower, perform or obtain required culture sampling and analysis,
548 or conduct inspections of a cooling tower as required in this
549 part, the department or the county health department may
550 determine that such failure constitutes a nuisance pursuant to
551 this chapter.

23-00188-20

20201190__

552 (4) An owner who violates this part is subject to civil and
553 criminal penalties as provided in s. 386.051. Each day that an
554 owner remains in violation of this part constitutes a separate
555 offense.

556 (5) The State Surgeon General shall submit a report to the
557 President of the Senate and the Speaker of the House of
558 Representatives by each January 1 which includes all of the
559 following information:

560 (a) For the prior year:

561 1. The number of new cooling tower registrations issued and
562 the number of notifications of discontinued use of a cooling
563 tower received by the department pursuant to s. 386.303 as of
564 November 1.

565 2. The number of annual certifications that a cooling tower
566 was inspected, tested, cleaned, and disinfected received by the
567 department pursuant to s. 386.308 as of November 1.

568 3. The number of reports of tests for the presence of
569 Legionella which reported levels above 1,000 CFU/mL received by
570 the department.

571 4. The number of inspections of cooling towers conducted by
572 the department, or a county health department on behalf of the
573 department, along with the number and types of any violations
574 cited during such inspections.

575 5. The number of cleanings, disinfections, or other actions
576 performed by or on behalf of the department.

577 6. The number of persons diagnosed with legionellosis in
578 this state to the extent known or reasonably discoverable by the
579 department.

580 (b) Recommendations as to whether department rules should

23-00188-20

20201190__

581 be amended to include requirements for any of the building water
582 systems described in ANSI/ASHRAE Standard 188-2018,
583 Legionellosis: Risk Management for Building Water Systems.

584 (c) Information regarding the implementation of any such
585 requirements, their effectiveness in preventing outbreaks of
586 legionellosis, and recommendations for improvements or
587 modifications to department rules to further the control of
588 Legionella.

589 Section 11. Section 386.3101, Florida Statutes, is created
590 to read:

591 386.3101 Waivers.—The department may issue a written
592 general or specific waiver with respect to this part if the
593 department determines that such waiver will not present a danger
594 to public health. The department may revoke the waiver upon a
595 determination that the waiver may present a danger to public
596 health.

597 Section 12. Until December 31, 2021, an owner may submit a
598 written application to a county health department for a variance
599 from any requirement of this part for additional time to come
600 into compliance with this act. A variance may not exceed 90
601 days. The application must include an explanation as to why the
602 variance will not present a danger to public health. With the
603 approval of the Department of Health, the county health
604 department may approve such application for a variance in
605 writing, subject to any conditions that the department or county
606 health department may deem appropriate to protect public health.
607 The department or the county health department may revoke a
608 variance upon a determination that the variance may present a
609 danger to public health.

23-00188-20

20201190__

610 Section 13. If any provision of this act or its application
611 to any person or entity or circumstance is held invalid, the
612 invalidity does not affect other provisions or applications of
613 the act which can be given effect without the invalid provision
614 or application, and to this end the provisions of this act are
615 severable.

616 Section 14. This act shall take effect July 1, 2020.