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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2020	.	
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The Committee on Health Policy (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Before line 33

insert:

Section 1. Present subsection (7) of section 514.0115, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

514.0115 Exemptions from supervision or regulation; variances.—

(7) A surf pool that is larger than 4 acres is exempt from



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11 supervision under this chapter, provided that it is permitted by  
12 a local government pursuant to a special use permit process in  
13 which the local government asserts regulatory authority over the  
14 construction of the surf pool and, in consultation with the  
15 department, establishes through the local government's special  
16 use permitting process the conditions for the surf pool's  
17 operation, water quality, and necessary lifesaving equipment.  
18 This subsection does not affect the department's or a county  
19 health department's right of entry pursuant to s. 514.04 or its  
20 authority to seek an injunction pursuant to s. 514.06 to  
21 restrain the operation of a surf pool permitted and operated  
22 under this subsection if it presents significant risks to public  
23 health. For the purposes of this subsection, the term "surf  
24 pool" means a pool designed to generate waves dedicated to the  
25 activity of surfing on a surfboard or an analogous surfing  
26 device commonly used in the ocean and intended for sport, as  
27 opposed to general play intent for wave pools, other large-scale  
28 public swimming pools, or other public bathing places.

29 Section 2. Subsection (7) of section 553.77, Florida  
30 Statutes, is amended to read:

31 553.77 Specific powers of the commission.—

32 (7) Building officials shall recognize and enforce variance  
33 orders issued by the Department of Health pursuant to s.  
34 514.0115(8) ~~s. 514.0115(7)~~, including any conditions attached to  
35 the granting of the variance.

36  
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 2



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40 and insert:

41 An act relating to the Department of Health's  
42 regulation of recreational activities; amending s.  
43 514.0115, F.S.; providing that certain surf pools are  
44 exempt from supervision for certain provisions under  
45 certain circumstances; providing construction;  
46 defining the term "surf pool"; amending s. 553.77,  
47 F.S.; conforming a cross-reference;