

By Senator Perry

9-00879-24

2024922\_\_

1                   A bill to be entitled  
2           An act relating to swimming pool and spa contractors;  
3           amending s. 489.105, F.S.; revising definitions;  
4           amending s. 489.143, F.S.; specifying a maximum  
5           recovery amount for certain claims relating to certain  
6           contracts; specifying a total aggregate cap for  
7           certain licensees relating to certain contracts;  
8           providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Paragraphs (j), (k), and (l) of subsection (3)  
13 of section 489.105, Florida Statutes, are amended to read:

14           489.105 Definitions.—As used in this part:

15           (3) "Contractor" means the person who is qualified for, and  
16 is only responsible for, the project contracted for and means,  
17 except as exempted in this part, the person who, for  
18 compensation, undertakes to, submits a bid to, or does himself  
19 or herself or by others construct, repair, alter, remodel, add  
20 to, demolish, subtract from, or improve any building or  
21 structure, including related improvements to real estate, for  
22 others or for resale to others; and whose job scope is  
23 substantially similar to the job scope described in one of the  
24 paragraphs of this subsection. For the purposes of regulation  
25 under this part, the term "demolish" applies only to demolition  
26 of steel tanks more than 50 feet in height; towers more than 50  
27 feet in height; other structures more than 50 feet in height;  
28 and all buildings or residences. Contractors are subdivided into  
29 two divisions, Division I, consisting of those contractors

9-00879-24

2024922\_\_

30 defined in paragraphs (a)-(c), and Division II, consisting of  
31 those contractors defined in paragraphs (d)-(q):

32 (j) "Commercial pool/spa contractor" means a contractor  
33 whose scope of work involves, but is not limited to, all phases  
34 of the construction, repair, renovation, remodel,  
35 deconstruction, and servicing of any swimming pool, ~~or~~ hot tub,  
36 ~~or~~ spa, splash pad or other interactive water feature,  
37 decorative water feature, public bathing place, or swimming pool  
38 or spa appurtenance, whether public, private, or otherwise,  
39 regardless of use.

40 1. The scope of such work includes, but is not limited to,  
41 all of the following:

42 a. The scope of work of a swimming pool/spa servicing  
43 contractor.

44 b. The connection, replacement, disconnection, or  
45 reconnection of power wiring on the load side of the dedicated  
46 existing electrical circuit disconnect means for swimming pool,  
47 spa, hot tub, or water feature equipment.

48 c. The installation of equipotential bonding; swimming  
49 pool, spa, or hot tub lighting; light transformers; light  
50 conduit; and any cleaning or sanitizing equipment that requires  
51 at least partial disassembling.

52 d. The construction of equipment rooms or housing for  
53 swimming pool, spa, hot tub, or water feature equipment.

54 e. Excavation and earthmoving required for the installation  
55 of swimming pools, spas, hot tubs, or water features and the  
56 operation of construction pumps for dewatering purposes for  
57 swimming pool, spa, hot tub, or water feature excavation sites  
58 and drained swimming pools, spas, hot tubs, or water features.

9-00879-24

2024922\_\_

59 f. The installation of rebar or similar support materials  
60 for swimming pool, spa, hot tub, or water feature structures,  
61 and the shaping and shooting of gunite dry mix and wet mix,  
62 concrete, or similar product mix used in the construction of  
63 swimming pools, spas, hot tubs, or water features.

64 g. The installation of fiberglass swimming pool, spa, or  
65 hot tub shells and vinyl swimming pool, spa, or hot tub liners.

66 h. The application and removal of all interior swimming  
67 pool, spa, hot tub, or water feature finishes.

68 i. The construction, maintenance, or remodel of decorative  
69 or interactive water features, displays, or areas that use  
70 recirculated water, including fountains, waterfalls, and spray  
71 nozzles.

72 j. The installation of all swimming pool, spa, hot tub, or  
73 water feature piping, including, but not limited to, drain  
74 piping, perimeter piping, and circulation or filter piping, used  
75 in the construction of swimming pools, spas, hot tubs, or  
76 decorative or interactive water feature displays or areas.

77 k. The construction and installation of retaining walls,  
78 concrete flatwork, pavers and bricks, and footings associated  
79 with the construction of swimming pools, spas, hot tubs, or  
80 water features, whether newly constructed or additions to or  
81 remodels of existing swimming pools, spas, hot tubs, or water  
82 features ~~The installation, repair, or replacement of existing~~  
83 ~~equipment, any cleaning or equipment sanitizing that requires at~~  
84 ~~least a partial disassembling, excluding filter changes, and the~~  
85 ~~installation of new pool/spa equipment, interior finishes, the~~  
86 ~~installation of package pool heaters, the installation of all~~  
87 ~~perimeter piping and filter piping, and the construction of~~

9-00879-24

2024922\_\_

88 ~~equipment rooms or housing for pool/spa equipment, and also~~  
89 ~~includes the scope of work of a swimming pool/spa servicing~~  
90 ~~contractor.~~

91 2. The scope of ~~such~~ work does not include direct  
92 connections to a sanitary sewer system or to potable water  
93 lines, the installation or upgrade of dedicated electrical  
94 disconnect or electrical circuits, or any work inside a main  
95 electrical panel. ~~The installation, construction, modification,~~  
96 ~~or replacement of equipment permanently attached to and~~  
97 ~~associated with the pool or spa for the purpose of water~~  
98 ~~treatment or cleaning of the pool or spa requires licensure;~~  
99 ~~however,~~

100 3. The usage of swimming pool, spa, hot tub, or water  
101 feature ~~such~~ equipment for the purposes of water treatment or  
102 cleaning does not require licensure unless the usage involves  
103 installation ~~construction,~~ modification, or replacement of such  
104 equipment. Water treatment that does not require such equipment;  
105 filter media changes; or the cleaning of a swimming pool, spa,  
106 hot tub, or water feature, or its associated equipment, which  
107 does not affect the structural integrity of the swimming pool,  
108 spa, hot tub, or water feature, does not require a license. ~~In~~  
109 ~~addition, a license is not required for the cleaning of the pool~~  
110 ~~or spa in a way that does not affect the structural integrity of~~  
111 ~~the pool or spa or its associated equipment.~~

112 (k) "Residential pool/spa contractor" has the same meaning  
113 as a commercial pool/spa contractor under paragraph (j), except  
114 a residential pool/spa contractor may not construct any new  
115 commercial swimming pool, spa, hot tub, or public bathing place.  
116 ~~means a contractor whose scope of work involves, but is not~~

9-00879-24

2024922\_\_

117 ~~limited to, the construction, repair, and servicing of a~~  
118 ~~residential swimming pool, or hot tub or spa, regardless of use.~~  
119 ~~The scope of work includes the installation, repair, or~~  
120 ~~replacement of existing equipment, any cleaning or equipment~~  
121 ~~sanitizing that requires at least a partial disassembling,~~  
122 ~~excluding filter changes, and the installation of new pool/spa~~  
123 ~~equipment, interior finishes, the installation of package pool~~  
124 ~~heaters, the installation of all perimeter piping and filter~~  
125 ~~piping, and the construction of equipment rooms or housing for~~  
126 ~~pool/spa equipment, and also includes the scope of work of a~~  
127 ~~swimming pool/spa servicing contractor. The scope of such work~~  
128 ~~does not include direct connections to a sanitary sewer system~~  
129 ~~or to potable water lines. The installation, construction,~~  
130 ~~modification, or replacement of equipment permanently attached~~  
131 ~~to and associated with the pool or spa for the purpose of water~~  
132 ~~treatment or cleaning of the pool or spa requires licensure;~~  
133 ~~however, the usage of such equipment for the purposes of water~~  
134 ~~treatment or cleaning does not require licensure unless the~~  
135 ~~usage involves construction, modification, or replacement of~~  
136 ~~such equipment. Water treatment that does not require such~~  
137 ~~equipment does not require a license. In addition, a license is~~  
138 ~~not required for the cleaning of the pool or spa in a way that~~  
139 ~~does not affect the structural integrity of the pool or spa or~~  
140 ~~its associated equipment.~~

141 (1) "Swimming pool/spa servicing contractor" means a  
142 contractor whose scope of work includes involves, but is not  
143 limited to, all aspects of the repair, renovation, remodeling,  
144 or ~~and~~ servicing of a swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash  
145 pad or other interactive water feature, decorative water

9-00879-24

2024922\_\_

146 feature, public bathing place, or swimming pool or spa  
147 appurtenance, whether public or private, or otherwise,  
148 regardless of use.

149 1. The scope of work includes, but is not limited to, all  
150 of the following:

151 a. The installation, repair, or replacement of all swimming  
152 pool, spa, hot tub, or water feature equipment, including, but  
153 not limited to, pool pumps; filters; feeders; controllers; and  
154 swimming pool, spa, or hot tub heaters, whether electric, gas,  
155 or solar.

156 b. The connection, replacement, disconnection, or  
157 reconnection of power wiring on the load side of the dedicated  
158 existing electrical circuit disconnect means for swimming pool,  
159 spa, hot tub, or water feature equipment.

160 c. The repair or replacement of equipotential bonding;  
161 swimming pool, spa, or hot tub lighting; light transformers;  
162 light conduit; and any cleaning or sanitizing equipment that  
163 requires at least partial disassembling.

164 d. The repair of equipment rooms or housing for swimming  
165 pool, spa, hot tub, or water feature equipment.

166 e. The repair or replacement of all perimeter piping and  
167 filter piping.

168 f. The substantial or complete draining of a swimming pool,  
169 spa, or hot tub for the purpose of a repair or renovation and  
170 the operation of construction pumps for dewatering purposes for  
171 drained swimming pools, spas, hot tubs, or water features.

172 g. The removal and reapplication of all interior swimming  
173 pool, spa, hot tub, or water feature finishes.

174 h. The installation, repair, or replacement of all tile and

9-00879-24

2024922\_\_

175 coping for swimming pools, spas, hot tubs, or water features the  
176 ~~repair or replacement of existing equipment, any cleaning or~~  
177 ~~equipment sanitizing that requires at least a partial~~  
178 ~~disassembling, excluding filter changes, and the installation of~~  
179 ~~new pool/spa equipment, interior refinishing, the reinstallation~~  
180 ~~or addition of pool heaters, the repair or replacement of all~~  
181 ~~perimeter piping and filter piping, the repair of equipment~~  
182 ~~rooms or housing for pool/spa equipment, and the substantial or~~  
183 ~~complete draining of a swimming pool, or hot tub or spa, for the~~  
184 ~~purpose of repair or renovation.~~

185 2. The scope of ~~such~~ work does not include direct  
186 connections to a sanitary sewer system or to potable water  
187 lines, the installation or upgrade of dedicated electrical  
188 disconnect or electrical circuits, or any work inside a main  
189 electrical panel. ~~The installation, construction, modification,~~  
190 ~~substantial or complete disassembly, or replacement of equipment~~  
191 ~~permanently attached to and associated with the pool or spa for~~  
192 ~~the purpose of water treatment or cleaning of the pool or spa~~  
193 ~~requires licensure; however,~~

194 3. The usage of swimming pool, spa, hot tub, or water  
195 feature ~~such~~ equipment for the purposes of water treatment or  
196 cleaning does not require licensure unless the usage involves  
197 installation ~~construction, modification, substantial or complete~~  
198 ~~disassembly,~~ or replacement of such equipment. Water treatment  
199 that does not require such equipment; filter media changes; or  
200 the cleaning of a swimming pool, spa, hot tub, or water feature,  
201 or its associated equipment, which does not affect the  
202 structural integrity of the swimming pool, spa, hot tub, or  
203 water feature does not require a license. ~~In addition, a license~~

9-00879-24

2024922\_\_

204 ~~is not required for the cleaning of the pool or spa in a way~~  
205 ~~that does not affect the structural integrity of the pool or spa~~  
206 ~~or its associated equipment.~~

207 Section 2. Subsections (3) and (6) of section 489.143,  
208 Florida Statutes, are amended to read:

209 489.143 Payment from the fund.—

210 (3) (a) Beginning January 1, 2005, for each Division I  
211 contract entered into after July 1, 2004, payment from the  
212 recovery fund is subject to a \$50,000 maximum payment for each  
213 Division I claim.

214 (b) Beginning January 1, 2017, for each Division II  
215 contract entered into on or after July 1, 2016, payment from the  
216 recovery fund is subject to a \$15,000 maximum payment for each  
217 Division II claim.

218 (c) Beginning January 1, 2025, for each contract entered  
219 into on or after July 1, 2024, with a Division II contractor  
220 certified or registered to perform the scope of work described  
221 in s. 489.105(3)(j), (k), or (l), payment from the recovery fund  
222 is subject to a \$50,000 maximum payment for each Division II  
223 claim.

224 (6) (a) For contracts entered into before July 1, 2004,  
225 payments for claims against any one licensee may not exceed, in  
226 the aggregate, \$100,000 annually, up to a total aggregate of  
227 \$250,000. For any claim approved by the board which is in excess  
228 of the annual cap, the amount in excess of \$100,000 up to the  
229 total aggregate cap of \$250,000 is eligible for payment in the  
230 next and succeeding fiscal years, but only after all claims for  
231 the then-current calendar year have been paid. Payments may not  
232 exceed the aggregate annual or per claimant limits under law.



9-00879-24

2024922\_\_

233       (b) Beginning January 1, 2005, for each Division I contract  
234 entered into after July 1, 2004, payment from the recovery fund  
235 is subject only to a total aggregate cap of \$500,000 for each  
236 Division I licensee.

237       (c) Beginning January 1, 2017, for each Division II  
238 contract entered into on or after July 1, 2016, payment from the  
239 recovery fund is subject only to a total aggregate cap of  
240 \$150,000 for each Division II licensee.

241       (d) Beginning January 1, 2025, for each contract entered  
242 into on or after July 1, 2024, with a Division II contractor  
243 certified or registered to perform the scope of work described  
244 in s. 489.105(3)(j), (k), or (l), payment from the recovery fund  
245 is subject only to a total aggregate cap of \$500,000 for each  
246 Division II licensee.

247       Section 3. This act shall take effect July 1, 2024.