

1                                   A bill to be entitled  
 2           An act relating to pool/spa contractors; amending s.  
 3           489.105, F.S.; revising the definition of the terms  
 4           "commercial pool/spa contractor," "residential  
 5           pool/spa contractor," and "swimming pool/spa servicing  
 6           contractor"; providing an effective date.

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

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

12           489.105 Definitions.—As used in this part:  
 13           (3) "Contractor" means the person who is qualified for,  
 14           and is only responsible for, the project contracted for and  
 15           means, except as exempted in this part, the person who, for  
 16           compensation, undertakes to, submits a bid to, or does himself  
 17           or herself or by others construct, repair, alter, remodel, add  
 18           to, demolish, subtract from, or improve any building or  
 19           structure, including related improvements to real estate, for  
 20           others or for resale to others; and whose job scope is  
 21           substantially similar to the job scope described in one of the  
 22           paragraphs of this subsection. For the purposes of regulation  
 23           under this part, the term "demolish" applies only to demolition  
 24           of steel tanks more than 50 feet in height; towers more than 50  
 25           feet in height; other structures more than 50 feet in height;

26 and all buildings or residences. Contractors are subdivided into  
27 two divisions, Division I, consisting of those contractors  
28 defined in paragraphs (a)-(c), and Division II, consisting of  
29 those contractors defined in paragraphs (d)-(q):

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

38 1. The scope of such work includes, but is not limited to,  
39 the following:

40 a. The scope of work of a swimming pool/spa servicing  
41 contractor.

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

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

50 d. The construction of uninhabitable equipment rooms or

51 housing for swimming pool, spa, hot tub, or interactive water  
52 feature equipment for the protection of the equipment from  
53 outside elements or preventing unauthorized access.

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

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

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

68 h. The application and removal of all interior swimming  
69 pool, spa, hot tub, or interactive water feature finishes.

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

74 j. The installation of all swimming pool, spa, hot tub, or  
75 interactive water feature piping including, but not limited to,

76 drain piping, perimeter piping, and circulation or filter piping  
77 used in the construction of swimming pools, spas, hot tubs, or  
78 decorative or interactive water feature displays or areas.

79 k. The construction and installation of retaining walls,  
80 concrete flatwork, pavers and bricks, and footings for the  
81 construction of a swimming pool, spa, hot tub, or interactive  
82 water feature, whether newly constructed or additions to or  
83 remodels of an existing swimming pool, spa, hot tub, or  
84 interactive water feature ~~The installation, repair, or~~  
85 ~~replacement of existing equipment, any cleaning or equipment~~  
86 ~~sanitizing that requires at least a partial disassembling,~~  
87 ~~excluding filter changes, and the installation of new pool/spa~~  
88 ~~equipment, interior finishes, the installation of package pool~~  
89 ~~heaters, the installation of all perimeter piping and filter~~  
90 ~~piping, and the construction of equipment rooms or housing for~~  
91 ~~pool/spa equipment, and also includes the scope of work of a~~  
92 ~~swimming pool/spa servicing contractor.~~

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

101 ~~however,~~

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

115       (k) "Residential pool/spa contractor" means a contractor  
116 whose scope of work is the same as a commercial pool/spa  
117 contractor under paragraph (j) but does not include the  
118 construction of any new commercial swimming pool, spa, hot tub,  
119 or public bathing place ~~involves, but is not limited to, the~~  
120 ~~construction, repair, and servicing of a residential swimming~~  
121 ~~pool, or hot tub or spa, regardless of use. The scope of work~~  
122 ~~includes the installation, repair, or replacement of existing~~  
123 ~~equipment, any cleaning or equipment sanitizing that requires at~~  
124 ~~least a partial disassembling, excluding filter changes, and the~~  
125 ~~installation of new pool/spa equipment, interior finishes, the~~

126 ~~installation of package pool heaters, the installation of all~~  
127 ~~perimeter piping and filter piping, and the construction of~~  
128 ~~equipment rooms or housing for pool/spa equipment, and also~~  
129 ~~includes the scope of work of a swimming pool/spa servicing~~  
130 ~~contractor. The scope of such work does not include direct~~  
131 ~~connections to a sanitary sewer system or to potable water~~  
132 ~~lines. The installation, construction, modification, or~~  
133 ~~replacement of equipment permanently attached to and associated~~  
134 ~~with the pool or spa for the purpose of water treatment or~~  
135 ~~cleaning of the pool or spa requires licensure; however, the~~  
136 ~~usage of such equipment for the purposes of water treatment or~~  
137 ~~cleaning does not require licensure unless the usage involves~~  
138 ~~construction, modification, or replacement of such equipment.~~  
139 ~~Water treatment that does not require such equipment does not~~  
140 ~~require a license. In addition, a license is not required for~~  
141 ~~the cleaning of the pool or spa in a way that does not affect~~  
142 ~~the structural integrity of the pool or spa or its associated~~  
143 ~~equipment.~~

144 (1) "Swimming pool/spa servicing contractor" means a  
145 contractor whose scope of work includes ~~involves~~, but is not  
146 limited to, all aspects of the repair, renovation, remodeling,  
147 or and servicing of a swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash  
148 pad or other interactive water feature, decorative water  
149 feature, public bathing place, or swimming pool or spa  
150 appurtenance, whether public or private, or otherwise,

151 regardless of use.

152 1. The scope of work includes, but is not limited to, the  
153 following:

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

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

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

167 d. The repair of uninhabitable equipment rooms or housing  
168 for swimming pool, spa, hot tub, or interactive water feature  
169 equipment.

170 e. The repair or replacement of all perimeter piping and  
171 filter piping.

172 f. The substantial or complete draining of a swimming  
173 pool, spa, or hot tub for repair or renovation and the operation  
174 of construction pumps for dewatering purposes for drained  
175 swimming pools, spas, hot tubs, or interactive water features.

176 g. The removal and reapplication of all interior swimming  
177 pool, spa, hot tub, or interactive water feature finishes.

178 h. The installation, repair, or replacement of all tile  
179 and coping for a swimming pool, a spa, a hot tub, or an  
180 interactive water feature ~~the repair or replacement of existing~~  
181 ~~equipment, any cleaning or equipment sanitizing that requires at~~  
182 ~~least a partial disassembling, excluding filter changes, and the~~  
183 ~~installation of new pool/spa equipment, interior refinishing,~~  
184 ~~the reinstallation or addition of pool heaters, the repair or~~  
185 ~~replacement of all perimeter piping and filter piping, the~~  
186 ~~repair of equipment rooms or housing for pool/spa equipment, and~~  
187 ~~the substantial or complete draining of a swimming pool, or hot~~  
188 ~~tub or spa, for the purpose of repair or renovation.~~

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

198 3. The usage of swimming pool, spa, hot tub, or  
199 interactive water feature ~~such~~ equipment for ~~the purposes of~~  
200 water treatment or cleaning does not require licensure unless



201 the usage involves installation ~~construction~~, modification,  
202 ~~substantial or complete disassembly~~, or replacement of such  
203 equipment. Water treatment that does not require such equipment;  
204 filter media changes; or the cleaning of a swimming pool, a spa,  
205 a hot tub, or an interactive water feature, or its associated  
206 equipment, which does not affect the structural integrity of the  
207 swimming pool, spa, hot tub, or interactive water feature does  
208 not require a license. ~~In addition, a license is not required~~  
209 ~~for the cleaning of the pool or spa in a way that does not~~  
210 ~~affect the structural integrity of the pool or spa or its~~  
211 ~~associated equipment.~~

212 **Section 2.** This act shall take effect July 1, 2025.