

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 570

INTRODUCER: Senator Gruters

SUBJECT: Swimming Pool and Spa Contractors

DATE: March 11, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	<b>Pre-meeting</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 570 revises the scope of allowable work for commercial, residential, and servicing swimming pool contractors in the following ways:

**Commercial Pool/Spa Contractor:**

The bill amends the definition to include renovation, remodel and deconstruction of swimming pools, hot tubs, and spas and also includes splash pads, other interactive features, decorative water features, public bathing places and swimming pool and spa appurtenances. (Swimming pools and other structures)

It provides that the scope of work includes the scope for swimming pool/spa servicing contractors. It substantially amends the scope of work to include power wiring, lighting, and the construction of equipment rooms. It also includes excavation and earthmoving required for the installation of swimming pools and other structures. The installation of rebar and supportive materials, fiberglass, liners, and the application of finishes is also included in the scope of work.

Additionally, the installation of piping the construction and installation of retaining walls, bricks and pavers and footings for the construction of swimming pools and other structures under the scope of work.

The bill provides that the scope of work does **not** include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

Furthermore, the use of swimming pool, spa, hot tub, or interactive water feature equipment for the purposes of water treatment or cleaning do not require licensure unless such use involves installation, modification, or replacement of such equipment. The bill clarifies that water treatment, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive

water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub or interactive water feature, does not require a license.

**Residential Pool/Spa Contractor:**

The bill amends the definition of a residential pool/spa contractor to mean a contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place.

**Swimming Pool/Spa Servicing Contractor:**

The bill amends the definition of a swimming pool/spa servicing contractor to include all aspects of the repair, renovation, remodeling, or servicing of a swimming pool, hot tub, spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance.

It provides that the scope of work includes the installation, repair, and replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, (swimming pools) including, but not limited to pumps, filter, feeders, controllers, and heaters, whether electric, gas, or solar. It substantially amends the scope of work to include connection activities for power wiring on the load side electrical circuit lighting for swimming pool equipment.

It includes the repair, replacement, and sanitizing of lighting equipment, including partial dismantling of equipment. It also includes the repair of equipment rooms and the repair and replacement of perimeter and filter piping.

The scope includes draining the swimming pools for renovation or repair, the removal and reapplication of finishes and the installation, repair, or replacement of all tile and coping.

The bill provides that a swimming pool/spa servicing contractor's scope of work does **not** include the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

Finally, the bill provides that the use of swimming pool, spa, hot tub, or interactive water feature equipment for the purposes of water treatment or cleaning do not require licensure unless such use involves installation, modification, or replacement of such equipment. The bill clarifies that water treatment, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub or interactive water feature, does not require a license.

The bill has an effective date of July 1, 2025.

## II. Present Situation:

### Contractors

Contractors are regulated by ch. 489, F.S., which outlines the law pertaining to contractors in the state of Florida. Part I of ch. 489, F.S., covers construction contracting regulated by the Construction Industry Licensing Board (CILB) and pt. II of ch. 489, F.S., covers electrical/alarm system contracting regulated by the Electrical Contractors' Licensing Board. Both boards are housed in the Department of Business and Professional Regulation (DBPR).

Construction contractors are either certified or registered by the CILB. The CILB consists of 18 members who are appointed by the Governor and confirmed by the Senate. The CILB meets to approve or deny applications for licensure, review disciplinary cases, and to conduct informal hearings relating to discipline.<sup>1</sup>

"Certified contractors" are individuals who pass the state competency examination and obtain a certificate of competency issued by the DBPR. Certified contractors are able to obtain a certificate of competency for a specific license category and are permitted to practice in that category in any jurisdiction in the state.<sup>2</sup>

"Registered contractors" are individuals who have taken and passed a local competency examination and can practice the specific category of contracting for which he or she is approved, only in the local jurisdiction for which the license is issued. Registered contractors must register their license with the CILB after obtaining a local license.<sup>3</sup>

In order to perform construction contracting in the state, a person must be certified or registered as a contractor, be an employee<sup>4</sup> of a certified or registered contractor, or fall under an exemption provided in current law.<sup>5</sup> The construction industry, in general, received 2,464 unlicensed activity complaints in the year fiscal year 2022-2023.<sup>6</sup>

Currently, a "general contractor" is required to subcontract all swimming pool work except for structural swimming pool work.<sup>7</sup>

### Swimming Pool/Spa Contractors

"Commercial pool/spa contractors" are individuals who are certified or registered to construct, repair, and service any public or private swimming pool, hot tub, or spa including:<sup>8</sup>

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<sup>1</sup> Section 489.107, F.S.

<sup>2</sup> Section 489.105, F.S.

<sup>3</sup> Sections 489.105, and 489.117, F.S.

<sup>4</sup> "Employee" means a person who receives compensation from and is under the supervision and control of an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law. Section 489.103(2)(b), F.S.

<sup>5</sup> Section 489.103(2), and 489.113, F.S.

<sup>6</sup> DBPR, *Fiscal Year 2022-2023 Annual Report on Unlicensed Activity*, <https://www2.myfloridalicense.com/reg/documents/ULA%20Report%20FY22-23.pdf>, (last visited March 11, 2025).

<sup>7</sup> Section 489.113(3)(c).

<sup>8</sup> Section 489.105(3)(j), F.S.

- Installing, repairing, or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment, interior finishes, package pool heaters, and perimeter piping and filter piping;
- Constructing equipment rooms or housing for pool/spa equipment; and
- The scope of work of a swimming pool/spa servicing contractor.

“Residential pool/spa contractors” are individuals who are certified or registered to construct repair, and service any residential swimming pool, hot tub, or spa. The scope of work is identical to the scope of work for commercial pool/spa contractors; however, residential pool/spa contractors may only work on residential swimming pools, hot tubs, and spas.<sup>9</sup>

“Swimming pool/spa servicing contractors” are individuals who are certified or registered to repair and service any public or private swimming pool, hot tub, or spa including:<sup>10</sup>

- Repairing or replacing existing equipment;
- Cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes;
- Installing new pool/spa equipment and interior refinishing;
- Reinstalling or adding pool heaters;
- Repairing or replacing perimeter piping and filter piping;
- Repairing equipment rooms or housing for pool/spa equipment; and
- Substantially or completely draining a swimming pool, or hot tub or spa, for the purpose of repair or renovation.

The scope of work for all three types of swimming pool/spa contractors does not include direct connections to a sanitary sewer system or to potable water lines.<sup>11</sup>

Water treatment or cleaning a pool or spa does not require a license unless the structural integrity of the pool or spa is affected, or equipment attached to the pool or spa must be substantially or completely disassembled or replaced in order to treat the water or clean the pool. Installing an aboveground pool also does not require a license.<sup>12</sup>

A contractor, including pool/spa contractors, must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, and air-conditioning work, to a contractor certified or registered in the respective category, unless the pool/spa contractor also holds a state certificate or registration in the respective category.<sup>13</sup>

In order to obtain certification as a swimming pool/spa contractor, a person must:<sup>14</sup>

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<sup>9</sup> Section 489.105(3)(k), F.S.

<sup>10</sup> Section 489.105(3)(l), F.S.

<sup>11</sup> Section 489.105, F.S.

<sup>12</sup> Sections 489.103(6), and 489.105, F.S.; DBPR, *Trust but Verify*,

[http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify\\_000.pdf?x40199](http://www.myfloridalicense.com/dbpr/reg/documents/trustbutverify_000.pdf?x40199) (last visited March 11, 2025).

<sup>13</sup> Section 489.113(3), F.S.

<sup>14</sup> Sections 489.111, & 489.113, F.S.

- Apply to the DBPR in writing;
- Be 18 years of age;
- Be of good moral character;
- Pass the examination for the certification sought; and
- Have one of the following:
  - A bachelor degree from a four year college in the appropriate field of engineering, architecture, or building construction, and one year of proven experience;
  - Four years of experience as a foreman or a skilled worker with at least one year as a foreman;
  - A combination of college and experience as a foreman or skilled worker that equals four years with at least one of the years as a foreman; or
  - One year of experience and 60 hours of instruction courses approved by the CILB; however, this only applies to swimming pool/spa servicing contractors.

### **Swimming Pool/Spa Specialty Contractors**

“Certified specialty contractors” are contractors whose scope of work is limited to a particular phase of construction that is a subset of a certified contractor’s scope of work, such as a drywall specialty license or a demolition specialty license. Certified specialty contractor licenses are created by the CILB through rulemaking. Certified specialty contractors are permitted to practice in any jurisdiction in the state.<sup>15</sup>

The CILB has created eight types of pool/spa specialty contractor certifications. Pool/spa specialty contractors, except residential swimming pool/spa servicing specialty contractors, must work under contract with and under the supervision of a licensed swimming pool/spa contractor. However, they are not required to be employees of a licensed pool/spa contractor.<sup>16</sup>

In order to obtain certification as a certified specialty pool/spa contractor a person must:<sup>17</sup>

- Submit a written application to the CILB;
- Be at least 18 years of age;
- Be of good moral character;
- Pass a written examination for the specialty pool/spa contractor category sought; and
- Demonstrate four years of experience in the specialty pool/spa contractor category sought, or one year of experience and 60 hours of instruction courses approved by the CILB; however, the one year of experience only applies to residential swimming pool/spa servicing contractors.

Additionally, a pool/spa contractor (commercial, residential, and servicing) is required to complete 14 hours of continuing education and pay a renewal fee of \$205 per year.<sup>18</sup>

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<sup>15</sup> Section 489.105(3)(q), F.S.

<sup>16</sup> Fla. Admin. Code R. 61G4-15.032; Rule 61G4-15.040.

<sup>17</sup> *Id.*

<sup>18</sup> DBPR, *Getting Started in the Construction Industry*, CE Requirements, <https://www2.myfloridalicense.com/construction-industry/#ce> (last visited March 11, 2025).

### III. Effect of Proposed Changes:

SB 570 revises the scope of allowable work for commercial, residential, and servicing swimming pool contractors in the following ways:

#### **Commercial Pool/Spa Contractor:**

- Expands the definition of a commercial pool/spa contractor to provide that a commercial pool/spa contractor's scope of work involves but is not limited to:
  - All phases of construction repair, renovation, remodel, deconstruction, and servicing of a swimming pool, hot tub, or spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or a swimming pool or spa appurtenance.
- Expands the scope of work to:
  - The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
  - The installation of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
  - The construction of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment for the protection of the equipment from outside elements or preventing unauthorized access.
  - The excavation and earthmoving required for the installation of swimming pools, spas, hot tubs, or interactive water features and the operation of construction pumps for dewatering purposes for swimming pool, spa, hot tub, or interactive water feature excavation sites and draining swimming pools, spas, hot tubs, or interactive water features.
  - The installation of rebar or similar support materials for swimming pool, spa, hot tub, or interactive water feature structures, and the shaping and shooting of gunite dry mix and wet mix, concrete, or similar product mix used in the construction of swimming pools, spas, hot tubs, or interactive water features.
  - The installation of fiberglass swimming pool, spa, or hot tub shells and vinyl swimming pool, spa, or hot tub liners.
  - The application and removal of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
  - The construction, maintenance, or remodel of decorative or interactive water features, displays, or areas that use recirculated water, including fountains, waterfalls, and spray nozzles.
  - The installation of all swimming pool, spa, hot tub, or interactive water feature piping, including, but not limited to, drain piping, perimeter piping, and circulation or filter piping used in the construction of swimming pools, spas, hot tubs, or decorative or interactive water feature displays or areas.
  - The construction and installation of retaining walls, concrete flatwork, pavers and bricks, and footings for the construction of a swimming pool, spa, hot tub, or interactive water feature, whether newly constructed or additions to or remodels of existing swimming pools, spas, hot tubs, or interactive water features.

- Limits the scope of work by providing that the installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel, is not included within the scope of work.
- Clarifies that licensure is not required when using equipment for:
  - Treating or cleaning a swimming pool, spa, hot tub, or interactive water feature unless such use involves installation, modification, or replacement of the equipment.
  - Treating water, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature.

**Residential Pool/Spa Contractor:**

- Revises the definition of a residential pool/spa contractor to mean:
  - A contractor whose scope of work is the same as a commercial pool/spa contractor under paragraph (j), except a residential pool/spa contractor may not construct any new commercial swimming pool, spa, hot tub, or public bathing place.

**Swimming Pool/Spa Servicing Contractor:**

- Revises the definition of a swimming pool/spa servicing contractor to include:
  - All aspects of the repair, renovation, remodeling, or servicing of a swimming pool, hot tub, spa, splash pad, or other interactive water feature, decorative water feature, public bathing place, or swimming pool or spa appurtenance.
- Clarifies a swimming pool/spa servicing contractor's scope of work by including but not limiting to:
  - The installation, repair, or replacement of all swimming pool, spa, hot tub, or interactive water feature equipment, including, but not limited to, pool pumps; filters; feeders; controllers; and swimming pool, spa, or hot tub heaters, whether electric, gas, or solar.
  - The connection, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated existing electrical circuit disconnect means for swimming pool, spa, hot tub, or interactive water feature equipment.
  - The repair or replacement of equipotential bonding; swimming pool, spa, or hot tub lighting; light transformers; light conduit; and any cleaning or sanitizing equipment that requires at least partial disassembling.
  - The repair of uninhabitable equipment rooms or housing for swimming pool, spa, hot tub, or interactive water feature equipment.
  - The repair or replacement of all perimeter piping and filter piping.
  - The substantial or complete draining of a swimming pool, spa, or hot tub for repair or renovation and the operation of construction pumps for dewatering purposes for drained swimming pools, spas, hot tubs, or interactive water features.
  - The removal and reapplication of all interior swimming pool, spa, hot tub, or interactive water feature finishes.
  - The installation, repair, or replacement of all tile and coping for a swimming pool, spa, hot tub, or interactive water feature.
- Clarifies a swimming pool/spa servicing contractor's scope of work does not include:
  - The installation or upgrade of dedicated electrical disconnect or electrical circuits, or any work inside a main electrical panel.

- Clarifies that licensure is not required when using equipment for:
  - Treating or cleaning a swimming pool, spa, hot tub, or interactive water feature unless such use involves installation, modification, or replacement of the equipment.
  - Treating water, filter media changes, or the cleaning of a swimming pool, spa, hot tub, or interactive water feature, or its associated equipment, which does not affect the structural integrity of the swimming pool, spa, hot tub, or interactive water feature.

SB 570 would not impact the current ability of general contractors to complete the structural work of a swimming pool.

**Sections 2 – 9** of the bill are for incorporating purposes.

The bill goes into effect July 1, 2025.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 489.105 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 489.107, 489.117, 489.118, 489.131, 489.141, 514.0315 and 514.075.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.