

By Senator Massullo

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30 committee to hold public workshops for the development
31 of certain rules; providing notice requirements for
32 such workshops; providing purposes of the committee;
33 providing for reimbursement of travel expenses for
34 committee members; amending s. 514.03, F.S.;
35 conforming a cross-reference; prohibiting the
36 department and county health departments from
37 requiring engineered plans for or re-engineering of
38 swimming pools, spa pools, wading pools, or
39 interactive water features to be submitted for
40 equipment replacements if certain conditions are met;
41 providing that pool/spa contractors performing the
42 equipment replacement are responsible for making
43 certain certifications; amending s. 514.031, F.S.;
44 revising application requirements for public swimming
45 pool operating permits; providing an effective date.
46

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

48
49 Section 1. Subsections (2), (3), and (9) of section
50 514.0115, Florida Statutes, are amended to read:

51 514.0115 Exemptions from supervision or regulation;
52 variances.—

53 (2) (a) Pools serving no more than 32 condominium or
54 cooperative units which are not operated as a public lodging
55 establishment are ~~shall~~ be exempt from supervision under this
56 chapter, except for supervision necessary to ensure water
57 quality and an annual inspection to ensure compliance with
58 sanitary and entrapment standards, including, but not limited

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59 to, all of the following standards:

60 1. Pools must comply with the federal Virginia Graeme Baker
61 Pool and Spa Safety Act.

62 2. Pools must be operated at the designed flow rate.

63 3. A pool's filtration system must have capacity equal to
64 or greater than the originally designed filter capacity, use the
65 same filter media as originally designed, and be operated as
66 originally designed, either as suction or pressure.

67 (b) Pools serving condominium or cooperative associations
68 of more than 32 units and whose recorded documents prohibit the
69 rental or sublease of the units for periods of less than 60 days
70 are exempt from supervision under this chapter, except that the
71 condominium or cooperative owner or association must file
72 applications with the department and obtain construction plans
73 approval and receive an initial operating permit. The department
74 shall inspect the swimming pools at such places annually, at the
75 fee set forth in s. 514.033(3), or upon request by a unit owner,
76 to determine compliance with department rules relating to water
77 quality and lifesaving equipment, compliance with the federal
78 Virginia Graeme Baker Pool and Spa Safety Act, and whether the
79 pool is being operated at the designed and permitted flow rate
80 and its filtration system is in place and being operated as
81 originally engineered and permitted. The department may not
82 require compliance with rules relating to swimming pool
83 lifeguard standards.

84 (3) Pools serving homeowners' associations and other
85 property associations which have no more than 32 units or
86 parcels and are not operated as public lodging establishments
87 are exempt from supervision under this chapter, except that such

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88 pools are subject to ss. 514.05 and 514.06 and for supervision
89 necessary to ensure water quality and compliance with s.
90 514.0315, and sanitary and entrapment standards. The department
91 shall inspect swimming pools at such places annually to ensure
92 compliance with the sanitary and entrapment standards,
93 including, but not limited to, all of the following standards:

94 (a) Pools must comply with the federal Virginia Graeme
95 Baker Pool and Spa Safety Act.

96 (b) Pools must be operated at the designed flow rate.

97 (c) A pool's filtration system must have capacity equal to
98 or greater than the originally designed filter capacity, use the
99 same filter media as originally designed, and be operated as
100 originally designed, either as suction or pressure ~~are subject~~
101 ~~to ss. 514.05 and 514.06.~~

102 (9) The department may grant variances from any rule
103 adopted under this chapter pursuant to procedures adopted by
104 department rule. The department may also grant, pursuant to
105 procedures adopted by department rule, variances from the
106 provisions of the Florida Building Code specifically pertaining
107 to public swimming pools and bathing places when requested by
108 the pool owner or the pool owner's representative to relieve
109 hardship in cases involving deviations from the Florida Building
110 Code provisions, when it is shown that the hardship was not
111 caused intentionally by the action of the applicant, where no
112 reasonable alternative exists, and the health and safety of the
113 pool patrons is not at risk. The Public Swimming Pool and Spa
114 Technical Committee established under s. 514.028 has the sole
115 authority within the department to review and approve variances
116 under this section.

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117 Section 2. Section 514.021, Florida Statutes, is amended to
118 read:

119 514.021 Department authorization.—

120 (1) The Public Swimming Pool and Spa Technical Committee
121 established under s. 514.028 shall adopt and the department
122 shall may adopt and enforce rules for the operation of public
123 swimming pools and public bathing places, including to protect
124 the health, safety, or welfare of persons by setting sanitation
125 and safety standards for public swimming pools and public
126 bathing places. The department shall review and revise such
127 rules as necessary, but not less than biennially. Sanitation and
128 safety standards are shall be limited to matters relating to
129 source of water supply; microbiological, chemical, and physical
130 quality of water in the pool or bathing area; and method of
131 water purification, treatment, and disinfection; lifesaving
132 apparatus; and measures to ensure safety of bathers.

133 (2) The Public Swimming Pool and Spa Technical Committee or
134 the department may not establish by rule any regulation
135 governing the design, alteration, modification, or repair of
136 public swimming pools and bathing places ~~which has no impact on~~
137 ~~sanitation and safety of persons using public swimming pools and~~
138 ~~bathing places. Further, the committee or~~ the department may not
139 adopt by rule any regulation governing the construction,
140 erection, or demolition of public swimming pools and bathing
141 places. It is the intent of the Legislature to preempt those
142 functions to the Florida Building Commission through adoption
143 and maintenance of the Florida Building Code. ~~The department~~
144 ~~shall provide technical assistance to the commission in updating~~
145 ~~the construction standards of the Florida Building Code which~~

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146 ~~govern public swimming pools.~~ This subsection does not abrogate
147 the authority of the committee to adopt and the department to
148 ~~adopt and~~ enforce appropriate sanitary regulations and
149 requirements as authorized in subsection (1).

150 Section 3. Subsection (4) is added to section 514.025,
151 Florida Statutes, to read:

152 514.025 Assignment of authority to county health
153 departments.—

154 (4) Department and county health department employees
155 assigned to the inspection and regulation of public swimming
156 pools, spas, or bathing facilities must, within 60 days after
157 employment or assignment to the inspection and regulation of
158 public swimming pools, spas, or bathing facilities, obtain the
159 Florida Public Pool Specialist Certification developed by the
160 Florida Swimming Pool Association and approved by the
161 department. The certification must be renewed every 5 years, and
162 employees must maintain this certification for as long as they
163 are assigned to the inspection and regulation of public swimming
164 pools, spas, or bathing facilities. The department or county
165 health department, as applicable, shall bear the cost of
166 certification, including certification renewals, of employees
167 under this subsection.

168 Section 4. Section 514.028, Florida Statutes, is amended to
169 read:

170 514.028 Public Swimming Pool and Spa Technical Committee
171 ~~Advisory review board.~~—

172 (1) The Governor shall appoint ~~the Public Swimming Pool and~~
173 ~~Spa Technical Committee, an advisory review board which shall~~
174 ~~meet as necessary and~~ or at least bimonthly quarterly, to review

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175 ~~and act on variance applications under s. 514.0115 recommend~~
176 ~~agency action on variance request, rule and policy development,~~
177 ~~and other technical review problems. The board shall be composed~~
178 ~~comprised of:~~

179 (a) Three commercial swimming pool/spa contractors A
180 ~~representative from the office of licensure and certification of~~
181 ~~the department.~~

182 (b) Two swimming pool/spa servicing contractors A
183 ~~representative from the county health departments.~~

184 (c) Two professional engineers, licensed and practicing in
185 ~~this state~~ ~~Three representatives from the swimming pool~~
186 ~~construction industry.~~

187 (d) Two representatives A ~~representative~~ from the public
188 lodging industry.

189 (e) ~~A representative from a county or local building~~
190 ~~department.~~

191 (2) Notwithstanding s. 120.54, the committee shall hold a
192 public workshop to develop each rule proposed under s. 514.021
193 and provide a notice of rule development at least 45 days before
194 the date on which the workshop is scheduled to be held. In
195 addition, each notice of proposed rule must be published in the
196 Florida Administrative Register at least 45 days before the
197 intended action ~~The purpose of the advisory review board is to~~
198 ~~promote better relations, understanding, and cooperation between~~
199 ~~such industries and the department; to review and make~~
200 ~~recommendations regarding department product approval standards;~~
201 ~~to suggest means of better protecting the health, welfare, or~~
202 ~~safety of persons using the services offered by such industries;~~
203 ~~and to give the department the benefit of the knowledge and~~

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204 experience of the board concerning the industries and individual
205 businesses affected by the laws and rules administered by the
206 department.

207 (3) The purpose of the committee is to:

208 (a) Consider and adopt modifications to rules for the
209 operation of public swimming pools and public bathing places
210 pursuant to s. 514.021(1); and

211 (b) Review and act on variance applications under s.
212 514.0115.

213 (4) Members shall be reimbursed for travel expenses
214 incurred in connection with service on the committee advisory
215 review board pursuant to s. 112.061.

216 Section 5. Subsection (1) of section 514.03, Florida
217 Statutes, is amended, and subsection (3) is added to that
218 section, to read:

219 514.03 Approval necessary to construct, develop, or modify
220 public swimming pools or public bathing places.—

221 (1) A person or public body desiring to construct, develop,
222 or modify a public swimming pool must submit an application,
223 containing the information required under s. 514.031(1)(a)1.-5.
224 ~~s. 514.031(1)(a)1.-6.~~ to the department for an operating permit
225 before filing an application for a building permit under s.
226 553.79. A copy of the final inspection required under s.
227 514.031(1)(a)5. shall be submitted to the department upon
228 receipt by the applicant. The application shall be deemed
229 incomplete pursuant to s. 120.60 until such copy is submitted to
230 the department.

231 (3) The department or county health department may not
232 require engineered plans for or re-engineering of a swimming

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233 pool, a spa pool, a wading pool, or an interactive water feature
234 to be submitted for equipment replacements if such replacement
235 equipment meets the originally designed flow, filtration, and
236 sanitation specifications, regardless of the equipment type,
237 make, or model. The pool/spa contractor, as defined in s.
238 489.105(3)(j), (k), or (l), performing the equipment replacement
239 is responsible for certifying that the replacement meets the
240 originally designed flow, filtration, and sanitation
241 specifications of the swimming pool, spa pool, wading pool, or
242 interactive water feature.

243 Section 6. Subsection (1) of section 514.031, Florida
244 Statutes, is amended to read:

245 514.031 Permit necessary to operate public swimming pool.—
246 (1) It is unlawful for any person or public body to operate
247 or continue to operate any public swimming pool without a valid
248 permit from the department, such permit to be obtained in the
249 following manner:

250 (a) Any person or public body desiring to operate any
251 public swimming pool must shall file an application for an
252 operating permit with the department, on application forms
253 provided by the department, and must shall accompany such
254 application with:

255 1. A description of the structure, its appurtenances, and
256 its operation.

257 2. A description of the source or sources of water supply,
258 and the amount and quality of water available and intended to be
259 used.

260 3. The method and manner of water purification, treatment,
261 disinfection, and heating.

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262 4. The safety equipment and standards to be used.

263 5. A copy of the final inspection from the local
264 enforcement agency as defined in s. 553.71.

265 6. ~~Any other pertinent information deemed necessary by the~~
266 ~~department.~~

267 (b) The applicant must shall respond to a request for
268 additional information due to an incomplete application for an
269 operating permit pursuant to s. 120.60. Upon receipt of an
270 application, whether complete or incomplete, as required in s.
271 514.03 and as set forth under this section, the department shall
272 review and provide to the local enforcement agency and the
273 applicant any comment or proposed modifications on the
274 information received pursuant to subparagraphs (a)1.-5. ~~(a)1.-6.~~

275 (c) The department shall grant the application for permit,
276 unless ~~if~~ the department determines by clear and convincing
277 evidence that the public swimming pool will not ~~is or may~~
278 ~~reasonably be expected to~~ be operated in compliance with this
279 chapter and the rules adopted hereunder, ~~the department shall~~
280 ~~grant the application for permit.~~

281 (d) If the department determines that the public swimming
282 pool does not meet the provisions outlined in this chapter or
283 the rules adopted hereunder, the department must shall deny the
284 application for a permit pursuant to ~~the provisions of~~ chapter
285 120. Such denial must shall be in writing and must shall list
286 the circumstances for the denial. Upon correction of such
287 circumstances, an applicant previously denied permission to
288 operate a public swimming pool or bathing place may reapply for
289 a permit.

290 Section 7. This act shall take effect July 1, 2026.