

By Senator Massullo

11-00839-26

20261200\_\_

A bill to be entitled

An act relating to regulation of public swimming pools and bathing places; amending s. 514.0115, F.S.; providing that, notwithstanding an exemption from supervision or regulation, certain pools are subject to annual inspections by the Department of Health to ensure compliance with specified standards; providing the Public Swimming Pool and Spa Technical Committee with the sole authority to review and approve certain variances; amending s. 514.021, F.S.; requiring the committee, rather than the department, to adopt certain rules for the operation of public swimming pools and public bathing places; making conforming changes; deleting a requirement that the department provide technical assistance to the Florida Building Commission in updating certain construction standards; amending s. 514.025, F.S.; requiring certain department and county health department employees to obtain the Florida Public Pool Specialist Certification within a specified timeframe; requiring that such certification be renewed every 5 years and maintained as long as the employees are assigned to specified duties; providing that the department or the county health department, as applicable, bears the cost of such employee certifications; amending s. 514.028, F.S.; deleting a certain advisory review board and replacing it with the Public Swimming Pool and Spa Technical Committee; providing for meetings and membership of the committee; requiring the

11-00839-26

20261200\_\_

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

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

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

514.0115 Exemptions from supervision or regulation; variances.—

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

11-00839-26

20261200\_\_

to, all of the following standards:

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

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

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

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

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

11-00839-26

20261200\_\_

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~~7~~ 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.

11-00839-26

20261200\_\_

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~~

11-00839-26

20261200\_\_

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

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

514.025 Assignment of authority to county health departments.—

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

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

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

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

11-00839-26

20261200\_\_

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

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

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

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

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

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

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

11-00839-26

20261200\_\_

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

(3) The purpose of the committee is to:

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

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

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

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

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

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

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



11-00839-26

20261200\_\_

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

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

514.031 Permit necessary to operate public swimming pool.—

(1) It is unlawful for any person or public body to operate or continue to operate any public swimming pool without a valid permit from the department, such permit to be obtained in the following manner:

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

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

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

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

11-00839-26

20261200\_\_

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.