

1 A bill to be entitled
2 An act relating to water safety for cooling towers,
3 domestic water holding tanks, and supplemental
4 disinfection systems; creating part III of ch. 386,
5 F.S., entitled "Water Safety for Cooling Towers,
6 Domestic Water Holding Tanks, and Supplemental
7 Disinfection Systems"; creating s. 386.301, F.S.;
8 providing legislative intent; creating s. 386.302,
9 F.S.; providing definitions; creating s. 386.303,
10 F.S.; requiring that owners of cooling towers,
11 domestic water holding tanks, and supplemental
12 disinfection systems register them with the Department
13 of Health; requiring the department to create a
14 statewide electronic system for such registrations;
15 providing minimum requirements for the registration
16 system; requiring that owners of cooling towers,
17 domestic water holding tanks, or supplemental
18 disinfection systems report specified information to
19 the department beginning on a specified date;
20 providing department responsibilities regarding the
21 registration system; requiring that owners of cooling
22 towers maintain certain records for a specified
23 timeframe; requiring that a copy of the maintenance
24 program and plan be kept on the cooling tower
25 premises; providing construction; creating s. 386.304,

F.S.; requiring that owners of cooling towers obtain or update a maintenance program and plan for existing and newly installed cooling towers by a specified date; providing requirements for the maintenance program and plan; creating s. 386.305, F.S.; requiring that certain culture analyses be conducted by certified environmental laboratories; providing requirements for interpreting the results of such analyses; creating s. 386.306, F.S.; requiring that owners of cooling towers provide notification to the county health department and the public within a specified timeframe under specified circumstances; requiring county health departments to provide certain notification to the department; requiring the county health department or, at its discretion, the department to determine the method of certain notifications; creating s. 386.307, F.S.; providing cooling tower disinfection standards; requiring that the person conducting the disinfection meet certain qualifications; specifying the types of products that may be used during a disinfection; providing cooling tower efficiency standards; creating s. 386.308, F.S.; requiring that owners of cooling towers have the cooling towers inspected before initial startup and, thereafter, at specified intervals; providing

51 inspection requirements; requiring that persons
52 conducting inspections report deficiencies to the
53 owner for corrective action; requiring initial and
54 annual certification of cooling towers by a specified
55 date; providing requirements for certification;
56 requiring that all inspection findings, deficiencies,
57 corrective actions, and certifications be reported to
58 the department and maintained by the owner; creating
59 s. 386.309, F.S.; authorizing the department or a
60 county health department to require an owner to
61 conduct a *Legionella* culture sampling and analysis
62 under certain circumstances; authorizing an officer,
63 employee, or agent of the department or county health
64 department to enter a property to inspect a cooling
65 tower; specifying that certain actions by the owner of
66 a cooling tower may constitute a nuisance; providing
67 for civil and criminal penalties; requiring the State
68 Surgeon General to submit a report to the Legislature
69 by a specified date; providing requirements for the
70 report; creating s. 386.3101, F.S.; authorizing county
71 health departments or the department to issue waivers
72 if the waiver does not present a danger to the public
73 health; providing requirements for the waivers;
74 authorizing county health departments to issue
75 variances under certain circumstances for a specified

76 period of time; providing an effective date.

77
78 Be It Enacted by the Legislature of the State of Florida:

79
80 **Section 1. Part III of chapter 386, Florida Statutes,**
81 **consisting of ss. 386.301-386.3101, Florida Statutes, is created**
82 **and entitled "Water Safety for Cooling Towers, Domestic Water**
83 **Holding Tanks, and Supplemental Disinfection Systems."**

84 **Section 2. Section 386.301, Florida Statutes, is created**
85 **to read:**

86 386.301 Legislative intent.—The purpose of this part is to
87 protect people from the health hazards of *Legionella*, a
88 bacterium that is known to originate in improperly sanitized
89 cooling towers, domestic water holding tanks, and building
90 piping systems.

91 **Section 3. Section 386.302, Florida Statutes, is created**
92 **to read:**

93 386.302 Definitions.—As used in this part, the term:

94 (1) "Bacteriological culture sampling and analysis" means
95 the collection of a water sample for the purpose of measuring
96 the live culture growth of aerobic bacterial populations using
97 heterotrophic plate count, dip slides, or a similar method
98 employed by the industry in accordance with the manufacturer's
99 directions for use.

100 (2) "Building," unless otherwise expressly indicated by

101 the text, means all or part of a structure, premises, or lot
102 which is used or is intended to support or shelter a use or
103 occupancy.

104 (3) "Cleaning" means physical, mechanical, or other
105 removal of biofilm, scale, debris, rust, other corrosion
106 products, sludge, algae, and other potential sources of
107 contamination.

108 (4) "Compliance inspection" means the inspection, testing,
109 and other activities that are required on a regular basis in
110 accordance with s. 386.308.

111 (5) "Cooling tower" means an evaporative condenser, a
112 fluid cooler, or another wet cooling device that is capable of
113 aerosolizing water; that contains or is part of a recirculated
114 water system; and that is incorporated into a building's cooling
115 process, industrial process, refrigeration system, or energy
116 production system.

117 (6) "Cooling tower cells" means the smallest subdivisions
118 of a tower which can function independently with regard to air
119 and water flow. Each cell may have one or more fans and one or
120 more distribution systems.

121 (7) "Cooling tower water system" means one or more cooling
122 towers and all of the recirculating water system components,
123 process instruments, and appurtenances through which water flows
124 or comes into contact with chemical applicators, valves, pumps,
125 condensers, heat exchangers, and other related components.

126 (8) "Corrective action" means disinfection, cleaning,
127 flushing, and other activities to remedy biofilm growth,
128 Legionella proliferation, or other system mechanical problems
129 identified through monitoring, inspections, or other means, as
130 determined by the department.

131 (9) "Cycles of concentration" means the ratio of make-up
132 water volume to blowdown water volume which may be approximated
133 from the ratio of the conductivity of the blowdown water to the
134 conductivity of the make-up water.

135 (10) "Department" means the Department of Health.

136 (11) "Dip slide" means a method to test for microorganisms
137 which consists of a sterile culture medium affixed to a sterile
138 slide that is dipped directly into the sampled liquid.

139 (12) "Disinfection" means the use of one or more biocides
140 at a defined concentration, under specified conditions, for an
141 established period of time to kill or inactivate pathogenic
142 microorganisms. The term does not include the cleaning of a
143 cooling tower through the application of detergents, penetrants,
144 brushes or other tools, highly pressurized water, or any other
145 method that does not involve the use of a pesticide or economic
146 poison, as defined in s. 482.021(23); the use of a pesticide, as
147 defined in s. 487.021(49); or the use of a restricted-use
148 pesticide, as defined in s. 487.021(58).

149 (13) "Domestic water holding tank" means a fixed,
150 enclosed, above-ground or below-ground vessel that is designed,

constructed, and installed to store potable water intended for human consumption, household use, or sanitary purposes within a residential or mixed-use building.

(14) "Drift eliminator" means a system of baffles that causes separation of entrained water designed to remove aerosols from cooling tower exhaust.

(15) "Heterotrophic plate count" means a measure of the concentration of microorganisms that require an external source of organic carbon for growth, including bacteria, yeasts, and mold, in water samples.

(16) "*Legionella*" means the genus of bacteria that is ubiquitous in aqueous environments, including the recirculated water of cooling tower water systems that are not properly or regularly maintained.

(17) "*Legionella* culture sampling and analysis" means the collection of a water sample for the measurement of the live culture of *Legionella* involving the use of specialized media and laboratory methods for growth to determine the species and serogroup.

(18) "Maintenance program and plan" means a written document, developed by a qualified person, which specifies required monitoring, cleaning, disinfection, and other practices for the prevention and control of *Legionella* growth in a cooling tower water system, and is in accordance with sections 5, 6, and 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk

176 Management for Building Water Systems and the manufacturer's
177 instructions.

178 (19) "Owner" means all of the following:

179 (a) A person, agent, firm, partnership, corporation, or
180 other legal entity that has a legal or equitable interest in, or
181 control of, a cooling tower or the premises of the cooling
182 tower.

183 (b) The legal owner of the building.

184 (c) A tenant, if the tenant:

185 1. Owns a cooling tower that services the tenant's leased
186 premises; or

187 2. Does not own the cooling tower but has a lease or
188 contractual arrangement to maintain the cooling tower.

189 (20) "Qualified person" means a professional engineer
190 licensed and registered in this state; a Class E water treatment
191 operator licensed and registered in this state; a certified
192 industrial hygienist; a certified water technologist; a
193 professional with training and experience in developing
194 management plans and performing inspections in accordance with
195 industry protocols, including, but not limited to, NSF Protocol
196 453-2017: Cooling Towers - Treatment, Operation, and Maintenance
197 to Prevent Legionellosis; or an environmental consultant who has
198 at least 2 years of operational experience in water management
199 planning and operation.

200 (21) "Supplemental disinfection system" means a

permanently installed treatment system designed to provide additional microbial protection for potable water supplied to a residence or residential facility. The system:

(a) May include chlorine, chlorine dioxide, or monochloramine for chlorination or chloramine injection systems and disinfection processes approved by the Department of Environmental Protection for potable water use.

(b) Must be constructed of materials certified for contact with drinking water and designed to operate within the manufacturer's specified flow, pressure, and water quality parameters.

(c) Must be installed in accordance with applicable plumbing, electrical, and public health codes.

(d) Must incorporate appropriate monitoring; control; and safety features, including alarms; dosage controls; fail-safe shutdown mechanisms; and provisions to prevent contamination or backflow into the potable water supply.

Section 4. Section 386.303, Florida Statutes, is created to read:

386.303 Registration; reporting; recordkeeping.—

(1) REGISTRATION.—Before initial operation, and upon any change in ownership, the owner of a cooling tower water system, domestic water holding tank, or supplemental disinfection system shall register each of his or her cooling tower water systems, domestic water holding tanks, or supplemental disinfection

226 systems with the department using a statewide electronic system
227 designated by the department. The registration system must
228 require, at a minimum, all of the following information:

229 (a) The street address of the building at which the
230 cooling tower is located.

231 (b) The name, address, telephone number, and e-mail
232 address of each cooling tower owner.

233 (c) The total number of cooling towers, domestic water
234 holding tanks, or supplemental disinfection systems.

235 (d) The name of the manufacturer of the system.

236 (e) The model number of the system.

237 (f) The specific unit serial number of the system, if
238 available.

239 (g) The cooling capacity of the cooling tower in tons, the
240 volume of the domestic water holding tank in gallons, and the
241 total gallons treated yearly for the supplemental disinfection
242 system.

243 (h) The volume of the cooling tower water system,
244 inclusive of any piping, basin, or sump.

245 (i) The intended use of the cooling tower.

246 (j) Whether systematic disinfection in accordance with s.
247 386.307 is maintained manually, through timed injection, or
248 through continuous delivery.

249 (k) Whether maintenance is performed by an employee, a
250 contractor, or another party.

251 (1) The year the cooling tower was placed into service.

252 (2) REPORTING.—

253 (a) Beginning July 1, 2027, a cooling tower, domestic
254 water holding tank, or supplemental disinfection system owner
255 shall report through the statewide electronic system all of the
256 following information to the department at least every 90 days
257 while the cooling tower, domestic water holding tank, or
258 supplemental disinfection system is in use:

259 1. The date of the last bacteriological culture sample
260 collection, the results of the analysis, and the designated due
261 date of any remedial action that is required pursuant to s.
262 386.304(2)(a).

263 2. The date of the last *Legionella* culture sample
264 collection, the results of the sample analysis, and the date
265 that any remedial action was taken as required by s.
266 386.304(2)(b)-(e).

267 3. The date of the last compliance inspection performed
268 pursuant to s. 386.308 and the resulting standardized inspection
269 report.

270 4. The date of the lowest daily cycles of concentration
271 recorded, and the target number of cycles.

272 5. The average daily make-up water volume and blowdown
273 water volume.

274 6. The percentage of make-up water that is delivered to
275 the cooling tower versus the blowdown water volume.

276 7. The date of most recent certification pursuant to s.
277 386.308.

278 8. The date of removal or permanent discontinuation of use
279 of the cooling tower, if applicable.

280 9. Any other information deemed necessary by the
281 department.

282 (b) If a landlord and a tenant are considered to be owners
283 of a cooling tower, as defined in s. 386.302, only one of the
284 parties is required to register the cooling tower. However, both
285 parties are responsible for ensuring that registration and
286 reporting are completed as required by this part.

287 (3) STATEWIDE SYSTEM.—

288 (a) The department shall make the data in the statewide
289 electronic system:

290 1. Publicly available, as appropriate.

291 2. Fully accessible to and searchable by county health
292 departments.

293 (b) This part does not prohibit a county health department
294 or the Department of Agriculture and Consumer Services from
295 requiring registration with and reporting to a county system or
296 collecting fees associated with the administration of such a
297 system.

298 (c) The department shall provide owners with a mobile data
299 collection platform that is compatible with Android and Apple
300 devices and that electronically collects, and allows owners to

electronically submit, the information required by this part.

(4) RECORDKEEPING.—A cooling tower owner shall:

(a) Maintain for at least 3 years all of the following records:

1. Required sampling and analyses.

2. Disinfection schedules and applications.

3. Inspection findings, deficiencies, and corrective actions.

4. Required certifications.

(b) Maintain on the premises of the cooling tower a copy of the current maintenance program and plan required by this part.

(c) Make the records and plan required under this subsection immediately available to the department or county health department upon request.

Section 5. Section 386.304, Florida Statutes, is created to read:

386.304 Maintenance program and plan.—

(1) The owner of a cooling tower shall:

(a) By September 1, 2027, develop or update a maintenance program and plan for each existing cooling tower which must be consistent with section 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems.

(b) After September 1, 2027, maintain such a maintenance program and plan for each newly installed cooling tower.

326 (2) The maintenance program and plan must include all of
327 the following elements:

328 (a) A schedule for routine bacteriological culture
329 sampling and analysis to assess microbiological activity. The
330 sampling and analysis must be conducted at intervals of not more
331 than 28 days while the cooling tower is in use and must require
332 additional bacteriological culture sampling and analysis, as
333 needed, to validate process adjustments.

334 (b) A schedule for routine *Legionella* culture sampling and
335 analysis within 14 days after startup and, thereafter, while the
336 cooling tower is in use, at monthly intervals. Cooling towers in
337 use year-round must conduct sampling and analysis at intervals
338 of not more than 30 days and within 2 weeks after startup
339 following maintenance.

340 (c) A procedure for achieving water efficiency by
341 maintaining a minimum of three cycles of concentration using
342 automatic conductivity control or for estimating the percentage
343 of water savings through the installation of water meters on
344 make-up and blowdown lines.

345 (d) A requirement that, in addition to development of the
346 routine *Legionella* culture sampling and analysis schedule
347 required by paragraph (b), immediate *Legionella* culture sampling
348 and analysis be conducted in the event of any of the following:

349 1. A mechanical breakdown of the cooling tower water
350 system for more than 72 hours.

351 2. A power failure affecting the cooling tower system for
352 more than 72 hours.

353 3. A loss of biocide treatment of the cooling tower system
354 for more than 72 hours.

355 4. Failure of conductivity control or any other control
356 methods for more than 72 hours.

357 5. A determination by the department or a county health
358 department that one or more cases of legionellosis are or may be
359 associated with the cooling tower, based on epidemiologic data
360 or laboratory testing.

361 6. Any other conditions specified by the department or a
362 county health department.

363 (e) A requirement that an owner take immediate and
364 appropriate action, including remedial action, in response to a
365 bacteriological or *Legionella* culture analysis. For
366 bacteriological analysis results, the response must include, but
367 need not be limited to, taking action as required by s.
368 386.305(2). For *Legionella* culture analysis results, the
369 response must include, but need not be limited to, taking action
370 as required by s. 386.305(3) and contacting the county health
371 department as required by s. 386.306.

372 (f) A requirement that any *Legionella* culture analyses be
373 performed pursuant to s. 386.305(1).

374 (g) A shutdown and disinfection plan for removing or
375 permanently discontinuing use of a cooling tower.

376 (h) Requirements for treatment and manual or automated
377 flushing of any piping, basin, sump, or wetted surface during
378 idle conditions.

379 **Section 6. Section 386.305, Florida Statutes, is created**
380 **to read:**

381 386.305 Culture analyses.—

382 (1) LABORATORY REQUIREMENTS.—A culture analysis must be
383 performed by an environmental laboratory certified pursuant to
384 s. 403.0625 which is approved to perform such an analysis.

385 (2) INTERPRETATION OF BACTERIOLOGICAL ANALYSIS RESULTS
386 FROM COOLING TOWERS.—

387 (a) Level 1.—Samples with a culture result that is less
388 than 10,000 colony-forming units per milliliter (CFU/mL). The
389 cooling tower owner shall maintain the treatment program and
390 bacteriological monitoring in accordance with the cooling
391 tower's maintenance program and plan.

392 (b) Level 2.—Samples with a culture result that is greater
393 than or equal to 10,000 CFU/mL but less than 100,000 CFU/mL. The
394 cooling tower owner shall do all of the following until the
395 water sample culture results meet the Level 1 criteria:

396 1. Review the treatment program.

397 2. Initiate immediate disinfection by increasing biocide
398 concentration or using a different biocide within 24 hours after
399 receiving the analysis results.

400 3. Retest the water within 3 to 7 days after receiving the

401 analysis results.

402 (c) Level 3.—Samples with a culture result that is greater
403 than or equal to 100,000 CFU/mL but less than 1,000,000 CFU/mL.

404 The cooling tower owner shall do all of the following until the
405 water sample culture results meet the Level 1 criteria:

406 1. Review the treatment program and provide notification
407 as required by s. 386.306.

408 2. Increase biocides within 24 hours after receiving the
409 analysis results.

410 3. Perform a visual inspection to evaluate the need to
411 perform cleaning and additional disinfection.

412 4. Retest the water within 3 to 7 days after receiving the
413 analysis results.

414 (d) Level 4.—Samples with a culture result that is greater
415 than or equal to 1,000,000 CFU/mL. The cooling tower owner shall
416 do all of the following until the water sample culture results
417 meet the Level 1 criteria:

418 1. Review the treatment program and provide notification
419 as required by s. 386.306.

420 2. Increase biocides within 2 hours after receiving the
421 analysis results.

422 3. Within 48 hours after receiving the analysis results,
423 perform remediation of the tower by hyper halogenating,
424 cleaning, and flushing the tower.

425 4. Retest the water within 3 to 7 days after receiving the

analysis results.

(3) INTERPRETATION OF *LEGIONELLA* CULTURE RESULTS FROM COOLING TOWERS.—

(a) Level 1.—*Legionella* culture sample results of less than 20 CFU/mL. The cooling tower owner shall maintain the treatment program and monitoring in accordance with the maintenance program and plan for the cooling tower.

(b) Level 2.—*Legionella* culture sample results of more than or equal to 20 CFU/mL but less than 1,000 CFU/mL. The cooling tower owner shall do all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program.

2. Perform immediate online disinfection.

3. Retest the water within 3 to 7 days after receiving the analysis results.

a. If the retest indicates a presence of *Legionella* of more than or equal to 20 CFU/mL but less than 100 CFU/mL, the cooling tower owner must repeat the online disinfection.

b. If the subsequent retest indicates a presence of *Legionella* of more than or equal to 100 CFU/mL but less than 1,000 CFU/mL, the cooling tower owner must further investigate the water treatment program and immediately perform online disinfection.

(c) Level 3.—*Legionella* culture sample results of more than or equal to 1,000 CFU/mL. The cooling tower owner shall do

all of the following until the water sample culture results meet the Level 1 criteria:

1. Review the treatment program.
2. Provide notification as required by s. 386.306.
3. Institute immediate system decontamination.
4. Retest the water within 3 to 7 days after receiving the analysis results.

a. If the retest indicates a presence of *Legionella* of more than or equal to 20 CFU/mL but less than 1,000 CFU/mL, the cooling tower owner must take the actions required under paragraph (b).

b. If the subsequent retest indicates a presence of *Legionella* of more than or equal to 1,000 CFU/mL, the owner must perform system decontamination.

Section 7. Section 386.306, Florida Statutes, is created to read:

386.306 Notification.—A cooling tower owner shall:

(1) Notify the county health department within 24 hours after receiving a *Legionella* water sample culture result that exceeds 1,000 colony-forming units per milliliter. The county health department shall notify the department within 24 hours after receiving such a report.

(2) Notify the public of such test results in a manner determined by the county health department or, at the discretion of the department, by the department.

476 **Section 8. Section 386.307, Florida Statutes, is created**
477 **to read:**

478 386.307 Cooling tower standards.—

479 (1) DISINFECTION.—

480 (a) A person who disinfects a cooling tower must be a
481 commercial applicator or a certified applicator as defined in s.
482 487.021 who is licensed to apply biocide in a cooling tower and
483 who is certified in accordance with the requirements of the
484 Florida Pesticide Law, or be an apprentice who is under the
485 direct supervision of a licensed applicator, as defined in s.
486 487.021.

487 (b) The cooling tower owner shall maintain the name and
488 certification number of the applicator who disinfects the
489 cooling tower under paragraph (a) or the business name and
490 number of the company providing onsite disinfection.

491 (c) Only biocide products registered by the Department of
492 Environmental Protection for use in cooling towers or pesticidal
493 devices produced in an establishment registered by the
494 Environmental Protection Agency may be used to disinfect a
495 cooling tower.

496 (2) EFFICIENCY.—

497 (a) Each cooling tower owner shall install make-up and
498 blowdown meters on each of his, her, or its cooling towers to
499 monitor the total volume of water used by the cooling tower and
500 shall ensure that the cooling tower has an automatic

conductivity controller, a high-efficiency drift eliminator, and
an overflow alarm to prevent overflow of the sump in case of
make-up water valve failure. The overflow alarm must provide an
alert through an energy management control system to the cooling
tower operators in the event of an overflow of the sump.

(b) All cooling towers must achieve at least eight cycles
of concentration using automatic conductivity control.

(c) The efficiency of the cooling tower water system must
be measured by the percentage of water that is delivered to the
cooling tower versus the blowdown water volume.

(d) If the local water utility supplies water to the
property, water meters must meet the requirements of the
utility.

Section 9. Section 386.308, Florida Statutes, is created
to read:

386.308 Compliance inspection and certification.—

(1) COMPLIANCE INSPECTION.—

(a) Each cooling tower owner shall ensure that each of
his, her, or its cooling towers is inspected before initial
startup and at intervals of not more than every 90 days while in
use.

(b) A compliance inspection must be performed by a
qualified person who is unaffiliated with the water treatment
company; a professional engineer licensed in this state; an
industrial hygienist; a water technologist; or an environmental

consultant, any of whom must have training and experience in performing inspections in accordance with current standard industry protocols, including, but not limited to, ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk Management for Building Water Systems.

(c) Each compliance inspection must include an evaluation, on a standardized inspection form created by the department, of all of the following:

1. The cooling tower and associated equipment for the presence of organic material, biofilm, algae, debris, and other visible contaminants.

2. The general condition of the cooling tower basin, remote sump, packing material, and drift eliminators.

3. The water make-up connections and control, including backflow protection or air gaps, as needed.

4. Whether the conductivity control and the make-up and blowdown meters are functioning properly.

5. Whether the water treatment equipment, including, but not limited to, pumps, timers, valves, and strain gauges, are functioning properly.

(d) Information collected during compliance inspections must be collected and entered into the department's mobile data collection platform, must include the standardized inspection form, and must be submitted to the registration portal by a qualified person as specified in paragraph (b).

551 (e) The person performing the inspection shall report any
552 deficiencies found to the owner so that corrective action may be
553 taken and document all completed corrective actions using the
554 department's mobile data collection platform.

555 (2) CERTIFICATION.—By November 1, 2026, and by each
556 November 1 thereafter, a cooling tower owner shall obtain an
557 annual certification from a qualified person which certifies
558 that a maintenance program and plan is in place for the cooling
559 tower and that all actions required under that plan and this
560 part have been taken, including, but not limited to, all of the
561 following:

562 (a) All required bacteriological culture sampling and
563 analyses.

564 (b) All *Legionella* culture sampling and analyses,
565 including any immediate *Legionella* culture sampling and analyses
566 performed pursuant to s. 386.304(2)(d) and (e).

567 (c) Any disinfection performed pursuant to the standards
568 specified in s. 386.307(1).

569 (d) All compliance inspections performed pursuant to
570 subsection (1).

571 (3) REPORTING.—All inspection findings, deficiencies,
572 corrective actions, and certifications must be reported to the
573 department and maintained by the owner as required by s.
574 386.303.

575 **Section 10. Section 386.309, Florida Statutes, is created**

576 **to read:**

577 386.309 Enforcement.—

578 (1) The department or a county health department may
579 require an owner to conduct *Legionella* culture sampling and
580 analysis following a determination, based on epidemiologic data
581 or laboratory testing, that one or more cases of legionellosis
582 are or may be associated with a cooling tower.

583 (2) An officer, employee, or agent of the department or
584 the county health department may enter onto any property to
585 inspect a cooling tower for compliance with this part and may
586 take water samples as part of such inspections. Such inspections
587 must be conducted as provided in s. 487.071.

588 (3) If an owner fails to register a cooling tower, develop
589 and maintain a maintenance program and plan for a cooling tower,
590 obtain certification for a cooling tower, disinfect a cooling
591 tower, perform or obtain required culture sampling and analysis,
592 or conduct inspections of a cooling tower as required in this
593 part, the department or the county health department may
594 determine that such failure constitutes a nuisance pursuant to
595 this chapter.

596 (4) An owner who violates this part is subject to civil
597 and criminal penalties as provided in s. 386.051. Each day that
598 an owner remains in violation of this part constitutes a
599 separate offense.

600 (5) The State Surgeon General shall submit a report to the

601 President of the Senate and the Speaker of the House of
602 Representatives by each January 1 which includes all of the
603 following information:

604 (a) For the prior year:

605 1. The number of new cooling tower registrations issued
606 and the number of notifications of discontinued use of a cooling
607 tower received by the department pursuant to s. 386.303 as of
608 November 1.

609 2. The number of annual certifications that a cooling
610 tower was inspected, tested, cleaned, and disinfected received
611 by the department pursuant to s. 386.308 as of November 1.

612 3. The number of reports of tests for the presence of
613 Legionella which reported levels above 1,000 CFU/mL received by
614 the department.

615 4. The number of inspections of cooling towers conducted
616 by the department, or a county health department on behalf of
617 the department, along with the number and types of any
618 violations cited during such inspections.

619 5. The number of cleanings, disinfections, or other
620 actions performed by or on behalf of the department.

621 6. The number of persons diagnosed with legionellosis in
622 this state to the extent known or reasonably discoverable by the
623 department.

624 (b) Recommendations as to whether department rules should
625 be amended to include requirements for any of the building water

626 systems described in ANSI/ASHRAE Standard 188-2018,
627 Legionellosis: Risk Management for Building Water Systems.

628 (c) Information regarding the implementation of any such
629 requirements, their effectiveness in preventing outbreaks of
630 legionellosis, and recommendations for improvements or
631 modifications to department rules to further the control of
632 Legionella.

633 **Section 11. Section 386.3101, Florida Statutes, is created**
634 **to read:**

635 386.3101 Waivers.—The department may issue a written
636 general or specific waiver with respect to this part if the
637 department determines that such waiver will not present a danger
638 to public health. The department may revoke the waiver upon a
639 determination that the waiver may present a danger to public
640 health.

641 **Section 12. Until December 31, 2027, an owner may submit a**
642 **written application to a county health department for a variance**
643 **from any requirement of this part for additional time to come**
644 **into compliance with this act. A variance may not exceed 90**
645 **days. The application must include an explanation as to why the**
646 **variance will not present a danger to public health. With the**
647 **approval of the Department of Health, the county health**
648 **department may approve such application for a variance in**
649 **writing, subject to any conditions that the department or county**
650 **health department may deem appropriate to protect public health.**

HB 1377

2026

651 The department or the county health department may revoke a
652 variance upon a determination that the variance may present a
653 danger to public health.

654 **Section 13.** This act shall take effect July 1, 2026.