

By Senator Simon

3-01591A-26

20261654

A bill to be entitled

An act relating to cooling towers; creating part III of ch. 386, F.S., entitled "Water Safety for Cooling Towers, Water Storage Tanks, and Supplemental Disinfection Systems"; creating s. 386.301, F.S.; providing legislative purpose and intent; creating s. 386.302, F.S.; defining terms; creating s. 386.303, F.S.; requiring owners of cooling towers to register their cooling tower, domestic water tank, or supplemental disinfection water system with the Department of Health; providing minimum requirements for the registration system; requiring owners of cooling towers, domestic water holding tanks, or supplemental disinfection systems to report, beginning on a specified date, specified information to the department; requiring either a landlord or tenant, but not both, to register the cooling tower under certain circumstances; providing registration responsibilities; requiring the department to maintain and provide methods for collecting data in a specified way; requiring owners of cooling towers to maintain certain records for a specified timeframe; requiring that a copy of the cooling tower's maintenance program and plan be kept on the cooling tower premises; requiring cooling tower owners to make certain records and plans immediately available to the department or county health department upon request; creating s. 386.304, F.S.; requiring owners of cooling towers to develop or update a maintenance program and plan for

3-01591A-26

20261654

existing and newly installed cooling towers by a specified date; providing requirements for the maintenance programs and plans; creating s. 386.305, F.S.; requiring that certain culture analyses be conducted by certified environmental laboratories; providing requirements for interpreting the results of bacteriological and *Legionella* culture analyses; creating s. 386.306, F.S.; requiring owners of cooling towers to provide notification to the county health department and the public within a specified timeframe under specified circumstances; requiring the county health department, or the department at its discretion, to determine the manner of certain notifications; creating s. 386.307, F.S.; requiring that persons conducting disinfections possess certain qualifications; requiring owners of cooling towers to maintain certain information related to the applicator who disinfects the tower; specifying the types of products that may be used during a disinfection; providing cooling tower efficiency standards; creating s. 386.308, F.S.; requiring owners of cooling towers to have their cooling towers inspected before initial startup, and at specified intervals thereafter; providing compliance inspection requirements; requiring that information collected during compliance inspection be collected and entered into the department's mobile data collection platform and submitted to the registration portal; requiring persons conducting inspections to report deficiencies

3-01591A-26

20261654

59 to the owner for corrective action; requiring initial
60 and annual certification of cooling towers by a
61 specified date; providing requirements for
62 certification; requiring that all inspection findings,
63 deficiencies, corrective actions, and certifications
64 be reported to the department and maintained by the
65 owner; creating s. 386.309, F.S.; authorizing the
66 department or a county health department to require an
67 owner to conduct a *Legionella* culture sampling and
68 analysis under certain circumstances; authorizing an
69 officer, employee, or agent of the department or
70 county health department to enter a property and take
71 water samples to inspect a cooling tower; authorizing
72 the department or county health department to
73 determine that certain actions by the owner of a
74 cooling tower constitute a nuisance; providing for
75 civil and criminal penalties; requiring the State
76 Surgeon General to submit a report to the Legislature
77 by a specified date; providing requirements for the
78 report; creating s. 386.3101, F.S.; authorizing the
79 department to issue certain written waivers if such
80 waiver does not present a danger to the public health;
81 authorizing the department, upon a certain
82 determination, to revoke such waiver; authorizing
83 owners, until a specified date, to apply to a county
84 health department for a variance under certain
85 circumstances; providing requirements for such
86 variances; authorizing the department, upon a certain
87 determination, to revoke such variance; providing an

3-01591A-26

20261654

88 effective date.

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

92 Section 1. Part III of chapter 386, Florida Statutes,
93 consisting of ss. 386.301-386.3101, Florida Statutes, is created
94 and entitled "Water Safety for Cooling Towers, Water Storage
95 Tanks, and Supplemental Disinfection Systems."

96 Section 2. Section 386.301, Florida Statutes, is created to
97 read:

98 386.301 Legislative purpose and intent.—The purpose and
99 intent of this part is to protect people from the health hazards
100 of Legionella, a bacterium known to originate in improperly
101 sanitized cooling towers, domestic water holding tanks, and
102 building piping systems.

103 Section 3. Section 386.302, Florida Statutes, is created to
104 read:

105 386.302 Definitions.—As used in this part, the term:

106 (1) "Bacteriological culture sampling and analysis" means
107 the collection of a water sample for the purpose of measuring
108 the live culture growth of aerobic bacterial populations using
109 heterotrophic plate count, dip slides, or a similar method
110 employed by the industry in accordance with the manufacturer's
111 directions for use.

112 (2) "Building," unless otherwise expressly indicated by the
113 text, means all or part of a structure, premises, or lot which
114 is used or is intended to support or shelter an occupant.

115 (3) "Cleaning" means physical, mechanical, or other method
116 of removal of biofilm, scale, debris, rust, other corrosion

3-01591A-26

20261654

117 products, sludge, algae, or other potential sources of
118 contamination.

119 (4) "Compliance inspection" means the inspection, testing,
120 and other activities required on a regular basis in accordance
121 with s. 386.308 by the Department of Agriculture and Consumer
122 Services.

123 (5) "Cooling tower" means an evaporative condenser, a fluid
124 cooler, or other wet cooling device that is capable of
125 aerosolizing water, that contains or is part of a recirculated
126 water system, and that is incorporated into a building's cooling
127 process, industrial process, refrigeration system, or energy
128 production system.

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

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

138 (8) "Corrective action" means disinfection, cleaning,
139 flushing, and other activities to remedy biofilm growth,
140 *Legionella* proliferation, or other system mechanical problems
141 identified through monitoring, inspections, or other means, as
142 determined by the department.

143 (9) "Cycles of concentration" means the ratio of make-up
144 water volume to blowdown water volume which may be approximated
145 from the ratio of the conductivity of the blowdown water to the

3-01591A-26

20261654

146 conductivity of the make-up water.

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

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

151 (12) "Disinfection" means the use of one or more biocides
152 at a defined concentration, under specified conditions, for an
153 established period of time to kill or inactivate pathogenic
154 microorganisms. The term does not include the cleaning of a
155 cooling tower through the application of detergents, penetrants,
156 brushes or other tools, highly pressurized water, or any other
157 method that does not involve the use of a pesticide or economic
158 poison as defined in s. 482.021; the use of a pesticide as
159 defined in s. 487.021; or the use of a restricted-use pesticide
160 as defined in s. 487.021.

161 (13) "Drift eliminator" means a system of baffles which
162 causes separation of entrained water and is designed to remove
163 aerosols from cooling tower exhaust.

164 (14) "Domestic water holding tank" means a fixed, enclosed,
165 above-ground or below-ground vessel that is designed,
166 constructed, and installed to store potable water intended for
167 human consumption, household use, or sanitary purposes within a
168 residential or mixed-use occupancy.

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

173 (16) "Legionella" means the genus of bacteria commonly
174 found in aqueous environments, including the recirculated water

3-01591A-26

20261654

175 of cooling tower water systems that are not properly or
176 regularly maintained.

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

182 (18) "Maintenance program and plan" means a written
183 document, developed by a qualified person, which specifies
184 required monitoring, cleaning, disinfection, and other practices
185 for the prevention and control of Legionella growth in a cooling
186 tower water system, and is in accordance with sections 5, 6, and
187 7.2 of ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk
188 Management for Building Water Systems and the manufacturer's
189 instructions.

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

191 (a) A person, an agent, a firm, a partnership, a
192 corporation, or other legal entity that has a legal or equitable
193 interest in, or control of, a cooling tower or the premises of a
194 cooling tower.

195 (b) The legal owner of the building.

196 (c) A tenant, if the tenant:

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

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

201 (20) "Qualified person" means a professional engineer
202 licensed and registered in this state, including a 12080
203 Certified - Legionella Water Safety and Management Specialist;

3-01591A-26

20261654

204 Department of Environmental Protection licensed Water Treatment
205 Operator Class D or higher; a certified industrial hygienist; a
206 certified water technologist; a professional with training and
207 experience in developing management plans and performing
208 inspections in accordance with industry protocols, including,
209 but not limited to, NSF Protocol 453-2017: Cooling Towers -
210 Treatment, Operation, and Maintenance to Prevent Legionellosis;
211 or an environmental consultant who has at least 2 years of
212 operational experience in water management planning and
213 operation.

214 (21) "Supplemental disinfection system" is a permanently
215 installed treatment system designed to provide additional
216 microbial protection for potable water supplied to a residence
217 or residential facility. The system functions as an added
218 barrier to inactivate or remove pathogenic microorganisms that
219 may be present in the incoming water supply or that may
220 proliferate within onsite plumbing, storage, or distribution
221 components. Such systems include, but are not limited to,
222 chlorine, chlorine dioxide or monochloramine for chlorination or
223 chloramine injection systems, and disinfection processes
224 approved for potable water use in this state by the Department
225 of Environmental Protection. Such system must be constructed of
226 materials certified for contact with drinking water and designed
227 to operate within the manufacturer's specified flow, pressure,
228 and water quality parameters. The system must be installed in
229 accordance with all applicable plumbing, electrical, and public
230 health codes and must incorporate appropriate monitoring,
231 control, and safety features, including alarms, dosage controls,
232 fail-safe shutdown mechanisms, and provisions to prevent

3-01591A-26

20261654

233 contamination or backflow into the potable water supply. Such
234 systems are intended to enhance microbial safety, reduce the
235 risk of waterborne illness, and maintain disinfectant residual
236 or pathogen inactivation performance throughout the water
237 distribution network.

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

240 386.303 Registration; reporting; recordkeeping.—

241 (1) REGISTRATION.—Before initial operation, and upon any
242 change in ownership, the owner of a cooling tower shall register
243 its cooling towers, domestic water tanks, or supplemental
244 disinfection water systems with the department using a statewide
245 electronic system designated by the department. The registration
246 system must, at a minimum, require all of the following
247 information:

248 (a) The street address of the building where the cooling
249 tower is located.

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

252 (c) The total number of cooling towers, tanks, and
253 supplemental disinfection systems.

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

255 (e) The model number of the system.

256 (f) The specific unit serial number of the system, if
257 available.

258 (g) The cooling capacity of the cooling tower in tons,
259 holding tank volume in gallons, and total yearly treated gallons
260 for supplemental disinfection systems.

261 (h) The cooling tower water system volume, inclusive of any

3-01591A-26

20261654

262 piping, basin, or sump.263 (i) The intended use of the cooling tower.264 (j) Whether systematic disinfection in accordance with s.265 386.307 is maintained manually, through timed injection, or266 through continuous delivery.267 (k) Whether maintenance is performed by an employee, a
268 contractor, or other party.269 (l) The year the cooling tower was placed into service.270 (2) REPORTING.—271 (a) Beginning July 1, 2027, a cooling tower, domestic water
272 holding tank, or supplemental disinfection system owner shall
273 report through the statewide electronic system all of the
274 following information to the department at least every 90 days
275 while the cooling tower or domestic tank is in use:276 1. The date of the last bacteriological culture sample
277 collection, the results of the analysis, and the designated due
278 date of any remedial action required pursuant to s.279 386.304(2)(e).280 2. The date of the last Legionella culture sample
281 collection, the results of the sample analysis, and the date
282 that any remedial action was taken as required by s.283 386.304(2)(e).284 3. The date of the last compliance inspection performed
285 pursuant to s. 386.308 and the resulting standardized inspection
286 report.287 4. The date of the lowest daily cycles of concentration
288 recorded and the target number of cycles.289 5. The average daily make-up water volume and blowdown
290 water volume.

3-01591A-26

20261654

291 6. The percentage of make-up water delivered to the cooling
292 tower versus the blowdown water volume.

293 7. The date of the most recent certification pursuant to s.
294 386.308.

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

297 9. Any other information deemed necessary by the
298 department.

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

304 (3) STATEWIDE SYSTEM.—

305 (a) The department shall make the data in the statewide
306 electronic system:

307 1. Publicly available, as appropriate; and
308 2. Fully accessible to and searchable by county health
309 departments.

310 (b) This part does not prohibit a county health department
311 or the Department of Agriculture and Consumer Services from
312 requiring registration with and reporting to a county system or
313 collecting fees associated with the administration of such a
314 system.

315 (c) The department shall provide owners with a mobile data
316 collection platform that is compatible with Android and Apple
317 devices and that electronically collects, and allows owners to
318 electronically submit, the information required by this part.

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

3-01591A-26

20261654

320 (a) Maintain for at least 3 years all of the following
321 records:
322 1. Required sampling and analyses.
323 2. Disinfection schedules and applications.
324 3. Inspection findings, deficiencies, and corrective
325 actions.
326 4. Required certifications.
327 (b) Maintain on the premises of the cooling tower a copy of
328 the current maintenance program and plan required by this part.
329 (c) Make the records and plan required under this
330 subsection immediately available to the department or county
331 health department upon request.

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

334 386.304 Maintenance program and plan.—
335 (1) The owner of a cooling tower shall:
336 (a) By September 1, 2027, develop or update a maintenance
337 program and plan for each existing cooling tower which must be
338 consistent with section 7.2 of ANSI/ASHRAE Standard 188-2018,
339 Legionellosis: Risk Management for Building Water Systems.
340 (b) After September 1, 2027, maintain such a maintenance
341 program and plan for each newly installed cooling tower.
342 (2) The maintenance program and plan must include all of
343 the following elements:
344 (a) A schedule for routine bacteriological culture sampling
345 and analysis to assess microbiological activity. The sampling
346 and analysis must be conducted at intervals of not more than 28
347 days while the cooling tower is in use and must require
348 additional bacteriological culture sampling and analysis, as

3-01591A-26

20261654

349 needed, to validate process adjustments.

350 (b) A schedule for routine Legionella culture sampling and
351 analysis within 14 days after startup and, thereafter, while the
352 cooling tower is in use, at monthly intervals. For cooling
353 towers in use year-round, the sampling and analysis must be
354 conducted at intervals of not more than 30 days and within 2
355 weeks after startup following maintenance.

356 (c) A procedure for achieving water efficiency by
357 maintaining a minimum of 3 cycles of concentration using
358 automatic conductivity control or for estimating the percentage
359 of water savings through the installation of water meters on
360 make-up and blowdown lines.

361 (d) A requirement that, in addition to development of the
362 routine Legionella culture sampling and analysis schedule
363 required by paragraph (b), immediate Legionella culture sampling
364 and analysis be conducted in the event of any of the following:

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

367 2. A power failure affecting the cooling tower water system
368 for more than 72 hours.

369 3. A loss of the biocide treatment system of the cooling
370 tower water system for more than 72 hours.

371 4. Failure of conductivity control or any other control
372 methods for more than 72 hours.

373 5. A determination by the department or a county health
374 department that one or more cases of legionellosis are or may be
375 associated with the cooling tower, based on epidemiologic data
376 or laboratory testing.

377 6. Any other condition specified by the department or a

3-01591A-26

20261654

378 county health department.

379 (e) A requirement that an owner take immediate and
380 appropriate action, including remedial action, in response to a
381 bacteriological or Legionella culture analysis. For
382 bacteriological analysis results, the response must include, but
383 need not be limited to, taking action as required by s.
384 386.305(2). For Legionella culture analysis results, the
385 response must include, but need not be limited to, taking action
386 as required by s. 386.305(3) and contacting the county health
387 department as required by s. 386.306.

388 (f) A requirement that any Legionella culture analyses be
389 performed pursuant to s. 386.305(1).

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

392 (h) Requirements for the treatment and manual or automated
393 flushing of any piping, basin, sump, or wetted surface during
394 idle conditions.

395 Section 6. Section 386.305, Florida Statutes, is created to
396 read:

397 386.305 Culture analyses.—

398 (1) LABORATORY REQUIREMENTS.—A culture analysis must be
399 performed by an environmental laboratory that is certified
400 pursuant to s. 403.0625 and is approved to perform such an
401 analysis.

402 (2) INTERPRETATION OF BACTERIOLOGICAL ANALYSIS RESULTS FROM
403 COOLING TOWERS.—

404 (a) Level 1.—Samples with a culture result less than 10,000
405 colony-forming units per milliliter (CFU/mL). The cooling tower
406 owner must maintain the cooling tower's treatment program and

3-01591A-26

20261654

407 bacteriological monitoring in accordance with the cooling
408 tower's maintenance program and plan.

409 (b) Level 2.—Samples with a culture result greater than or
410 equal to 10,000 CFU/mL but less than 100,000 CFU/mL. The cooling
411 tower owner must do all of the following until the water sample
412 culture results meet the Level 1 criteria:

413 1. Review the treatment program.
414 2. Initiate immediate disinfection by either increasing
415 biocide concentration or using a different biocide within 24
416 hours after receiving the analysis results.
417 3. Retest the water within 3 to 7 days after receiving the
418 analysis results.

419 (c) Level 3.—Samples with a culture result greater than or
420 equal to 100,000 CFU/mL but less than 1 million CFU/mL. The
421 cooling tower owner must do all of the following until the water
422 sample culture results meet the Level 1 criteria:

423 1. Review the treatment program and provide notification as
424 required by s. 386.306.
425 2. Increase biocides within 24 hours after receiving the
426 analysis results.
427 3. Perform a visual inspection to evaluate the need to
428 perform cleaning and additional disinfection.
429 4. Retest the water within 3 to 7 days after receiving the
430 analysis results.

431 (d) Level 4.—Samples with a culture result greater than or
432 equal to 1 million CFU/mL. The cooling tower owner must do all
433 of the following until the water sample culture results meet the
434 Level 1 criteria:

435 1. Review the treatment program and provide notification as

3-01591A-26

20261654

436 required by s. 386.306.437 2. Increase biocides within 2 hours after receiving the
438 analysis results.439 3. Within 48 hours after receiving the analysis results,
440 perform remediation of the tower by hyperhalogenating, cleaning,
441 and flushing the tower.442 4. Retest the water within 3 to 7 days after receiving the
443 analysis results.444 (3) INTERPRETATION OF *LEGIONELLA* CULTURE RESULTS FROM
445 COOLING TOWERS.—446 (a) Level 1.—*Legionella* culture sample results of less than
447 20 CFU/mL. The cooling tower owner must maintain the treatment
448 program and monitoring in accordance with the cooling tower's
449 maintenance program and plan.450 (b) Level 2.—*Legionella* culture sample results of more than
451 or equal to 20 CFU/mL but less than 1,000 CFU/mL. The cooling
452 tower owner must do all of the following until the water sample
453 culture results meet the Level 1 criteria:454 1. Review the treatment program.455 2. Perform immediate online disinfection.456 3. Retest the water within 3 to 7 days after receiving the
457 analysis results.458 a. If the retest indicates a presence of *Legionella* of more
459 than or equal to 20 CFU/mL but less than 100 CFU/mL, the cooling
460 tower owner must repeat the online disinfection.461 b. If the subsequent retest indicates a presence of
462 *Legionella* of more than or equal to 100 CFU/mL but less than
463 1,000 CFU/mL, the cooling tower owner must further investigate
464 the water treatment program and immediately perform online

3-01591A-26

20261654

465 disinfection.466 (c) Level 3.—Legionella culture sample results of more than
467 or equal to 1,000 CFU/mL. The cooling tower owner must do all of
468 the following until the water sample culture results meet the
469 Level 1 criteria:470 1. Review the treatment program.471 2. Provide notification as required by s. 386.306.472 3. Institute immediate system decontamination.473 4. Retest the water within 3 to 7 days after receiving the
474 analysis results.475 a. If the retest indicates a presence of *Legionella* of more
476 than or equal to 20 CFU/mL but less than 1,000 CFU/mL, the
477 cooling tower owner must take the actions required under
478 paragraph (b).479 b. If the subsequent retest indicates a presence of
480 *Legionella* of more than or equal to 1,000 CFU/mL, the owner must
481 perform system decontamination.482 Section 7. Section 386.306, Florida Statutes, is created to
483 read:484 386.306 Notification.—A cooling tower owner shall:485 (1) Notify the county health department within 24 hours
486 after receiving a *Legionella* water sample culture result that
487 exceeds 1,000 colony-forming units per milliliter. The county
488 health department shall notify the department within 24 hours
489 after receiving such a report.490 (2) Notify the public of such test results in a manner
491 determined by the county health department or, at the discretion
492 of the department.

493 Section 8. Section 386.307, Florida Statutes, is created to

3-01591A-26

20261654

494 read:

495 386.307 Cooling tower standards.—496 (1) DISINFECTION.—

497 (a) A person who disinfects a cooling tower must be a
498 commercial applicator or a certified applicator, as those terms
499 are defined in s. 487.021, who is licensed to apply biocide in a
500 cooling tower and who is certified in accordance with the
501 requirements of the Florida Pesticide Law or be an apprentice
502 who is under the direct supervision of a licensed applicator as
503 defined in s. 487.021.

504 (b) The cooling tower owner shall maintain the name and
505 certification number of the applicator who disinfects the
506 cooling tower under paragraph (a) or the business name and
507 telephone number of the company providing online disinfection.

508 (c) Only biocide products registered by the Department of
509 Environmental Protection for use in cooling towers or pesticidal
510 devices produced in an establishment registered by the United
511 States Environmental Protection Agency may be used to disinfect
512 a cooling tower.

513 (2) EFFICIENCY.—

514 (a) Each cooling tower owner shall install make-up and
515 blowdown meters on its cooling towers to monitor the total
516 volume of water used by the cooling tower and shall ensure that
517 the cooling tower has an automatic conductivity controller, a
518 high-efficiency drift eliminator, and an overflow alarm to
519 prevent overflow of the sump in case of make-up water valve
520 failure. The overflow alarm must provide an alert through an
521 energy management control system to the cooling tower operators
522 in the event of an overflow of the sump.

3-01591A-26

20261654

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

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

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

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

533 386.308 Compliance inspection and certification.—

534 (1) COMPLIANCE INSPECTION.—

535 (a) Each cooling tower owner must ensure that its cooling
536 towers are inspected before initial startup and at intervals of
537 not more than every 90 days while in use.

538 (b) A compliance inspection must be performed by a
539 qualified person who is unaffiliated with the water treatment
540 company, a professional engineer licensed in this state, an
541 industrial hygienist, a water technologist, or an environmental
542 consultant. Any of the aforementioned persons must have training
543 and experience in performing inspections in accordance with
544 current standard industry protocols, including, but not limited
545 to, ANSI/ASHRAE Standard 188-2018, Legionellosis: Risk
546 Management for Building Water Systems.

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

550 1. The cooling tower and associated equipment for measuring
551 the presence of organic material, biofilm, algae, debris, and

3-01591A-26

20261654

552 other visible contaminants.

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

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

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

559 5. Whether the water treatment equipment, including, but
560 not limited to, smart controllers, probes, pumps, timers,
561 valves, and strain gauges, are functioning properly or are
562 properly calibrated, as appropriate.

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

568 (e) The person performing the inspection shall report all
569 deficiencies found to the owner so that corrective action may be
570 taken and document all completed corrective actions using the
571 department's mobile data collection platform.

572 (2) CERTIFICATION.—By November 1, 2026, and by each
573 November 1 thereafter, a cooling tower owner shall obtain an
574 annual certification from a qualified person which certifies
575 that a maintenance program and plan is in place for the cooling
576 tower and that all actions required under that plan and this
577 part have been taken, including, but not limited to, all of the
578 following:

579 (a) All required bacteriological culture sampling and
580 analyses.

3-01591A-26

20261654

581 (b) All Legionella culture sampling and analyses, including
582 any immediate Legionella culture sampling and analyses performed
583 pursuant to s. 386.304(2)(d) and (e).

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

586 (d) All compliance inspections performed pursuant to
587 subsection (1).

588 (3) REPORTING.—All inspection findings, deficiencies,
589 corrective actions, and certifications must be reported to the
590 department by the owner, and copies of such must be maintained
591 on the premises as required by s. 386.303.

592 Section 10. Section 386.309, Florida Statutes, is created
593 to read:

594 386.309 Enforcement.—

595 (1) The department or a county health department may
596 require an owner to conduct Legionella culture sampling and
597 analysis following a determination that, based on epidemiologic
598 data or laboratory testing, one or more cases of legionellosis
599 are or may be associated with a cooling tower.

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

605 (3) If an owner fails to register a cooling tower, develop
606 and maintain a maintenance program and plan for a cooling tower,
607 obtain certification for a cooling tower, disinfect a cooling
608 tower, perform or obtain required culture sampling and analysis,
609 or conduct inspections of a cooling tower as required in this

3-01591A-26

20261654

610 part, the department or the county health department may
611 determine that such failure constitutes a nuisance pursuant to
612 this chapter.

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

617 (5) The State Surgeon General shall submit a report to the
618 President of the Senate and the Speaker of the House of
619 Representatives by each January 1 which includes all of the
620 following information:

621 (a) For the prior year:

622 1. The number of new cooling tower registrations issued and
623 the number of notifications of discontinued use of a cooling
624 tower received by the department as of November 1, pursuant to
625 s. 386.303.

626 2. The number of annual certifications issued for cooling
627 towers inspected, tested, cleaned, and disinfected which have
628 been received by the department as of November 1, pursuant to s.
629 386.308.

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

633 4. The number of inspections of cooling towers conducted by
634 the department, or a county health department on behalf of the
635 department, along with the number and types of violations cited
636 during such inspections.

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

3-01591A-26

20261654

639 6. The number of persons diagnosed with legionellosis in
640 this state, to the extent known or reasonably discoverable by
641 the department.

642 (b) Recommendations as to whether department rules should
643 be amended to include requirements for any of the building water
644 systems described in ANSI/ASHRAE Standard 188-2018,
645 Legionellosis: Risk Management for Building Water Systems.

646 (c) Information regarding the implementation of any such
647 requirement, the effectiveness of the requirement in preventing
648 outbreaks of legionellosis, and recommendations for improvements
649 or modifications to department rules to further the control of
650 Legionella.

651 Section 11. Section 386.3101, Florida Statutes, is created
652 to read:

653 386.3101 Waivers.—The department may issue a written
654 general or specific waiver with respect to registration,
655 certification, or reporting requirements established in this
656 part if the department determines that such waiver will not
657 present a danger to public health. The department may revoke the
658 waiver upon a determination that the waiver may present a danger
659 to public health.

660 Section 12. Until December 31, 2027, an owner may submit a
661 written application to a county health department for a variance
662 from any requirement of this part for additional time to comply
663 with this act. A variance may not exceed 90 days. The
664 application must include an explanation as to why the variance
665 will not present a danger to public health. With the approval of
666 the Department of Health, the county health department may
667 approve such application for a variance, in writing, subject to

3-01591A-26

20261654

668 any condition that the department or county health department
669 may deem appropriate to protect public health. The department or
670 the county health department may revoke a variance upon a
671 determination that the variance may present a danger to public
672 health.

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