

By Senator Simon

3-01591A-26

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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__

to the owner for corrective action; requiring initial and annual certification of cooling towers by a specified date; providing requirements for certification; requiring that all inspection findings, deficiencies, corrective actions, and certifications be reported to the department and maintained by the owner; creating s. 386.309, F.S.; authorizing the department or a county health department to require an owner to conduct a *Legionella* culture sampling and analysis under certain circumstances; authorizing an officer, employee, or agent of the department or county health department to enter a property and take water samples to inspect a cooling tower; authorizing the department or county health department to determine that certain actions by the owner of a cooling tower constitute a nuisance; providing for civil and criminal penalties; requiring the State Surgeon General to submit a report to the Legislature by a specified date; providing requirements for the report; creating s. 386.3101, F.S.; authorizing the department to issue certain written waivers if such waiver does not present a danger to the public health; authorizing the department, upon a certain determination, to revoke such waiver; authorizing owners, until a specified date, to apply to a county health department for a variance under certain circumstances; providing requirements for such variances; authorizing the department, upon a certain determination, to revoke such variance; providing an

3-01591A-26

20261654__

effective date.

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

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

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

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

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

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

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

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

(3) "Cleaning" means physical, mechanical, or other method 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__

conductivity of the make-up water.

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

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

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

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

(14) "Domestic water holding tank" means a fixed, 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 occupancy.

(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 commonly found in aqueous environments, including the recirculated water

3-01591A-26

20261654__

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

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

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

(b) The legal owner of the building.

(c) A tenant, if the tenant:

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

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

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

3-01591A-26

20261654__

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

(21) "Supplemental disinfection system" is a permanently installed treatment system designed to provide additional microbial protection for potable water supplied to a residence or residential facility. The system functions as an added barrier to inactivate or remove pathogenic microorganisms that may be present in the incoming water supply or that may proliferate within onsite plumbing, storage, or distribution components. Such systems include, but are not limited to, chlorine, chlorine dioxide or monochloramine for chlorination or chloramine injection systems, and disinfection processes approved for potable water use in this state by the Department of Environmental Protection. Such system 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. The system must be installed in accordance with all applicable plumbing, electrical, and public health codes and must incorporate appropriate monitoring, control, and safety features, including alarms, dosage controls, fail-safe shutdown mechanisms, and provisions to prevent

3-01591A-26

20261654__

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

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 shall register its cooling towers, domestic water tanks, or supplemental disinfection water systems with the department using a statewide electronic system designated by the department. The registration system must, at a minimum, require all of the following information:

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

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

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

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

(e) The model number of the system.

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

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

(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, or
266 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__

needed, to validate process adjustments.

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

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

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

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

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

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

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

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

6. Any other condition specified by the department or a

3-01591A-26

20261654__

county health department.

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

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

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

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

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

386.305 Culture analyses.—

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

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

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

3-01591A-26

20261654__

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

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

1. Review the treatment program.

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

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

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

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

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

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

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

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

1. Review the treatment program and provide notification as

3-01591A-26

20261654__

required by s. 386.306.

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

3. Within 48 hours after receiving the analysis results, perform remediation of the tower by hyperhalogenating, cleaning, and flushing the tower.

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 must maintain the treatment program and monitoring in accordance with the cooling tower's maintenance program and plan.

(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 must 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

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__

(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 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 must ensure that its cooling towers are 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 the aforementioned persons 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 measuring 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__

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

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

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

(a) For the prior year:

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

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

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

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

5. The number of cleanings, disinfections, or other actions 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

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

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