

1 A bill to be entitled
 2 An act relating to swim-up bars; amending s. 514.0115,
 3 F.S.; providing definitions; providing that swim-up
 4 bars may not be prohibited in certain public pools in
 5 certain establishments; providing requirements for
 6 swim-up bars in certain establishments; providing
 7 rulemaking authority; amending s. 553.77, F.S.;
 8 requiring the Florida Building Commission to adopt,
 9 within the Florida Building Code, requirements for
 10 swim-up bars in certain public pools by a specified
 11 date; providing minimum requirements; providing an
 12 effective date.

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

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 16 Section 1. Subsection (10) is added to section 514.0115,
 17 Florida Statutes, to read:

18 514.0115 Exemptions from supervision or regulation;
 19 variances.—

20 (10) (a) As used in this subsection, the term:

21 1. "Swim-up bar" means a public pool used for the
 22 consumption of food and beverages by people, that may include a
 23 permanent bar or counter from which food and beverages are
 24 served to people in the pool.

25 2. "Theme park or entertainment complex" has the same

26 | meaning as provided in s. 509.013(9).

27 | 3. "Transient public lodging establishment" has the same
 28 | meaning as provided in s. 509.013(4)(a)1.

29 | 4. "Wet deck area" means the 4-foot-wide unobstructed pool
 30 | deck area around the outside of the pool water perimeter, curb,
 31 | ladders, handrails, planters, or lifeguard chairs.

32 | (b) The department, county health departments, and local
 33 | governments may not prohibit swim-up bars located in transient
 34 | public lodging establishments or theme parks or entertainment
 35 | complexes if all of the following apply:

36 | 1. The public pool is designated by the transient public
 37 | lodging establishment or theme park or entertainment complex as
 38 | a swim-up bar.

39 | 2. The transient public lodging establishment or theme
 40 | park or entertainment complex provides notice to their patrons
 41 | that food and beverages are being consumed in the swim-up bar.

42 | 3. The swim-up bar is separated from any other public
 43 | pools that are not swim-up bars and do not allow the consumption
 44 | of food and beverages.

45 | 4. Glass items are not allowed in the swim-up bar or on
 46 | the pool's wet deck area.

47 | 5. A lifeguard is present when the swim-up bar is being
 48 | used.

49 | 6. The swim-up bar has a water depth of less than 60
 50 | inches.

51 7. The swim-up bar is in compliance with this chapter and
 52 the rules adopted hereunder.

53 (c) The department may adopt rules to ensure compliance
 54 with this subsection.

55 Section 2. Subsection (8) is added to section 553.77,
 56 Florida Statutes, to read:

57 553.77 Specific powers of the commission.—

58 (8) By January 1, 2023, the Florida Building Commission
 59 must adopt into the Florida Building Code, pursuant to s.
 60 553.73(8), requirements for swim-up bars as defined in s.
 61 514.0115(10) (a), including, at a minimum, all of the following:

62 (a) Signage requirements providing that food and beverages
 63 are permitted in the swim-up bar.

64 (b) An allowance for an obstruction related to a swim-up
 65 bar in a public pool's wet deck area, as that term is defined in
 66 s. 514.0115(10) (a) .

67 (c) Enhanced requirements for the swim-up bar's
 68 recirculation and treatment system above and beyond what is
 69 required of a typical public pool.

70 Section 3. This act shall take effect upon becoming a law.