

1 A bill to be entitled
 2 An act relating to pool/spa contractors; amending s.
 3 489.105, F.S.; revising the definition of the terms
 4 "commercial pool/spa contractor," "residential
 5 pool/spa contractor," and "swimming pool/spa servicing
 6 contractor"; providing an effective date.

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

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 10 **Section 1. Paragraphs (j), (k), and (l) of subsection (3)**
 11 **of section 489.105, Florida Statutes, are amended to read:**

12 489.105 Definitions.—As used in this part:
 13 (3) "Contractor" means the person who is qualified for,
 14 and is only responsible for, the project contracted for and
 15 means, except as exempted in this part, the person who, for
 16 compensation, undertakes to, submits a bid to, or does himself
 17 or herself or by others construct, repair, alter, remodel, add
 18 to, demolish, subtract from, or improve any building or
 19 structure, including related improvements to real estate, for
 20 others or for resale to others; and whose job scope is
 21 substantially similar to the job scope described in one of the
 22 paragraphs of this subsection. For the purposes of regulation
 23 under this part, the term "demolish" applies only to demolition
 24 of steel tanks more than 50 feet in height; towers more than 50
 25 feet in height; other structures more than 50 feet in height;

26 and all buildings or residences. Contractors are subdivided into
 27 two divisions, Division I, consisting of those contractors
 28 defined in paragraphs (a)-(c), and Division II, consisting of
 29 those contractors defined in paragraphs (d)-(q):

30 (j) "Commercial pool/spa contractor" means a contractor
 31 whose scope of work includes ~~involves~~, but is not limited to,
 32 all phases of the construction, repair, renovation, remodel,
 33 deconstruction, and servicing of a ~~any~~ swimming pool, ~~or~~ hot
 34 tub, ~~or~~ spa, splash pad or other interactive water feature,
 35 decorative water feature, public bathing place, or swimming pool
 36 or spa appurtenance, whether public, private, or otherwise,
 37 regardless of use.

38 1. The scope of such work includes, but is not limited to,
 39 the following:

40 a. The scope of work of a swimming pool/spa servicing
 41 contractor.

42 b. The connection, replacement, disconnection, or
 43 reconnection of power wiring on the load side of the dedicated
 44 existing electrical circuit disconnect means for swimming pool,
 45 spa, hot tub, or interactive water feature equipment.

46 c. The installation of equipotential bonding; swimming
 47 pool, spa, or hot tub lighting; light transformers; light
 48 conduit; and any cleaning or sanitizing equipment that requires
 49 at least partial disassembling.

50 d. The construction of uninhabitable equipment rooms or

51 housing for swimming pool, spa, hot tub, or interactive water
52 feature equipment for the protection of the equipment from
53 outside elements or preventing unauthorized access.

54 e. Excavation and earthmoving only as required for the
55 installation of swimming pools, spas, hot tubs, or interactive
56 water features.

57 f. The operation of construction pumps for dewatering
58 purposes for swimming pool, spa, hot tub, or interactive water
59 feature excavation sites, and for draining swimming pools, spas,
60 hot tubs, or interactive water features.

61 g. The installation of rebar or similar support materials
62 for swimming pool, spa, hot tub, or interactive water feature
63 structures, and the shaping and shooting of gunite dry mix and
64 wet mix, concrete, or similar product mix used in the
65 construction of swimming pools, spas, hot tubs, or interactive
66 water features.

67 h. The installation of fiberglass swimming pool, spa, or
68 hot tub shells and vinyl swimming pool, spa, or hot tub liners.

69 i. The application and removal of all interior swimming
70 pool, spa, hot tub, or interactive water feature finishes.

71 j. The construction, maintenance, or remodel of decorative
72 or interactive water features, displays, or areas that use
73 recirculated water, including fountains, waterfalls, and spray
74 nozzles.

75 k. The installation of all swimming pool, spa, hot tub, or

76 interactive water feature piping, including, but not limited to,
77 drain piping, perimeter piping, and circulation or filter piping
78 used in the construction of swimming pools, spas, hot tubs, or
79 decorative or interactive water feature displays or areas.

80 1. The construction and installation of retaining walls,
81 concrete flatwork, pavers and bricks, and footings for the
82 construction of a swimming pool, spa, hot tub, or interactive
83 water feature, whether newly constructed or additions to or
84 remodels of an existing swimming pool, spa, hot tub, or
85 interactive water feature ~~The installation, repair, or~~
86 ~~replacement of existing equipment, any cleaning or equipment~~
87 ~~sanitizing that requires at least a partial disassembling,~~
88 ~~excluding filter changes, and the installation of new pool/spa~~
89 ~~equipment, interior finishes, the installation of package pool~~
90 ~~heaters, the installation of all perimeter piping and filter~~
91 ~~piping, and the construction of equipment rooms or housing for~~
92 ~~pool/spa equipment, and also includes the scope of work of a~~
93 ~~swimming pool/spa servicing contractor.~~

94 2. The scope of such work does not include direct
95 connections to a sanitary sewer system or to potable water
96 lines, the installation or upgrade of dedicated electrical
97 disconnect or electrical circuits, or any work inside a main
98 electrical panel. ~~The installation, construction, modification,~~
99 ~~or replacement of equipment permanently attached to and~~
100 ~~associated with the pool or spa for the purpose of water~~

101 ~~treatment or cleaning of the pool or spa requires licensure;~~
102 ~~however,~~
103 3. The usage of swimming pool, spa, hot tub, or
104 interactive water feature ~~such~~ equipment for ~~the purposes of~~
105 water treatment or cleaning does not require licensure unless
106 the usage involves installation ~~construction~~, modification, or
107 replacement of such equipment. Water treatment that does not
108 require such equipment; filter media changes; or the cleaning of
109 a swimming pool, spa, hot tub, or interactive water feature, or
110 its associated equipment, which does not affect the structural
111 integrity of the swimming pool, spa, hot tub, or interactive
112 water feature, does not require a license. ~~In addition, a~~
113 ~~license is not required for the cleaning of the pool or spa in a~~
114 ~~way that does not affect the structural integrity of the pool or~~
115 ~~spa or its associated equipment.~~

116 (k) "Residential pool/spa contractor" means a contractor
117 whose scope of work is the same as a commercial pool/spa
118 contractor under paragraph (j) but does not include the
119 construction of any new commercial swimming pool, spa, hot tub,
120 or public bathing place ~~involves, but is not limited to, the~~
121 ~~construction, repair, and servicing of a residential swimming~~
122 ~~pool, or hot tub or spa, regardless of use. The scope of work~~
123 ~~includes the installation, repair, or replacement of existing~~
124 ~~equipment, any cleaning or equipment sanitizing that requires at~~
125 ~~least a partial disassembling, excluding filter changes, and the~~

126 ~~installation of new pool/spa equipment, interior finishes, the~~
127 ~~installation of package pool heaters, the installation of all~~
128 ~~perimeter piping and filter piping, and the construction of~~
129 ~~equipment rooms or housing for pool/spa equipment, and also~~
130 ~~includes the scope of work of a swimming pool/spa servicing~~
131 ~~contractor. The scope of such work does not include direct~~
132 ~~connections to a sanitary sewer system or to potable water~~
133 ~~lines. The installation, construction, modification, or~~
134 ~~replacement of equipment permanently attached to and associated~~
135 ~~with the pool or spa for the purpose of water treatment or~~
136 ~~cleaning of the pool or spa requires licensure; however, the~~
137 ~~usage of such equipment for the purposes of water treatment or~~
138 ~~cleaning does not require licensure unless the usage involves~~
139 ~~construction, modification, or replacement of such equipment.~~
140 ~~Water treatment that does not require such equipment does not~~
141 ~~require a license. In addition, a license is not required for~~
142 ~~the cleaning of the pool or spa in a way that does not affect~~
143 ~~the structural integrity of the pool or spa or its associated~~
144 ~~equipment.~~

145 (1) "Swimming pool/spa servicing contractor" means a
146 contractor whose scope of work includes ~~involves~~, but is not
147 limited to, all aspects of the repair, renovation, remodeling,
148 or and servicing of a swimming pool, or hot tub, or spa, splash
149 pad or other interactive water feature, decorative water
150 feature, public bathing place, or swimming pool or spa

151 appurtenance, whether public or private, or otherwise,
152 regardless of use.

153 1. The scope of work includes, but is not limited to, the
154 following:

155 a. The installation, repair, or replacement of all
156 swimming pool, spa, hot tub, or interactive water feature
157 equipment, including, but not limited to, pool pumps; filters;
158 feeders; controllers; and commercially available swimming pool,
159 spa, or hot tub heaters, whether electric, gas, or solar.

160 b. The connection, replacement, disconnection, or
161 reconnection of power wiring on the load side of the dedicated
162 existing electrical circuit disconnect means for swimming pool,
163 spa, hot tub, or interactive water feature equipment.

164 c. The repair or replacement of equipotential bonding;
165 swimming pool, spa, or hot tub lighting; light transformers;
166 light conduit; and any cleaning or sanitizing equipment that
167 requires at least partial disassembling.

168 d. The repair of uninhabitable equipment rooms or housing
169 for swimming pool, spa, hot tub, or interactive water feature
170 equipment.

171 e. The repair or replacement of all perimeter piping and
172 filter piping.

173 f. The substantial or complete draining of a swimming
174 pool, spa, or hot tub for repair or renovation and the operation
175 of construction pumps for dewatering purposes for drained

176 swimming pools, spas, hot tubs, or interactive water features.

177 g. The removal and reapplication of all interior swimming
178 pool, spa, hot tub, or interactive water feature finishes.

179 h. The installation, repair, or replacement of all tile
180 and coping for a swimming pool, a spa, a hot tub, or an
181 interactive water feature ~~the repair or replacement of existing~~
182 ~~equipment, any cleaning or equipment sanitizing that requires at~~
183 ~~least a partial disassembling, excluding filter changes, and the~~
184 ~~installation of new pool/spa equipment, interior refinishing,~~
185 ~~the reinstallation or addition of pool heaters, the repair or~~
186 ~~replacement of all perimeter piping and filter piping, the~~
187 ~~repair of equipment rooms or housing for pool/spa equipment, and~~
188 ~~the substantial or complete draining of a swimming pool, or hot~~
189 ~~tub or spa, for the purpose of repair or renovation.~~

190 2. The scope of the such work does not include direct
191 connections to a sanitary sewer system or to potable water
192 lines, the installation or upgrade of dedicated electrical
193 disconnect or electrical circuits, or any work inside a main
194 electrical panel. ~~The installation, construction, modification,~~
195 ~~substantial or complete disassembly, or replacement of equipment~~
196 ~~permanently attached to and associated with the pool or spa for~~
197 ~~the purpose of water treatment or cleaning of the pool or spa~~
198 ~~requires licensure; however,~~

199 3. The usage of swimming pool, spa, hot tub, or
200 interactive water feature ~~such equipment for the purposes of~~

201 water treatment or cleaning does not require licensure unless
202 the usage involves installation ~~construction~~, modification,
203 ~~substantial or complete disassembly~~, or replacement of such
204 equipment. Water treatment that does not require such equipment;
205 filter media changes; or the cleaning of a swimming pool, a spa,
206 a hot tub, or an interactive water feature, or its associated
207 equipment, which does not affect the structural integrity of the
208 swimming pool, spa, hot tub, or interactive water feature does
209 not require a license. ~~In addition, a license is not required~~
210 ~~for the cleaning of the pool or spa in a way that does not~~
211 ~~affect the structural integrity of the pool or spa or its~~
212 ~~associated equipment.~~

213 **Section 2.** This act shall take effect July 1, 2025.