

1 A bill to be entitled
2 An act relating to public swimming and bathing places;
3 amending s. 514.0115, F.S.; requiring certain pools to
4 have a yearly inspection to confirm certain standards
5 are being met; authorizing the Public Swimming Pool
6 and Spa Technical Committee to review and grant rule
7 variances; amending s. 514.021, F.S.; requiring the
8 Public Swimming Pool and Spa Technical Committee to
9 adopt certain rules; removing a provision that such
10 rules be reviewed and revised biennially; revising the
11 sanitation and safety standards for public swimming
12 pools and bathing places; prohibiting the committee
13 from establishing by rule certain regulations;
14 removing a provision requiring the Department of
15 Health to provide technical assistance to the Florida
16 Building Commission; requiring certain employees of
17 the department to obtain, maintain, and renew a
18 Florida Public Pool Specialist Certification;
19 providing that the department is responsible for the
20 cost of such certification; amending s. 514.025, F.S.;
21 requiring certain employees of county health
22 departments to obtain, maintain, and renew a Florida
23 Public Pool Specialist Certification; providing that
24 the county health department is responsible for the
25 cost of such certification; amending s. 514.028, F.S.;

26 creating the Public Swimming Pool and Spa Technical
27 Committee within the Department of Health, rather than
28 an advisory review board; requiring the Governor to
29 appoint members to the committee; requiring the
30 committee to meet on a certain schedule; revising the
31 membership and purpose of the committee; requiring the
32 committee to hold public workshops under certain
33 circumstances; requiring specified notice be published
34 in the Florida Administrative Register a specified
35 timeframe before such workshop; amending s. 514.03,
36 F.S.; requiring, rather than authorizing, local
37 governments and local enforcement districts to
38 determine compliance with certain standards;
39 prohibiting the department, local governments, and
40 local enforcement districts from requiring that
41 certain plans be submitted to replace certain
42 equipment if a specified condition is met; requiring
43 specified contractors to certify that replacement
44 equipment meets certain specifications; amending s.
45 514.031, F.S.; revising the information that must be
46 submitted with a permit application to operate a
47 public swimming pool; requiring the department to
48 grant such permit application unless there is clear
49 and convincing evidence that the public swimming pool
50 will not operate in compliance with specified laws and

51 rules; requiring the department to provide specified
52 information to an applicant if the department denies a
53 permit application; providing an effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 **Section 1. Subsections (2), (3), and (9) of section**
58 **514.0115, Florida Statutes, are amended to read:**

59 514.0115 Exemptions from supervision or regulation;
60 variances.—

61 (2)(a) Pools serving no more than 32 condominium or
62 cooperative units which are not operated as a public lodging
63 establishment are ~~shall be~~ exempt from supervision under this
64 chapter, except for maintaining compliance with department rules
65 relating to water quality and a yearly inspection to confirm
66 that sanitary and entrapment standards are being met, including
67 all of the following:

68 1. The pool is compliant with the federal Virginia Graeme
69 Baker Pool and Spa Safety Act, 15 U.S.C. ss. 8001 et seq.

70 2. The pool is being operated at the designed and
71 permitted flow rate.

72 3. The pool filtration system capacity is equal to or
73 greater than originally designed, is using the same filter media
74 as originally designed, and is being operated as originally
75 designed, whether as suction or pressure.

76 (b) Pools serving condominium or cooperative associations
77 of more than 32 units and whose recorded documents prohibit the
78 rental or sublease of the units for periods of less than 60 days
79 are exempt from supervision under this chapter, except that the
80 condominium or cooperative owner or association must file
81 applications with the department and obtain construction plans
82 approval and receive an initial operating permit. The department
83 must ~~shall~~ inspect the swimming pools at such condominium or
84 cooperative associations ~~places~~ annually, at the fee set forth
85 in s. 514.033(3), or upon request by a unit owner, to determine
86 all of the following:

87 1. Compliance with department rules relating to water
88 quality and lifesaving equipment.

89 2. Compliance with the federal Virginia Graeme Baker Pool
90 and Spa Safety Act, 15 U.S.C. ss. 8001 et seq.

91 3. That the pool is being operated at the designed and
92 permitted flow rate.

93 4. That the pool filtration system is in place and being
94 operated as originally engineered and permitted.

95
96 The department may not require compliance with rules relating to
97 swimming pool lifeguard standards.

98 (3) Pools serving homeowners' associations and other
99 property associations which have no more than 32 units or
100 parcels and are not operated as public lodging establishments

are exempt from supervision under this chapter, except for the following:

(a) Supervision necessary to ensure water quality and compliance with s. 514.0315.

(b) A yearly inspection to confirm sanitary and entrapment standards are being met, including all of the following:

1. The pool is compliant with the federal Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. ss. 8001 et seq.

2. The pool is being operated at the designed and permitted flow rate.

3. The pool filtration system capacity is equal to or greater than originally designed, is using the same filter media as originally designed, and is being operated as originally designed, whether as suction or pressure.

(c) Such pools,~~and~~ are subject to ss. 514.05 and 514.06.

(9) The Public Swimming Pool and Spa Technical Committee established under s. 514.028 ~~department~~ may grant variances from any department rule adopted under this chapter pursuant to procedures adopted by department rule. The committee ~~department~~ may also grant, pursuant to procedures adopted by department rule, variances from the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places when requested by the pool owner or the pool owner's representative to relieve hardship in cases involving deviations from the Florida Building Code provisions, when it is shown that

the hardship was not caused intentionally by the action of the applicant, where no reasonable alternative exists, and the health and safety of the pool patrons is not at risk. The committee has sole authority to review and approve variances under this section.

Section 2. Section 514.021, Florida Statutes, is amended to read:

514.021 Department and Public Swimming Pool and Spa Technical Committee authorization; certification.—

(1) The Public Swimming Pool and Spa Technical Committee established under s. 514.028 shall adopt and the department shall ~~may adopt and~~ enforce rules for the operation of public swimming pools and bathing places ~~to protect the health, safety, or welfare of persons~~ by setting sanitation and safety standards for such ~~public swimming~~ pools and ~~public~~ bathing places. The department ~~shall review and revise such rules as necessary, but not less than biennially.~~ Sanitation and safety standards must ~~shall~~ be limited to matters relating to source of water supply; microbiological, chemical, and physical quality of water in the pool or bathing area; and ~~method of water purification, treatment, and disinfection;~~ lifesaving apparatus; ~~and measures to ensure safety of bathers.~~

(2) The department or committee may not establish by rule any regulation governing the design, construction, erection, alteration, renovation, modification, ~~or~~ repair, or demolition

151 of public swimming pools and bathing places ~~which has no impact~~
152 ~~on sanitation and safety of persons using public swimming pools~~
153 ~~and bathing places. Further, the department may not adopt by~~
154 ~~rule any regulation governing the construction, erection, or~~
155 ~~demolition of public swimming pools and bathing places.~~ It is
156 the intent of the Legislature to preempt those functions to the
157 Florida Building Commission through adoption and maintenance of
158 the Florida Building Code. ~~The department shall provide~~
159 ~~technical assistance to the commission in updating the~~
160 ~~construction standards of the Florida Building Code which govern~~
161 ~~public swimming pools.~~ This subsection does not abrogate the
162 authority of the department to adopt and enforce appropriate
163 sanitary regulations and requirements as authorized in
164 subsection (1).

165 (3) (a) An employee of the department responsible for the
166 inspection and regulation of public swimming pools or bathing
167 places must do all of the following:

168 1. Obtain the Florida Public Pool Specialist Certification
169 within 60 days after he or she is hired or assigned to the
170 inspection and regulation of such pools or bathing places.

171 2. Maintain such certification for the duration of his or
172 her employment or assignment to inspect and regulate public
173 swimming pools or bathing places.

174 3. Renew his or her certification every 5 years.

175 (b) The department is responsible for the cost of

certifying its employees and renewing such certification under
this subsection.

**Section 3. Subsection (4) is added to section 514.025,
Florida Statutes, to read:**

514.025 Assignment of authority to county health
departments.—

(4) (a) An employee of a county health department
responsible for the inspection and regulation of public swimming
pools or bathing places must do all of the following:

1. Obtain the Florida Public Pool Specialist Certification
within 60 days after he or she is hired or assigned to the
inspection and regulation of such pools or bathing places.

2. Maintain such certification for the duration of his or
her employment or assignment to inspect and regulate public
swimming pools or bathing places.

3. Renew his or her certification every 5 years.

(b) The county health department is responsible for the
cost of certifying its employees and renewing such certification
under this subsection.

**Section 4. Section 514.028, Florida Statutes, is amended
to read:**

514.028 Public Swimming Pool and Spa Technical Committee
~~Advisory review board.~~—

(1) The Public Swimming Pool and Spa Technical Committee
is created with the department.

201 (2)~~(1)~~ The Governor shall appoint members to the Public
202 Swimming Pool and Spa Technical Committee, ~~an advisory review~~
203 ~~board~~ which must ~~shall~~ meet ~~as necessary or~~ at least bi-monthly,
204 but may meet more frequently, if necessary, to review and act on
205 variance applications pursuant to s. 514.0115 ~~quarterly, to~~
206 ~~recommend agency action on variance request, rule and policy~~
207 ~~development, and other technical review problems.~~ The committee
208 must ~~board shall~~ be comprised of:

209 (a) Three licensed commercial pool and spa contractors as
210 defined in s. 489.105(3)(j) ~~A representative from the office of~~
211 ~~licensure and certification of the department.~~

212 (b) Two licensed swimming pool and spa servicing
213 contractors as defined in s. 489.105(3)(l) ~~A representative from~~
214 ~~the county health departments.~~

215 (c) Two professional engineers licensed under chapter 471
216 and practicing in this state ~~Three representatives from the~~
217 ~~swimming pool construction industry.~~

218 (d) Two representatives ~~A representative~~ from the public
219 lodging industry.

220 ~~(e) A representative from a county or local building~~
221 ~~department.~~

222 (3)~~(2)~~ The purpose of the committee ~~advisory review board~~
223 is to:

224 (a) Consider and adopt modifications to rules for the
225 operation of public swimming pools and public bathing places

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226 pursuant to s. 514.021(1).

227 (b) Review and act on variance applications pursuant to s.
228 514.0115.

229 (4) Notwithstanding s. 120.54, the committee must hold a
230 public workshop for the development or modification of each rule
231 proposed under s. 514.021. Notice of the public workshop and
232 proposed rule must be published in the Florida Administrative
233 Register at least 45 days before the date on which the workshop
234 is scheduled ~~promote better relations, understanding, and~~
235 ~~cooperation between such industries and the department; to~~
236 ~~review and make recommendations regarding department product~~
237 ~~approval standards; to suggest means of better protecting the~~
238 ~~health, welfare, or safety of persons using the services offered~~
239 ~~by such industries; and to give the department the benefit of~~
240 ~~the knowledge and experience of the board concerning the~~
241 ~~industries and individual businesses affected by the laws and~~
242 ~~rules administered by the department.~~

243 (5)-(3) Members shall be reimbursed under s. 112.061 for
244 travel expenses incurred in connection with service on the
245 Public Swimming Pool and Spa Technical Committee ~~advisory review~~
246 ~~board pursuant to s. 112.061.~~

247 **Section 5. Section 514.03, Florida Statutes, is amended to**
248 **read:**

249 514.03 Approval necessary to construct, develop, or modify
250 public swimming pools or public bathing places.—

(1) A person or public body desiring to construct, develop, or modify a public swimming pool must submit an application, containing the information required under s. 514.031(1)(a) ~~s. 514.031(1)(a)1.-6.~~ to the department for an operating permit before filing an application for a building permit under s. 553.79. A copy of the final inspection required under s. 514.031(1)(a)5. must ~~shall~~ be submitted to the department upon receipt by the applicant. The application is ~~shall be~~ deemed incomplete under ~~pursuant to~~ s. 120.60 until such copy is submitted to the department.

(2) Local governments or local enforcement districts shall ~~may~~ determine compliance with the general construction standards of the Florida Building Code, pursuant to s. 553.80. Local governments or local enforcement districts may conduct plan reviews and inspections of public swimming pools and public bathing places for this purpose.

(3)(a) The department, local governments, and local enforcement districts may not require the submission of engineering or reengineering plans in order to replace equipment of a pool, a spa pool, a wading pool, or an interactive water feature as long as the replacement equipment meets the flow, filtration, and sanitation specifications as originally designed, regardless of the type, make, or model of the replacement equipment.

(b) The licensed commercial pool or spa contractor or

licensed swimming pool or spa servicing contractor, as those
terms are defined in s. 489.105(3)(j) and (l), performing the
equipment replacement is responsible for certifying that the
replacement equipment meets the flow, filtration, and sanitation
specifications as originally designed.

**Section 6. Subsection (1) of section 514.031, Florida
Statutes, is amended to read:**

514.031 Permit necessary to operate public swimming pool.—

(1) It is unlawful for any person or public body to
operate or continue to operate any public swimming pool without
a valid permit from the department, such permit to be obtained
in the following manner:

(a) Any person or public body desiring to operate any
public swimming pool shall file an application for an operating
permit with the department, on application forms provided by the
department, and shall accompany such application with:

1. A description of the structure, its appurtenances, and
its operation.

2. A description of the source or sources of water supply,
and the amount and quality of water available and intended to be
used.

3. The method and manner of water purification, treatment,
disinfection, and heating.

4. The safety equipment and standards to be used.

5. A copy of the final inspection from the local

enforcement agency as defined in s. 553.71.

~~6. Any other pertinent information deemed necessary by the department.~~

(b) The applicant shall respond to a request for additional information due to an incomplete application for an operating permit pursuant to s. 120.60. Upon receipt of an application, whether complete or incomplete, as required in s. 514.03 and as set forth under this section, the department shall review and provide to the local enforcement agency and the applicant any comment or proposed modifications on the information received pursuant to subparagraphs (a)1.-5 ~~(a)1.-6~~.

(c) The department must grant the application for permit unless ~~If the department determines,~~ by clear and convincing evidence, that the public swimming pool will not ~~is or may reasonably be expected to~~ be operated in compliance with this chapter and the rules adopted hereunder, ~~The department shall grant the application for permit.~~

(d) If the department determines, by clear and convincing evidence, that the public swimming pool does not meet the provisions outlined in this chapter or the rules adopted hereunder, the department must ~~shall~~ deny the application for a permit pursuant to ~~the provisions of~~ chapter 120. Such denial must ~~shall~~ be in writing and ~~shall~~ list the circumstances for the denial, including the specific provisions of this chapter or the rules adopted hereunder that are the basis for such denial.

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326 Upon correction of such circumstances, an applicant previously
327 denied permission to operate a public swimming pool or bathing
328 place may reapply for a permit.

329 **Section 7.** This act shall take effect July 1, 2026.