

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: CS/SB 148

INTRODUCER: Health Care Committee and Senator Saunders

SUBJECT: Public Swimming and Bathing Facilities

DATE: January 26, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Garner</u>	<u>Wilson</u>	<u>HE</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides an exemption from the Department of Health's (DOH) regulation of public swimming pools and bathing facilities for private pools and water therapy facilities connected with establishments where one or more licensed physical therapists practice and licensed massage therapy establishments. The present statute (s. 514.0115, F.S.) provides a similar exemption for private pools and water therapy facilities connected with hospitals, medical doctors' offices, and licensed physical therapy establishments (however, physical therapy establishments are not licensed).

The bill also clarifies that the Board of Massage Therapy has the authority to adopt rules governing the operation of licensed massage establishments, including pools used in conjunction with hydrotherapy in licensed massage establishments.

This bill amends ss. 514.0115 and 480.043, F.S.

II. Present Situation:

Department of Health Regulation of Public Swimming and Bathing Facilities

The Department of Health is responsible for the regulation of public swimming pools and bathing facilities under ch. 514, F.S. The department's Bureau of Water Programs is responsible for overview of the construction and operation of facilities used for public swimming and bathing, such as swimming pools, spa pools, and wading pools serving places like hotels, motels, condominiums, apartment buildings, mobile home parks, and schools, as well as water recreation attractions and fresh water bathing areas open to the public for recreation. Specifically, DOH is required to conduct engineering plan reviews, issue construction permits, inspect the final

construction, issue an annual operation permit, and conduct two routine health/safety inspections per year as part of the regulation of all public swimming pools and bathing facilities being constructed or operated in the state.

The only exemptions to these regulations are found in s. 514.0115, F.S., which apply to private pools and water therapy facilities connected with hospitals, medical doctors' offices, and licensed physical therapy establishments. These pools and water therapy facilities are used for physical and rehabilitative therapy for patients with conditions ranging from arthritis to recovery from surgery. Hospitals are regulated by the Agency for Health Care Administration and medical doctors and licensed physical therapists are regulated under their respective practice acts and licensing boards within DOH.

Regulation of Massage Therapy

The practice of massage therapy is regulated under ch. 480, F.S. Licensed massage establishments are specifically regulated under s. 480.043, F.S., which provides that the Board of Massage Therapy has the authority to adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

III. Effect of Proposed Changes:

Section 1. Amends s. 514.0115(1), F.S., to exempt from supervision or regulation by DOH private pools and water therapy facilities connected with establishments where one or more licensed physical therapists practice and licensed massage therapy establishments.

Section 2. Amends s. 480.043(2), F.S., to specify that the Board of Massage Therapy has the authority to adopt rules governing the operation of pools used in conjunction with hydrotherapy in licensed massage establishments.

Section 3. Provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Establishments with private pools or water therapy facilities that wish to be included under this exemption will need to become a licensed massage establishment and comply with any rules adopted by the Board of Massage Therapy.

C. Government Sector Impact:

The department reports minor fiscal effects from the exemption. There would be a loss of the initial pool permit of \$500 per facility (unknown number of facilities) and the annual operating permit of \$100 per facility (with an unknown number of pools/spas that may become exempt). The department would receive an increase in revenue from additional licensed massage establishments (\$305 each initial license).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
