

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Regulatory Reform  
2 Subcommittee

3 Representative Smith, D. offered the following:

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5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 514.0115 Exemptions from supervision or regulation;  
10 variances.—

11 (10) (a) As used in this subsection:

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

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16           2. "Theme park or entertainment complex" has the same  
17 meaning as provided in s. 509.013(9).

18           2. "Transient public lodging establishment" has the same  
19 meaning as provided in s. 509.013(4)(a)1.

20           3. "Wet deck area" means the 4-foot-wide unobstructed  
21 pool deck area around the outside of the pool water perimeter,  
22 curb, ladders, handrails, planters, or lifeguard chairs.

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

27           1. The public pool is designated by the transient public  
28 lodging establishment or theme park or entertainment complex as  
29 a swim-up bar.

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

33           3. The swim-up bar is separated from any other public  
34 pools that are not swim-up bars and do not allow the consumption  
35 of food and beverages.

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

38           5. A lifeguard is present when the swim-up bar is being  
39 used.

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40       6. The swim-up bar has a water depth of less than 60  
41 inches.

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

44       (c) The department may adopt rules to ensure compliance  
45 with this subsection.

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

48       553.77 Specific powers of the commission.—

49       (8) By January 1, 2023, the Florida Building Commission  
50 must adopt into the Florida Building Code, pursuant to s.  
51 553.73(8), provisions for swim-up bars as defined in s.  
52 514.0115(10) (a), including at a minimum, signage requirements  
53 providing that food and beverages are permitted in the swim-up  
54 bar, an allowance for a wet deck obstruction related to a swim-  
55 up bar, and enhanced requirements for the swim-up bar's  
56 recirculation and treatment system above and beyond what is  
57 required of a typical public pool.

58       Section 3. This act shall take effect upon becoming law.

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61                   **T I T L E   A M E N D M E N T**

62       Remove everything before the enacting clause and insert:

63       An act relating to swim-up bars; amending s. 514.0115,

64       F.S.; providing definitions; providing that swim-up

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65 bars may not be prohibited in certain public pools in  
66 certain establishments; providing requirements for  
67 swim-up bars in certain establishments; providing  
68 rulemaking authority; amending s. 553.77, F.S.;  
69 requiring the Florida Building Commission to adopt  
70 within the Florida Building Code requirements for  
71 swim-up bars certain public pools by a specified date;  
72 providing an effective date.