

## **Swimming Pool Contractor Licenses and Unlicensed Activity**

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Florida Statutes are the laws that govern how our state operates. There are 48 Titles with over 1013 Chapters that affect every facet of our lives in this great state. They address a myriad of regulations. Most of us don't know or understand how they affect us until we need to maneuver in the system. You can go to [myflorida.com](http://myflorida.com) and search for statutes to review them.

Operating, for most of us, as licensed swimming pool contractors comes in the form of complying with Chapter 489-105 sections j, k and l. The Commercial Pool/Spa Contractor, Residential Pool/Spa Contractor and the Swimming Pool/Spa Servicing Contractor are the three license categories that regulate and define the scope of work. It was from these three licenses that a 1993 legislative decision deregulated the cleaning and application of chemicals to swimming pools and removed the language from the scope of work.

The last 18 years have seen a radical growth in the number of individuals and companies who have joined the swimming pool industry. Pool service firms have sprung up across the state offering those services and at the same time they have found themselves in a dilemma. They are legitimate businesses however the legislation has made it extremely difficult for them to grow into the option of obtaining a contractor license. There is no provision in the structure of the licenses that allows for them to matriculate into the first license category, the servicing contractor license. The primary entry level scenario requires working for a contractor for a year doing repairs and taking and passing the 60-hour class. So as all of us know, many of them are doing repairs without a license and not only that, but they are servicing pools with little or no education at all. The current FDOH rules state that if you are operating a commercial pool you must have a CPO or equivalent but if you are in residential setting, no such rule applies.

Much has happened in our industry in those 18 years, the VGB Act to educate and identify entrapment possibilities, water borne illnesses have increased, the hydraulic issues we have been working through, not to mention the influx of new equipment technologies that require training to operate. The end-users of our products are at significant risk from those out there who are not adhering to the rules or understanding the technologies or basic chemistry.

Rep. Larry Ahern, a swimming pool contractor, is our voice in the Florida House of Representatives. Larry recognizes the complexities of the deregulation and how it affects our industry. We will be working diligently with him as we go into this legislative session to find some resolution to the impasse. The hope is that licensed individuals will be running the service companies going forward. We can then combat unlicensed activity, protect the public and see that the laws of the state will be administered when dealing with unlicensed contracting.