

testing of swimming pool water quality. I am told that Lee County is the only county in Southwest Florida that is enforcing this interpretation of the law.

A manager's education manual which I have states that daily testing for swimming pools only applies to "resort condos" which are those that allow short-term rentals. My own association, where I live, has had to add \$3,000.00 to its annual budget for pool testing. M.H. (via e-mail)

ANSWER: I believe that the book, or at least your interpretation of it, is incorrect. Florida

Statute 514.0115(2)(a) exempts condominium and cooperative pools from certain regulation, provided that the property consists of less than thirty-two units and is not operated as a transient lodging establishment. However, the statute specifically provides that "water quality" supervision is not exempt from state regulation.

Section 64E-9.004(13) of Florida's Administrative Code addresses water quality record keeping. The Rule requires a "daily record of information regarding pool operation," and specifies certain forms that must be used. The completed reports

are required to reflect "pool water tests at least once every 24 hours" and are required to be retained at the pool or submitted monthly as required by the local health department.

The state agency with jurisdiction over swimming pools works with local health departments in enforcing the state's rules. It is unclear why Lee County's pool police have adopted a "get tough" attitude, but it is clear they have. Unless your legislators can be convinced that the law needs to be changed, it looks like increased pool care costs are here to stay, at least in Lee County. ⚖️

Mr. Adams concentrates his practice on the law of community association law, primarily representing condominium, co-operative, and homeowners' associations and country clubs. Mr. Adams has represented more than 600 community associations and serves as managing shareholder of the Firm's Naples and Ft. Myers offices.

Send questions to Joe Adams by e-mail to jadams@becker-poliakoff.com This column is not a substitute for consultation with legal counsel. Past editions of this column may be viewed at www.becker-poliakoff.com.