



1 the family believes to be in the house, even napping, gets  
2 into the pool during a brief lapse in supervision, and

3           WHEREAS, one-third of these backyard incidents take  
4 place in the pool of a relative or friend and the rest take  
5 place in a pool at the child's home, while drownings of young  
6 children in public pools are rare and drownings of young  
7 children entering a pool from outside a fence or of young  
8 children who are trespassers on property containing a pool are  
9 rarer yet, and

10           WHEREAS, in addition to the incalculable human cost of  
11 these tragic incidents, drownings of young children result in  
12 significant losses in productivity and near drownings of young  
13 children result in costly emergency medical responses, costly  
14 stays in intensive care units, and, sometimes, costly lifetime  
15 medical equipment and health care support, to the extent that  
16 the health care costs, loss of lifetime productivity, and  
17 legal and administrative expenses associated with drownings of  
18 young children in Florida each year are estimated to be \$73.5  
19 million and the lifetime cost for care and treatment of a  
20 young child who has suffered brain disability due to a  
21 near-drowning incident is estimated to be \$4.5 million, and

22           WHEREAS, experts in the fields of health care and  
23 injury prevention agree that having a fence as a barrier  
24 between a residence and a pool is the single most effective  
25 means of preventing drownings, and

26           WHEREAS, it is the intent of the Legislature that all  
27 new residential swimming pools be equipped with at least one  
28 pool safety feature, and

29           WHEREAS, it is also the intent of the Legislature that  
30 the Department of Health be responsible for developing for the  
31 public a drowning prevention education program and for

1 producing for the public a publication that explains the  
2 responsibilities of pool ownership, NOW, THEREFORE,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Chapter 515, Florida Statutes, consisting  
7 of sections 515.21, 515.23, 515.25, 515.27, 515.29, 515.31,  
8 515.33, 515.35, and 515.37, is created to read:

9 515.21 Short title.--This chapter may be cited as the  
10 "Florida Residential Swimming Pool Safety Act."

11 515.23 Legislative findings and intent.--The  
12 Legislature finds that drowning is the primary cause of death  
13 of young children in this state, that most drownings of young  
14 children take place in backyard swimming pools, that drownings  
15 of young children in public pools are rare, that drownings of  
16 young children entering a pool from outside a fence or of  
17 young children who are trespassers on property containing a  
18 pool are rarer yet, and that a fence barrier between a  
19 residence and a pool is the single most effective means to  
20 prevent drownings. In addition to the incalculable human cost  
21 of drownings and near drownings, the health care costs, loss  
22 of lifetime productivity, and legal and administrative  
23 expenses associated with drownings of young children in this  
24 state each year and the lifetime costs for the care and  
25 treatment of young children who have suffered brain disability  
26 due to near-drowning incidents each year are enormous.  
27 Therefore, it is the intent of the Legislature that all new  
28 residential swimming pools be equipped with at least one pool  
29 safety feature. It is also the intent of the Legislature that  
30 the Department of Health be responsible for developing for the  
31 public a drowning prevention education program and for

1 producing for the public a publication that explains the  
2 responsibilities of pool ownership.

3 515.25 Definitions.--As used in this chapter, the  
4 term:

5 (1) "Approved safety pool cover" means a manually or  
6 power-operated safety pool cover that meets all of the  
7 performance standards of the American Society for Testing and  
8 Materials (ASTM) in compliance with standard F1346-91.

9 (2) "Barrier" means a fence, dwelling wall,  
10 nondwelling wall, or combination thereof which completely  
11 surrounds the swimming pool and obstructs access to the  
12 swimming pool, especially access from the residence or from  
13 the yard outside the barrier.

14 (3) "Department" means the Department of Health.

15 (4) "Exit alarm" means a device that makes audible,  
16 continuous alarm sounds when any door or window which permits  
17 access from the residence to any pool area that is without an  
18 intervening enclosure is opened or left ajar.

19 (5) "Indoor swimming pool" means a swimming pool that  
20 is totally contained within a building and surrounded on all  
21 four sides by walls of the building or within the building.

22 (6) "Outdoor swimming pool" means any swimming pool  
23 that is not an indoor swimming pool.

24 (7) "Portable spa" means a nonpermanent structure  
25 intended for recreational bathing, in which all controls and  
26 water-heating and water-circulating equipment are an integral  
27 part of the product and which is cord-connected and not  
28 permanently electrically wired.

29 (8) "Public swimming pool" means a swimming pool, as  
30 defined in s. 514.011(2), which is operated, with or without  
31 charge, for the use of the general public; however, the term

1 does not include a swimming pool located on the grounds of a  
2 private residence.

3 (9) "Residential" means situated on the premises of a  
4 detached one-family or two-family dwelling or a one-family  
5 townhouse not more than three stories high.

6 (10) "Swimming pool" means any structure, located in a  
7 residential area, that is intended for swimming or  
8 recreational bathing and contains water over 24 inches deep,  
9 including, but not limited to, in-ground, aboveground, and  
10 on-ground swimming pools; hot tubs; and nonportable spas.

11 (11) "Young child" means any person under the age of 6  
12 years.

13 515.27 Residential swimming pool safety feature  
14 options; penalties.--

15 (1) In order to pass final inspection and receive a  
16 certificate of completion, a residential swimming pool must  
17 meet at least one of the following requirements relating to  
18 pool safety features:

19 (a) The pool must be isolated from access to a home by  
20 an enclosure that meets the pool barrier requirements of s.  
21 515.29;

22 (b) The pool must be equipped with an approved safety  
23 pool cover;

24 (c) All doors and windows providing direct access from  
25 the home to the pool must be equipped with exit alarms; or

26 (d) All doors providing direct access from the home to  
27 the pool must be equipped with a self-closing, self-latching  
28 device with a release mechanism placed no lower than 54 inches  
29 above the floor.

30 (2) A person who fails to equip a new residential  
31 swimming pool with at least one pool safety feature as

1 required in subsection (1) commits a misdemeanor of the second  
2 degree, punishable as provided in s. 775.082 or s. 775.083,  
3 except that a fine may not be imposed if the person, within 45  
4 days after issuance of a citation therefor, has equipped the  
5 pool with at least one safety feature as required in  
6 subsection (1) and has attended a drowning prevention  
7 education program. The requirement of attending a drowning  
8 prevention education program is waived if such program is not  
9 offered within 45 days after issuance of the citation.

10 515.29 Residential swimming pool barrier  
11 requirements.--

12 (1) A residential swimming pool barrier must have all  
13 of the following characteristics:

14 (a) The barrier must be at least 4 feet high on the  
15 outside.

16 (b) The barrier may not have any gaps, openings,  
17 indentations, protrusions, or structural components that could  
18 allow a young child to crawl under, squeeze through, or climb  
19 over the barrier.

20 (c) The barrier must be placed around the perimeter of  
21 the pool and must be separate from any fence, wall, or other  
22 enclosure surrounding the yard unless the fence, wall, or  
23 other enclosure or portion thereof is situated on the  
24 perimeter of the pool, is being used as part of the barrier,  
25 and meets the barrier requirements of this section.

26 (d) The barrier must be placed sufficiently away from  
27 the water's edge to prevent a young child who may have managed  
28 to penetrate the barrier from immediately falling into the  
29 water.

30 (2) The structure of an aboveground swimming pool may  
31 be used as its barrier or the barrier for such a pool may be

1 mounted on top of its structure; however, such structure or  
2 separately mounted barrier must meet all barrier requirements  
3 of this section. In addition, any ladder or steps that are the  
4 means of access to an aboveground pool must be capable of  
5 being secured, locked, or removed to prevent access or must be  
6 surrounded by a barrier that meets the requirements of this  
7 section.

8 (3) Gates that provide access to swimming pools must  
9 open outwards away from the pool and be self-closing and  
10 equipped with a self-latching locking device, the release  
11 mechanism of which must be located on the pool side of the  
12 gate and so placed that it cannot be reached by a young child  
13 over the top or through any opening or gap.

14 (4) A wall of a dwelling may serve as part of the  
15 barrier if it does not contain any door or window that opens  
16 to provide access to the swimming pool.

17 (5) A barrier may not be located in a way that allows  
18 any permanent structure, equipment, or similar object to be  
19 used for climbing the barrier.

20 515.31 Drowning prevention education program.--The  
21 department shall develop for the public a drowning prevention  
22 education program and shall produce a publication for  
23 distribution to the public that explains the responsibilities  
24 of pool ownership. The drowning prevention education program  
25 shall be funded using state funds appropriated for this  
26 purpose and grants.

27 515.33 Information required to be furnished to  
28 buyers.--A licensed pool contractor, on entering into an  
29 agreement with a buyer to build a residential swimming pool,  
30 must give the buyer a document containing the requirements of  
31 this chapter and a publication produced by the department that

1 provides information on drowning prevention and the  
2 responsibilities of pool ownership.  
3 515.35 Rulemaking authority.--The department shall  
4 adopt rules necessary to implement and administer the  
5 provisions of this chapter.  
6 515.37 Exemptions.--This chapter does not apply to:  
7 (1) A system of sumps, irrigation canals, or  
8 irrigation flood control or drainage works constructed or  
9 operated for the purpose of storing, delivering, distributing,  
10 or conveying water.  
11 (2) Stock ponds, storage tanks, livestock operations,  
12 livestock watering troughs, or other structures used in normal  
13 agricultural practices.  
14 (3) Public swimming pools.  
15 (4) Any political subdivision that has adopted or  
16 adopts a residential pool safety ordinance, provided the  
17 ordinance is equal to or more stringent than the provisions of  
18 this chapter.  
19 (5) Any portable spa with a safety cover that complies  
20 with ASTM F1346-91(Standard Performance Specification for  
21 Safety Covers and Labeling Requirements for All Covers for  
22 Swimming Pools, Spas and Hot Tubs).  
23 (6) Small, temporary pools without motors, which are  
24 commonly referred to or known as "kiddy pools."  
25 Section 2. This act shall take effect October 1 of the  
26 year in which enacted.  
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