

By Senator Wasserman Schultz

34-1192-03

1                                   A bill to be entitled  
2           An act relating to public swimming pools;  
3           creating s. 514.0305, F.S.; requiring such  
4           pools to be enclosed by a barrier; establishing  
5           additional safety requirements; requiring  
6           inspections; providing penalties for  
7           violations; providing definitions and for  
8           application; providing an effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 514.0305, Florida Statutes, is  
13   created to read:

14           514.0305 Public pools; safety barriers.--

15           (1) Public pools must be equipped with the following  
16 safety features;

17           (a) A permanent barrier that completely encloses the  
18 pool.

19           (b) Pedestrian gates that open outward, are  
20 self-closing, and equipped with a release mechanism that is  
21 located on the pool side of the gate and placed so that a  
22 young child cannot reach it.

23           (c) Gates, other than pedestrian gates, which must be  
24 equipped with lockable hardware or padlocks and which must  
25 remain locked when not being used.

26           (2)(a) The barriers and other equipment required by  
27 this section shall be inspected by the county health  
28 department during each routine inspection.

29           (b) The inspector shall immediately close any pool  
30 that does not comply with the requirements of this section.  
31 Upon such closing, the owner or operator of the pool must

1 correct the deficiencies or be subject to an administrative  
2 fine not to exceed \$1,500.

3 (c) A violation of this section is deemed negligence  
4 per se and may be admitted into evidence in any civil  
5 proceeding.

6 (3) The definitions in s. 515.25, apply to this  
7 section and are incorporated herein by reference.

8 (4) This section applies to all public pools that are  
9 operated or constructed on or after July 1, 2003, except that  
10 pools in operation on that date must be brought into  
11 compliance by October 1, 2003.

12 Section 2. This act shall take effect July 1, 2003.

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15 SENATE SUMMARY

16 Requires public swimming pools to be enclosed by barriers  
17 and have other safety devices. Provides for inspections  
18 and provides penalties for violations.

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