

By the Committee on Health, Aging, and Long-Term Care; and  
Senator Wasserman Schultz

317-2038-03

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 an administrative  
7           penalty for violations; providing for  
8           application; amending s. 514.031, F.S.;  
9           authorizing licensure of a portable pool used  
10          for certain purposes related to scuba diving;  
11          providing an effective date.

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

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15           Section 1. Section 514.0305, Florida Statutes, is  
16 created to read:

17           514.0305 Public pools; safety barriers.--

18           (1) Public pools must be equipped with the following  
19 safety features:

20           (a) A permanent barrier that completely encloses the  
21 pool. A barrier means a fence, wall, wall of a building, or  
22 any combination thereof, which completely surrounds the pool  
23 and obstructs access to the pool, especially access from the  
24 building or from the property outside the barrier.

25           (b) Pedestrian gates that open outward, are  
26 self-closing, and equipped with a release mechanism that is  
27 located on the pool side of the gate and placed so that a  
28 child 6 years of age or younger cannot reach it.

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

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

4           (b) The inspector shall immediately close any pool  
5 that does not comply with the requirements of this section.  
6 Upon such closing, the owner or operator of the pool must  
7 correct the deficiencies or be subject to an administrative  
8 fine not to exceed \$1,500.

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

13           Section 2. Subsection (5) of section 514.031, Florida  
14 Statutes, is amended to read:

15           514.031 Permit necessary to operate public swimming  
16 pool or bathing place.--

17           (5) An owner or operator of a public swimming pool,  
18 including, but not limited to, a spa, wading, or special  
19 purpose pool, to which admittance is obtained by membership  
20 for a fee shall post in a prominent location within the  
21 facility the most recent pool inspection report issued by the  
22 department pertaining to the health and safety conditions of  
23 such facility. The report shall be legible and readily  
24 accessible to members or potential members. The department  
25 shall adopt rules to enforce this subsection. A portable pool  
26 may not be used as a public pool; however, a portable pool may  
27 be used for scuba diving instruction or scuba diving  
28 exhibition purposes and may be permitted by the department, if  
29 such portable pool otherwise meets the health, safety, and  
30 welfare requirements of the rules of the department applicable  
31 to public pools.

1           Section 3. This act shall take effect July 1, 2003.

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3                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4                                   COMMITTEE SUBSTITUTE FOR  
5   Senate Bill 2352

6

The Committee Substitute differs from SB 2352 in the following ways:

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Barrier is defined.

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Pedestrian gates at a public pool must be ones that a child 6 years old or younger could not open.

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10 A violation of s. 514.0305, F.S., which is created in the bill, will not be deemed negligence per se.

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The definitions in s. 515.25, F.S., do not apply to public pools.

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A portable pool used for scuba diving instruction may be permitted by the Department of Health as a public pool.

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