

Bill No. CS for CS for SB 2170, 1st Eng.

Amendment No. \_\_\_\_ Barcode 882834

CHAMBER ACTION

Senate

House

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Senator Wasserman Schultz moved the following amendment:

**Senate Amendment (with title amendment)**

On page 145, between lines 26 and 27,

insert:

Section 100. Section 514.0305, Florida Statutes, is created to read:

514.0305 Public pools; safety barriers.--

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

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

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

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

(2)(a) The barriers and other equipment required by

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1 this section shall be inspected by the county health  
2 department during each routine inspection.

3 (b) The inspector shall immediately close any pool  
4 that does not comply with the requirements of this section.  
5 Upon such closing, the owner or operator of the pool must  
6 correct the deficiencies or be subject to an administrative  
7 fine not to exceed \$1,500. The department, upon prevailing in  
8 enforcement of this section, shall be awarded attorney's fees  
9 at the rate of \$150 per attorney hour and shall in addition be  
10 awarded the costs of litigation. The attorney's fees and costs  
11 shall be awarded against the public pool operator by the  
12 presiding officer of any proceeding before the Division of  
13 Administrative Hearings or before a hearing officer appointed  
14 by the department.

15 (3) The definitions in s. 515.25 apply to this section  
16 and are incorporated herein by reference, except that the  
17 definition of the term "public swimming pool" shall be as  
18 provided in s. 514.011(2).

19 (4) This section applies to all public pools that are  
20 operated or constructed on or after July 1, 2005. Pools in  
21 operation on that date must be brought into compliance by July  
22 1, 2005.

23 (5) This section does not apply to a membership club  
24 that has a pool in an enclosed room, to existing pools at any  
25 unit, group of units, dwelling, building, or group of  
26 buildings within a single complex of buildings which is rented  
27 to guests more than three times in a calendar year for periods  
28 of fewer than 30 days or 1 calendar month, whichever is less,  
29 or advertised or held out to the public as a place regularly  
30 rented to guests.

31 (6) The department shall revise its rules authorized

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1 by s. 514.021 in order to administer this section.

2 Section 101. Subsection (2) of section 514.0115,  
3 Florida Statutes, is amended to read:

4 514.0115 Exemptions from supervision or regulation;  
5 variances.--

6 (2)(a) Pools serving no more than 32 condominium or  
7 cooperative units which are not operated as a public lodging  
8 establishment shall be exempt from supervision under this  
9 chapter, except for water quality and the requirements of s.  
10 514.0305.

11 (b) Pools serving condominium or cooperative  
12 associations of more than 32 units and whose recorded  
13 documents prohibit the rental or sublease of the units for  
14 periods of less than 60 days are exempt from supervision under  
15 this chapter, except that the condominium or cooperative owner  
16 or association must file applications with the department and  
17 obtain construction plans approval and receive an initial  
18 operating permit. The department shall inspect the swimming  
19 pools at such places annually, at the fee set forth in s.  
20 514.033(3), or upon request by a unit owner, to determine  
21 compliance with department rules relating to water quality,  
22 and lifesaving equipment, and the requirements of s. 514.0305.  
23 The department may not require compliance with rules relating  
24 to swimming pool lifeguard standards.

25  
26 (Redesignate subsequent sections.)

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 11, line 7, after the semicolon,

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1 insert:

2           creating s. 514.0305, F.S.; requiring the pools  
3           to be enclosed by a barrier; establishing  
4           additional safety requirements; requiring  
5           inspections; providing penalties for  
6           violations; providing that attorney's fees and  
7           costs be awarded to the Department of Health at  
8           a hearing at which the department prevails;  
9           providing definitions and for application;  
10          providing for exceptions; amending s. 514.0115,  
11          F.S.; providing that certain condominiums and  
12          cooperatives must comply with specified  
13          requirements of law;

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