

By Senator Rich

34-02778C-08

20081580\_\_

1 A bill to be entitled

2 An act relating to swimming pool and spa safety; amending  
3 s. 514.011, F.S.; providing definitions; creating s.  
4 514.0215, F.S.; requiring public swimming pools and public  
5 spas to have specified drain safety features; providing  
6 that any person or entity that violates the requirement to  
7 install the safety features commits a misdemeanor of the  
8 second degree; providing criminal penalties; providing for  
9 a suspension of criminal penalties under certain  
10 circumstances; amending s. 515.25, F.S.; providing  
11 definitions; creating s. 515.295, F.S.; requiring that all  
12 residential swimming pools and spas be equipped with  
13 certain specified drain safety features; requiring that  
14 residential pools and spas built after a specified date to  
15 have certain features; requiring the Department of Health  
16 to provide periodic notice to owners of swimming pools and  
17 spas of safety standards and other requirements; requiring  
18 the department to apply for and implement a federal grant  
19 for enforcing swimming pool safety standards; requiring  
20 the Department of Health, the Department of Community  
21 Affairs, and the Florida Building Commission to assess  
22 state statutes and the Florida Building Code to determine  
23 if changes are needed to comply with federal standards  
24 pertaining to swimming pool and spa safety; providing an  
25 effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:  
28

34-02778C-08

20081580\_\_

29 Section 1. Section 514.011, Florida Statutes, is amended to  
30 read:

31 514.011 Definitions.--As used in this chapter, the term:

32 (1) "ASME/ANSI" as applied to a safety standard means a  
33 standard that is accredited by the American National Standards  
34 Institute and published by the American Society of Mechanical  
35 Engineers.

36 (2) "Barrier" means a natural or constructed topographical  
37 feature that prevents unpermitted access by children to a  
38 swimming pool, and, with respect to a hot tub, a lockable cover.

39 (3)~~(1)~~ "Department" means the Department of Health.

40 (4) "Main drain" means a submerged suction outlet typically  
41 located at the bottom of a swimming pool or spa to conduct water  
42 to a recirculating pump.

43 (5)~~(2)~~ "Public swimming pool" or "public pool" means a  
44 watertight structure of concrete, masonry, or other approved  
45 materials which is located either indoors or outdoors, used for  
46 bathing or swimming by humans, and filled with a filtered and  
47 disinfected water supply, together with buildings, appurtenances,  
48 and equipment used in connection therewith. A public swimming  
49 pool or public pool shall mean a conventional pool, spa-type  
50 pool, wading pool, special purpose pool, or water recreation  
51 attraction, to which admission may be gained with or without  
52 payment of a fee and includes, but is not limited to, pools  
53 operated by or serving camps, churches, cities, counties, day  
54 care centers, group home facilities for eight or more clients,  
55 health spas, institutions, parks, state agencies, schools,  
56 subdivisions, or the cooperative living-type projects of five or  
57 more living units, such as apartments, boardinghouses, hotels,

34-02778C-08

20081580\_\_

58 mobile home parks, motels, recreational vehicle parks, and  
59 townhouses.

60 (6)~~(3)~~ "Private pool" means a facility used only by an  
61 individual, family, or living unit members and their guests which  
62 does not serve any type of cooperative housing or joint tenancy  
63 of five or more living units.

64 (7)~~(4)~~ "Public bathing place" means a body of water,  
65 natural or modified by humans, for swimming, diving, and  
66 recreational bathing, together with adjacent shoreline or land  
67 area, buildings, equipment, and appurtenances pertaining thereto,  
68 used by consent of the owner or owners and held out to the public  
69 by any person or public body, irrespective of whether a fee is  
70 charged for the use thereof. The bathing water areas of public  
71 bathing places include, but are not limited to, lakes, ponds,  
72 rivers, streams, artificial impoundments, and waters along the  
73 coastal and intracoastal beaches and shores of the state.

74 (8)~~(5)~~ "Portable pool" means a pool or spa, and related  
75 equipment systems of any kind, which is designed or intended to  
76 be movable from location to location.

77 (9) "Safety vacuum release system" means a vacuum release  
78 system capable of providing vacuum release at a suction outlet  
79 caused by a high vacuum occurrence due to a suction outlet flow  
80 blockage.

81 (10) "Unblockable drain" means a drain of any size and  
82 shape which a human body cannot sufficiently block to create a  
83 suction-entrapment hazard.

84 Section 2. Section 514.0215, Florida Statutes, is created  
85 to read:

34-02778C-08

20081580\_\_

86 514.0215 Public swimming pool and public spa drain-cover  
87 safety.--

88 (1) Notwithstanding any other law, each public swimming  
89 pool and public spa in this state must be equipped with an anti-  
90 entrapment device or system that complies with the ASME/ANSI  
91 A112.19.8 performance standard, or any successor standard.

92 (2) Notwithstanding any other law, each public swimming  
93 pool and public spa in this state having a single main drain  
94 other than an unblockable drain must be equipped, at a minimum,  
95 with one or more of the following devices or systems designed to  
96 prevent entrapment by the swimming pool or spa drain:

97 (a) A safety vacuum release system that ceases operation of  
98 the pump, reverses the circulation flow, or otherwise provides a  
99 vacuum release at a suction outlet when a blockage is detected  
100 and that has been tested by an independent third party and found  
101 to conform to ASME/ANSI standard A112.19.17 or ASTM standard  
102 F2387.

103 (b) A suction-limiting vent system that has a tamper-  
104 resistant atmospheric opening.

105 (c) A gravity drainage system that uses a collector tank.

106 (d) An automatic pump shut-off system.

107 (e) A device or system that disables the drain.

108 (f) Any other system determined by the department to be  
109 equally effective as, or better than, the systems described in  
110 this subsection at preventing or eliminating the risk of injury  
111 or death associated with swimming pool drainage systems.

112 (3) Any device or system described in subsection (2) must  
113 meet the requirements of any ASME/ANSI or ASTM performance

34-02778C-08

20081580\_\_

114 standard, if there is such a standard for such a device or  
115 system, or any applicable consumer product safety standard.

116 (4) Any person or entity who violates this section commits  
117 a misdemeanor of the second degree, punishable as provided in s.  
118 775.082 or s. 775.083, except that no penalty shall be imposed if  
119 the person or entity, within 45 days after arrest or issuance of  
120 a summons or a notice to appear, has equipped the pool or spa  
121 with at least one safety device as required in this section.

122 Section 3. Section 515.25, Florida Statutes, is amended to  
123 read:

124 515.25 Definitions.--As used in this chapter, the term:

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

129 (2) "ASME/ANSI" as applied to a safety standard means a  
130 standard that is accredited by the American National Standards  
131 Institute and published by the American Society of Mechanical  
132 Engineers.

133 (3)~~(2)~~ "Barrier" means a fence, dwelling wall, or  
134 nondwelling wall, or any combination thereof, which completely  
135 surrounds the swimming pool and obstructs access to the swimming  
136 pool, especially access from the residence or from the yard  
137 outside the barrier, and, with respect to a hot tub, a lockable  
138 cover.

139 (4)~~(3)~~ "Department" means the Department of Health.

140 (5)~~(4)~~ "Exit alarm" means a device that makes audible,  
141 continuous alarm sounds when any door or window which permits

34-02778C-08

20081580\_\_

142 access from the residence to any pool area that is without an  
143 intervening enclosure is opened or left ajar.

144 ~~(6)-(5)~~ "Indoor swimming pool" means a swimming pool that is  
145 totally contained within a building and surrounded on all four  
146 sides by walls of or within the building.

147 (7) "Main drain" means a submerged suction outlet typically  
148 located at the bottom of a swimming pool or spa to conduct water  
149 to a recirculating pump.

150 ~~(8)-(6)~~ "Medically frail elderly person" means any person  
151 who is at least 65 years of age and has a medical problem that  
152 affects balance, vision, or judgment, including, but not limited  
153 to, a heart condition, diabetes, or Alzheimer's disease or any  
154 related disorder.

155 ~~(9)-(7)~~ "Outdoor swimming pool" means any swimming pool that  
156 is not an indoor swimming pool.

157 ~~(10)-(8)~~ "Portable spa" means a nonpermanent structure  
158 intended for recreational bathing, in which all controls and  
159 water-heating and water-circulating equipment are an integral  
160 part of the product and which is cord-connected and not  
161 permanently electrically wired.

162 ~~(11)-(9)~~ "Public swimming pool" means a swimming pool, as  
163 defined in s. 514.011(5) ~~s. 514.011(2)~~, which is operated, with  
164 or without charge, for the use of the general public; however,  
165 the term does not include a swimming pool located on the grounds  
166 of a private residence.

167 ~~(12)-(10)~~ "Residential" means situated on the premises of a  
168 detached one-family or two-family dwelling or a one-family  
169 townhouse not more than three stories high.

34-02778C-08

20081580\_\_

170        (13)~~(11)~~ "Swimming pool" means any structure, located in a  
171 residential area, that is intended for swimming or recreational  
172 bathing and contains water over 24 inches deep, including, but  
173 not limited to, in-ground, aboveground, and on-ground swimming  
174 pools; hot tubs; and nonportable spas.

175        (14) "Unblockable drain" means a drain of any size and  
176 shape which a human body cannot sufficiently block to create a  
177 suction-entrapment hazard.

178        (15)~~(12)~~ "Young child" means any person under the age of 6  
179 years.

180        Section 4. Section 515.295, Florida Statutes, is created to  
181 read:

182        515.295 Residential swimming pool and spa drain-cover  
183 safety.--

184        (1) Notwithstanding any other law, all residential swimming  
185 pools and spas in the state must be equipped with devices and  
186 systems designed to prevent entrapment by pool or spa drains.  
187 Such devices and systems must, at a minimum, include one or more  
188 of the following:

189        (a) A safety vacuum release system that ceases operation of  
190 the pump, reverses the circulation flow, or otherwise provides a  
191 vacuum release at a suction outlet when a blockage is detected  
192 and that has been tested by an independent third party and found  
193 to conform to ASME/ANSI standard A112.19.17 or ASTM standard  
194 F2387.

195        (b) A suction-limiting vent system that has a tamper-  
196 resistant atmospheric opening.

197        (c) A gravity drainage system that uses a collector tank.

198        (d) An automatic pump shut-off system.

34-02778C-08

20081580\_\_

199 (e) A device or system that disables the drain.

200 (f) Any other system determined by the department to be  
201 equally effective as, or better than, the systems described in  
202 this subsection at preventing or eliminating the risk of injury  
203 or death associated with swimming pool drainage systems.

204 (2) Any device or system described in subsection (1) must  
205 meet the requirements of any ASME/ANSI or ASTM performance  
206 standard, if there is such a standard for such a device or  
207 system, or any applicable consumer product safety standard.

208 (3) All residential pools and spas built after July 1,  
209 2009, must have:

210 (a) More than one drain;

211 (b) One or more unblockable drains; or

212 (c) No main drain.

213 (4) Every residential swimming pool and spa in the state  
214 that has a main drain, other than an unblockable drain, must be  
215 equipped with a drain cover that meets the consumer product  
216 safety standard established by s. 1404 of Title XIV of the  
217 federal Energy Independence and Security Act of 2007.

218 (5) The department shall provide periodic notification to  
219 owners of residential swimming pools and spas about compliance  
220 with the entrapment-protection standards of the ASME/ANSI  
221 A112.19.8 performance standard, or a successor standard, as  
222 adopted in compliance with Title XIV of the federal Energy  
223 Independence and Security Act of 2007.

224 Section 5. The Department of Health shall apply for and  
225 implement, if awarded, a federal grant for swimming pool and spa  
226 safety standards education and enforcement under the State  
227 Swimming Pool Safety Grant Program as established in s. 1405 of

34-02778C-08

20081580\_\_

228 Title XIV of the federal Energy Independence and Security Act of  
229 2007. To ensure the state's eligibility for the grant award, the  
230 Department of Health, in coordination with the Department of  
231 Community Affairs and the Florida Building Commission, shall  
232 assess the Florida Statutes and the Florida Building Code to  
233 determine if additional changes are necessary to ensure  
234 compliance with federal standards regarding swimming pool and spa  
235 safety. The Department of Health shall provide the assessment to  
236 the Legislature by January 1, 2009.

237 Section 6. This act shall take effect July 1, 2008.