

By the Committees on Regulated Industries; Health Regulation;
and Senators Rich, Lawson, Atwater, Peaden, Hill and Dean

580-06348-08

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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:
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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,

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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:

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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

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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

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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.

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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 having a single main drain other than
186 an unblockable drain must be equipped with devices and systems
187 designed to prevent entrapment by pool or spa drains. Such
188 devices and systems must, at a minimum, include one or more of
189 the following:

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

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

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

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

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

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

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

209 (3) All residential pools and spas built after December 20,
210 2009, must have:

211 (a) More than one drain;

212 (b) One or more unblockable drains; or

213 (c) No main drain.

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

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

225 Section 5. The Department of Health shall apply for and
226 implement, if awarded, a federal grant for swimming pool and spa
227 safety standards education and enforcement under the State

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228 Swimming Pool Safety Grant Program as established in s. 1405 of
229 Title XIV of the federal Energy Independence and Security Act of
230 2007. To ensure the state's eligibility for the grant award, the
231 Department of Health, in coordination with the Department of
232 Community Affairs and the Florida Building Commission, shall
233 assess the Florida Statutes and the Florida Building Code to
234 determine if additional changes are necessary to ensure
235 compliance with federal standards regarding swimming pool and spa
236 safety. The Department of Health shall provide the assessment to
237 the Legislature by January 1, 2009.

238 Section 6. This act shall take effect December 20, 2008.