



052078

CHAMBER ACTION

Senate

House

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Floor: WD/2R  
5/2/2008 2:40 PM

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1 Senator Rich moved the following **amendment**:

2  
3 **Senate Amendment (with title amendments)**

4 Delete lines 123 through 130

5 and insert:

6 Section 3. Section 515.25, Florida Statutes, is amended to  
7 read:

8 515.25 Definitions.--As used in this chapter, the term:

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

13 (2) "ASME/ANSI" as applied to a safety standard means a  
14 standard that is accredited by the American National Standards  
15 Institute and published by the American Society of Mechanical  
16 Engineers.



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17        (3)~~(2)~~ "Barrier" means a fence, dwelling wall, or  
18 nondwelling wall, or any combination thereof, which completely  
19 surrounds the swimming pool and obstructs access to the swimming  
20 pool, especially access from the residence or from the yard  
21 outside the barrier, and, with respect to a hot tub, a lockable  
22 cover.

23        (4)~~(3)~~ "Department" means the Department of Health.

24        (5)~~(4)~~ "Exit alarm" means a device that makes audible,  
25 continuous alarm sounds when any door or window which permits  
26 access from the residence to any pool area that is without an  
27 intervening enclosure is opened or left ajar.

28        (6)~~(5)~~ "Indoor swimming pool" means a swimming pool that is  
29 totally contained within a building and surrounded on all four  
30 sides by walls of or within the building.

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

34        (8)~~(6)~~ "Medically frail elderly person" means any person  
35 who is at least 65 years of age and has a medical problem that  
36 affects balance, vision, or judgment, including, but not limited  
37 to, a heart condition, diabetes, or Alzheimer's disease or any  
38 related disorder.

39        (9)~~(7)~~ "Outdoor swimming pool" means any swimming pool that  
40 is not an indoor swimming pool.

41        (10)~~(8)~~ "Portable spa" means a nonpermanent structure  
42 intended for recreational bathing, in which all controls and  
43 water-heating and water-circulating equipment are an integral  
44 part of the product and which is cord-connected and not  
45 permanently electrically wired.



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46        ~~(11)-(9)~~ "Public swimming pool" means a swimming pool, as  
47 defined in s. 514.011 ~~s. 514.011(2)~~, which is operated, with or  
48 without charge, for the use of the general public; however, the  
49 term does not include a swimming pool located on the grounds of a  
50 private residence.

51        ~~(12)-(10)~~ "Residential" means situated on the premises of a  
52 detached one-family or two-family dwelling or a one-family  
53 townhouse not more than three stories high.

54        ~~(13)-(11)~~ "Swimming pool" means any structure, located in a  
55 residential area, that is intended for swimming or recreational  
56 bathing and contains water over 24 inches deep, including, but  
57 not limited to, in-ground, aboveground, and on-ground swimming  
58 pools; hot tubs; and nonportable spas.

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

62        ~~(15)-(12)~~ "Young child" means any person under the age of 6  
63 years.

64        Section 4. Section 515.295, Florida Statutes, is created to  
65 read:

66        515.295 Residential swimming pool and spa drain-cover  
67 safety.--

68        (1) Notwithstanding any other law, all residential swimming  
69 pools and spas in the state having a single main drain other than  
70 an unblockable drain must be equipped with devices and systems  
71 designed to prevent entrapment by pool or spa drains. Such  
72 devices and systems must, at a minimum, include one or more of  
73 the following:

74        (a) A safety vacuum release system that ceases operation of  
75 the pump, reverses the circulation flow, or otherwise provides a



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76 vacuum release at a suction outlet when a blockage is detected  
77 and that has been tested by an independent third party and found  
78 to conform to ASME/ANSI standard A112.19.17 or ASTM standard  
79 F2387.

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

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

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

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

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

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

93 (3) All residential pools and spas must have:

94 (a) More than one drain;

95 (b) One or more unblockable drains; or

96 (c) No main drain.

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

102 (5) The department shall provide periodic notification to  
103 owners of residential swimming pools and spas about compliance  
104 with the entrapment-protection standards of the ASME/ANSI  
105 A112.19.8 performance standard, or a successor standard, as



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106 adopted in compliance with Title XIV of the federal Energy  
107 Independence and Security Act of 2007.

108 (6) The provisions of this section apply only to  
109 residential swimming pools and spas built after December 20,  
110 2009.

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

114 And the title is amended as follows:

115

116 Delete line 7

117 and insert:

118 515.25, F.S.; defining terms; creating s. 515.295, F.S.;

119 requiring that all residential swimming pools and spas be

120 equipped with certain specified drain safety features;

121 requiring the Department of Health to provide periodic

122 notice to owners of residential swimming pools and spas of

123 safety standards and other requirements; providing that

124 the required residential pools and spas features apply

125 only to residential pools and spas built after a specified

126 date; amending s.