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CHAMBER ACTION

Senate

House

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Floor: WD/2R
5/2/2008 2:50 PM

1 Senator Rich moved the following **amendment to amendment (074374)**:

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

4 Delete lines 70 through 77

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.



907648

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.



907648

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



907648

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



907648

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

113 And the title is amended as follows:

114
115 Delete line 1305
116 and insert:
117 515.25, F.S.; defining terms; creating s. 515.295, F.S.;
118 requiring that all residential swimming pools and spas be
119 equipped with certain specified drain safety features;
120 requiring the Department of Health to provide periodic
121 notice to owners of residential swimming pools and spas of
122 safety standards and other requirements; providing that
123 the required residential pools and spas features apply
124 only to residential pools and spas built after a specified
125 date; amending s.