

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 all
12 residential swimming pools and spas to be equipped with
13 certain specified drain safety features; requiring
14 residential pools and spas built after a specified date to
15 have certain features; requiring all residential pools and
16 spas with a certain type of drain to have a drain cover
17 meeting specified safety standards; requiring the
18 Department of Health to provide periodic notice to owners
19 of swimming pools and spas of safety standards and other
20 requirements; requiring the department to apply for and
21 implement a federal grant for enforcing swimming pool
22 safety standards; requiring the Department of Health, the
23 Department of Community Affairs, and the Florida Building
24 Commission to assess state statutes and the Florida
25 Building Code to determine if changes are needed to comply
26 with federal standards pertaining to swimming pool and spa
27 safety; requiring the Department of Health to present the

28 | assessment to the Legislature by a specified date;
 29 | providing an effective date.

31 | Be It Enacted by the Legislature of the State of Florida:

33 | Section 1. Section 514.011, Florida Statutes, is amended
 34 | to read:

35 | 514.011 Definitions.--As used in this chapter, the term:

36 | (1) "ASME/ANSI" as applied to a safety standard means a
 37 | standard that is accredited by the American National Standards
 38 | Institute and published by the American Society of Mechanical
 39 | Engineers.

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

43 | (3)~~(1)~~ "Department" means the Department of Health.

44 | (4) "Main drain" means a submerged suction outlet
 45 | typically located at the bottom of a swimming pool or spa to
 46 | conduct water to a recirculating pump.

47 | (5)~~(2)~~ "Public swimming pool" or "public pool" means a
 48 | watertight structure of concrete, masonry, or other approved
 49 | materials which is located either indoors or outdoors, used for
 50 | bathing or swimming by humans, and filled with a filtered and
 51 | disinfected water supply, together with buildings,
 52 | appurtenances, and equipment used in connection therewith. A
 53 | public swimming pool or public pool shall mean a conventional
 54 | pool, spa-type pool, wading pool, special purpose pool, or water
 55 | recreation attraction, to which admission may be gained with or

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56 without payment of a fee and includes, but is not limited to,
57 pools operated by or serving camps, churches, cities, counties,
58 day care centers, group home facilities for eight or more
59 clients, health spas, institutions, parks, state agencies,
60 schools, subdivisions, or the cooperative living-type projects
61 of five or more living units, such as apartments,
62 boardinghouses, hotels, mobile home parks, motels, recreational
63 vehicle parks, and townhouses.

64 ~~(6)(3)~~ "Private pool" means a facility used only by an
65 individual, family, or living unit members and their guests
66 which does not serve any type of cooperative housing or joint
67 tenancy of five or more living units.

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

79 ~~(8)(5)~~ "Portable pool" means a pool or spa, and related
80 equipment systems of any kind, which is designed or intended to
81 be movable from location to location.

82 (9) "Safety vacuum release system" means a vacuum release
83 system capable of providing vacuum release at a suction outlet

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84 caused by a high vacuum occurrence due to a suction outlet flow
85 blockage.

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

89 Section 2. Section 514.0215, Florida Statutes, is created
90 to read:

91 514.0215 Public swimming pool and public spa drain-cover
92 safety.--

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

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

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

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

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

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

112 (e) A device or system that disables the drain.
 113 (f) Any other system determined by the department to be
 114 equally effective as, or better than, the systems described in
 115 this subsection at preventing or eliminating the risk of injury
 116 or death associated with swimming pool drainage systems.
 117 (3) Any device or system described in subsection (2) must
 118 meet the requirements of any ASME/ANSI or ASTM performance
 119 standard, if there is such a standard for such a device or
 120 system, or any applicable consumer product safety standard.
 121 (4) Any person or entity who violates this section commits
 122 a misdemeanor of the second degree, punishable as provided in s.
 123 775.082 or s. 775.083, except that no penalty shall be imposed
 124 if the person or entity, within 45 days after arrest or issuance
 125 of a summons or a notice to appear, has equipped the pool or spa
 126 with at least one safety device as required in this section.
 127 Section 3. Section 515.25, Florida Statutes, is amended to
 128 read:
 129 515.25 Definitions.--As used in this chapter, the term:
 130 (1) "Approved safety pool cover" means a manually or
 131 power-operated safety pool cover that meets all of the
 132 performance standards of the American Society for Testing and
 133 Materials (ASTM) in compliance with standard F1346-91.
 134 (2) "ASME/ANSI" as applied to a safety standard means a
 135 standard that is accredited by the American National Standards
 136 Institute and published by the American Society of Mechanical
 137 Engineers.
 138 (3)~~(2)~~ "Barrier" means a fence, dwelling wall, or
 139 nondwelling wall, or any combination thereof, which completely

140 surrounds the swimming pool and obstructs access to the swimming
141 pool, especially access from the residence or from the yard
142 outside the barrier, and, with respect to a hot tub, a lockable
143 cover.

144 (4)~~(3)~~ "Department" means the Department of Health.

145 (5)~~(4)~~ "Exit alarm" means a device that makes audible,
146 continuous alarm sounds when any door or window which permits
147 access from the residence to any pool area that is without an
148 intervening enclosure is opened or left ajar.

149 (6)~~(5)~~ "Indoor swimming pool" means a swimming pool that
150 is totally contained within a building and surrounded on all
151 four sides by walls of or within the building.

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

155 (8)~~(6)~~ "Medically frail elderly person" means any person
156 who is at least 65 years of age and has a medical problem that
157 affects balance, vision, or judgment, including, but not limited
158 to, a heart condition, diabetes, or Alzheimer's disease or any
159 related disorder.

160 (9)~~(7)~~ "Outdoor swimming pool" means any swimming pool
161 that is not an indoor swimming pool.

162 (10)~~(8)~~ "Portable spa" means a nonpermanent structure
163 intended for recreational bathing, in which all controls and
164 water-heating and water-circulating equipment are an integral
165 part of the product and which is cord-connected and not
166 permanently electrically wired.

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167 ~~(11)(9)~~ "Public swimming pool" means a swimming pool, as
168 defined in s. 514.011(5) ~~s. 514.011(2)~~, which is operated, with
169 or without charge, for the use of the general public; however,
170 the term does not include a swimming pool located on the grounds
171 of a private residence.

172 ~~(12)(10)~~ "Residential" means situated on the premises of a
173 detached one-family or two-family dwelling or a one-family
174 townhouse not more than three stories high.

175 ~~(13)(11)~~ "Swimming pool" means any structure, located in a
176 residential area, that is intended for swimming or recreational
177 bathing and contains water over 24 inches deep, including, but
178 not limited to, in-ground, aboveground, and on-ground swimming
179 pools; hot tubs; and nonportable spas.

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

183 ~~(15)(12)~~ "Young child" means any person under the age of 6
184 years.

185 Section 4. Section 515.295, Florida Statutes, is created
186 to read:

187 515.295 Residential swimming pool and spa drain-cover
188 safety.--

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

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

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

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

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

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

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

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

213 (3) All residential pools and spas built after July 1,
 214 2009, must have:

215 (a) More than one drain;

216 (b) One or more unblockable drains; or

217 (c) No main drain.

218 (4) Every residential swimming pool and spa in the state
 219 that has a main drain, other than an unblockable drain, must be
 220 equipped with a drain cover that meets the consumer product

221 safety standard established by s. 1404 of Title XIV of the
 222 federal Energy Independence and Security Act of 2007.

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

229 Section 5. The Department of Health shall apply for and
 230 implement, if awarded, a federal grant for swimming pool and spa
 231 safety standards education and enforcement under the State
 232 Swimming Pool Safety Grant Program as established in s. 1405 of
 233 Title XIV of the federal Energy Independence and Security Act of
 234 2007. To ensure the state's eligibility for the grant award, the
 235 Department of Health, in coordination with the Department of
 236 Community Affairs and the Florida Building Commission, shall
 237 assess the Florida Statutes and the Florida Building Code to
 238 determine if additional changes are necessary to ensure
 239 compliance with federal standards regarding swimming pool and
 240 spa safety. The Department of Health shall provide the
 241 assessment to the Legislature by January 1, 2009.

242 Section 6. This act shall take effect July 1, 2009.