1   A bill to be entitled

2   An act relating to swimming pool safety; amending s.

3   514.0115, F.S.; requiring certain public pools to be

4   subject to underwater lighting inspections; amending

5   s. 514.025, F.S.; requiring inspections of underwater

6   lighting in public pools; amending ss. 515.21, 515.33,

7   and 515.35, F.S.; conforming provisions to changes

8   made by the act; creating s. 515.51, F.S.; providing a

9   short title; creating s. 515.52, F.S.; providing

10   legislative findings and intent; creating s. 515.53,

11   F.S.; requiring disclosure upon sale of certain

12   residential property of the dangers associated with

13   underwater lighting in swimming pools; amending s.

14   553.73, F.S.; requiring the Florida Building Code to

15   contain underwater lighting standards for residential

16   and public swimming pools; creating s. 553.881, F.S.;

17   requiring the Florida Building Code to prohibit the

18   installation or replacement of underwater lights of

19   greater than a specified voltage in new or existing

20   residential or public swimming pools; providing an

21   effective date.

22

23   Be It Enacted by the Legislature of the State of Florida:

24

25   Section 1. Subsections (1), (2), and (4) of section

26   514.0115, Florida Statutes, are amended to read:

27   514.0115 Exemptions from supervision or regulation;

28 variances.—

29   (1) Private pools and water therapy facilities connected

30 with facilities connected with hospitals, medical doctors'

31 offices, and licensed physical therapy establishments shall be

32 exempt from supervision under this chapter, except for

33 underwater electrical lighting inspections.

34   (2)(a) Pools serving no more than 32 condominium or

35 cooperative units which are not operated as a public lodging

36 establishment shall be exempt from supervision under this

37 chapter, except for water quality and underwater electrical

38 lighting inspections.

39   (b) Pools serving condominium or cooperative associations

40 of more than 32 units and whose recorded documents prohibit the

41 rental or sublease of the units for periods of less than 60 days

42 are exempt from supervision under this chapter, except that the

43 condominium or cooperative owner or association must file

44 applications with the department and obtain construction plans

45 approval and receive an initial operating permit. The department

46 shall inspect the swimming pools at such places annually, at the

47 fee set forth in s. 514.033(3), or upon request by a unit owner,

48 to determine compliance with department rules relating to water

49 quality and lifesaving equipment. However, such pools are

50 subject to underwater electrical lighting inspections. The

51 department may not require compliance with rules relating to

52 swimming pool lifeguard standards.

Page 2 of 7

53   (4) Any pool serving a residential child care agency

54 registered and exempt from licensure pursuant to s. 409.176

55 shall be exempt from supervision or regulation under this

56 chapter related to construction standards if the pool is used

57 exclusively by the facility's residents and if admission may not

58 be gained by the public. However, such pool is subject to

59 underwater electrical lighting inspections.

60   Section 2. Subsection (3) of section 514.025, Florida

61 Statutes, is renumbered as subsection (4), and a new subsection

62 (3) is added to that section, to read:

63   514.025 Assignment of authority to county health

64 departments.—

65   (3) County health departments shall inspect each public

66 pool every 5 years to ensure the safety of electrical underwater

67 lighting, including voltage, grounding, and wiring.

68   Section 3. Section 515.21, Florida Statutes, is amended to

69 read:

70   515.21 Short title.—Sections 515.21-515.37 This chapter

71 may be cited as the "Preston de Ibern/McKenzie Merriam

72 Residential Swimming Pool Safety Act."

73   Section 4. Section 515.33, Florida Statutes, is amended to

74 read:

75   515.33 Information required to be furnished to buyers.—A

76 licensed pool contractor, on entering into an agreement with a

77 buyer to build a residential swimming pool, or a licensed home

78 builder or developer, on entering into an agreement with a buyer

79 to build a house that includes a residential swimming pool, must

80 give the buyer a document containing the requirements of <u>ss.</u>

81 <u>515.27-515.31</u> ~~this chapter~~ and a copy of the publication

82 produced by the department under s. 515.31 that provides

83 information on drowning prevention and the responsibilities of

84 pool ownership.

85   Section 5. Section 515.35, Florida Statutes, is amended to

86 read:

87   515.35 Rulemaking authority.—The department shall adopt

88 rules pursuant to the Administrative Procedure Act establishing

89 the fees required to attend drowning prevention education

90 programs and setting forth the information required under <u>ss.</u>

91 <u>515.27-515.33</u> ~~this chapter~~ to be provided by licensed pool

92 contractors and licensed home builders or developers.

93   Section 6. Section 515.51, Florida Statutes, is created to

94 read:

95   <u>515.51 Short title.—Sections 515.51-515.53 may be cited as</u>

96 <u>the "Calder Sloan Swim in Safety Act."</u>

97   Section 7. Section 515.52, Florida Statutes, is created to

98 read:

99   <u>515.52 Legislative findings and intent.—The Legislature</u>

100 <u>recognizes that this state has the second highest number of</u>

101 <u>residential swimming pools per capita in the United States. The</u>

102 <u>Legislature further recognizes that, according to the United</u>

103 <u>States Consumer Product Safety Commission, electrical incidents</u>

104 <u>involving underwater pool lighting are more numerous than those</u>

105 involving any other consumer product used in or around pools.

106 The Legislature finds that serious bodily injury and death by

107 electrocution can occur when underwater lighting in residential

108 pools is faulty. Therefore, it is the intent of the Legislature

109 that owners of residential swimming pools be adequately informed

110 about the potential dangers associated with underwater lighting.

111   Section 8. Section 515.53, Florida Statutes, is created to

112 read:

113   515.53 Notification on real estate documents.—A

114 prospective purchaser of residential property that contains a

115 swimming pool, before the purchaser's execution of the contract

116 for sale and purchase, must be presented with a disclosure

117 summary in substantially the following form:

118   UNDERWATER POOL LIGHTING

119   Faulty underwater pool lighting has caused and can

120   cause grave bodily injury or death. In particular,

121   pools may have 120 volts of electricity going to their

122   lights, may not be sufficiently grounded, or may have

123   faulty wiring. Newer pools may need to be inspected to

124   ensure proper voltage, wiring, and grounding.

125   Additional information regarding underwater pool

126   lighting may be obtained from your county health

127   department or licensed electrician.

128 If the disclosure summary is not included in the contract for

129 sale and purchase, a separate disclosure summary must be

130 attached to the contract.

131   Section 9. Subsection (2) of section 553.73, Florida
132 Statutes, is amended to read:
133   553.73 Florida Building Code.—
134   (2) The Florida Building Code shall contain provisions or
135 requirements for public and private buildings, structures, and
136 facilities relative to structural, mechanical, electrical,
137 plumbing, energy, and gas systems, existing buildings,
138 historical buildings, manufactured buildings, elevators, coastal
139 construction, lodging facilities, food sales and food service
140 facilities, health care facilities, including assisted living
141 facilities, adult day care facilities, hospice residential and
142 inpatient facilities and units, and facilities for the control
143 of radiation hazards, public or private educational facilities,
144 swimming pools, and correctional facilities and enforcement of
145 and compliance with such provisions or requirements. <u>The Florida</u>
146 <u>Building Code must contain installation standards for underwater</u>
147 <u>electrical lighting in residential and public swimming pools as</u>
148 <u>defined in s. 515.25.</u> Further, the Florida Building Code must
149 provide for uniform implementation of ss. 515.25, 515.27, and
150 515.29 by including standards and criteria for residential
151 swimming pool barriers, pool covers, latching devices, door and
152 window exit alarms, and other equipment required therein, which
153 are consistent with the intent of s. 515.23. Technical
154 provisions to be contained within the Florida Building Code are
155 restricted to requirements related to the types of materials
156 used and construction methods and standards employed in order to

157 meet criteria specified in the Florida Building Code. Provisions
158 relating to the personnel, supervision or training of personnel,
159 or any other professional qualification requirements relating to
160 contractors or their workforce may not be included within the
161 Florida Building Code, and subsections (4), (6), (7), (8), and
162 (9) are not to be construed to allow the inclusion of such
163 provisions within the Florida Building Code by amendment. This
164 restriction applies to both initial development and amendment of
165 the Florida Building Code.
166   Section 10. Section 553.881, Florida Statutes, is created
167 to read:
168   553.881 Underwater swimming pool lighting.—The Florida
169 Building Code must prohibit the installation or replacement of
170 underwater electrical lights of greater than 15 volts in new or
171 existing residential or public swimming pools.
172   Section 11. This act shall take effect July 1, 2015.