

By Senator Sobel

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1                   A bill to be entitled  
2       An act relating to underwater pool lighting safety;  
3       amending s. 514.0115, F.S.; providing that underwater  
4       lighting inspections are not exempt from supervision  
5       or regulation; amending s. 514.025, F.S.; requiring  
6       county health departments to inspect underwater  
7       lighting in public pools; amending ss. 515.21, 515.33,  
8       and 515.35, F.S.; conforming provisions to changes  
9       made by the act; creating s. 515.51, F.S.; providing a  
10      short title; creating s. 515.52, F.S.; providing  
11      legislative findings and intent; creating s. 515.53,  
12      F.S.; requiring the seller to provide a disclosure  
13      summary to a prospective purchaser upon sale of  
14      certain residential property of the dangers associated  
15      with underwater lighting in swimming pools; amending  
16      s. 553.73, F.S.; requiring the Florida Building Code  
17      to contain underwater lighting standards for  
18      residential and public swimming pools; creating s.  
19      553.881, F.S.; requiring the Florida Building Code to  
20      prohibit the installation of or replacement with  
21      underwater lights of greater than a specified voltage  
22      in new or existing residential or public swimming  
23      pools; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. Subsections (1), (2), and (4) of section  
28       514.0115, Florida Statutes, are amended to read:

29       514.0115 Exemptions from supervision or regulation;

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30 variances.—

31 (1) Private pools and water therapy facilities connected  
32 with facilities connected with hospitals, medical doctors'  
33 offices, and licensed physical therapy establishments are ~~shall~~  
34 ~~be~~ exempt from supervision under this chapter, except for  
35 underwater electrical lighting inspections.

36 (2) (a) Pools serving no more than 32 condominium or  
37 cooperative units which are not operated as a public lodging  
38 establishment are ~~shall be~~ exempt from supervision under this  
39 chapter, except for water quality and underwater electrical  
40 lighting inspections.

41 (b) Pools serving condominium or cooperative associations  
42 of more than 32 units and whose recorded documents prohibit the  
43 rental or sublease of the units for periods of less than 60 days  
44 are exempt from supervision under this chapter, except that the  
45 condominium or cooperative owner or association must file  
46 applications with the department and obtain construction plans  
47 approval and receive an initial operating permit. The department  
48 shall inspect the swimming pools at such places annually, at the  
49 fee set forth in s. 514.033(3), or upon request by a unit owner,  
50 to determine compliance with department rules relating to water  
51 quality and lifesaving equipment. However, such pools are  
52 subject to underwater electrical lighting inspections. The  
53 department may not require compliance with rules relating to  
54 swimming pool lifeguard standards.

55 (4) Any pool serving a residential child care agency  
56 registered and exempt from licensure pursuant to s. 409.176 is  
57 ~~shall be~~ exempt from supervision or regulation under this  
58 chapter related to construction standards if the pool is used

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59 exclusively by the facility's residents and if admission may not  
60 be gained by the public. However, such pool is subject to  
61 underwater electrical lighting inspections.

62 Section 2. Present subsection (3) of section 514.025,  
63 Florida Statutes, is redesignated as subsection (4), and a new  
64 subsection (3) is added to that section, to read:

65 514.025 Assignment of authority to county health  
66 departments.—

67 (3) County health departments shall inspect each public  
68 pool every 5 years to ensure the safety of electrical underwater  
69 lighting, including voltage, grounding, and wiring.

70 Section 3. Section 515.21, Florida Statutes, is amended to  
71 read:

72 515.21 Short title.—~~Sections 515.21-515.37~~ ~~This chapter~~ may  
73 be cited as the "Preston de Ibern/McKenzie Merriam Residential  
74 Swimming Pool Safety Act."

75 Section 4. Section 515.33, Florida Statutes, is amended to  
76 read:

77 515.33 Information required to be furnished to buyers.—A  
78 licensed pool contractor, on entering into an agreement with a  
79 buyer to build a residential swimming pool, or a licensed home  
80 builder or developer, on entering into an agreement with a buyer  
81 to build a house that includes a residential swimming pool, must  
82 give the buyer a document containing the requirements of ss.  
83 515.27-515.31 ~~this chapter~~ and a copy of the publication  
84 produced by the department under s. 515.31 that provides  
85 information on drowning prevention and the responsibilities of  
86 pool ownership.

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

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88 read:

89       515.35 Rulemaking authority.—The department shall adopt  
90 rules pursuant to the Administrative Procedure Act establishing  
91 the fees required to attend drowning prevention education  
92 programs and setting forth the information required under ss.  
93 515.27-515.33 ~~this chapter~~ to be provided by licensed pool  
94 contractors and licensed home builders or developers.

95       Section 6. Section 515.51, Florida Statutes, is created to  
96 read:

97       515.51 Short title.—Sections 515.51-515.53 may be cited as  
98 the “Calder Sloan Swim in Safety Act.”

99       Section 7. Section 515.52, Florida Statutes, is created to  
100 read:

101       515.52 Legislative findings and intent.—The Legislature  
102 recognizes that this state has the second highest number of  
103 residential swimming pools per capita in the United States. The  
104 Legislature further recognizes that, according to the United  
105 States Consumer Product Safety Commission, electrical incidents  
106 involving underwater pool lighting are more numerous than those  
107 involving any other consumer product used in or around pools.  
108 The Legislature finds that serious bodily injury and death by  
109 electrocution can occur when underwater lighting in residential  
110 pools is faulty. Therefore, it is the intent of the Legislature  
111 that owners of residential swimming pools be adequately informed  
112 about the potential dangers associated with underwater lighting.

113       Section 8. Section 515.53, Florida Statutes, is created to  
114 read:

115       515.53 Notification on real estate documents.— Before a  
116 prospective purchaser executes the contract for sale and

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117 purchase of a residential property having a pool, the seller  
118 must present him or her with a disclosure summary in  
119 substantially the following form:

120 UNDERWATER POOL LIGHTING

121 Faulty underwater pool lighting has caused and can  
122 cause grave bodily injury or death. In particular,  
123 pools may have 120 volts of electricity going to their  
124 lights, may not be sufficiently grounded, or may have  
125 faulty wiring. Newer pools may need to be inspected to  
126 ensure proper voltage, wiring, and grounding.

127 Additional information regarding underwater pool  
128 lighting may be obtained from your county health  
129 department or licensed electrician.

130 If the disclosure summary is not included in the contract for  
131 sale and purchase, the seller must attach a separate disclosure  
132 summary to the contract.

133 Section 9. Subsection (2) of section 553.73, Florida  
134 Statutes, is amended to read:

135 553.73 Florida Building Code.—

136 (2) The Florida Building Code must ~~shall~~ contain provisions  
137 or requirements for public and private buildings, structures,  
138 and facilities relative to structural, mechanical, electrical,  
139 plumbing, energy, and gas systems, existing buildings,  
140 historical buildings, manufactured buildings, elevators, coastal  
141 construction, lodging facilities, food sales and food service  
142 facilities, health care facilities, including assisted living  
143 facilities, adult day care facilities, hospice residential and  
144 inpatient facilities and units, and facilities for the control  
145 of radiation hazards, public or private educational facilities,

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146 swimming pools, and correctional facilities and enforcement of  
147 and compliance with such provisions or requirements. The Florida  
148 Building Code must contain installation standards for underwater  
149 electrical lighting in residential and public swimming pools as  
150 defined in s. 515.25. Further, the Florida Building Code must  
151 provide for uniform implementation of ss. 515.25, 515.27, and  
152 515.29 by including standards and criteria for residential  
153 swimming pool barriers, pool covers, latching devices, door and  
154 window exit alarms, and other equipment required therein, which  
155 are consistent with the intent of s. 515.23. Technical  
156 provisions to be contained within the Florida Building Code are  
157 restricted to requirements related to the types of materials  
158 used and construction methods and standards employed in order to  
159 meet criteria specified in the Florida Building Code. Provisions  
160 relating to the personnel, supervision or training of personnel,  
161 or any other professional qualification requirements relating to  
162 contractors or their workforce may not be included within the  
163 Florida Building Code, and subsections (4), (6), (7), (8), and  
164 (9) are not to be construed to allow the inclusion of such  
165 provisions within the Florida Building Code by amendment. This  
166 restriction applies to both initial development and amendment of  
167 the Florida Building Code.

168 Section 10. Section 553.881, Florida Statutes, is created  
169 to read:

170 553.881 Underwater swimming pool lighting.—The Florida  
171 Building Code must prohibit the installation of or replacement  
172 with underwater electrical lights of greater than 15 volts in  
173 new or existing residential or public swimming pools.

174 Section 11. This act shall take effect July 1, 2015.