

By Senator Hooper

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1 A bill to be entitled
2 An act relating to residential swimming pool safety;
3 providing a short title; amending s. 468.8323, F.S.;
4 requiring a home inspector to include certain
5 information relating to swimming pools in his or her
6 report; amending s. 515.27, F.S.; requiring that new
7 residential swimming pools meet an additional
8 requirement in order to pass final inspection and
9 receive a certificate of completion; prohibiting a
10 swimming pool owner from transferring ownership of a
11 swimming pool unless certain requirements are met;
12 revising criminal penalties relating to swimming pool
13 safety features; amending s. 515.31, F.S.; conforming
14 a cross-reference; providing an effective date.

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

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18 Section 1. This act may be cited as "The Kacen's Cause
19 Act."

20 Section 2. Paragraph (d) is added to subsection (1) of
21 section 468.8323, Florida Statutes, to read:

22 468.8323 Home inspection report.—Upon completion of each
23 home inspection for compensation, the home inspector shall
24 provide a written report prepared for the client.

25 (1) The home inspector shall report:

26 (d) If there is a swimming pool, as defined in s. 515.25,
27 any safety features, as described in s. 515.27(1), which are
28 present.

29 Section 3. Section 515.27, Florida Statutes, is amended to

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30 read:

31 515.27 Residential swimming pool safety feature options;
32 penalties.—

33 (1) In order to pass final inspection and receive a
34 certificate of completion, a residential swimming pool must meet
35 at least two ~~one~~ of the following requirements relating to pool
36 safety features:

37 (a) The pool must be isolated from access to a home by an
38 enclosure that meets the pool barrier requirements of s.
39 515.29.~~†~~

40 (b) The pool must be equipped with an approved safety pool
41 cover.~~†~~

42 (c) All doors and windows providing direct access from the
43 home to the pool must be equipped with an exit alarm that has a
44 minimum sound pressure rating of 85 dB A at 10 feet.~~†~~

45 (d) All doors providing direct access from the home to the
46 pool must be equipped with a self-closing, self-latching device
47 with a release mechanism placed no lower than 54 inches above
48 the floor.~~†~~~~or~~

49 (e) A swimming pool alarm that, when placed in a pool,
50 sounds an alarm upon detection of an accidental or unauthorized
51 entrance into the water. Such pool alarm must meet and be
52 independently certified to ASTM Standard F2208, titled "Standard
53 Safety Specification for Residential Pool Alarms," which
54 includes surface motion, pressure, sonar, laser, and infrared
55 alarms. For purposes of this paragraph, the term "swimming pool
56 alarm" does not include any swimming protection alarm device
57 designed for individual use, such as an alarm attached to a
58 child that sounds when the child exceeds a certain distance or

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59 becomes submerged in water.

60 (2) A swimming pool owner may not transfer ownership of a
61 swimming pool unless the swimming pool meets at least two of the
62 requirements under subsection (1).

63 (3)~~(2)~~ A person who fails to equip a new residential
64 swimming pool with at least two ~~one~~ pool safety features ~~feature~~
65 as required in subsection (1) commits a misdemeanor of the
66 second degree, punishable as provided in s. 775.082 or s.
67 775.083, except that a penalty may not ~~no penalty shall~~ be
68 imposed if the person, within 45 days after arrest or issuance
69 of a summons or a notice to appear, has equipped the pool with
70 at least two ~~one~~ safety features ~~feature~~ as required in
71 subsection (1) and has attended a drowning prevention education
72 program established by s. 515.31. However, the requirement of
73 attending a drowning prevention education program is waived if
74 such program is not offered within 45 days after issuance of the
75 citation.

76 Section 4. Subsection (1) of section 515.31, Florida
77 Statutes, is amended to read:

78 515.31 Drowning prevention education program; public
79 information publication.—

80 (1) The department shall develop a drowning prevention
81 education program, which shall be made available to the public
82 at the state and local levels and which shall be required as set
83 forth in s. 515.27(3) ~~s. 515.27(2)~~ for persons in violation of
84 the pool safety requirements of this chapter. The department may
85 charge a fee, not to exceed \$100, for attendance at such a
86 program. The drowning prevention education program shall be
87 funded using fee proceeds, state funds appropriated for such

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88 purpose, and grants. The department, in lieu of developing its
89 own program, may adopt a nationally recognized drowning
90 prevention education program to be approved for use in local
91 safety education programs, as provided in rule of the
92 department.

93 Section 5. This act shall take effect July 1, 2019.