

By the Committee on Community Affairs; and Senators Hooper and Baxley

578-03296-19

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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 property owner from transferring ownership of a parcel
11 that includes a swimming pool unless certain
12 requirements are met; providing civil penalties rather
13 than criminal penalties; amending s. 515.31, F.S.;
14 conforming a cross-reference; providing an effective
15 date.

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

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

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

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

26 (1) The home inspector shall report:

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

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30 Section 3. Section 515.27, Florida Statutes, is amended to
31 read:

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

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

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

40 515.29.~~†~~

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

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

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

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

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59 child that sounds when the child exceeds a certain distance or
60 becomes submerged in water.

61 (2) A property owner may not transfer, for consideration,
62 ownership of a parcel that includes a swimming pool unless the
63 swimming pool meets at least two of the requirements under
64 subsection (1).

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

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

81 515.31 Drowning prevention education program; public
82 information publication.—

83 (1) The department shall develop a drowning prevention
84 education program, which shall be made available to the public
85 at the state and local levels and which shall be required as set
86 forth in s. 515.27(3) ~~s. 515.27(2)~~ for persons in violation of
87 the pool safety requirements of this chapter. The department may

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88 charge a fee, not to exceed \$100, for attendance at such a
89 program. The drowning prevention education program shall be
90 funded using fee proceeds, state funds appropriated for such
91 purpose, and grants. The department, in lieu of developing its
92 own program, may adopt a nationally recognized drowning
93 prevention education program to be approved for use in local
94 safety education programs, as provided in rule of the
95 department.

96 Section 5. This act shall take effect October 1, 2019.