

By Senator Hooper

16-00226-21

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

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

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

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

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

27       (1) The home inspector shall report:

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

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30 present.

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

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

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

39 (a) The pool must be isolated from access to a home by an  
40 enclosure that meets the pool barrier requirements of s. 515.29  
41 and ASTM Standard F2286, titled "Standard Design and Performance  
42 Specification for Removable Mesh Fencing for Swimming Pools, Hot  
43 Tubs, and Spas."~~†~~

44 (b) The pool must be equipped with an approved safety pool  
45 cover that meets ASTM Standard F1346, titled "Standard  
46 Performance Specification for Safety Covers and Labeling  
47 Requirements for All Covers for Swimming Pools, Spas and Hot  
48 Tubs."~~†~~

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

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

56 (e) A swimming pool alarm that, when placed in a pool,  
57 sounds an alarm upon detection of an accidental or unauthorized  
58 entrance into the water. Such pool alarm must meet and be

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59 independently certified to ASTM Standard F2208, titled "Standard  
60 Safety Specification for Residential Pool Alarms," which  
61 includes surface motion, pressure, sonar, laser, and infrared  
62 alarms and must comply with the Underwriters Laboratories, Inc.,  
63 "Standard for General-Purpose Signaling Devices and Systems," UL  
64 2017. For purposes of this paragraph, the term "swimming pool  
65 alarm" does not include any swimming protection alarm device  
66 designed for individual use, such as an alarm attached to a  
67 child that sounds when the child exceeds a certain distance or  
68 becomes submerged in water.

69 (2) A property owner may not transfer, for consideration,  
70 ownership of a parcel that includes a swimming pool unless the  
71 swimming pool meets at least two of the requirements under  
72 subsection (1).

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

87 Section 4. Subsection (1) of section 515.31, Florida

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88 Statutes, is amended to read:

89 515.31 Drowning prevention education program; public  
90 information publication.—

91 (1) The department shall develop a drowning prevention  
92 education program, which shall be made available to the public  
93 at the state and local levels and which shall be required as set  
94 forth in s. 515.27(3) ~~s. 515.27(2)~~ for persons in violation of  
95 the pool safety requirements of this chapter. The department may  
96 charge a fee, not to exceed \$100, for attendance at such a  
97 program. The drowning prevention education program shall be  
98 funded using fee proceeds, state funds appropriated for such  
99 purpose, and grants. The department, in lieu of developing its  
100 own program, may adopt a nationally recognized drowning  
101 prevention education program to be approved for use in local  
102 safety education programs, as provided in rule of the  
103 department.

104 Section 5. This act shall take effect October 1, 2021.