

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 608

INTRODUCER: Senator Smith

SUBJECT: Vacation Rentals

DATE: January 26, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Baird	Imhof	RI	<u>Pre-meeting</u>
2.		CA	
3.		RC	

I. Summary:

SB 608 requires applicants seeking to obtain or renew a license to operate a vacation rental to install a pool safety feature if a swimming pool is located on the vacation rental property.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill also gives the DBPR the authority to adopt rules to implement the bill.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Vacation Rentals

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.¹

A “vacation rental” is defined in s. 509.242(1)(c), F.S., as:

¹ Section 509.242(1), F.S.

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.² The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quad plex, or other dwelling unit that has four or less units collectively.”³

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.⁴

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., which are as follows:⁵

- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors (cannot be a sliding chain or hook and eye type of locking device).
- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are “common” elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.)⁶
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
- A Boiler Certificate is required, if needed, though not required if the boiler is located in common area. A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- Smoke alarms must be installed in every living unit.

² Fla. Admin. Code R. 61C-1.002(4)(a)1.

³ The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

⁴ Email from Sam Kerse, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Jan. 23, 2026) (on file with the Florida Senate Committee on Regulated Industries).

⁵ The Division of Business and Professional Regulation, *Guide to Vacation Rentals and Timeshare Projects for Florida’s Public Lodging Establishments*, Jan. 2022, available at

https://www2.myfloridalicense.com/hr/forms/documents/5025_753.pdf (last visited Jan. 23, 2026).

⁶ The balcony certificate is available from the Division of Hotels and Restaurants website at

<http://www.myfloridalicense.com/>; by email request submitted at <http://www.myfloridalicense.com/contactus/>; or by phone request to 850.487.1395.

- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged, and accessible.
- If present, a fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in vacation rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. Though, the division is not required to inspect them, vacation rentals must be available for inspection upon a request to the division, typically this occurs through a complaint process.⁷

The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2024-2025, the division received 252 consumer complaints regarding vacation rentals. In response to the complaints, the division's inspection confirmed a violation for 27 of the complaints.⁸

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.⁹ The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,¹⁰ which relates to a public lodging establishment.¹¹ The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.¹²

⁷ Section 509.032(2)(a), F.S.

⁸ Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2024-2025, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf, (last visited Jan. 23, 2026).

⁹ See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report*, DBPR Form HR 5022-014, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Jan. 23, 2026).

¹⁰ Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

¹¹ Section 509.032(2)(d), F.S.

¹² See Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.¹³

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drownings, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low income contexts.¹⁴

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2005 to present at an average rate of approximately two deaths per 100,000 population.¹⁵ Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.¹⁶ Comparably, children between the ages of one and seven drown at a rate of approximately five per 100,000 population and made up 87 out of 452, or nearly 20 percent, of the drowning deaths in Florida in 2024.¹⁷

Swimming Safety Laws in Florida

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the Legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (the act).¹⁸ The act provides that all new residential swimming pools, spas, and hot tubs must be equipped with at least one pool safety feature to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.¹⁹

¹³ See ss. 509.211(3) and 509.2112, F.S., and form DBPR HR-7020, *Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at:

http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Jan 22, 2026).

¹⁴ Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. *Int J Environ Res Public Health*, May 19, 2020, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/> (last visited Jan. 23, 2026).

¹⁵ Florida Health Charts, Deaths from Unintentional Drowning, available at

<https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105>, (last visited Jan. 23, 2026).

¹⁶ *Id.* (Rate type changed to “crude” and age range selected from “0 to 4”).

¹⁷ *Id.*

¹⁸ See ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

¹⁹ Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer’s disease or any related disorder.

In Florida, certain certified pool alarms were added in 2016 as a method to meet the required pool safety features for new residential swimming pools.²⁰ In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the act:

- Sumps, irrigation canals, or irrigation flood control or drainage works constructed or operated to store, deliver, or distribute water;
- Agricultural stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures;
- Public swimming pools;²¹
- Any political subdivision that has adopted or adopts a residential pool safety ordinance that is equal to or more stringent than the provisions of the act (ch. 515, F.S.);
- Any portable spa with a safety cover;²² and
- Small, temporary pools without motors (*i.e.*, kiddie pools).

Requirements for Pool Safety Features for New Residential Swimming Pools

Section 515.27(1), F.S., provides the requirements a new residential swimming pool must meet in order to pass its final inspection and receive a certification of completion. At least one of the following pool safety features must be in place:

- The pool must be isolated from access to a home by an enclosure that meets certain pool barrier requirements (discussed below);
- The pool must be equipped with an approved safety pool cover;²³
- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm with a minimum sound pressure rating of 85 decibels at 10 feet;²⁴
- All doors providing access from the home to the pool must have a self-closing, self-latching device, and the release mechanism must be more than 54 inches above the floor; or
- There is a pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water, and the alarm meets and is independently certified to meet safety specifications for residential pool alarms.²⁵ Personal swimming protection alarm devices (e.g., alarm devices that attach to a child and are triggered if a child exceeds a certain distance or becomes submerged in water), do not meet the pool alarm requirement.

²⁰ See ch. 2016-129, s. 14, Laws of Fla.

²¹ Section 515.25(9), F.S., defines “public swimming pool” to mean a swimming pool operated with or without charge for the use of the general public (but not a pool located on the grounds of a private residence), as defined in s. 514.011(2), F.S. For comparison, s. 514.011(3), F.S., defines a “private pool” to mean a facility used only by an individual, family, or living unit members and their guests which does not serve any type of cooperative housing or joint tenancy of five or more living units.

²² The pool cover must comply with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs), issued by the American Society for Testing and Materials (ASTM). See <https://www.astm.org/Standards/F1346.htm> (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

²³ An “approved safety pool cover” means a manually or power-operated pool cover that meets all of the standards of the ASTM, in compliance with standard F1246-91. See s. 515.25(1), F.S.

²⁴ The exit alarm must make continuous alarm sounds when any door or window with access to the pool area is opened or left ajar; at a level of 85 decibels (85 dbA, using A-weighted sounds), the alarm would sound louder than a passing freight train passing 100 feet away, which has a typical sound level of 80 dbA. See s. 515.25(4), F.S., and https://www.osha.gov/dts/osta/otm/new_noise/index.html#decibels (last visited Jan. 23, 2026).

²⁵ The alarm must meet and be certified to ASTM Standard F2208, titled “Standard Safety Specification for Residential Pool Alarms” issued by the ASTM. See <https://www.astm.org/Standards/F2208.htm> (last visited Jan. 23, 2026), which provides an abstract of the specification that is available for purchase from ASTM.

Residential Swimming Pool Barrier Requirements

The term “barrier” is defined in s. 515.25(2), F.S., to mean a fence, dwelling wall, or nondwelling wall, or any combination, which completely surrounds a swimming pool and obstructs access to the pool, especially access from the residence or from the yard outside the barrier.

Section 515.29(1), F.S., provides a residential swimming pool barrier must:

- Be at least 4 feet high on the outside;
- Not have any gaps or components that could allow a child under the age of six to crawl under, squeeze through, or climb over the barrier;
- Be placed around the pool’s perimeter, separate from any fence, wall, or other enclosure surrounding the yard, unless the fence, wall, or other enclosure or any portion on the perimeter of the pool, is being used as part of the barrier, and meets all other barrier requirements; and
- Be placed sufficiently away from the water’s edge to prevent a child under the age of six or a medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

Gates that provide access to residential swimming pools must:

- Open outward away from the pool and be self-closing; and
- Be equipped with a self-latching locking device, with a release mechanism on the pool side of the gate, placed so that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.²⁶

A dwelling wall may be part of a barrier if the wall has no door or window opening providing access to the pool, but a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.²⁷

For an aboveground residential swimming pool, the barrier may be the pool’s structure itself or may be mounted on top of the pool’s structure, but any such barrier must meet all barrier requirements in s. 515.29, F.S., as described above.²⁸ In addition, any ladder or steps accessing an aboveground pool must be able to be secured, locked, or removed to prevent access or must themselves be surrounded by a barrier meeting all safety requirements.²⁹

Penalties for Noncompliance with Requirements for Safety Features for New³⁰ Residential Swimming Pools

Section 515.27(2), F.S., provides that a person who fails to equip a new residential swimming pool with at least one of the required pool safety features commits a second degree

²⁶ Section 515.29(3), F.S.

²⁷ Sections 515.29(4) and (5), F.S.

²⁸ Section 515.29(2), F.S.

²⁹ *Id.*

³⁰ Chapter 2000-143, Laws of Fla., established the “Preston de Ibern/McKenzie Merriam Residential Swimming Pool Safety Act” with an effective date of October 1, 2000. Penalties apply to residential swimming pools built after that date.

misdemeanor.³¹ No penalty may be imposed if, within 45 days after arrest or issuance of a summons or a notice to appear, the person equips the pool with one of the required safety features and has attended a drowning prevention education program, if such a program is offered, within 45 days of the citation.³²

The drowning prevention education program required by s. 515.31, F.S., was adopted by rule of the Department of Health (DOH) in 2001 for persons in violation of the pool safety requirements in the 1995 American Red Cross Community Water Safety Course.³³ An updated course is available from the American Red Cross.³⁴ The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.³⁵

III. Effect of Proposed Changes:

The bill requires applicants seeking to obtain or renew a license to operate a vacation rental to install at least one pool safety feature, as described in s. 515.27(1), F.S., if a swimming pool is located on the vacation rental property.

The bill gives authority to the Department of Business and Professional Regulation (DBPR) to suspend or revoke a license for a vacation home and fine the licensee for noncompliance.

The bill also gives the DBPR the authority to adopt rules to implement the bill.

The bill has an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³¹ Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

³² See s. 515.27(2), F.S.

³³ See Fla. Admin. Code R. 64E-21.001 (2025) at <https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001> (last visited Jan. 23, 2026).

³⁴ See <https://www.nspf.org/training> or <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety/home-pool-safety.html> (last visited Jan. 23, 2026).

³⁵ See Fla. Admin. Code R. 64E-21.001(2) (2025) at <https://www.flrules.org/gateway/ruleNo.asp?id=64E-21.001> and <https://www.cpsc.gov/s3fs-public/362%20Safety%20Barrier%20Guidelines%20for%20Pools.pdf> (last visited Jan. 23, 2026).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The proposed requirements may strain existing agency resources, possibly requiring additional budgetary allocations for enforcement and compliance monitoring.

The DBPR, through an email from Chief of Staff Sam Kerce on file with the Florida Senate Committee on Regulated Industries stated:

“[t]here is an indeterminate, but sizeable number of vacation rentals that will need to follow these requirements. If even a small portion led to complaints, this will be a significant increase in inspections and potential administrative action needed. The Department estimates a need of two additional FTE to help offset the potential workload. A total of \$137k recurring cost for S&B and an additional \$32k non-recurring for the purchase of a vehicle for the inspector and other expenses.”

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 509.243 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
