

By Senator Smith

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A bill to be entitled
An act relating to residential swimming pool requirements; amending s. 515.27, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool safety requirements; requiring a seller of such property to disclose whether the pool meets such requirements before the transfer or sale; requiring that pool barriers meet certain requirements; providing construction; amending s. 515.29, F.S.; requiring that swimming pools located on residential real property that is transferred or sold on or after a specified date meet certain pool barrier requirements; requiring a seller of such property to disclose whether the pool meets such requirements before the transfer or sale; providing construction; amending s. 515.31, F.S.; conforming a cross-reference; making technical changes; providing an effective date.

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

Section 1. Section 515.27, Florida Statutes, is amended to read:

515.27 Residential swimming pool safety feature options; penalties.—

(1) In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet at least one of the following requirements relating to pool

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safety features:

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

(b) The pool must be equipped with an approved safety pool cover;

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

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

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

(2) A swimming pool, regardless of the year in which it was built, located on residential real property that is transferred or sold on or after October 1, 2026, must be equipped with at least one pool safety feature as required in subsection (1). A seller of such residential real property shall disclose to the prospective buyer whether the pool is equipped with at least one

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pool safety feature as required in subsection (1) before the transfer or sale. If the pool safety feature is the pool barrier, it must meet all of the requirements in s. 515.29.

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

(4) This section may not be construed to prevent a local government from imposing additional reporting requirements to those specified in this section.

Section 2. Subsections (6) and (7) are added to section 515.29, Florida Statutes, and subsection (1) of that section is republished, to read:

515.29 Residential swimming pool barrier requirements.—

(1) A residential swimming pool barrier must have all of the following characteristics:

(a) The barrier must be at least 4 feet high on the outside.

(b) The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb

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over the barrier.

(c) The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or other enclosure or portion thereof is situated on the perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.

(d) The barrier must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may have managed to penetrate the barrier from immediately falling into the water.

(6) A swimming pool, regardless of the year in which it was built, located on residential real property that is transferred or sold on or after October 1, 2026, must meet all of the pool barrier requirements in subsection (1). A seller of such residential real property shall disclose to the prospective buyer whether the pool meets all of the pool barrier requirements in subsection (1) before the transfer or sale.

(7) This section may not be construed to prevent a local government from imposing additional reporting requirements to those specified in this section.

Section 3. Subsection (1) of section 515.31, Florida Statutes, is amended to read:

515.31 Drowning prevention education program; public information publication.—

(1) The department shall develop a drowning prevention education program. Such program must, ~~which shall~~ be made available to the public at the state and local levels and is ~~which shall be~~ required as set forth in s. 515.27(3) s.

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117 ~~515.27(2)~~ for persons in violation of the pool safety
118 requirements of this chapter. The department may charge a fee,
119 not to exceed \$100, for attendance at such a program. The
120 drowning prevention education program shall be funded using fee
121 proceeds, state funds appropriated for such purpose, and grants.
122 The department, in lieu of developing its own program, may adopt
123 a nationally recognized drowning prevention education program to
124 be approved for use in local safety education programs, as
125 provided in rule of the department.

126 Section 4. This act shall take effect July 1, 2026.