

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 658

INTRODUCER: Senator Burgess

SUBJECT: Water Safety Requirements for the Rental of Residential Property

DATE: January 26, 2026 **REVISED:** _____

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

I. Summary:

SB 658 amends s. 83.51 and 509.211, F.S., to incorporate enhanced water safety provisions governing residential rental properties and vacation rental properties.

The bill would require a landlord and a vacation rental licensee to equip a property with a water safety feature if the property is within 150 feet of a water body or a swimming pool.

The water safety feature can either be:

- An exit alarm (that has a minimum sound pressure rating of 85 dB A at 10 feet) on all doors and windows providing direct access to the water body or swimming pool; or
- A self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor on all doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit.

A landlord or licensee that is not in compliance commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 of the Florida Statutes.

The landlord or licensee will not commit a misdemeanor if:

- The violation was due to the removal or modification of any required safety feature by the tenant or guest, a member of a tenant's or guest's family, or a person on the premises of the property with a tenant's or guest's consent;
- Such removal or modification occurred without the landlord or licensee's knowledge; and
- The landlord or licensee corrects the violation within 45 days of receiving actual knowledge thereof.

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

II. Present Situation:

Landlord and Tenant Relationship

Chapter 83, F.S., which governs landlord and tenant relations, is divided into three parts:

- Part I, which governs nonresidential tenancies not governed by Part II.¹
- Part II, the Florida Residential Landlord and Tenant Act (act), which governs residential tenancies.²
- Part III, the Self-Storage Facility Act, which governs self-service storage spaces.³

Florida Residential Landlord and Tenant Act

The act governs the rights and responsibilities of both landlords and tenants in connection with the rental of dwelling units (i.e. residential tenancies).⁴ For purposes of the act, “dwelling unit” means:

- A structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household;
- A mobile home rented by a tenant; or
- A structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.⁵

Notably, the act does not apply to:

- Residency or detention in a facility, whether public or private, when residence or detention is incidental to the provision of medical, geriatric, educational, counseling, religious, or similar services.
- Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, in which the buyer has paid at least 12 months’ rent or a contract in which the buyer has paid at least one month’s rent and a deposit of at least 5 percent of the purchase price of the property.
- Transient occupancy in a hotel, condominium, motel, rooming house, or similar public lodging, or in a mobile home park.
- Occupancy by a holder of a proprietary lease in a cooperative apartment.
- Occupancy by an owner of a condominium unit.⁶

Significant provisions of the act include provisions relating to:

- Unconscionable rental agreements or provisions.⁷
- Rent and duration of tenancies.⁸
- Prohibited provisions in rental agreements.⁹

¹ Chapter 83, Part I, F.S. (encompassing ss. 83.001-83.251, F.S.); *see also* s. 83.001, F.S. (providing same).

² Chapter 83, Part II, F.S. (encompassing ss. 83.40-83.683, F.S.).

³ Chapter 83, Part III, F.S. (encompassing ss. 83.801-83.809, F.S.).

⁴ Section 83.41, F.S.; *but see* s. 83.42, F.S. (excluding from the act’s scope certain kinds of residencies).

⁵ Section 83.43(5), F.S.; *but see* s. 83.42, F.S. (excluding certain facilities and occupancies).

⁶ Section 83.42, F.S.

⁷ Section 83.45, F.S.

⁸ Section 83.46, F.S.

⁹ Section 83.47, F.S.

- The landlord's obligation to maintain the premises.¹⁰
- The tenant's obligation to maintain the dwelling unit.¹¹
- The landlord's access to a dwelling unit.¹²
- Termination of the tenancy.¹³
- Enforcement, damages, and attorney fees.¹⁴

If a landlord fails to maintain the property according to applicable laws, codes, or the lease agreement, a tenant may withhold rent until the issue is corrected,¹⁵ terminate the lease agreement,¹⁶ or take civil action against the landlord.¹⁷

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.¹⁸

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.¹⁹ Children aged four and under, however, drown nearly three times as often with a rate of approximately six per 100,000 population.²⁰ 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 2024.²¹

¹⁰ Section 83.51, F.S.

¹¹ Section 83.52, F.S.

¹² Section 83.53, F.S.

¹³ Section 83.46(2) or (3), F.S., (providing for the durations of rental agreements); s. 83.57, F.S., (providing for the termination of tenancies without specific terms); s. 83.56(4), F.S., (providing additional notice requirements); and s. 83.575(1), F.S. (providing for the termination of tenancies with specific terms).

¹⁴ Section 83.54, F.S., (providing for the enforcement of rights and duties); s. 83.48, F.S., (providing for attorney fees); s. 83.55, F.S. (providing a right of recovery for damages).

¹⁵ Section 83.60, F.S.

¹⁶ Section 83.56, F.S.

¹⁷ Section 83.54, F.S.

¹⁸ 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).

¹⁹ 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).

²⁰ *Id.* (Rate type changed to “crude” and age range selected from “0 to 4”).

²¹ *Id.*

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 (pool safety act).²² The pool safety 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.²³

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.²⁴ In addition, the Legislature exempted the following entities, pools, structures, and operations from the requirements of the pool safety 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;²⁵
- 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 pool safety act (ch. 515, F.S.);
- Any portable spa with a safety cover;²⁶ 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;²⁷

²² See ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

²³ 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.

²⁴ See ch. 2016-129, s. 14, Laws of Fla.

²⁵ 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.

²⁶ 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.

²⁷ An "approved safety pool cover" means a manually or power-operated pool cover that meets all of the standards of the American Society for Testing and Materials, in compliance with standard F1246-91. See s. 515.25(1), F.S.

- 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;²⁸
- 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.²⁹ 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.

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 that it cannot be reached by a child under the age of six, either over the top or through any opening or gap.³⁰

²⁸ 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).

²⁹ 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.

³⁰ Section 515.29(3), F.S.

A dwelling wall may be part of 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.³¹

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.³² 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.³³

Penalties for Noncompliance with Requirements for Safety Features for New³⁴ 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 misdemeanor.³⁵ 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.³⁶

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.³⁷ An updated course is available from the American Red Cross.³⁸ The DOH also adopted by rule the 1994 U.S. Consumer Product Safety Commission publication Number 362, Safety Barrier Guidelines for Residential Home Pools.³⁹

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.

³¹ Sections 515.29(4) and (5), F.S.

³² Section 515.29(2), F.S.

³³ *Id.*

³⁴ 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.

³⁵ 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.

³⁶ See s. 515.27(2), F.S.

³⁷ 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).

³⁸ 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).

³⁹ 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).

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.⁴⁰

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

...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.⁴¹ 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.”⁴²

According to the DBPR, there are a total of 168,983 licensed vacation rentals in Florida.⁴³

Safety Requirements for Vacation Rentals

Vacation rentals must adhere to the safety regulations laid out in ch. 509, F.S., they are as follows:⁴⁴

- 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.)⁴⁵
- 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.

⁴⁰ Section 509.242(1), F.S.

⁴¹ Fla. Admin. Code R. 61C-1.002(4)(a).

⁴² 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). 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.

⁴³ Email from Sam Kerce, Chief of Staff, DBPR, to Steven Baird, Staff Attorney, Florida Senate, (Jan. 23, 2026) (on file with the Florida Senate Committee on Regulated Industries).

⁴⁴ The Division of Hotels and Restaurants, *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).

⁴⁵ 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.

- Boiler Certificate required, if needed. (Not required if 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.
- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, 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. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.⁴⁶

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.⁴⁷

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.⁴⁸ 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.⁴⁹

⁴⁶ Section 509.032(2)(a), F.S.

⁴⁷ DBPR, Division of Hotels and Restaurants Annual Report for FY 2024-2025 at page 14, available https://www2.myfloridalicense.com/hr/reports/annualreports/documents/ar2024_25.pdf (last visited Jan. 23, 2026).

⁴⁸ 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).

⁴⁹ 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.

which relates to a public lodging establishment.⁵⁰ 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.⁵¹

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.⁵²

Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.⁵³

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

III. Effect of Proposed Changes:

Landlord and Tenant

Section 1 of the bill amends s. 83.51, F.S., to include a new obligation that a landlord owes to a tenant in maintaining the premises.

A landlord will now need to ensure that, if there exists within 150 feet of the dwelling unit a water body or a swimming pool, either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

⁵⁰ Section 509.032(2)(d), F.S.

⁵¹ 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.

⁵² 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).

⁵³ Section 509.032(7)(a), F.S.

A “swimming pool” has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

A “water body” means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A landlord who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by paragraph (a) by the tenant, a member of the tenant’s family, or a person on the premises with the tenant’s consent;
- Such removal or modification occurred without the landlord’s knowledge; and
- The landlord corrects the violation within 45 days of receiving actual knowledge thereof.

A landlord is not responsible to the tenant under this section for conditions created or caused by the negligent or wrongful act or omission of the tenant, a member of the tenant’s family, or a other person on the premises with the tenant’s consent, including the removal or modification of any safety features required by the tenant, a member of the tenant’s family, or a person on the premises with the tenant’s consent.

Vacation Rentals

Section 2 of the bill amends s. 509.211, F.S., to provide a new safety regulation that licensed vacation rental properties must adhere to.

A licensee of a vacation rental must ensure, if the vacation rental is within 150 feet of a water body or a swimming pool, that either:

- All doors and windows providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet; or
- All doors providing direct access to the exterior of the dwelling unit or to an indoor swimming pool within the dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

A “swimming pool” has the same meaning as in s. 515.25, F.S., which means any structure, located in a residential area, that is intended for swimming or recreational bathing and contains water over 24 inches deep, including but not limited to, in-ground, above-ground, and on-ground swimming pools, hot tubs, and nonportable spas.

A “water body” means any water or body of water regularly at a depth of at least 24 inches at its deepest point. However, the term does not include underground water that cannot be accessed by individuals from an access point located within 150 feet of the dwelling unit.

A licensee who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S., except that it is not a violation of this subsection if:

- The violation is due to the removal or modification of any safety feature required by a guest, a member of a guest's family, or a person on the premises of the rental unit with a guest's consent;
- Such removal or modification occurred without the licensee's knowledge; and
- The licensee corrects the violation within 45 days of receiving actual knowledge thereof.

Section 3 of the bill provides 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.

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 substantially amends sections 83.51 and 509.211 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.
