

By the Committee on Regulated Industries; and Senators Burgess and Smith

580-02245-26

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A bill to be entitled

An act relating to water safety requirements for the rental of residential and vacation properties; amending s. 83.51, F.S.; requiring a landlord to equip certain rental properties with specified water safety features; providing criminal penalties; providing an exception; defining the terms "swimming pool" and "water body"; conforming a provision to changes made by the act; amending s. 509.211, F.S.; requiring a public lodging establishment licensed as a vacation rental to equip certain rental units with specified water safety features; providing criminal penalties; providing an exception; defining terms; providing construction; providing an effective date.

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

Section 1. Present subsection (4) of section 83.51, Florida Statutes, is redesignated as subsection (5) and amended, and a new subsection (4) is added to that section, to read:

83.51 Landlord's obligation to maintain premises.—

(4) (a) At all times during a tenancy, if a water body that is not a swimming pool exists within 150 feet of the dwelling unit, the landlord must ensure that either:

1. All doors and windows providing direct access to the exterior of the dwelling unit are equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet;

or

2. All doors providing direct access to the exterior of the

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dwelling unit are equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor.

(b) If the dwelling unit has a swimming pool on its premises, the landlord must ensure that the dwelling unit is equipped with at least one pool safety feature as described in s. 515.27(1).

(c) 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:

1. The violation is due to the removal or modification of any safety feature required in paragraph (a) by the tenant, a member of the tenant's family, or a person on the premises with the tenant's consent;

2. Such removal or modification occurred without the landlord's knowledge; and

3. The landlord corrects the violation within 45 days after receiving actual knowledge thereof.

(d) For the purposes of this subsection, the term:

1. "Swimming pool" has the same meaning as in s. 515.25.

2. "Water body" means any water or body of water regularly at a depth of at least 24 inches at its deepest point. 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.

(5)(4) The 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

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59 tenant's family, or ~~a other~~ person on the premises with the
60 tenant's consent, including the removal or modification of any
61 safety features required under subsection (4) by the tenant, a
62 member of the tenant's family, or a person on the premises with
63 the tenant's consent.

64 Section 2. Subsection (6) is added to section 509.211,
65 Florida Statutes, to read:

66 509.211 Safety regulations.—

67 (6)(a) If a public lodging establishment licensed as a
68 vacation rental has a water body within 150 feet of the rental
69 unit which is not a swimming pool, the licensee must ensure
70 that:

71 1. All doors and windows providing direct access to the
72 exterior of the rental unit are equipped with an exit alarm that
73 has a minimum sound pressure rating of 85 dB A at 10 feet; or

74 2. All doors providing direct access to the exterior of the
75 rental unit are equipped with a self-closing, self-latching
76 device with a release mechanism placed no lower than 54 inches
77 above the floor.

78 (b) If a public lodging establishment licensed as a
79 vacation rental has a swimming pool on its premises, the
80 licensee must ensure that the rental unit is equipped with at
81 least one pool safety feature as described in s. 515.27(1).

82 (c) The department may suspend or revoke the license and
83 fine the licensee for noncompliance with this subsection.

84 (d) A licensee who violates this subsection commits a
85 misdemeanor of the second degree, punishable as provided in s.
86 775.082 or s. 775.083, except that it is not a violation of this
87 subsection if:

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88 1. The violation is due to the removal or modification of
89 any safety feature required under paragraph (a) or paragraph (b)
90 by a guest, a member of a guest's family, or a person on the
91 premises of the rental unit with a guest's consent;

92 2. Such removal or modification occurred without the
93 licensee's knowledge; and

94 3. The licensee corrects the violation within 45 days after
95 receiving actual knowledge thereof.

96 (e) For the purposes of this subsection:

97 1. "Swimming pool" has the same meaning as in s. 515.25.

98 2. "Vacation rental" has the same meaning as in s.
99 509.242(1)(c).

100 3. "Water body" means any water or body of water regularly
101 at a depth of at least 24 inches at its deepest point. The term
102 does not include underground water that cannot be accessed by
103 individuals from an access point located within 150 feet of the
104 rental unit.

105 (f) This subsection may not be construed to prevent a local
106 government from imposing additional requirements to those
107 specified in this section.

108 Section 3. This act shall take effect July 1, 2026.