

By the Committees on Community Affairs; and Regulated Industries; and Senators Burgess and Smith

578-02727-26

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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; authorizing the Division of Hotels and Restaurants to suspend or revoke the license and fine the licensee for noncompliance; providing criminal penalties; providing an exception; defining terms; requiring certain public lodging establishments to file a certificate of compliance upon licensure and renewal; requiring the division to adopt rules; 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:

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

34 2. All doors providing direct access to the exterior of the  
35 dwelling unit are equipped with a self-closing, self-latching  
36 device with a release mechanism placed no lower than 54 inches  
37 above the floor.

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

42 (c) A landlord who violates this subsection commits a  
43 misdemeanor of the second degree, punishable as provided in s.  
44 775.082 or s. 775.083, except that it is not a violation of this  
45 subsection if:

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

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

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

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

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

56 2. "Water body" means any water or body of water regularly  
57 at a depth of at least 24 inches at its deepest point. The term  
58 does not include underground water that cannot be accessed by

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59 individuals from an access point located within 150 feet of the  
60 dwelling unit.

61 (5)(4) The landlord is not responsible to the tenant under  
62 this section for conditions created or caused by the negligent  
63 or wrongful act or omission of the tenant, a member of the  
64 tenant's family, or a other person on the premises with the  
65 tenant's consent, including the removal or modification of any  
66 safety features required under subsection (4) by the tenant, a  
67 member of the tenant's family, or a person on the premises with  
68 the tenant's consent.

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

71 509.211 Safety regulations.—

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

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

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

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

87 (c) The division may suspend or revoke the license and fine

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the licensee for noncompliance with this subsection.

(d) A licensee 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 under paragraph (a) or paragraph (b) 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;

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

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

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

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

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

3. "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 rental unit.

(f) A public lodging establishment that is licensed as a vacation rental which has a water body within 150 feet of the rental unit or a swimming pool located on the premises must file a certificate upon licensure and renewal stating that the rental unit complies with the requirements of this subsection.

(g) The division shall adopt rules to implement this subsection.

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