

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

578-02727-26

2026658c2

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:

578-02727-26

2026658c2

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

578-02727-26

2026658c2

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

578-02727-26

2026658c2

88 the licensee for noncompliance with this subsection.

89 (d) A licensee who violates this subsection commits a
90 misdemeanor of the second degree, punishable as provided in s.
91 775.082 or s. 775.083, except that it is not a violation of this
92 subsection if:

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

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

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

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

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

103 2. "Vacation rental" has the same meaning as in s.

104 509.242(1)(c).

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

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

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

578-02727-26

2026658c2

117

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