

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 79](#)

TITLE: Water Safety Requirements for the Rental of Residential Property

SPONSOR(S): Maggard

COMPANION BILL: [SB 658](#) (Burgess)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

17 Y, 0 N, As CS



[Housing, Agriculture & Tourism](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/HB 79 amends s. 509.211, F.S., to require that, if a licensed vacation rental has within 150 feet of the rental unit a water body or a swimming pool, the licensee must ensure that the vacation rental unit is equipped with at least one of the safety features specified in the bill. Further, under the bill, a licensee who fails to properly equip the vacation rental unit with one of the specified safety features is liable to a guest of the vacation rental for such guest's actual damages incurred due to this failure, absent an exception.

Fiscal or Economic Impact:

The bill may have a fiscal impact on state government and an economic impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 79 amends s. 509.211, F.S., to require that, if a public lodging establishment [licensed](#) as a [vacation rental](#) has within 150 feet of the rental unit a water body or a [swimming pool](#), the licensee must ensure that:

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

Under the bill, a licensee who violates this provision is liable to a guest of the public lodging establishment for such guest's actual damages incurred due to the violation, unless the violation is due to the removal or modification of any required safety feature by or at the request of a guest, a member of the guest's family, or a person on the premises of the rental unit with the guest's consent. Further, the bill defines:

- "Swimming pool" as having the same meaning as in [s. 515.25, F.S.](#)
- "Vacation rental" as having the same meaning as in [s. 509.242, F.S.](#)
- "Water body" as 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 rental unit. (Section [1](#))

The bill provides an effective date of July 1, 2026. (Section [2](#))

STORAGE NAME: h0079a.CIV

DATE: 1/15/2026

FISCAL OR ECONOMIC IMPACT:**STATE GOVERNMENT:**

The bill may have a fiscal impact on state government to the extent that the bill increases the caseload of the state court system and the courts cannot absorb such an increase within existing resources.

PRIVATE SECTOR:

The bill may have a negative fiscal impact on the private sector to the extent that a Florida vacation rental licensee:

- Must pay to install a pool safety feature as specified in the bill; or
- Becomes liable to a guest for the guest's actual damages incurred due to the lack of a required safety feature at the rental unit where the licensee would not previously have been liable, or liability would have been harder to prove.

However, the bill may have a positive economic impact on the private sector to the extent that the bill enables a Florida vacation rental guest harmed due to the lack of a required safety feature at the rental unit to recover his or her actual damages for such harm from the vacation rental licensee where the guest would not have otherwise been able to do so, or would have had a harder time doing so.

RELEVANT INFORMATION**SUBJECT OVERVIEW:**Swimming Pool Safety*Residential Swimming Pool Safety Act*

Chapter 515, F.S., known as the Residential Swimming Pool Safety Act, requires that all residential swimming pools¹ built after the year 2000 be equipped with at least one pool safety feature to deny, delay, or detect unsupervised entry to the swimming pool.² Specifically, under this Act, in order to pass final inspection and receive a certificate of completion,³ a residential swimming pool must meet at least one of the following requirements relating to pool safety features:

- The pool must be isolated from access to a home by an enclosure that meets specified pool barrier⁴ requirements;
- The pool must be equipped with an approved pool safety cover;⁵
- All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm⁶ that has a specified minimum sound pressure rating;

¹ "Residential" means situated on the premises of a detached one-family or two-family dwelling or a one-family townhouse not more than three stories high. Meanwhile, "swimming pool" 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, aboveground, and on-ground swimming pools; hot tubs; and nonportable spas. [S. 515.25, F.S.](#)

² [S. 515.23, F.S.](#)

³ In Florida, a "certificate of completion," issued by the local building official after a final inspection, signifies that permitted construction work is finished and was completed in accordance with all applicable building codes. [S. 111.5, 2017 Florida Building Code – Sixth Edition.](#)

⁴ "Barrier" means a fence, dwelling wall, or non-dwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier. Such a barrier: must be at least four feet high on the outside; may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over; must be placed around the pool's perimeter and 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 pool's perimeter, is being used as part of the barrier, and meets the statutory barrier requirements; and 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. Gates providing access to swimming pools must open outward away from the pool and be self-closing and equipped with a self-latching locking device, the release mechanism of which must be located on the pool side of the gate and so placed that it cannot be reached by a young child over the top or through any opening or gap. Ss. [515.25\(2\)](#) and [515.29, F.S.](#)

⁵ "Approved pool safety cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials in compliance with standard F1346-91. [S. 515.25\(1\), F.S.](#)

- 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
- A swimming pool alarm meeting specified requirements that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water.⁷

A person who fails to equip a new residential swimming pool with at least one pool safety feature commits a second-degree misdemeanor, punishable as provided in ss. [775.082](#) or [775.083, F.S.](#),⁸ 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 pool safety feature and attended an approved drowning prevention education program.⁹ However, the requirement to attend the drowning prevention education program is waived if such program is not offered within 45 days after issuance of the citation.¹⁰

Condominium and Cooperative Requirements

[Chapter 514, F.S.](#), and [Ch. 64E-9, F.A.C.](#), regulate public swimming pools, including those pools that make up part of the common elements of many condominium and cooperative associations.¹¹ Generally speaking, pools subject to regulation by these provisions require a permit to operate and must be surrounded by a minimum 48-inch-high fence or other substantial barrier approved by the Department; such fence must be continuous around any portion of the pool area not otherwise blocked or obstructed by adjacent structures and must adjoin with itself or abut to the adjacent structures. Access through the barrier or fence from dwelling units must be through self-closing, self-latching lockable gates of 48-inch minimal height from the floor or ground with the latch located at a minimum of 54 inches from the bottom of the gate or at least three inches below the top of the gate on the pool side.

Vacation Rentals

[Part I of Ch. 509, F.S.](#), regulates public lodging establishments, including “[vacation rentals](#)” – that is, any unit or group of units in a condominium or cooperative 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 that is not a timeshare project.¹² A “transient public lodging establishment” is, in turn, any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 consecutive days or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 consecutive days.¹³

Under Florida law, each vacation rental must obtain a [license](#) from the Division of Hotels and Restaurants within the Florida Department of Business and Professional Regulation (“Division”), and each licensee or person operating without a license may face penalties for violating [Ch. 509, F.S.](#), or the rules of the Division, including:

- Fines not to exceed \$1,000 per offense; and
- The suspension, revocation, or refusal of a vacation rental license.¹⁴

⁶ “[Exit alarm](#)” means a device that makes audible, continuous alarm sounds when any door or window which permits access from the residence to any pool area that is without an intervening enclosure is opened or left ajar. [S. 515.25\(4\), F.S.](#)

⁷ [S. 515.27, F.S.](#)

⁸ A second-degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. [Ss. 775.082](#) and [775.083, F.S.](#)

⁹ Florida law directs the Department of Health to develop a drowning prevention education program, which must be made available to the public at the state and local levels. The Department may charge a fee, not to exceed \$100, for attendance at such a program, and the program must be funded using fee proceeds, state funds appropriated for such purposes, and grants. [Ss. 515.27](#) and [515.31, F.S.](#)

¹⁰ [S. 515.27, F.S.](#)

¹¹ Pools serving no more than 32 condominiums or cooperative units which are not operated as a public lodging establishment are generally exempt from supervision. Pools serving condominium or cooperative associations of more than 32 units and whose recorded documents prohibit the rental or sublease of the units for periods of less than 60 days – that is, whose recorded documents prohibit use of the units as short-term vacation rentals – are also generally exempt from supervision.

¹² [S. 509.242\(1\)\(c\), F.S.](#)

¹³ [S. 509.013\(4\)\(a\), F.S.](#)

¹⁴ [Ss. 509.241](#) and [509.261, F.S.](#)

Some requirements which might subject a vacation rental licensee to penalties include a failure to obtain a Certificate of Balcony Inspection, where applicable, and a failure to meet health and safety regulations governing smoke detection devices, sanitation, water systems, and more. Additionally, a vacation rental with a swimming pool must generally comply with any applicable Florida laws and local ordinances regarding pool safety.

Drowning Data

Children

Florida consistently leads the nation in the total number of annual child drowning fatalities; indeed, the Florida Department of Children and Families recorded 119 child drowning fatalities for 2025, with the majority of affected children between the ages of one and three.¹⁵ Tragically, 2025 outpaced the previous five years for the total annual number of child drowning fatalities in the state, as shown below:¹⁶

Year	Total Child Drowning Fatalities	Under Age 1	Age 1-3	Age 4-8	Age 9+
2025	119	3	78	33	5
2024	106	2	65	35	4
2023	99	4	67	27	1
2022	94	8	62	16	8
2021	99	3	65	29	2
2020	69	4	52	12	1

Persons with Autism Spectrum Disorder

Autism Spectrum Disorder (“Autism”) is a neurological and developmental disorder that impairs social interaction, communication, learning, and behaviors; according to the Centers for Disease Control and Prevention, an estimated 1 in 31 children and 1 in 45 adults have Autism.¹⁷ Autism symptoms typically appear in the first two years of life, but present in each person differently, with some autistic persons able to live entirely independent lives and others requiring significant life-long care and support due to severe disabilities.¹⁸

Despite the wide range of Autism indicia, autistic persons commonly exhibit a strong fascination with and attraction to water, due in part to:

- Water’s multisensory appeal;
- Water’s ability to mute sensory stimuli, providing relief from sensory overload; and
- The individual’s personal experiences and preferences.¹⁹

However, in some instances, autistic persons are unable to understand the dangers associated with water.²⁰ Tragically, drowning is the leading cause of death among all autistic persons who wander from their secured

¹⁵ Florida Department of Children and Families, *Child Fatality Prevention*, <https://www.myflfamilies.com/childfatality> (last visited Jan. 14, 2026).

¹⁶ *Id.*

¹⁷ National Institute of Mental Health, *Autism Spectrum Disorder*, <https://www.nimh.nih.gov/health/topics/autism-spectrum-disorders-asd> (last visited Jan. 14, 2026); U.S. Centers for Disease Control and Prevention, *Prevalence and Early Identification of Autism Spectrum Disorder Among Children Aged 4 and 8 years*, <https://www.cdc.gov/mmwr/volumes/74/ss/ss7402a1.htm> (last visited Jan. 14, 2026); National Library of Medicine, *National and State Estimates of Adults with Autism Spectrum Disorder*, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9128411/> (last visited Jan. 14, 2026).

¹⁸ Autism Speaks, *Autism Symptoms*, <https://www.autismspeaks.org/autism-symptoms> (last visited Jan. 14, 2026); Autism Speaks, *Autism Spectrum Disorder*, <https://www.autismspeaks.org/what-autism> (last visited Jan. 14, 2026).

¹⁹ Autism Society of Florida, *Why Water? The Science Behind Our Attraction to Aquatic Environments*, <https://www.autismfl.org/post/why-water-the-science-behind-our-attraction-to-aquatic-environments> (last visited Jan. 14, 2026).

²⁰ Autism Speaks, *Swim and Water Safety*, <https://www.autismspeaks.org/tool-kit-excerpt/swim-and-water-safety> (last visited Jan. 14, 2026).

environments, and, according to one study, autistic children are approximately 160 time more likely to experience drowning than their neurotypical peers.²¹

Negligence Lawsuits for Drowning Fatalities

One of the goals of the civil justice system is to redress tortious conduct, or “torts” – that is, wrongs for which the law provides a remedy.²² Most torts fall into two categories,²³ as follows:

- An intentional tort, such as assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the plaintiff must demonstrate that the:
 - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks;
 - Defendant breached his or her duty of care by failing to conform to the required standard;
 - Defendant’s breach caused the plaintiff to suffer an injury; and
 - Plaintiff suffered actual damage or loss resulting from such injury.²⁴

In certain instances, the survivors of persons who fatally drowned in the pools of Florida vacation rentals have raised successful negligence lawsuits against the property owners and/or the platforms through which the properties were rented. For example, in 2023, the family of a 16-year-old male who drowned in the pool of an Orange County, Florida property rented by the family through Airbnb sued Airbnb for negligence, claiming that the pool lacked certain safety features that may have saved the child’s life had such features been present.²⁵ In raising the negligence claim, the plaintiffs asserted that Airbnb owed the child and his family a duty to maintain the pool in a reasonably safe manner and to warn them of known dangers, which duties Airbnb breached, resulting in the child’s death; the family ultimately settled the matter for \$1.3 million.²⁶

OTHER RESOURCES:

[Fox News Article – Florida Leads Nation in Child Drownings: New Legislation Aims to Prevent Tragedies](#)

[Scripps News Article – Drownings at Short-Term Rentals Inspire Lawmaker to Enhance Safety Requirements](#)

²¹ Joseph Guan and Guohua Li, *Injury Mortality in Individuals with Autism*, American Journal of Public Health 107 (Jan. 29, 2017), <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2017.303696?journalCode=ajph> (last visited Jan. 14, 2026).

²² Legal Information Institute, *Tort*, <https://www.law.cornell.edu/wex/tort> (last visited Jan. 14, 2026).

²³ Under a third category – that is, strict liability – a defendant may be held liable without a showing of negligence or intent if the plaintiff proves that the defendant’s product or action caused the injury in question. Strict liability generally falls into three major categories: products liability, abnormally dangerous activities, and dangerous animal possession.

²⁴ *Williams v. Davis*, 974 So. 2d 1052 (Fla. 2007).

²⁵ Andrew Badillo, *Family Awarded \$1.3 million in Drowning Settlement with Airbnb*, <https://www.firstcoastnews.com/article/news/local/family-awarded-13-million-in-drowning-settlement-airbnb-cameron-brown-orange-park/77-63d14f92-708c-4991-a959-e2b72b1ba826> (last visited Jan. 14, 2026).

²⁶ *Id.*

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	17 Y, 0 N, As CS	1/14/2026	Jones	Mawn
THE CHANGES ADOPTED BY THE COMMITTEE:	Limited the bill's scope from all residential properties offered for rent to vacation rentals and changed the penalty associated with a violation of the bill's requirements from a criminal penalty to a civil penalty.			
Housing, Agriculture & Tourism Subcommittee				
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
