By the Committee on Community Affairs; and Senators Hooper and Baxley

A bill to be entitled
An act relating to residential swimming pool safety; providing a short title; amending s. 468.8323, F.S.; requiring a home inspector to include certain information relating to swimming pools in his or her report; amending s. 515.27, F.S.; requiring that new residential swimming pools meet an additional requirement in order to pass final inspection and receive a certificate of completion; prohibiting a property owner from transferring ownership of a parcel that includes a swimming pool unless certain requirements are met; providing civil penalties rather than criminal penalties; amending s. 515.31, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. This act may be cited as “The Kacen’s Cause Act.”

Section 2. Paragraph (d) is added to subsection (1) of section 468.8323, Florida Statutes, to read:

468.8323 Home inspection report.—Upon completion of each home inspection for compensation, the home inspector shall provide a written report prepared for the client.

(1) The home inspector shall report:

(d) If there is a swimming pool, as defined in s. 515.25, any safety features, as described in s. 515.27(1), which are present.
Section 3. Section 515.27, Florida Statutes, is amended to read:

515.27 Residential swimming pool safety feature options; penalties.—

(1) In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet at least two of the following requirements relating to pool safety features:

(a) The pool must be isolated from access to a home by an enclosure that meets the pool barrier requirements of s. 515.29.†

(b) The pool must be equipped with an approved safety pool cover.†

(c) All doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet.†

(d) 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

(e) A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water. Such pool alarm must meet and be independently certified to ASTM Standard F2208, titled “Standard Safety Specification for Residential Pool Alarms,” which includes surface motion, pressure, sonar, laser, and infrared alarms. For purposes of this paragraph, the term “swimming pool alarm” does not include any swimming protection alarm device designed for individual use, such as an alarm attached to a
child that sounds when the child exceeds a certain distance or becomes submerged in water.

(2) A property owner may not transfer, for consideration, ownership of a parcel that includes a swimming pool unless the swimming pool meets at least two of the requirements under subsection (1).

(3)(2) A person who fails to equip a new residential swimming pool with at least two one pool safety features as required in subsection (1) or subsection (2) commits a noncriminal violation misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, except that a penalty may not no penalty shall be imposed if the person, within 45 days after arrest or issuance of a citation summons or a notice to appear, has equipped the pool with at least two one safety features as required in subsection (1) or subsection (2) and has attended a drowning prevention education program established by s. 515.31. However, the requirement of attending a drowning prevention education program is waived if such program is not offered within 45 days after issuance of the citation.

Section 4. Subsection (1) of section 515.31, Florida Statutes, is amended to read:

515.31 Drowning prevention education program; public information publication.—

(1) The department shall develop a drowning prevention education program, which shall be made available to the public at the state and local levels and which shall be required as set forth in s. 515.27(3) or 515.27(2) for persons in violation of the pool safety requirements of this chapter. The department may
charge a fee, not to exceed $100, for attendance at such a program. The drowning prevention education program shall be funded using fee proceeds, state funds appropriated for such purpose, and grants. The department, in lieu of developing its own program, may adopt a nationally recognized drowning prevention education program to be approved for use in local safety education programs, as provided in rule of the department.

Section 5. This act shall take effect October 1, 2019.