

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 604

INTRODUCER: Senator Smith

SUBJECT: Residential Swimming Pool Requirements

DATE: March 24, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	<b>Pre-meeting</b>
2.			CA	
3.			RC	

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## **I. Summary:**

SB 604 provides that upon a transfer or sale of a residential property, a swimming pool must be equipped with at least one pool safety feature. Failure to have at least one pool safety feature at a residential home that is transferred or sold on or after October 1, 2025, will require a title company, inspector, or underwriter for the mortgage to report the violation to a local law enforcement agency.

Additionally, current law provides that a residential swimming pool barrier must have certain characteristics. The bill provides that all of those swimming pool barrier requirements must be met at the time of a transfer or sale of residential real property or the title company, inspector, or underwriter for a mortgage company must report the violation to a local law enforcement agency.

The bill provides an effective date of July 1, 2025.

## **II. Present Situation:**

### **Florida Regulations on Pool Safety**

In 2000, upon finding that drowning was the leading cause of death of young children in Florida, as well as a significant cause of death for medically frail elderly persons, the legislature enacted ch. 515, F.S., the Residential Swimming Pool Safety Act (the act).<sup>1</sup> The act provides certain safety measures must be taken to protect children under age six, and medically frail elderly persons, defined as those who are at least 65 years of age with a medical problem that affects balance, vision, or judgment.<sup>2</sup>

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<sup>1</sup> See ch. 2000-143, Laws of Fla. (creating ch. 515, F.S., effective Oct. 1, 2000).

<sup>2</sup> Section 515.25, F.S. Such problems include, but are not limited to, a heart condition, diabetes, or Alzheimer's disease or any related disorder.

The act requires that all new residential swimming pools, spas, and hot tubs must be equipped with *at least one* pool safety feature, which safety feature options include:<sup>3</sup>

- The pool must be isolated from access to a home by an enclosure that meets certain requirements;
- The pool must be equipped with an approved safety pool cover;
- 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;
- 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 that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water.

Failure to equip a new residential swimming pool with at least one pool safety feature will result in a person committing a misdemeanor of the second degree.<sup>4</sup>

### ***Residential Swimming Pool Barrier Requirements***

A swimming pool barrier has its own set of requirements that must all be met. The requirements are:

- The barrier must be at least 4 feet high on the outside.
- The barrier 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 the barrier.
- The barrier must be placed around the perimeter of the pool and must 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 perimeter of the pool, is being used as part of the barrier, and meets the barrier requirements of this section.
- The barrier 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.

Additionally, any gates that provide 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.<sup>5</sup> A wall of a dwelling may serve as part of the barrier if it does not contain any door or window that opens to provide access to the swimming pool.<sup>6</sup> And a barrier may not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing the barrier.<sup>7</sup>

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<sup>3</sup> See Section 515.27, F.S.

<sup>4</sup> Section 515.27(2), F.S.

<sup>5</sup> Section 515.29(3), F.S.

<sup>6</sup> Section 515.29(4), F.S.

<sup>7</sup> Section 515.29(5), F.S.

## Drowning Deaths in Florida

Some relevant drowning statistics include:

- More children ages one to four years die from drowning than any other cause of death in the United States.<sup>8</sup>
- From 2019 to 2021 combined, Florida was ranked the highest in the United States for unintentional drowning death rates among children ages one to four years (6.64 per 100,000 population).<sup>9</sup>
- From 2019 to 2023 combined, there were 2,570 deaths in Florida from drowning.
- Children between the ages of one and four are more likely to drown in home swimming pools, with older children most likely to drown in natural water bodies.<sup>10</sup>

The act also created a drowning prevention education program that is available to the public.<sup>11</sup> The program administered by the Florida Department of Health was updated to include a newly created program. In 2024, the Florida Legislature enacted SB 544, the Swim Lesson Voucher Program, to help prevent future drowning deaths and to help children become competent swimmers in the state of Florida.<sup>12</sup>

## Home Inspections in Florida

Florida law does not require a home inspection to be done before the transfer or sale of residential real property. However, almost all mortgage agreements contain a contractual requirement to have an inspection done prior to the purchase of the home. If a home inspection is done, the inspection must be done by a home inspector that is licensed by the Department of Business and Professional Regulation. Generally, home inspector requirements are under ch. 468, F.S.

A home inspector is required to maintain a commercial general liability insurance policy in an amount of not less than \$300,000.<sup>13</sup> If a home inspection is contracted for, the licensed home inspector must provide the consumer with a copy of their license and a written report.<sup>14</sup> The written report must detail certain information including significantly deficient systems and components, reasons for deficiencies, and disclosure of systems and components that were not inspected.<sup>15</sup>

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<sup>8</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System, available at <https://wisqars.cdc.gov/> (last visited March 24, 2025).

<sup>9</sup> Drowning Prevention, Florida Department of Health, available at <https://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html> (last visited March 24, 2025).

<sup>10</sup> Centers for Disease Control and Prevention, *Drowning Prevention*, available at <https://www.cdc.gov/drowning/prevention/summer-swim-safety.html> (last visited March 24, 2025).

<sup>11</sup> Section 515.31, F.S.

<sup>12</sup> See ch. 2024-89, Laws of Fla. The Swimming Lesson Voucher Program can be found at <https://www.watersmartfl.com/> (last visited March 24, 2025).

<sup>13</sup> Section 468.8322, F.S.

<sup>14</sup> Section 468.8321, F.S.

<sup>15</sup> Section 468.8323, F.S.

### **III. Effect of Proposed Changes:**

**Section 1** of the bill provides that upon a transfer or sale of a residential property, a swimming pool, regardless of the year it was built, must be equipped with at least one pool safety feature. Failure to have at least one pool safety feature at a residential home that is transferred or sold on or after October 1, 2025, will require a title company, inspector, or underwriter for the mortgage to report the violation to a local law enforcement agency.

**Section 2** of the bill provides that if residential real property has a pool barrier, the pool barrier must meet all of the pool barrier requirements if that residential real property is transferred or sold on or after October 1, 2025. A title company, an inspector, or an underwriter for the mortgage secured on the residential real property must report a violation to a local law enforcement agency.

**Section 3** of the bill corrects a cross reference and provides drafting clarity.

**Section 4** of the bill provides for an effective date of July 1, 2025.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may create an increased burden on residential property owners that have a swimming pool and are trying to sell their homes.

Additionally, the bill may increase the burden on title companies, home inspectors, and mortgage company underwriters who must report violations to local law enforcement agencies.

**C. Government Sector Impact:**

The bill may increase workload for law enforcement personnel.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 515.27, 515.29, and 515.31.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.