



Residential Swimming Pool Safety¹

The first and best way to prevent drowning is constant adult supervision for children, medically-frail elderly, and any person—**THERE ARE NO EXCEPTIONS TO THIS RULE.** Drowning or near-drowning injuries take only a few minutes to happen and occur in oceans, lakes, quarries, rivers, swimming pools, hot tubs, bathtubs, toilets, retention ponds, and even buckets. Drowning is a leading cause of accidental death especially for children under age five. Drowning is a significant cause of death for medically-frail elderly people. For every child who drowns, three receive emergency medical care and such injuries too often cause brain damage ranging from long-term disabilities (memory problems, learning disabilities, and more) to permanent vegetative state.

Access to Swimming Pool, Spa, or Hot Tub—As a back-up to constant adult supervision, Florida law requires the use of one or more safety features for any residential swimming pool (any structure for recreational use that contains water over 24 inches deep), spa, and hot tub constructed in Florida. Under the Florida Building Code and chapter 515 of the Florida Statutes, a new residential pool must have one of the following safety features (please see 424.2.17 of the Florida Building Code):

- Approved barrier isolating the pool from the home
- Approved safety pool cover
- Exit alarm with specified volume equipped on all doors and windows with direct access to the pool
- Self-closing, self-latching device on all doors (include gates) with direct access to the pool

Please also see Chapter 64E-21, Florida Administrative Code, relating to residential swimming pools for more information on Florida requirements relating to pool construction.

WARNING: *Failure to comply with these safety requirements could result in a criminal penalty.*

Protection from Entrapment—The Florida Building Code also requires specific protection to prevent

entrapment (becoming stuck in a drain due to suction that may result in drowning or evisceration). Please see Section R4101.6.6 of the 2004 Florida Building Code for specific requirements. Even with these protective requirements, it is important that all pool users stay clear of drains or suction fittings at all times. If a person does become entrapped, immediately turn off the pump and get air into the plumbing system to release the suction (break the cover over the pump basket or the piping in front of the pump—whatever is necessary).

Cautions:

- Failure to equip a new residential swimming pool with at least one safety feature as required under chapter 515, Florida Statutes, is a *criminal* violation of law that can and will apply to the homeowner and any contractor.
- At the time of signing a contract for construction of a new swimming pool or spa, your contractor (pool or building) is required to provide you, the customer, with a copy of chapter 515, Florida Statutes, and the approved drowning prevention publication *Safety Barrier Guidelines for Home Pools*.
- Failure to hire a contractor properly licensed and qualified to build a pool or spa may invalidate your homeowner's insurance coverage and put you and pool users at great safety risk. It may also subject you to criminal penalties.
- It is your responsibility to make sure that all material suppliers and subcontractors (if any) are paid. If you pay your contractor and he or she does not pay others, you may legally be required to pay twice (this is the Florida Construction Lien Law, part I, chapter 713, Florida Statutes).
- Failure of your contractor to obtain a permit (where required) and comply with workers' compensation and safety requirements may stop work and cost you more money to complete the work.

¹**DISCLAIMER** – This piece is intended to give the reader only general factual information current at the time of publication. This piece is **not** a substitute for professional advice and should not be used for guidance or decisions related to a specific design or construction project. This piece is not intended to reflect the opinion of any of the entities, agencies or organizations identified in the materials and, if any opinions appear, are those of the individual author and should not be relied upon in any event. [Applicable to 2004 Florida Building Code.]

- If your contractor suggests it will be best if you obtain the permit, **BEWARE: THIS IS NEVER A GOOD IDEA.**

Government Agencies/Offices:

Florida Building Commission: 850-487-1824 / www.floridabuilding.org

Florida Department of Health: 850-245-4444 / www.doh.state.fl.us

U.S. Consumer Product Safety Commission: 301-504-7923 / www.cpsc.gov and www.cpsc.gov/cpsc/pub/pubs/pool.pdf and www.cpsc.gov/cpsc/pub/pubs/363.pdf

Centers for Disease Control—National Center for Injury Prevention and Control: 404-639-3311 / www.cdc.gov/ncipc/

Centers for Disease Control (for information on recreational water illnesses): 404-639-3311 / www.cdc.gov/healthyswimming/

U.S. Environmental Protection Agency Sun Wise: 202-272-0167 / www.epa.gov/sunwise/

Florida Statutes: 1-850-488-4371 / www.leg.state.fl.us (select “Florida Statutes”)

Florida Department of Business and Professional Regulation, Construction Industry Licensing Board: 850-487-1395 / www.myflorida.com/dbpr

Florida Department of Business and Professional Regulation, Office of Unlicensed Activity: 850-487-1395 / www.myflorida.com/dbpr

Florida Department of Financial Services, Division of Workers’ Compensation: 850-413-1601 / www.fldfs.com/WC

Florida Department of Financial Services, Division of Consumer Services: 800-342-2762 / www.fldfs.com/consumers

Florida Department of State, Division of Corporations: 800-755-5111 / www.sunbiz.org

Your county or municipal building department (please see the government section of your telephone book—look under “building,” “plans,” “inspections,” or “zoning.”)

Your local court records office (please see the government section of your telephone book—look under “courts” or “clerk of court.”)

Other Resources:

Florida Swimming Pool Association: www.fpsaonline.org

Association of Pool and Spa Professionals: www.theapsp.org/Home

National Lightning Safety Institute: www.lightningsafety.com

Weather Channel: www.weather.com

Oklahoma State University on sun safety: www.pp.okstate.edu/ehs/links/uv.htm

Don’t know where to go for an answer to a specific question?

Contact: Building A Safer Florida, Inc. 1-850-222-2772 or www.buildingasaferflorida.org

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- Florida Swimming Pool Association
- Associated Swimming Pool Industries of Florida, Inc.
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