VILLAGE OF EL PORTAL
BUILDING DEPARTMENT
500 NE 87th Street
El Portal, Florida 33138
Office 305-795-7880 ● buildingclerk@villageofelportal.org

SWIMMING POOL SAFETY ACT INFORMATION AND REQUIRED FORMS

TO: All Concerned Parties

FROM: Building Official, Village of El Portal.

SUBJECT: SWIMMING POOL SAFETY ACT

DATE: July 14, 2025

All residential swimming pools over 24 inches deep which have not passed all required inspections by October 1, 2000, must comply with the requirements of Florida Statute §515 and the FBC-R 45.

FS 515 states:
In order to pass the final inspection and receive a certificate of completion, a residential swimming pool must meet at least **one** 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 FS §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.

Any residential swimming pool permit applied for after October 1, 2000, will require a completed submittal of the following two forms. The **"Notice to Swimming Pool Owners" which** will be kept as part of the permanent record for the swimming pool; and the **"Residential Swimming Pool Spa and Hot Tub Safety Act Requirement"** which will become part of the permit package and will be required to be on the job site at time of final Structural Inspection.

The chosen safety requirement will be inspected as part of the pool final structural inspection.

For the purpose of uniform enforcement of this law, Village of Biscayne Park will include the following definitions as part of our interpretation:

1. Standard screen enclosures of the type commonly installed in Florida may be utilized as part of or all of the “barrier” and shall be considered a “non-dwelling” wall.

2. The “perimeter” of a pool is defined by the limits of the pool deck and any dwelling or non-dwelling wall (or other adjacent open space as determined by the Building Official), or any combination thereof which completely surrounds the pool.

3. “Sufficiently away from the water’s edge” means no less than 20 inches from the barrier to the water’s edge. Dwelling or non-dwelling walls, when used as part or all of the “barrier”, and meeting the other barrier requirements, may be as close to the water’s edge as permitted by prevailing construction codes, laws and ordinances. Reasonable application presumes that a dwelling wall or properly installed screen enclosure wall extends to the “roof” and is not passable or climbable.

4. “Direct access from the home” means any opening which discharges into the “perimeter” of the pool or any opening in an exterior dwelling wall or interior wall (for indoor pools) which faces the pool. Exception: any window with a bottom sill height of 48 inches or more measured from the interior finished floor at the pool access level.

This process and definitions are subject to change as the Florida Legislation changes are provided by the Florida Legislation and as the law becomes effective.

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RESIDENTIAL SWIMMING POOL, SPA AND HOT TUB SAFETY ACT REQUIREMENT

Permit #_____

I, _____, License # _____,
(Please print contractor's name)

Hereby affirm that **one** of the following methods will be used to meet the requirements of Chapter §515, Florida Statutes.

☐ The pool will be isolated from access to the home by an enclosure that meets the pool barrier requirements of Florida Statute §515.29;

☐ The pool will be equipped with an approved safety pool cover that complies with ASTM F1346-91 (Standard Performance Specifications for Safety Covers for Swimming Pools, Spas and Hot Tubs);

☐ All doors and windows providing direct access from the home to the pool will be equipped with an exit alarm that has a minimum sound pressure rating of 85 decibels at 10 feet;

☐ All doors providing direct access from the home to the pool will be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54" above the floor or deck.

☐ 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.

I understand that not having one of the above installed will constitute a violation of Chapter 515 F.S., and will be considered as committing a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083 F.S.

_____ _____ _____ _____
Contractor's Signature Date Property Owner's Signature Date

_____
Please Print Name of Owner or Agent

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NOTICE TO SWIMMING POOL OWNERS

I, _____residing at_____,
(Owner) (Address)

On _____, hereby request _____
(Date) (Contractor's Name/Company)

Be issued permit for a swimming pool.

I have been informed by my contractor that prior to the final inspection and use of my pool, I will need all inspections and fencing required in accordance with applicable state and local regulations.

The 2000 Legislature has amended Florida Statutes to require that effective October 1, 2000, and that local jurisdictions cannot approve a final pool inspection for a residential swimming pool over 24 inches deep unless it meets at least one of the following pool safety feature requirements.

The pool must be isolated from access to the home by a barrier at least 4 feet high installed around the perimeter of the pool. The barrier shall not have any gaps or openings that can allow a child to crawl under, squeeze through or climb over the barrier and must be placed sufficiently away from the water's edge to prevent a person from immediately falling into the pool when the barrier is breached. Gates located in the pool barrier must open outwards away from the pool and be self-closing and self-latching. The barrier 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 and meets the pool barrier requirements.

The pool must be equipped with a safety cover complying with the specifications of American Society for Test and Materials standard F-1346-91.

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 decibels 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 located at least 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. 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.

According to Florida statutes, failure to comply with these requirements is a misdemeanor of the second degree, punishable as provided in FS 775.082 or FS 775.083, except that no penalty shall be imposed if within 45 days after arrest or issuance of a summons or notice to appear, has equipped the pool with at least one of the aforementioned safety features and the responsible person attends a drowning prevention education program developed by the Florida Department of Health as per FS 515.31.

_____

Signature of Property Owner or Agent | Print Name of Owner or Agent | Date

_____

Signature of Witness | Print Name of Witness | Date