



May 20, 2015

Honorable Rick Scott, Governor
The Capitol
Tallahassee, FL 32399-0001

Governor Scott:

Last year, we thanked you for your leadership in signing the bill to require Florida kids to be placed in booster seats, as well as for your leadership in passing another child safety law that made car seats and child bike helmets tax free. Today, with the Memorial Day holiday approaching, we write to you on another important safety issue: pool safety.

Year around, Florida kids swim and play in over 36,500 public pools in the state. These statistics raise concern:

- More kids die from drowning in Florida than in any other state, according to the state Department of Health. (These statistics involve drowning broadly, including in pools and spas.)
- Compared to the rest of the nation, the state has the highest death rate for kids under 5 (7.29 per 100,000) and for kids 1-14 (2.67 per 100,000)
- Drowning is the first or second leading cause of injury related death in the state for kids under 1, 1-4 and 5-9. In 2012, 81 kids died from drowning.

Notwithstanding the importance for kids to have a way to cool off in a warm weather state like Florida and the statistics cited above, legislation passed in 2012 has been viewed as limiting the authority of the Florida Department of Health to inspect public swimming pools in the state beyond water quality. Leaders in the legislature sought to clear up any kind of ambiguity, but the legislature adjourned without resolving it.

In making the case in favor of a legislative remedy, we discussed an incident that occurred in Hialeah in which a grandfather had to rescue three kids in a pool at an apartment complex. They were receiving electrical shocks and one of the kids went limp when she touched the metal railing because the pool's electrical system was defective. The children were fine after several days of hospital care. The Hialeah pool was within the scope of pools requiring inspections. Incidents may occur even with an inspection protocol. Active inspection requirements keep those who maintain public pools vigilant to maintain them as they grow older. The Hialeah pool incident could have been far worse. The incident occurred just weeks after 7-year-old Calder Sloan died from a powerful shock of electricity in a private pool in North Miami.

Moreover, since 2012 when the legislation was passed, the rulemaking process has been prolonged creating still greater uncertainty, which may also diminish the diligence of pool operators.

We urge your Administration to use its executive and rulemaking powers to interpret the law to provide the Department of Health the authority to inspect pools. In section 514.021, the law speaks of Department of Health's authority role in setting "safety standards" including "measures to ensure safety

of bathers." We believe this language can and should be interpreted to go beyond water quality. We urge the rulemaking to take place as soon as possible.

Governor Scott, you have been a leader on child safety and this is a vital safety problem which we hope you will resolve as soon as possible.

Sincerely,

Safe Kids Miami-Dade County
Safe Kids Northeast Florida
Safe Kids Volusia/Flagler Counties
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Safe Kids Worldwide

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