

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

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|-------------------|------------------|-------------------------|----------------------------|
| <b>DRC Date:</b>  | March 27, 2025   | <b>Level of Review:</b> | Level 4 Review             |
| <b>PC Date:</b>   | October 1, 2025  | <b>Type:</b>            | LDC Text Amendment         |
| <b>BoCC Date:</b> | November 4, 2025 | <b>Case Numbers:</b>    | LDCT-2025-8                |
|                   | December 2, 2025 | <b>Case Name:</b>       | Pool Safety Text Amendment |
| <b>Applicant:</b> | Polk County      | <b>Case Planner:</b>    | Kyle Rogus                 |

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|----------------------------------|--|
| <b>Request:</b>                  | A County-initiated LDC Text Amendment to Chapter 2, Section 211, Pools and Screen Enclosures, to refer to Florida Building Code and Florida Statutes for consistency with above ground pool safety measures. |
| <b>DRC Recommendation:</b>       | Approval   |
| <b>Planning Commission Vote:</b> | Pending Approval   |

**Summary:**

This Land Development Code (LDC) text amendment is to allow consistency with the Florida Building Code and Florida Statutes residential swimming pool barrier requirements. Currently the rules and regulations for pool safety barriers for above-ground pools found in the County’s Land Development Code (LDC), Florida Building Code and Florida Statutes provide different languages causing confusion from a resident and contractor standpoint and inconsistency from a code enforcement standpoint.

**Relevant Sections, Policies, and/or Regulations to Consider:**

LDC Section 211 Pools and Screen Enclosures  
 Florida Building Code Section R4501.17.1.10  
 Florida Statutes Chapter 515.29 Residential Swimming Pool Barrier Requirements

**Findings of Fact**

- *This is a County-initiated request for a Land Development Code (LDC) Text Amendment to Chapter 2, Section 211 Pools and Screen Enclosures, to refer to Florida Building Code and Florida Statutes for consistency with above ground pool safety measures.*
- *LDC, Chapter 2, Section 211.C states, “The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this Section. In addition, **any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this Section.**”*

- *Florida Building Code Section R4501.17.1.10 states, “Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, the ladder or steps either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of Sections R4501.17.1.1 through R4501.17.1.9 and Sections R4501.17.1.12 through R4501.17.1.14. **When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter (102 mm) sphere.**”*
- *Florida Statutes Chapter 515.29 states, “The structure of an aboveground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this section. **In addition, any ladder or steps that are the means of access to an aboveground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this section.**”*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2025-8**.

### **Analysis:**

The County is proposing a text amendment to Chapter 2, Section 211 of the Land Development Code (LDC) to reference and align with the Florida Building Code and Florida Statutes, specifically concerning above-ground swimming pool safety barriers. This change was brought on by Code Enforcement not being able to cite violations consistently based off the current interpretation of the LDC text. The current LDC language is outdated, or not harmonized with state law, therefore Code Enforcement Officers are struggling to uniformly apply the rules when inspecting properties.

Florida Building Code Section R4501.17.1.10 and Florida Statutes Chapter 515.29 lay out clear and specific language for above-ground pool safety. With consistent language, pool owners and contractors will better understand their responsibilities, eliminate confusion between County and State requirements, and avoid unintentional violations. Moreso, Code Enforcement will be able to cite specific and consistent provisions during inspections. This reduces subjective interpretation and potential disputes over compliance.

This amendment reflects a practical and necessary update to the County’s Land Development Code. By aligning with Florida’s Building Code and Statutes, clear and enforceable pool safety measures will prevent unauthorized access to pools, improving overall community safety.

### **Limits of the Proposed Ordinance**

The effects of this amendment are restricted to pool safety measures for above-ground pools throughout the entirety of Polk County.

### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. This is a policy change pertaining to above-ground pool safety measures.

**Comments from Other Agencies:** None

**Draft Ordinance:** Under separate attachment