



26 (1) As used in this section, the term:

27 (a) "Child" means a person younger than 12 years of age.

28 (b) "Organization" means a summer day camp, a summer 24-  
29 hour camp, a school, a preschool, a kindergarten, a nursery  
30 school, a child care facility as defined in s. 402.302, or any  
31 other facility providing child care services which is licensed  
32 by the Department of Children and Families.

33 (c) "Public swimming pool" has the same meaning as in s.  
34 514.011, but does not include a wading pool.

35 (d) "Wading pool" means a pool, including a pool that  
36 contains a public interactive water feature or fountain, with a  
37 maximum water depth of no more than 18 inches.

38 (2) An organization that takes a child in its care or  
39 under its supervision to a public bathing place or a public  
40 swimming pool or otherwise allows a child access to a public  
41 bathing place or public swimming pool must require the child's  
42 parent or legal guardian to attest in writing whether the child  
43 is able to swim or is at risk of injury or death when swimming  
44 or otherwise accessing a pool or body of water.

45 (3) Except as provided in subsection (4), if an  
46 organization conducts an activity that provides a child in its  
47 care or under its supervision access to a public bathing place  
48 or a public swimming pool, during the time each child who is  
49 unable to swim or is at risk of injury or death when swimming or  
50 accessing a body of water is present within a fenced-in area

51 around a public bathing place or public swimming pool or within  
52 100 feet of a public bathing place or public swimming pool  
53 without a fenced-in area, the organization must:

54 (a) For a public bathing place, provide to the child a  
55 Type II United States Coast Guard-approved personal flotation  
56 device.

57 (b) For a public swimming pool, provide to the child a  
58 Type II or Type III United States Coast Guard-approved personal  
59 flotation device.

60 (c) Ensure that the personal flotation device that it  
61 provides to the child is properly fitted to and fastened for the  
62 child.

63 (4) An organization need not provide a child with a  
64 flotation device as required under subsection (3) if the child  
65 is actively participating in swimming instruction and the  
66 organization ensures that each such child is supervised during  
67 the instruction.

68 (5) An organization licensed or otherwise regulated by the  
69 state which violates this section or rules adopted pursuant to  
70 this section is subject to disciplinary action, including, but  
71 not limited to, the imposition of an administrative penalty by  
72 any state regulatory agency with the power to take disciplinary  
73 action against that organization in the same manner as if the  
74 organization violated that agency's licensing or other  
75 regulatory laws or rules.

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76        (6) This section does not apply to child-placing agencies,  
77        family foster homes, or residential child-caring agencies as  
78        those terms are defined in s. 409.175(2).

79        (7) The department may adopt rules necessary to implement  
80        this section.

81        Section 3. This act shall take effect July 1, 2023.