

By Senator Rodriguez

40-00057-23

202374\_\_

1                                   A bill to be entitled  
2       An act relating to child water safety requirements;  
3       providing a short title; creating s. 514.073, F.S.;  
4       defining terms; providing that certain organizations  
5       that care for or supervise children must require  
6       parents or legal guardians to attest certain  
7       information in writing before taking children under  
8       their care or supervision to public bathing places or  
9       public swimming pools; providing requirements for such  
10      organizations when they conduct certain activities in  
11      public bathing places or public swimming pools;  
12      providing an exception; providing for disciplinary  
13      action against such organizations for certain  
14      violations; providing applicability; authorizing the  
15      Department of Health to adopt rules; providing an  
16      effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. This act may be cited as the "Kareem Angel Green  
21 Act."

22       Section 2. Section 514.073, Florida Statutes, is created to  
23 read:

24       514.073 Child water safety requirements for certain  
25 entities.—

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

40-00057-23

202374\_\_

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 under  
39 its supervision to a public bathing place or a public swimming  
40 pool or otherwise allows a child access to a public bathing  
41 place or public swimming pool must require the child's parent or  
42 legal guardian to attest in writing whether the child is able to  
43 swim or is at risk of injury or death when swimming or otherwise  
44 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 Type  
55 II United States Coast Guard-approved personal flotation device.

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

40-00057-23

202374\_\_

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

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

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

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

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

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