

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

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

32 (c) "Public swimming pool" has the same meaning as in s.
33 514.011(2), but does not include a wading pool.

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

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

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

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

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

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

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 personal flotation device as required under subsection (3) if
64 the child is actively participating in swimming instruction or a
65 swimming competition and the organization ensures that each such
66 child is supervised during the instruction or competition.

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:

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76 (a) Residential boarding schools that allow an employee, a
77 family member of an employee, or a guest of an employee to use a
78 body of water at the school for recreational purposes.

79 (b) Child-placing agencies, family foster homes, or
80 residential child-caring agencies as those terms are defined in
81 s. 409.175(2).

82 (7) The department may adopt rules necessary to implement
83 this section.

84 Section 3. This act shall take effect July 1, 2024.