

By Senator Rodriguez

40-00615A-24

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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 to certain
7 information in writing before taking such children to
8 public bathing places and public swimming pools;
9 providing requirements for such organizations when
10 they conduct certain activities in public bathing
11 places or public swimming pools; providing an
12 exception; providing for disciplinary action for
13 certain violations; providing applicability;
14 authorizing the Department of Health to adopt rules;
15 providing an effective date.

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

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

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

23 514.073 Child water safety requirements for certain
24 entities.-

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

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, or a child care facility as defined in s. 402.302.

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30 (c) "Public swimming pool" has the same meaning as in s.
31 514.011(2) but does not include a wading pool.

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

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

42 (3) Except as provided in subsection (4), if an
43 organization conducts an activity that provides a child in its
44 care or under its supervision access to a public bathing place
45 or public swimming pool, during the time each child who is
46 unable to swim or is at risk of injury or death when swimming or
47 accessing a body of water is present within a fenced-in area
48 around a public bathing place or public swimming pool, or within
49 100 feet of a public bathing place or public swimming pool
50 without a fenced-in area, the organization must:

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

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

56 (c) Ensure that the personal flotation device that it
57 provides to the child is properly fitted to and fastened on the
58 child.

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

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

72 (6) This section does not apply to:

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

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

79 (c) A child care facility licensed under s. 402.305.

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

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