

By the Committee on Children, Families, and Elder Affairs; and  
Senator Rodriguez

586-02947-24

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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 amending s. 515.31, F.S.; requiring the department to  
16 include specified information as part of its  
17 publication, or video or other form of appropriate  
18 communication, which provides the public information  
19 on drowning prevention and the responsibilities of  
20 pool ownership; requiring the department to make such  
21 information available to health care facilities;  
22 providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. This act may be cited as the "Kareem Angel Green  
27 Act."

28 Section 2. Section 514.073, Florida Statutes, is created to  
29 read:

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30 514.073 Child water safety requirements for certain  
31 entities.-

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

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

34 (b) "Organization" means a summer day camp, a summer 24-  
35 hour camp, a school, a preschool, a kindergarten, a nursery  
36 school, or a child care facility as defined in s. 402.302.

37 (c) "Public swimming pool" has the same meaning as in s.  
38 514.011(2) but does not include a wading pool.

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

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

49 (3) Except as provided in subsection (4), if an  
50 organization conducts an activity that provides a child in its  
51 care or under its supervision access to a public bathing place  
52 or public swimming pool, during the time each child who is  
53 unable to swim or is at risk of injury or death when swimming or  
54 accessing a body of water is present within a fenced-in area  
55 around a public bathing place or public swimming pool, or within  
56 100 feet of a public bathing place or public swimming pool  
57 without a fenced-in area, the organization must:

58 (a) For a public bathing place, provide to the child a Type

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59 II United States Coast Guard-approved personal flotation device.

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

63 (c) Ensure that the personal flotation device that it  
64 provides to the child is properly fitted to and fastened on the  
65 child.

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

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

79 (6) This section does not apply to:

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

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

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

87 (7) The department may adopt rules necessary to implement

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88 this section.

89 Section 3. Subsection (2) of section 515.31, Florida  
90 Statutes, is amended to read:

91 515.31 Drowning prevention education program; public  
92 information publication.—

93 (2) The department shall also produce, for distribution to  
94 the public at no charge, a publication that provides information  
95 on drowning prevention and the responsibilities of pool  
96 ownership. The department, in lieu of developing its own  
97 publication, may adopt a nationally recognized drowning  
98 prevention and responsibilities of pool ownership publication,  
99 as provided in rule of the department. The department must  
100 include in this publication, or video or other form of  
101 appropriate communication, information relevant to newborn and  
102 infant drowning prevention and must make this information  
103 available to health care facilities, including, but not limited  
104 to, hospitals, birth centers, and perinatal facilities.

105 Section 4. This act shall take effect July 1, 2024.