

1 A bill to be entitled
2 An act relating to swimming safety; creating s.
3 514.0731, F.S.; providing a short title; providing
4 definitions; prohibiting organizations from granting
5 water access at public bathing places or public
6 swimming pools to certain children without first being
7 provided specified information; requiring
8 organizations to provide specified personal flotation
9 devices to certain children; providing an alternative
10 for providing children with personal flotation
11 devices; requiring organizations to properly fit
12 certain children with personal flotation devices that
13 the organization provides; providing exceptions;
14 providing penalties for violations; authorizing public
15 bathing places and public swimming pools to refuse
16 water access to certain children whose parents or
17 legal guardians have not provided specified
18 information; authorizing public bathing places and
19 public swimming pools to loan or rent for use
20 specified personal flotation devices for certain
21 purposes; authorizing the Department Health to adopt
22 rules; revising the title of ch. 515, F.S.;
23 designating part I of ch. 515, F.S., entitled
24 "Residential Swimming Pool Safety Act"; amending ss.
25 515.21, 515.23, 515.25, 515.31, 515.33, 515.35, and

26 | 515.37, F.S.; conforming provisions to changes made by
27 | the act; creating part II of ch. 515, F.S., entitled
28 | "Open Water Safety"; creating s. 515.41, F.S.;
29 | providing a short title; creating s. 515.42, F.S.;
30 | providing legislative intent; creating s. 515.43,
31 | F.S.; providing definitions; creating s. 515.44, F.S.;
32 | requiring certain counties and municipalities to
33 | create pilot programs to install drowning prevention
34 | stations at high-risk water access areas; providing
35 | specifications regarding the locations of such
36 | drowning prevention stations; specifying information
37 | that each participating county and municipality must
38 | provide to the Department of Environmental Protection
39 | following conclusion of the pilot program; requiring
40 | the department to submit a final report to Governor
41 | and Legislature; providing contents of the report;
42 | creating s. 515.45, F.S.; encouraging local
43 | governments to implement sponsorship programs with
44 | businesses to help fund drowning prevention stations;
45 | specifying uses for such funds; creating s. 515.46,
46 | F.S.; requiring the department to coordinate a public
47 | awareness campaign dealing with water safety during
48 | implementation of the pilot program; creating s.
49 | 515.47, F.S.; authorizing the department to adopt
50 | rules; amending s. 1003.225, F.S.; requiring parents

51 or legal guardians of students with autism to provide
 52 specified information regarding water safety and
 53 swimming certifications to the child's public school
 54 at specified intervals; providing an effective date.
 55

56 Be It Enacted by the Legislature of the State of Florida:
 57

58 **Section 1.** Section 2 of this act may be cited as the
 59 "Kareem Angel Green Autism Drowning Prevention Act."

60 **Section 2. Section 514.0731, Florida Statutes, is created**
 61 **to read:**

62 514.0731 Child water safety requirements.-

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

64 (a) "Child" means a person 12 years of age or younger and
 65 includes a person who has been diagnosed with autism, as that
 66 term is defined in s. 393.063, who is 18 years of age or
 67 younger.

68 (b) "Organization" means a summer day camp, a summer camp
 69 having children in full-time residence, a school, a preschool, a
 70 kindergarten, a nursery school, or a child care center or
 71 arrangement that provides child care for more than five children
 72 unrelated to the operator and that receives a payment, fee, or
 73 grant for any of the children receiving care, wherever operated
 74 and whether or not operated for profit. The term does not
 75 include:

76 1. A residential boarding school that allows an employee,
77 a family member of an employee, or a guest of an employee to use
78 a body of water at the school for recreational purposes.

79 2. Any child-placing agency, family foster home, or
80 residential child-caring agency as those terms are defined in s.
81 409.175(2).

82 3. A child care facility licensed under s. 402.305.

83 (c) "Public swimming pool" has the same meaning as in s.
84 514.011 but does not include a wading pool, which is a pool that
85 contains a public interactive water feature or fountain, with a
86 maximum water depth of no more than 18 inches.

87 (2)(a) An organization may not allow water access at a
88 public bathing place or public swimming pool to any child who is
89 in its care or supervision without first requiring the parent or
90 legal guardian to provide to the organization one of the
91 following:

92 1. A certification from the American Red Cross, the
93 Y.M.C.A., or other nationally recognized aquatic training
94 program certifying the child's swimming proficiency;

95 2. A written attestation signed by the parent or legal
96 guardian that the child is able to swim proficiently; or

97 3. A written waiver signed by the parent or legal guardian
98 acknowledging that the child is unable to swim or is at risk of
99 injury when swimming. The waiver must release the organization
100 from responsibility if the child is injured or drowns as a

101 result of the child's inability to swim proficiently.

102 (b) An organization may refuse water access to a child
103 whose parent or legal guardian has not provided the required
104 documentation.

105 (3) (a) Except as provided in subsection (4), the
106 organization must provide each child who is unable to swim or is
107 at risk of injury when swimming as acknowledged by a parent or
108 legal guardian in subparagraph (2) (a)3. one of the following:

109 1. For a public bathing place, a Type II United States
110 Coast Guard-approved personal flotation device in the color of
111 international orange; or

112 2. For a public swimming pool, a Type II or Type III
113 United States Coast Guard-approved personal flotation device.

114 (b) In lieu of providing personal flotation devices, the
115 organization can determine whether the public bathing place or
116 public swimming pool has a supply of the appropriate United
117 States Coast Guard-approved personal flotation devices for use
118 by each child who is not proficient in swimming. However, a
119 public bathing place or public swimming pool is not required to
120 keep a supply of personal flotation devices for use by the
121 organization.

122 (c) The organization must properly fit and fasten to a
123 child any personal flotation device that the organization
124 provides.

125 (4) An organization is not required to provide a child

126 with a personal flotation device as required under subsection
127 (3) if the child is actively participating in swimming
128 instruction or a swimming competition and the organization
129 ensures that the child is supervised during the instruction or
130 competition.

131 (5) An organization licensed or regulated by the state
132 that violates this section or rules adopted under this section
133 may be subject to disciplinary action, including, but not
134 limited to, the imposition of an administrative penalty by the
135 Department of Health.

136 (6) (a) A public bathing place or public swimming pool may
137 refuse water access to a child who comes to a bathing place or
138 swimming pool unless the parent or legal guardian first provides
139 one of the following documents:

140 1. A certification of the child's swimming proficiency
141 from the American Red Cross, the Y.M.C.A., or other nationally
142 recognized aquatic training program;

143 2. A written attestation that the child is able to swim
144 proficiently; or

145 3. A written signed waiver acknowledging that the child is
146 unable to swim or is at risk of injury or death when swimming.

147 (b) A public bathing place or public swimming pool may
148 offer to loan or rent for use by children whose parents or legal
149 guardians have signed the written waiver:

150 1. For a public bathing place, a Type II United States

151 Coast Guard-approved personal flotation device in the color of
152 international orange.

153 2. For a public swimming pool, a Type II or Type III
154 United States Coast Guard-approved personal flotation device.

155 (7) Each public bathing place and public swimming pool
156 must prominently display a sign near the check-in area which
157 describes the dangers of water and swimming pools to children.
158 The sign should include information provided in "12 Things
159 Parents of Children with Autism Need to Know About Drowning
160 Prevention" from the Autism Society of Florida.

161 (8) The department may adopt rules necessary to implement
162 this section.

163 **Section 3.** Chapter 515, Florida Statutes, entitled
164 "RESIDENTIAL SWIMMING POOL SAFETY ACT" is renamed "SWIMMING POOL
165 AND PUBLIC WATER SAFETY ACT."

166 **Section 4.** Sections 515.21 through 515.37, Florida
167 Statutes, are designated as part I of chapter 515, Florida
168 Statutes, and entitled "Residential Swimming Pool Safety Act."

169 **Section 5. Section 515.21, Florida Statutes, is amended to**
170 **read:**

171 515.21 Short title.—This part ~~chapter~~ may be cited as the
172 "Preston de Ibern/McKenzie Merriam Residential Swimming Pool
173 Safety Act."

174 **Section 6. Section 515.23, Florida Statutes, is amended to**
175 **read:**

176 515.23 Legislative findings and intent.—The Legislature
177 finds that drowning is the leading cause of death of young
178 children in this state and is also a significant cause of death
179 for medically frail elderly persons in this state, that constant
180 adult supervision is the key to accomplishing the objective of
181 reducing the number of submersion incidents, and that when
182 lapses in supervision occur a pool safety feature designed to
183 deny, delay, or detect unsupervised entry to the swimming pool,
184 spa, or hot tub will reduce drowning and near-drowning
185 incidents. In addition to the incalculable human cost of these
186 submersion incidents, the health care costs, loss of lifetime
187 productivity, and legal and administrative expenses associated
188 with drownings of young children and medically frail elderly
189 persons in this state each year and the lifetime costs for the
190 care and treatment of young children who have suffered brain
191 disability due to near-drowning incidents each year are
192 enormous. Therefore, it is the intent of the Legislature that
193 all new residential swimming pools, spas, and hot tubs be
194 equipped with at least one pool safety feature as specified in
195 this part ~~chapter~~. It is also the intent of the Legislature that
196 the Department of Health be responsible for producing its own or
197 adopting a nationally recognized publication that provides the
198 public with information on drowning prevention and the
199 responsibilities of pool ownership and also for developing its
200 own or adopting a nationally recognized drowning prevention

201 education program for the public and for persons violating the
202 pool safety requirements of this part ~~chapter~~.

203 **Section 7. Section 515.25, Florida Statutes, is amended to**
204 **read:**

205 515.25 Definitions.—As used in this part ~~chapter~~, the
206 term:

207 (1) "Approved safety pool cover" means a manually or
208 power-operated safety pool cover that meets all of the
209 performance standards of the American Society for Testing and
210 Materials (ASTM) in compliance with standard F1346-91.

211 (2) "Barrier" means a fence, dwelling wall, or nondwelling
212 wall, or any combination thereof, which completely surrounds the
213 swimming pool and obstructs access to the swimming pool,
214 especially access from the residence or from the yard outside
215 the barrier.

216 (3) "Department" means the Department of Health.

217 (4) "Exit alarm" means a device that makes audible,
218 continuous alarm sounds when any door or window which permits
219 access from the residence to any pool area that is without an
220 intervening enclosure is opened or left ajar.

221 (5) "Indoor swimming pool" means a swimming pool that is
222 totally contained within a building and surrounded on all four
223 sides by walls of or within the building.

224 (6) "Medically frail elderly person" means any person who
225 is at least 65 years of age and has a medical problem that

226 affects balance, vision, or judgment, including, but not limited
227 to, a heart condition, diabetes, or Alzheimer's disease or any
228 related disorder.

229 (7) "Outdoor swimming pool" means any swimming pool that
230 is not an indoor swimming pool.

231 (8) "Portable spa" means a nonpermanent structure intended
232 for recreational bathing, in which all controls and water-
233 heating and water-circulating equipment are an integral part of
234 the product and which is cord-connected and not permanently
235 electrically wired.

236 (9) "Public swimming pool" means a swimming pool, as
237 defined in s. 514.011(2), which is operated, with or without
238 charge, for the use of the general public; however, the term
239 does not include a swimming pool located on the grounds of a
240 private residence.

241 (10) "Residential" means situated on the premises of a
242 detached one-family or two-family dwelling or a one-family
243 townhouse not more than three stories high.

244 (11) "Swimming pool" means any structure, located in a
245 residential area, that is intended for swimming or recreational
246 bathing and contains water over 24 inches deep, including, but
247 not limited to, in-ground, aboveground, and on-ground swimming
248 pools; hot tubs; and nonportable spas.

249 (12) "Young child" means any person under the age of 6
250 years.

251 **Section 8. Subsection (1) of section 515.31, Florida**
252 **Statutes, is amended to read:**

253 515.31 Drowning prevention education program; public
254 information publication.—

255 (1) The department shall develop a drowning prevention
256 education program, which shall be made available to the public
257 at the state and local levels and which shall be required as set
258 forth in s. 515.27(2) for persons in violation of the pool
259 safety requirements of this part ~~chapter~~. The department may
260 charge a fee, not to exceed \$100, for attendance at such a
261 program. The drowning prevention education program shall be
262 funded using fee proceeds, state funds appropriated for such
263 purpose, and grants. The department, in lieu of developing its
264 own program, may adopt a nationally recognized drowning
265 prevention education program to be approved for use in local
266 safety education programs, as provided in rule of the
267 department.

268 **Section 9. Section 515.33, Florida Statutes, is amended to**
269 **read:**

270 515.33 Information required to be furnished to buyers.—A
271 licensed pool contractor, on entering into an agreement with a
272 buyer to build a residential swimming pool, or a licensed home
273 builder or developer, on entering into an agreement with a buyer
274 to build a house that includes a residential swimming pool, must
275 give the buyer a document containing the requirements of this

276 part ~~chapter~~ and a copy of the publication produced by the
 277 department under s. 515.31 that provides information on drowning
 278 prevention and the responsibilities of pool ownership.

279 **Section 10. Section 515.35, Florida Statutes, is amended**
 280 **to read:**

281 515.35 Rulemaking authority.—The department shall adopt
 282 rules pursuant to the Administrative Procedure Act establishing
 283 the fees required to attend drowning prevention education
 284 programs and setting forth the information required under this
 285 part ~~chapter~~ to be provided by licensed pool contractors and
 286 licensed home builders or developers.

287 **Section 11. Section 515.37, Florida Statutes, is amended**
 288 **to read:**

289 515.37 Exemptions.—This part ~~chapter~~ does not apply to:

290 (1) Any system of sumps, irrigation canals, or irrigation
 291 flood control or drainage works constructed or operated for the
 292 purpose of storing, delivering, distributing, or conveying
 293 water.

294 (2) Stock ponds, storage tanks, livestock operations,
 295 livestock watering troughs, or other structures used in normal
 296 agricultural practices.

297 (3) Public swimming pools.

298 (4) Any political subdivision that has adopted or adopts a
 299 residential pool safety ordinance, provided the ordinance is
 300 equal to or more stringent than the provisions of this part

301 ~~chapter.~~

302 (5) Any portable spa with a safety cover that complies
303 with ASTM F1346-91 (Standard Performance Specification for
304 Safety Covers and Labeling Requirements for All Covers for
305 Swimming Pools, Spas and Hot Tubs).

306 (6) Small, temporary pools without motors, which are
307 commonly referred to or known as "kiddie pools."

308 **Section 12.** Sections 515.41 through 515.48, Florida
309 Statutes, are designated as part II of chapter 515, Florida
310 Statutes, and entitled "OPEN WATER SAFETY."

311 **Section 13. Section 515.41, Florida Statutes, is created**
312 **to read:**

313 515.41 Short title.—This part may be cited as the "Open
314 Water Safety Act."

315 **Section 14. Section 515.42, Florida Statutes, is created**
316 **to read:**

317 515.42 Legislative findings and intent.—The Legislature
318 finds that drowning is a leading cause of accidental death in
319 the state, particularly in open water environments. The
320 Legislature further finds that the installation of life-saving
321 equipment, including life-saving ring buoys and drowning
322 prevention stations, significantly reduces the risk of drowning.
323 It is the intent of the Legislature to ensure that all public
324 water access areas are equipped with life-saving equipment to
325 enhance public safety and save lives.

326 **Section 15. Section 515.43, Florida Statutes, is created**
 327 **to read:**

328 515.43 Definitions.—

329 As used in this part, the term:

330 (1) "Department" means the Department of Environmental
 331 Protection.

332 (2) "Drowning prevention station" means a publicly
 333 accessible station equipped to provide immediate assistance in
 334 water emergencies. A drowning prevention station shall include
 335 life-saving ring buoys, support posts, and signage and may
 336 include:

337 (a) SMART technology capable of alerting 911 when a life-
 338 saving ring buoy is deployed.

339 (b) Audible alarms to notify nearby individuals of an
 340 emergency.

341 (c) Cameras and GPS tracking to assist emergency
 342 responders.

343 (3) "Public water access areas" means beaches or
 344 lakefronts with public access providing swimmable open waters.

345 (4) "SMART technology" includes equipment with features
 346 such as 911 alert systems, audible alarms, cameras, and GPS
 347 tracking to enhance emergency response.

348 **Section 16. Section 515.44, Florida Statutes, is created**
 349 **to read:**

350 515.44 Pilot program and phased implementation.—

351 (1) No later than October 1, 2025, each county with a
352 population greater than 250,000 and each municipality with a
353 population greater than 100,000 as estimated by the Office of
354 Economic and Demographic Research on April 1, 2025, shall create
355 and oversee a pilot program to install drowning prevention
356 stations at high-risk public water access areas. For purposes of
357 this subsection, the term "high-risk public water access areas"
358 means public water access areas within the county or
359 municipality at which drownings or swimming emergency events
360 have occurred or are occurring at a rate higher than in other
361 public water access areas within that county or municipality.

362 (2) Each station must, at a minimum, contain one type of
363 drowning prevention station and each station must be placed at
364 least every 1,000 feet along the shoreline of the high-risk
365 public water access areas.

366 (3) Each participating county and municipality must
367 provide the following information to the department no later
368 than December 1, 2025:

369 (a) The number of high-risk public water access areas the
370 county or municipality included in its pilot program.

371 (b) An identification of the type of drowning prevention
372 stations that were set up at each high-risk public water access
373 area.

374 (c) The number of drownings or swimming emergency events
375 that occurred at each high-risk public water access area for

376 each month for the 2 years before the start of the pilot
377 program.

378 (d) The number of drownings or swimming emergency events
379 that occurred at each high-risk public water access area for
380 each month during the pilot program.

381 (e) The number of times the drowning prevention stations
382 were used during the pilot program.

383 (4) (a) The department must submit to the Governor, the
384 President of the Senate, and the Speaker of the House of
385 Representatives a final report that:

386 1. Summarizes the results of the pilot program within each
387 participating county and municipality.

388 2. Describes a phased implementation plan to expand the
389 program statewide if the pilot program demonstrates that the
390 addition of drowning prevention stations prevented drownings or
391 assisted during swimming emergency events. The phased
392 implementation plan must also include public water access areas
393 located within the jurisdiction of the state for installation of
394 drowning prevention stations.

395 (b) If the department provides recommendations for a
396 phased implementation plan, the phased implementation plan must:

397 1. Consider the ability and necessity of the rural
398 counties and municipalities to set up drowning prevention
399 stations.

400 2. Provide recommended distances, expressed in linear

401 feet, that each drowning prevention station should be from the
402 next drowning prevention station along a shoreline.

403 3. Determine whether drowning prevention stations should
404 be set up at every public water access area or only at high-risk
405 public water access areas.

406 **Section 17. Section 515.45, Florida Statutes, is created**
407 **to read:**

408 515.45 Local business sponsorship program.—

409 (1) Each county and municipality that participates in the
410 pilot program is encouraged to implement a sponsorship program
411 to allow businesses to fund drowning prevention stations in
412 exchange for advertising space at the stations.

413 (2) Funds generated from sponsorships must be used for the
414 installation, maintenance, and operation of the stations.

415 **Section 18. Section 515.46, Florida Statutes, is created**
416 **to read:**

417 515.46 Public awareness campaign.—During implementation of
418 the pilot program, the department must coordinate a public
419 awareness campaign to educate the public on water safety, the
420 use of drowning prevention equipment, and the meaning of beach
421 safety flags.

422 **Section 19. Section 515.47, Florida Statutes, is created**
423 **to read:**

424 515.47 Rulemaking authority.—The department may adopt
425 rules to implement the provisions of this part.

426 **Section 20. Subsection (2) of section 1003.225, Florida**
427 **Statutes, is amended to read:**

428 1003.225 Water safety and swimming certification.—

429 (2) (a) Beginning with the 2022-2023 school year, each
430 public school shall provide, to a parent who initially enrolls
431 his or her child in the school, information on the important
432 role water safety education courses and swimming lessons play in
433 saving lives. The information must be provided electronically or
434 in hard copy and must include local options for age-appropriate
435 water safety courses and swimming lessons that result in a
436 certificate indicating successful completion, including courses
437 and lessons offered for free or at a reduced price. If the
438 student is 18 years of age or older, or is under the age of 21
439 and is enrolling in adult education classes, the information
440 must be provided to the student.

441 (b) Beginning with the 2025-2026 school year, the parent
442 or legal guardian of each student who has been diagnosed with
443 autism, as that term is defined in s. 393.063, regardless of the
444 level of diagnosis, must provide information electronically or
445 in hard copy related to water safety and swimming certifications
446 to the child's public school on an annual basis.

447 **Section 21.** This act shall take effect upon becoming a
448 law.