

By Senator Rodriguez

40-00601-25

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1                                   A bill to be entitled  
2       An act relating to swimming safety; providing a short  
3       title; creating s. 514.0731, F.S.; 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      to providing children with personal flotation devices;  
11      requiring organizations to properly fit certain  
12      children with personal flotation devices that the  
13      organization provides; providing exceptions; providing  
14      penalties for violations; authorizing public bathing  
15      places and public swimming pools to refuse water  
16      access to certain children whose parents or legal  
17      guardians have not provided specified information;  
18      authorizing public bathing places and public swimming  
19      pools to loan or rent for use specified personal  
20      flotation devices for certain purposes; requiring  
21      public bathing places and public swimming pools to  
22      prominently display a certain sign describing water-  
23      related dangers; authorizing the Department of Health  
24      to adopt rules; revising the title of ch. 515, F.S.;  
25      designating ss. 515.21 through 515.37, F.S., as part I  
26      of ch. 515, F.S., entitled "Residential Swimming Pool  
27      Safety Act"; amending ss. 515.21, 515.23, 515.25,  
28      515.31, 515.33, 515.35, and 515.37, F.S.; conforming  
29      provisions to changes made by the act; creating part

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30 II of ch. 515, F.S., entitled "Open Water Safety";  
31 creating s. 515.41, F.S.; providing a short title;  
32 creating s. 515.42, F.S.; providing legislative  
33 intent; creating s. 515.43, F.S.; providing  
34 definitions; creating s. 515.44, F.S.; requiring  
35 certain counties and municipalities to create pilot  
36 programs to install drowning prevention stations at  
37 high-risk public water access areas; providing  
38 specifications regarding the locations of such  
39 drowning prevention stations; specifying information  
40 that each participating county and municipality must  
41 provide to the Department of Environmental Protection  
42 by a specified date; requiring the department to  
43 submit a final report to the Governor and Legislature;  
44 providing contents of the report; creating s. 515.45,  
45 F.S.; encouraging local governments to implement  
46 sponsorship programs with businesses to help fund  
47 drowning prevention stations; specifying uses for such  
48 funds; creating s. 515.46, F.S.; requiring the  
49 department to coordinate a public awareness campaign  
50 dealing with water safety during implementation of the  
51 pilot program; creating s. 515.47, F.S.; authorizing  
52 the department to adopt rules; amending s. 1003.225,  
53 F.S.; requiring parents or legal guardians of students  
54 with autism to provide specified information regarding  
55 water safety and swimming certifications to the  
56 child's public school annually; providing an effective  
57 date.  
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59 Be It Enacted by the Legislature of the State of Florida:

60  
61 Section 1. Section 2 of this act may be cited as the  
62 "Kareem Angel Green Autism Drowning Prevention Act."

63 Section 2. Section 514.0731, Florida Statutes, is created  
64 to read:

65 514.0731 Child water safety requirements.-

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

67 (a) "Child" means a person 12 years of age or younger or a  
68 person diagnosed with autism, as that term is defined in s.  
69 393.063, who is 18 years of age or younger.

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

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

81 2. Any child-placing agency, family foster home, or  
82 residential child-caring agency as those terms are defined in s.  
83 409.175(2).

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

85 (c) "Public swimming pool" has the same meaning as in s.  
86 514.011 but does not include a wading pool, which is a pool that  
87 contains a public interactive water feature or fountain, with a

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88 maximum water depth of no more than 18 inches.

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

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

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

99 3. A written waiver signed by the parent or legal guardian  
100 acknowledging that the child is unable to swim or is at risk of  
101 injury when swimming. The waiver must release the organization  
102 from responsibility if the child is injured or drowns as a  
103 result of the child's inability to swim proficiently.

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

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

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

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

116 (b) In lieu of providing personal flotation devices, the

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117 organization may determine whether the public bathing place or  
118 public swimming pool has a supply of the appropriate United  
119 States Coast Guard-approved personal flotation devices for use  
120 by each child who is not proficient in swimming. However, a  
121 public bathing place or public swimming pool is not required to  
122 keep a supply of personal flotation devices for use by the  
123 organization.

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

127 (4) An organization is not required to provide a child with  
128 a personal flotation device as required under subsection (3) if  
129 the child is actively participating in swimming instruction or a  
130 swimming competition and the organization ensures that the child  
131 is supervised during the instruction or competition.

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

137 (6) (a) A public bathing place or public swimming pool may  
138 refuse water access to a child who comes to a bathing place or  
139 swimming pool if the parent or legal guardian does not first  
140 provide one of the following documents:

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

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

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

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

151 1. For a public bathing place, a Type II United States  
152 Coast Guard-approved personal flotation device in the color of  
153 international orange.

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

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

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

164 Section 3. Chapter 515, Florida Statutes, entitled  
165 "Residential Swimming Pool Safety Act," is renamed "Swimming  
166 Pool and Public Water Safety Act."

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

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

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

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

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

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

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

207 (1) "Approved safety pool cover" means a manually or power-  
208 operated safety pool cover that meets all of the performance  
209 standards of the American Society for Testing and Materials  
210 (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 is  
230 not an indoor swimming pool.

231 (8) "Portable spa" means a nonpermanent structure intended  
232 for recreational bathing, in which all controls and water-



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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

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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 to  
280 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 to  
288 read:

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

290 (1) Any system of sumps, irrigation canals, or irrigation

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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 with  
303 ASTM F1346-91 (Standard Performance Specification for Safety  
304 Covers and Labeling Requirements for All Covers for Swimming  
305 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. Part II of chapter 515, Florida Statutes,  
309 consisting of ss. 515.41-515.47, Florida Statutes, is created  
310 and entitled "Open Water Safety."

311 Section 13. Section 515.41, Florida Statutes, is created to  
312 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 to  
316 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

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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 to  
327 read:

328 515.43 Definitions.—As used in this part, the term:

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

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

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

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

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

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

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

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

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349 515.44 Pilot program and phased implementation.-

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

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

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

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

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

373 (c) The number of drownings or swimming emergency events  
374 that occurred at each high-risk public water access area for  
375 each month for the 2 years before the start of the pilot  
376 program.

377 (d) The number of drownings or swimming emergency events

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378 that occurred at each high-risk public water access area for  
379 each month during the pilot program.

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

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

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

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

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

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

398 2. Provide recommended distances, expressed in linear feet,  
399 that each drowning prevention station should be from the next  
400 drowning prevention station along a shoreline.

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

404 Section 17. Section 515.45, Florida Statutes, is created to  
405 read:

406 515.45 Local business sponsorship program.-

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

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

413       Section 18. Section 515.46, Florida Statutes, is created to  
414 read:

415       515.46 Public awareness campaign.—During implementation of  
416 the pilot program, the department must coordinate a public  
417 awareness campaign to educate the public on water safety, the  
418 use of drowning prevention equipment, and the meaning of beach  
419 safety flags.

420       Section 19. Section 515.47, Florida Statutes, is created to  
421 read:

422       515.47 Rulemaking authority.—The department may adopt rules  
423 to implement this part.

424       Section 20. Subsection (2) of section 1003.225, Florida  
425 Statutes, is amended to read:

426       1003.225 Water safety and swimming certification.—

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

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436 student is 18 years of age or older, or is under the age of 21  
437 and is enrolling in adult education classes, the information  
438 must be provided to the student.

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

445 Section 21. This act shall take effect upon becoming a law.