

STORAGE NAME: h0241z.ei
DATE: May 14, 1999

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION INNOVATION
FINAL ANALYSIS**

BILL #: HB 241
RELATING TO: School Enrollment/Swim Lessons
SPONSOR(S): Representative Rayson
COMPANION BILL(S): SB 1552

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION INNOVATION YEAS 6 NAYS 1
- (2) EDUCATION K-12 YEAS 10 NAYS 0
- (3) EDUCATION APPROPRIATIONS (W/D)
- (4)
- (5)

I. FINAL ACTION STATUS:

PASSED BY THE LEGISLATURE -- CHAPTER 99-338, LAWS OF FLORIDA

HB 241 was ordered enrolled on April 30, 1999, and was approved by the Governor on June 11, 1999.

II. SUMMARY:

House Bill 241 authorizes the school board of each district to establish a policy which requires a child, prior to enrollment in public school, to submit evidence of whether or not he or she has learned to swim. If the school board adopts such a policy, it must include provisions for providing information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim.

No civil liability will be incurred by any school district based on this section.

The provisions of this bill are to be reviewed prior to July 1, 2005, at which time they are repealed.

This bill has no fiscal impact to the state. However, local school districts may incur costs related to development or distribution of materials regarding learn-to-swim programs. Depending upon school board policy, parents or guardians may incur costs relating to how they must submit evidence of a child's ability to swim.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Student Registration

According to ss. 232.0205, 232.03, 232.0315, and 232.032, F.S., each student is required to supply the following information at the time of initial registration for school:

- ◆ previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had;
- ◆ evidence that the child has attained the age at which he or she should be admitted.

In addition to these items a parent or guardian is also required to submit at the time of enrollment a certification of a school-entry health examination performed within one year prior to enrollment in school and a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health.

Exemption from these two requirements is provided upon written request of the parent or guardian stating conflicts with his or her religious beliefs. Other exemptions for the certification of immunization are provided based on medical reasons.

Child Drownings

According to the U.S. Consumer Product Safety Commission, an estimated 260 children under five years of age drown each year in residential swimming pools and spas nationwide. An estimated 2,000 children in that age group are treated with submersion injuries in hospital emergency rooms. The costs from near-drowning injuries can range from \$2,000 to \$80,000, and sometimes even as high as \$150,000 for severe brain damage. Sixty-five percent of the drownings or near-drownings happen in a pool owned by the child's family. An additional 33 percent of the incidents happen in a pool owned by friends or relatives. Seventy-seven percent of the swimming pool accident victims were missing for five minutes or less before they were found drowned or submerged.

The Florida Department of Health (DOH) reports that approximately 75 children drown each year in private swimming pools in Florida. DOH reports that in 1996 drowning was the leading cause of death for children 0-4 years old.

B. EFFECT OF PROPOSED CHANGES:

House Bill 241 authorizes a school board to establish a policy which requires a child to submit evidence of whether or not he or she has learned to swim prior to enrollment in school. The bill does not specify what constitutes "evidence". If such a policy is established, the bill requires the policy to include provisions for providing information to the parents or guardians regarding learn-to-swim programs available in the community.

No civil liability will be incurred by any school district based on this section.

The provisions of this bill are to be repealed on July 1, 2005, and will be reviewed prior to that date.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. If a school board decides to establish a policy requiring a child to submit evidence of whether he or she can swim at the time of enrollment, they will also be required to provide information concerning learn-to-swim programs in their community.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

A program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?
No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

If a school board decides to establish a policy requiring evidence of whether or not a child can swim before enrolling in school, the policy must include provisions for providing information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim.

- (1) Who evaluates the family's needs?

The bill does not specify who evaluates the family's needs.

- (2) Who makes the decisions?

Decisions would be dependent upon school board policy.

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

If the school board adopts the policy, families would be required to submit evidence.

- (5) Are families penalized for not participating in a program?

The bill does not specify any penalties for nonparticipation.

- b. Does the bill directly affect the legal rights and obligations between family members?
No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

The school board would have control of the policy.

D. STATUTE(S) AFFECTED:

Creates section 232.042, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Allows school board of each district to establish a policy requiring a child, prior to enrollment in public school, to submit evidence of whether or not he or she has learned to swim. Requires school board, if policy is established, to provide information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim. No civil liability shall be incurred by any school district based on this section.

Section 2: Provides for repeal on July 1, 2005, and review prior to that date.

Section 3: Provides an effective date upon becoming a law.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

School districts that choose to develop the policy specified in this bill may incur costs related to development or distribution of materials regarding learn-to-swim programs.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Depending upon school board policy, parents or guardians may incur costs relating to how they must submit evidence of a child's ability to swim.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require the counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 241 was prefiled on January 4, 1999, and referred to the Committee on Education Innovation on January 7, 1999. The bill was heard by the committee on Education Innovation on February 15, 1999, and passed by a vote of six to one with two amendments.

The amendments made the following changes:

- ◆ Added the sentence, "No civil liability shall be incurred by any school district based on this section" to limit liability on the part of the district.
- ◆ Added a new section to review the provisions of this bill prior to July 1, 2005, and for the revisions to be repealed on July 1, 2005.

HB 241 passed the Education K-12 Committee with a unanimous vote on March 2, 1999.

HB 241 was amended on the House floor on April 8, 1999, to allow a school board to establish a policy rather than require a school board to establish a policy. The bill passed by the House with a vote of 59 to 57 on April 8, 1999. It was passed by the Senate by a unanimous vote on April 30, 1999 and was subsequently, ordered enrolled.

VIII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON EDUCATION INNOVATION:

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