

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1119 Water Safety and Swimming Certification for K-12 Students
SPONSOR(S): Early Learning & Elementary Education Subcommittee, Daley and Mooney
TIED BILLS: None **IDEN./SIM. BILLS:** SB 358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	18 Y, 0 N, As CS	Brink	Brink
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

In 2020, 68 children in Florida died from an accidental drowning,¹ while 16 child drownings have occurred so far in 2021.² As reported by the Florida Department of Health, Florida ranked 6th in the country for unintentional drowning deaths in 2019,³ and from 2017 to 2019, Florida had the highest accidental drowning rate among the population of children ages 0 to 9, at 3.28 deaths per 100,000.⁴ Nationally, drowning is the leading cause of accidental death for children ages 1 to 4.

The bill establishes the Edna Mae McGovern Act, named after a young girl from Coral Springs, Florida, who tragically drowned in her family's backyard pool in 2009.

Beginning with the 2022-2023 school year, the bill requires each public school to provide to each parent of a student initially enrolling in the school information on the important role water safety education courses and swim lessons play in saving lives. The information must include local options for age-appropriate water safety courses and swim lessons that result in a certificate, including courses and lessons offered for free or at a reduced price. Schools have flexibility to provide the information electronically or in hardcopy.

The bill specifies that the information must be provided to the student, and not the parent, if the student is 18 or older or is under the age of 21 and is enrolling in adult education classes.

The fiscal impact of the bill is indeterminate.

The bill takes effect July 1, 2021.

¹ Florida Department of Children and Families, *Child Fatality Prevention*, <https://www.myflfamilies.com/ChildFatality/stateresults.shtml?minage=0&maxage=18&year=2020&cause=Drowning&prior12=&verified=> (last visited Mar. 21, 2021).

² *Id.*

³ Florida Department of Health, *Drowning Prevention*, <http://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html%23:~:text=According%20to%20the%20CDC%2C%20Florida.for%20all%20ages%20in%202019>. (last visited Mar. 21, 2021).

⁴ *Id.*

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Accidental Drownings

In 2020, 68 children in Florida died from an accidental drowning,⁵ while 16 child drownings have occurred so far in 2021.⁶ As reported by the Florida Department of Health, Florida ranked 6th in the country for unintentional drowning deaths in 2019,⁷ and from 2017 to 2019, Florida had the highest accidental drowning rate among the population of children ages 0 to 9, at 3.28 deaths per 100,000.⁸ Nationally, drowning is the leading cause of accidental death for children ages 1 to 4.⁹

As one of several strategies to help prevent accidental drowning deaths, the American Academy of Pediatrics recommends that children ages 4 and older learn to swim, including through swim lessons that provide instruction on swimming techniques and water survival skills taught by instructors certified through a nationally recognized curriculum.¹⁰ In Florida, many municipalities and local governments provide information for locally available swim lessons.¹¹ Other local governments, including Broward County, Hillsborough County, Palm Beach County, and Miami-Dade County, have provided for free swim lessons for certain children.¹²

Florida's Next Generation Sunshine State Standards include instruction on water safety from kindergarten through high school, including identifying the dangers of entering a body of water without supervision, rules for safe water activities, and safety equipment and practices relating to water activities.¹³

Effect of Proposed Changes

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⁶ *Id.*

⁷ Florida Department of Health, *Drowning Prevention*, <http://www.floridahealth.gov/programs-and-services/prevention/drowning-prevention/index.html%23~:text=According%20to%20the%20CDC%2C%20Florida.for%20all%20ages%20in%202019>. (last visited Mar. 21, 2021).

⁸ *Id.*

⁹ National Drowning Prevention Alliance, *Drowning Quick Facts*, <https://ndpa.org/drowning-quick-facts/> (last visited Mar. 21, 2021).

¹⁰ American Academy of Pediatrics, *Swim Lessons: When to Start & What Parents Should Know*, <https://www.healthychildren.org/English/safety-prevention/at-play/Pages/swim-lessons.aspx> (last visited Mar. 21, 2021).

¹¹ See, e.g., Polk County Health Department, *2019 Polk County Swim Lesson Facilities* (2019), available at http://polk.floridahealth.gov/files/documents/2019_Polk_County_Swim_Lessons.pdf; St. Petersburg Parks & Recreation, *Swim Lessons*, <http://www.stpeteparksrec.org/swimlessons/> (last visited Mar. 21, 2021); City of Tallahassee, *Swimming Lessons*, <https://www.talgov.com/parks/aquatics-lessons.aspx> (last visited Mar. 21, 2021).

¹² See, e.g., Water Smart Broward, *Swim Coupon*, <https://watersmartbroward.org/programs/kids-swim-coupon/> (last visited Mar. 21, 2021); Hillsborough County, *Free Swim Lessons, for Safety's Sake*, <https://www.hillsboroughcounty.org/en/newsroom/2019/03/29/free-swim-lessons-for-safetys-sake>; Miami-Dade County, *Learn to Swim*, https://www.miamidade.gov/global/service.page?Mduid_service=ser14716214303986 (last visited Mar. 21, 2021); Palm Beach County Drowning Prevention Coalition, *Free Lessons*, <https://discover.pbcbgov.org/drowningprevention/Pages/FreeLessons.aspx> (last visited Mar. 21, 2021).

¹³ See CPALMS, *Standards Information and Resources*, <https://www.cpalms.org/Public/search/Standard#> (last visited Mar. 21, 2021).

age-appropriate water safety courses and swim lessons that result in a certificate, including courses and lessons offered for free or at a reduced price. Schools have flexibility to provide the information electronically or in hardcopy.

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B. SECTION DIRECTORY:

Section 1. Provides a short title.

Section 2. Creates s. 1003.225, F.S.; defining the term "water safety"; requiring public schools to provide specified information to certain parents or students.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments, *infra*.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Public schools may incur indeterminate costs for providing information on water safety and locally available free and reduced priced swim lessons to parents.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2021, the Early Learning and Elementary Education Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- limits applicability of the bill to public schools;
- deletes the requirement that districts and private schools ask parents if their child has taken swim lessons, the authority to require proof of swimming certification, and the requirement to maintain records on which parents have or have not submitted swimming certification;
- requires schools to provide information on water safety courses and swim lessons to the parents of all newly enrolled students rather than only those who indicate their child has not taken swim lessons;
- specifies that information on water safety courses and swim lessons may be provided electronically or in hardcopy; and
- deletes the provision exempting school employees from liability for injuries caused by swim lessons in which a child participates.

The bill analysis is drafted to the committee substitute as reported favorably by the Early Learning and Elementary Education Subcommittee.