

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 358

INTRODUCER: Senator Berman and others

SUBJECT: Water Safety

DATE: March 31, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Westmark	Bouck	ED	<b>Fav/CS</b>
2.			CF	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 358 establishes the “Edna Mae McGovern Act,” which requires, beginning with the 2022-2023 school year, each public school to provide, to a parent who initially enrolls his or her child in the school, specified information on the important role water safety education courses and swimming lessons play in saving lives. The bill further specifies that:

- The information must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price.
- If the student is 18 years of age or older, or is under the age of 21 and is enrolling in adult education classes, the information must be provided to the student.

There is no fiscal impact associated with this bill.

The bill takes effect July 1, 2021.

**II. Present Situation:**

In 2020, 68 children in Florida died from accidental drowning, while 16 child drownings have occurred in 2021, year to date.<sup>1</sup> In the past decade, the number of drownings among children

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<sup>1</sup> 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 March 24, 2021).

ages 3 to 5 and ages 5 to 12 has increased more than 50 and 62 percent, respectively.<sup>2</sup> Drowning is the leading cause of injury death in children ages 1 to 4, and the biggest drowning threat facing families with toddlers is unexpected, unsupervised access to water.<sup>3</sup>

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, through strategies including swim lessons that provide instruction on swimming techniques and water survival skills taught by instructors certified through a nationally recognized curriculum.<sup>4</sup>

### **K-12 Student and Parent Rights**

All K-12 public school students are entitled to a uniform, safe, secure, efficient, and high quality system of education, one that allows students the opportunity to obtain a high quality education. Parents are responsible to ready their children for school.<sup>5</sup>

Each district school board and the governing authority of each private school must require each child who is entitled to initial entrance into a public or private school, to present a certification of a school-entry health examination performed within one year before enrollment in school.<sup>6</sup> Similar requirements exist for each child to have on file with the immunization registry a certification of immunization for the prevention of specified communicable diseases.<sup>7</sup>

The parent of any child attending a public or private school is exempt by law from student health-related school entrance requirements upon written request of the parent on religious grounds. Such exemptions include the requirement of a health examination<sup>8</sup> and the administration of immunizations.<sup>9</sup>

### ***Next Generation Sunshine State Standards***

Florida's Next Generation Sunshine State Standards include instruction on water safety from kindergarten through high school, involving 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.<sup>10</sup>

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<sup>2</sup> Florida TaxWatch, *Every Child a Swimmer* (March 2021), available at <https://floridataxwatch.org/Research/Full-Library/ArtMID/34407/ArticleID/19005>, at 1.

<sup>3</sup> American Academy of Pediatrics, *Drowning Prevention for Curious Toddlers: What Parents Need to Know* (March 15, 2019), available at <https://www.healthychildren.org/English/safety-prevention/at-play/Pages/Water-Safety-And-Young-Children.aspx>.

<sup>4</sup> American Academy of Pediatrics, *Swim Lessons: When to Start & What Parents Should Know* (March 15, 2019), available at <https://www.healthychildren.org/English/safety-prevention/at-play/Pages/swim-lessons.aspx>.

<sup>5</sup> Section 1002.20(1), F.S.

<sup>6</sup> Section 1003.22(1), F.S.

<sup>7</sup> Section 1003.22(4)(a), F.S.

<sup>8</sup> Section 1003.22(1), F.S.

<sup>9</sup> Section 1003.22(5)(a), F.S.

<sup>10</sup> See CPALMS, *Standards Information and Resources*, <https://www.cpalms.org/Public/search/Standard#> (last visited March 24, 2021).

### III. Effect of Proposed Changes:

CS/SB 358 establishes the “Edna Mae McGovern Act,”<sup>11</sup> which creates s. 1003.225, F.S., to, beginning with the 2022-2023 school year, require each public school to provide, to a parent who initially enrolls his or her child in the school, information on the important role water safety<sup>12</sup> education courses and swimming lessons play in saving lives.

The bill specifies that the information must be provided electronically or in hardcopy, and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price.

The bill further specifies that, if the student is 18 years of age or older, or is under the age of 21 and is enrolling in adult education classes, the information must be provided to the student.

The bill takes effect July 1, 2021.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

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<sup>11</sup> The name of the act is based on the accidental drowning in Florida of a girl who was less than two years of age on August 3, 2009. See McGovern Foundation Inc., *Our Story*, <https://www.mcgovernfoundation.com/our-story> (last visited March 25, 2021); Water Smart Broward, *Edna Mae McGovern (12/29/07-9/11/09)* (June 29, 2015), available at <https://watersmartbroward.org/news-stories/stories/edna-mae-mcgovern/>.

<sup>12</sup> The bill defines “water safety” to mean age-appropriate education intended to promote safety in, on, and around bodies of water and reduce the risk of injury or drowning. The American Red Cross describes water safety through the following components: ensuring every member of one’s family learns to swim to at least achieve skills of water competency (ability to enter the water, get a breath, stay afloat, change position, swim a distance, then get out of the water safely); employing layers of protection including barriers to prevent access to water, life jackets, and close supervision of children to prevent drowning; and knowing what to do in a water emergency, including how to help someone in trouble in the water safely, call for emergency help, and CPR. American Red Cross, *Water Safety*, <https://www.redcross.org/get-help/how-to-prepare-for-emergencies/types-of-emergencies/water-safety.html> (last visited March 25, 2021).

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1003.225 of the Florida Statutes.

This bill creates an undesignated section of Florida Law.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education on March 30, 2021:**

The committee substitute:

- Removes from the bill:
  - The requirement that each public and private school must require each child who is eligible for entrance to the school to present a certification of completion of a water safety education course and swimming lessons.
  - Provisions exempting a child from the water safety course and swimming lesson requirements upon written request from his or her parent.
- Adds to the bill a requirement that each public school provide to a parent who initially enrolls his or her child in the school, information on the important role water safety education courses and swimming lessons play in saving lives, and specifies that:

- The information must be provided electronically or in hardcopy and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price.
- If the student is 18 or older, or is under the age of 21 and is enrolling in adult education classes, the information must be provided to the student.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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