

By Senator Berman

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1 A bill to be entitled
2 An act relating to water safety; providing a short
3 title; amending s. 1002.20, F.S.; providing an
4 exemption from certain water safety and swimming
5 certifications for a child whose parent follows a
6 specified procedure; creating s. 1003.225, F.S.;
7 defining the term "water safety"; requiring district
8 school boards and the governing authorities of private
9 schools to require certain children to present a
10 specified certificate beginning in a certain school
11 year; requiring that such certification comply with
12 certain adopted rules; providing that a parent of
13 specified children is responsible for compliance with
14 this section; providing an exemption; requiring the
15 State Board of Education, subject to the concurrence
16 of the Department of Health, to adopt certain rules by
17 a specified date; providing that certain persons are
18 not liable for specified injuries; exempting persons
19 admitted to or attending adult education classes
20 unless such persons are under a specified age;
21 amending ss. 381.88 and 1002.42, F.S.; conforming
22 cross-references; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. This act may be cited as the "Edna Mae McGovern
27 Act."

28 Section 2. Present paragraphs (c) through (m) of subsection
29 (3) of section 1002.20, Florida Statutes, are redesignated as

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30 paragraphs (d) through (n), respectively, and a new paragraph
31 (c) is added to that subsection, to read:

32 1002.20 K-12 student and parent rights.—Parents of public
33 school students must receive accurate and timely information
34 regarding their child’s academic progress and must be informed
35 of ways they can help their child to succeed in school. K-12
36 students and their parents are afforded numerous statutory
37 rights including, but not limited to, the following:

38 (3) HEALTH ISSUES.—

39 (c) Water safety and swimming certification.—A child is
40 exempt from the requirement of presenting a certificate of
41 having successfully completed a nationally recognized water
42 safety education course and nationally recognized age-
43 appropriate swimming lessons upon written request from his or
44 her parent in accordance with s. 1003.225(3).

45 Section 3. Section 1003.225, Florida Statutes, is created
46 to read:

47 1003.225 Water safety and swimming certification.—

48 (1) For the purposes of this section, the term “water
49 safety” means age-appropriate education intended to promote
50 safety in, on, and around bodies of water and reduce the risk of
51 injury or drowning.

52 (2) Beginning with the 2022-2023 school year, each district
53 school board and the governing authority of each private school
54 must require each child who is entitled to admittance to
55 kindergarten, or who is entitled to any other initial entrance
56 into a public or private school in this state, to present a
57 certificate of having successfully completed a nationally
58 recognized water safety education course and nationally

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59 recognized age-appropriate swimming lessons within 1 year before
60 enrollment in school. Such certification must comply with the
61 rules adopted by the State Board of Education pursuant to
62 subsection (4).

63 (3) A parent of a child admitted to, or in attendance at, a
64 Florida public or private school in prekindergarten through
65 grade 12 is responsible for assuring that his or her child is in
66 compliance with this section. A child is exempt from the
67 certification requirement of subsection (2) if his or her parent
68 submits a written objection, based on any grounds, to the school
69 in which the child is enrolled or into which the child is
70 entering.

71 (4) Subject to the concurrence of the Department of Health,
72 the State Board of Education shall adopt rules necessary to
73 administer and enforce this section by the beginning of the
74 2022-2023 school year. The rules must prescribe the form of the
75 certification required by subsection (2) and define "nationally
76 recognized," "water safety education course," and "age-
77 appropriate swimming lessons."

78 (5) A member or an employee of a district school board, or
79 a member or an employee of the governing board of a private
80 school, is not liable for any injury caused by swimming lessons
81 undertaken by a child pursuant to this section.

82 (6) This section does not apply to those persons admitted
83 to or attending adult education classes unless such students are
84 under 21 years of age.

85 Section 4. Paragraph (b) of subsection (2) of section
86 381.88, Florida Statutes, is amended to read:

87 381.88 Emergency allergy treatment.—

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88 (2) As used in this section and s. 381.885, the term:

89 (b) "Authorized entity" means an entity or organization at
90 or in connection with which allergens capable of causing a
91 severe allergic reaction may be present. The term includes, but
92 is not limited to, restaurants, recreation camps, youth sports
93 leagues, theme parks and resorts, and sports arenas. However, a
94 school as described in s. 1002.20(3)(j) ~~s. 1002.20(3)(i)~~ or s.
95 1002.42(17)(b) is an authorized entity for the purposes of s.
96 381.885(4) and (5) only.

97 Section 5. Paragraph (a) of subsection (17) of section
98 1002.42, Florida Statutes, is amended to read:

99 1002.42 Private schools.—

100 (17) EPINEPHRINE SUPPLY.—

101 (a) A private school may purchase a supply of epinephrine
102 auto-injectors from a wholesale distributor as defined in s.
103 499.003 or may enter into an arrangement with a wholesale
104 distributor or manufacturer as defined in s. 499.003 for the
105 epinephrine auto-injectors at fair-market, free, or reduced
106 prices for use in the event a student has an anaphylactic
107 reaction. The epinephrine auto-injectors must be maintained in a
108 secure location on the private school's premises. The
109 participating private school shall adopt a protocol developed by
110 a licensed physician for the administration by private school
111 personnel who are trained to recognize an anaphylactic reaction
112 and to administer an epinephrine auto-injection. The supply of
113 epinephrine auto-injectors may be provided to and used by a
114 student authorized to self-administer epinephrine by auto-
115 injector under s. 1002.20(3)(j) ~~s. 1002.20(3)(i)~~ or trained
116 school personnel.

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Section 6. This act shall take effect July 1, 2021.