

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1023 CS

Playgrounds

**SPONSOR(S):** Planas

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1892

---

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Local Government Council</u>	<u>8 Y, 0 N, w/CS</u>	<u>DiVagno</u>	<u>Hamby</u>
2) <u>Agriculture &amp; Environment Appropriations Committee</u>	<u>12 Y, 0 N, w/CS</u>	<u>Dixon</u>	<u>Dixon</u>
3) <u>Governmental Operations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Fiscal Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

---

**SUMMARY ANALYSIS**

The Florida Recreation Development Assistance Program (FRDAP) is established by the Department of Environmental Protection (DEP) and funded by a portion of the funds credited to the Land Acquisition Trust Fund and Florida Forever Trust Fund. FRDAP provides grants to qualified local government entities to acquire or develop land for public outdoor recreation.

The bill clarifies that the rules for the FRDAP program shall include: the total number of active projects expending grant funds a local government may have during any state fiscal year; the maximum amount of state funds that is awardable for each grant project; application requirements; required documentation and forms; grant administration; accountability; site dedication and management; conversion; public accessibility; entrance fees; native plantings; inspections; and compliance. It eliminates the statutory caps on the number of grants that local governments may have in any given fiscal year and removes the cap of \$200,000 per grant.

This bill requires DEP to adopt a rule creating an incentive for the construction of inclusive playgrounds.

This bill would take effect July 1, 2006.

This bill does not appear to have a fiscal impact on state or local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government-** This bill assigns an additional responsibility to the Department of Environmental Protection (DEP) by requiring DEP to adopt a rule to incentives the construction of inclusive playgrounds.

#### B. EFFECT OF PROPOSED CHANGES:

##### Florida Recreation Development Assistance Program (FRDAP)

The Florida Recreation Development Assistance Program (FRDAP) provides grants to qualified local government entities so they may acquire or develop land for public outdoor recreation purposes.<sup>1</sup> Funding for the program is based upon not less than 5% of the money credited to the Land Acquisition Trust Fund and from the Florid Forever Trust Fund as determined in s. 259.105(d), F.S., which is currently 2%. Because it is based on percentages, FRDAP's budget varies each year.

In distributing funds, the Department of Environmental Protection (DEP) has adopted rules and procedures within a competitive selection process to maximize the benefits to the public.<sup>2</sup> In the Florida Administrative Code, DEP has developed a point score ranking system. The system allows eligible projects to earn points for meeting various criteria within general criteria, developmental criteria, acquisition criteria, and trail consideration criteria.<sup>3</sup> Many of the criteria are based on meeting the outdoor recreation goals, objectives, and priorities in the Statewide Comprehensive Outdoor Recreation Plan (SCORP).<sup>4</sup>

FRDAP grants are only awarded to projects with the sole purpose of providing outdoor recreational opportunities to the public. To be eligible, the site of the project must be either owned by the applicant or leased to them for a sufficient period of time to satisfy the dedication period. DEP has the ability to make exceptions for what is considered an eligible site. In addition, DEP must also consider the project to be viable and practical. A project that does not receive at least 53 points in the ranking system is considered to be nonviable.<sup>5</sup> After points are awarded, the projects that received at least 53 points are then ranked and listed on a priority list, with funds going to the projects with the highest points first. The minimum point requirement is to help in securing larger, more inclusive projects. Under this system, it is hard, if not impossible, for stand alone projects to qualify for funding.<sup>6</sup>

FRDAP funds are distributed as reimbursements with match requirements.<sup>7</sup> There is a maximum grant limit of \$200,000 for each project. No local government may apply for more than two grants each application period, nor may a local government have more than three active projects receiving grant funds per fiscal year.<sup>8</sup> In three of the last five years (not including 2006), all projects on the priority list

---

<sup>1</sup> Section 375.075(1), F.S.

<sup>2</sup> Section 375.075(2), F.S.

<sup>3</sup> Fla. Admin. Code R. 62D-5.

<sup>4</sup> The purpose of SCORP is to provide a guide for the "development of a diverse, balanced, statewide outdoor recreation system toward meeting current and future needs." It is intended to be comprehensive in both planning and implementation.

[www.dep.state.fl.up/parks/planning/default.htm](http://www.dep.state.fl.up/parks/planning/default.htm)

<sup>5</sup> Fla. Admin. Code R. 62D-5.056.

<sup>6</sup> E-mail from Bruce Deterding of DEP, March 6, 2006.

<sup>7</sup> Fla. Admin. Code R. 62D-5.055.

<sup>8</sup> Section 375.075(3), F.S.

have received funding. There have been instances when a project has not made the list but was funded by the Legislature in a separate line item appropriation.<sup>9</sup>

### Effect of Bill

The bill clarifies that the rules for the FRDAP program shall include: the total number of active projects expending grant funds a local government may have during any state fiscal year; the maximum amount of state funds that is awardable for each grant project; application requirements; required documentation and forms; grant administration; accountability; site dedication and management; conversion; public accessibility; entrance fees; native plantings; inspections; and compliance. It eliminates the statutory caps on the number of grants that local governments may have in any given fiscal year and removes the cap of \$200,000 per grant. The bill also provides for DEP to adopt a rule, creating an incentive for the construction of inclusive playground projects. The bill defines an inclusive playground as:

A playground with a barrier-free environment designed for children of all abilities, including those with physical, developmental, cognitive, and sensory disabilities, to experience independent self-directed play, each at his or her own highest level of ability, and includes accessible play components and equipment that engage and provide access for children with various motor impairments.

Projects being defined as inclusive playgrounds by this bill are technically eligible to be funded under the current FRDAP program. However, under the current FRDAP program, these projects are subjected to the minimum 53 point requirements and the same competitive ranking system as all other qualifying projects. Because of the high costs associated with inclusive playgrounds, especially as stand alone projects, it is difficult for them to receive the 53 point minimum. For inclusive playgrounds to be funded under the current FRDAP, they normally must be part of a larger project.<sup>10</sup>

#### C. SECTION DIRECTORY:

**Section 1:** Amends directory language of s. 375.075, F.S., clarifying rule-making authority, eliminating statutory caps and including inclusive playgrounds.

**Section 2:** Provides an effective date of July 1, 2006.

## 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:

---

<sup>9</sup> E-mail from Bruce Deterding of DEP, March 6, 2006.

<sup>10</sup> E-mail from Bruce Deterding of DEP, March 6, 2006.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill directs DEP to adopt, by rule, an incentive program for inclusive playgrounds.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The current statute contains an incorrect cross reference to s. 259.105(3)(c). The correct cross reference should be s. 259.105(3)(d). This is being corrected in a revisers bill, HB 7067(42).

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Council on Local Government adopted one amendment on March 22, 2006. The amendment changes the term "boundless" to "inclusive" and provides that DEP adopt a rule creating an incentive to construct inclusive playgrounds. The bill, as amended, was reported favorably with committee substitute.

The Agriculture and Environment Appropriations Committee adopted one amendment on April 11, 2006. The amendment clarifies how the DEP may change the FRDAP program through rule. It also removes the statutory cap of \$200,000 per grant and how many grants a local government may have in any fiscal year.