

By Senator Justice

16-00627A-10

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1                   A bill to be entitled  
2       An act relating to playground safety requirements;  
3       requiring the Department of Community Affairs, in  
4       consultation with the Department of Education, to  
5       adopt rules establishing safety requirements for  
6       playgrounds; providing definitions; providing  
7       guidelines for the adoption of the safety  
8       requirements; prohibiting the expenditure of public  
9       funds on projects that do not conform to the safety  
10      requirements; providing certain exceptions; providing  
11      an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15       Section 1. (1) As used in this section, the term  
16 "playground" means an improved outdoor area that is designed,  
17 equipped, and used for the play of six or more children, is open  
18 to the public or to users of a facility operated by the operator  
19 of the playground, and is not intended for use as an athletic  
20 playing field or athletic court. The term also includes play  
21 equipment, surfacing, fencing, signs, internal pathways,  
22 internal land forms, landscaping, and related elements used in  
23 the facility.

24       (2) The Department of Community Affairs, in consultation  
25 with the Department of Education, shall adopt rules for the  
26 design, installation, inspection, and maintenance of  
27 playgrounds. The rules shall meet any standard of care imposed  
28 by law on playground operators and shall conform to the  
29 guidelines and criteria in the 2008 revision of the Handbook for

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30 Public Playground Safety produced by the United States Consumer  
31 Products Safety Commission. The rules shall also include special  
32 provisions for playgrounds for children who attend day care  
33 facilities. The department is not responsible for the  
34 enforcement of any rules adopted pursuant to this section.

35 (3) Any playground constructed after January 1, 2011, must  
36 conform to the rules adopted pursuant to this section.

37 (4) Public funds may not be used in the planning,  
38 development, or redevelopment of any playground after July 1,  
39 2011, unless the playground will conform to the rules adopted  
40 pursuant to this section at the completion of the project.  
41 However, if public funds are appropriated to or allocated for a  
42 playground project before July 1, 2011, the funding shall be  
43 maintained if the cost of alterations to bring the playground  
44 into conformance with the rules adopted pursuant to this section  
45 does not exceed 15 percent of the original project cost.

46 Section 2. This act shall take effect July 1, 2010.