

HB 1431

2014

1 A bill to be entitled

2 An act relating to playground safety; providing a
3 short title; providing definitions; requiring new and
4 existing playgrounds open to the public to comply with
5 specified national safety standards and guidelines;
6 requiring inspections of playgrounds by certified
7 playground safety inspectors; requiring counties and
8 municipalities to post certain playground safety
9 information on their websites; authorizing counties
10 and municipalities to require permits and charge fees
11 for construction or renovation of certain playgrounds;
12 prohibiting use of state funds for construction or
13 retrofit of playgrounds unless the playground meets
14 certain safety requirements; prohibiting appropriation
15 of state funds after specific date to operate,
16 maintain, or supervise playgrounds that do not meet
17 safety requirements; providing an effective date.

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19 WHEREAS, the United States Consumer Product Safety
20 Commission estimates that every year more than 200,000 children
21 are injured severely enough on playgrounds to necessitate a trip
22 to a hospital, and

23 WHEREAS, the United States Consumer Product Safety
24 Commission also estimates that between five and fifteen children
25 die annually as a result of dangerous or defective playgrounds,
26 and

27 WHEREAS, according to the American Academy of Dermatology,
 28 one in five Americans will develop some form of skin cancer
 29 during their lives and so designing play structures to provide
 30 or create shade opportunities is essential to protect children's
 31 skin from the sun, and

32 WHEREAS, other states have playground safety laws, but
 33 there are currently no laws in Florida to prevent these
 34 tragedies, and

35 WHEREAS, the Legislature intends for all playgrounds in the
 36 state to be safe for children by requiring that playgrounds open
 37 to the public comply with national playground safety standards
 38 from ASTM International, formerly the American Society for
 39 Testing and Materials, and with national safety guidelines from
 40 the United States Consumer Product Safety Commission, NOW
 41 THEREFORE

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 43 Be It Enacted by the Legislature of the State of Florida:

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 45 Section 1. This act may be cited as the "Playground Safety
 46 Act."

47 Section 2. (1) DEFINITIONS.—As used in this section, the
 48 term:

49 (a) "Certified playground safety inspector" means an
 50 individual who successfully completes the program requirements
 51 for certification as a playground safety inspector by the
 52 National Recreation and Park Association.

53 (b) "Public playground owner" or "owner" means an entity
54 that provides a playground open to the public and includes a
55 subdivision, park, school, apartment complex, hotel, motel,
56 resort, campground, office, hospital, shopping center, child
57 care facility, homeowners' association, or restaurant. The term
58 does not include a foster home, group home, or family day care
59 home.

60 (c) "Park" means all public and private property
61 specifically designated as being used for recreational purposes
62 where children regularly congregate.

63 (d) "Playground" means an indoor or outdoor area
64 designated for children that has one or more nonmechanized
65 structures, including swings, seesaws, stationary spring-mounted
66 animal features, rider-propelled merry-go-rounds, climbers,
67 slides, and surfacing material. The term does not include
68 improved outdoor or indoor areas intended for use as an athletic
69 playing field or court.

70 (e) "Public agency" means the state or a county,
71 municipality, special district, or other political subdivision
72 that builds or provides playgrounds open to the public.

73 (2) PLAYGROUND STANDARDS.—

74 (a) Effective July 1, 2015, all new playgrounds open to
75 the public that are built or installed by a public agency or a
76 public playground owner shall conform to the playground safety
77 standards set forth by ASTM International, formerly the American
78 Society for Testing and Materials, in standard specifications

79 F1292, F1487, F1918, and F2049 and the playground safety
80 guidelines set forth in the Public Playground Safety Handbook
81 No. 325 published by the United States Consumer Product Safety
82 Commission.

83 (b) A public agency or owner of a playground that is open
84 to the public on July 1, 2015, shall have a certified playground
85 safety inspector conduct an initial safety inspection no later
86 than July 1, 2016, for the purpose of aiding in compliance with
87 the safety standards and guidelines. A written inspection report
88 may serve as a reference for the public agency or public
89 playground owner for whom the report was written, but it is not
90 intended for any other use or purpose.

91 (c) Effective July 1, 2015, equipment or components of
92 existing playgrounds that are added, replaced, or modified shall
93 conform to the playground safety standards set forth by ASTM
94 International, formerly the American Society for Testing and
95 Materials, in standard specifications F1292, F1487, F1918, and
96 F2049, and the playground safety guidelines set forth in the
97 Public Playground Safety Handbook No. 325 published by the
98 United States Consumer Product Safety Commission.

99 (d) Effective July 1, 2020, all playgrounds built and
100 installed before July 1, 2015, must conform to the requirements
101 set forth in paragraph (a).

102 (e) Each playground open to the public must be inspected
103 every 5 years by a certified playground safety inspector using
104 the national safety standards and guidelines as provided in

105 paragraph (a). The inspection report may serve as a reference
106 for the public agency for whom the report was written, but is
107 not intended for any other use or purpose.

108 (f) By December 1, 2014, each county and municipality must
109 provide on its website that provides building permits and
110 applications, a link to the standards and guidelines for
111 playground safety as provided in this section.

112 (3) FUNDING.—

113 (a) Each county or municipality may require a building
114 permit from each public playground owner that constructs a new
115 playground or provides a major modification, addition, or
116 replacement of an existing playground. The county or
117 municipality may charge a fee for such permit.

118 (b) A public agency may not use state funds for the
119 planning, development, or redevelopment costs of a playground
120 open to the public unless such playground, when constructed or
121 installed, complies with the playground safety requirements of
122 this section. A public agency that has received but not yet
123 expended a state allocation for a playground project shall
124 retrofit the design of the project to comply with this section
125 before receiving the funding, unless doing so would
126 significantly increase the project costs.

127 (c) After the date that a public agency is required to
128 meet the playground safety standards set forth in subsection
129 (2), a public agency may not use state funds to operate,
130 maintain, or supervise a playground open to the public unless

HB 1431

2014

131 | the playground meets the playground safety standards set forth
132 | in this section.

133 | Section 3. This act shall take effect January 1, 2015.