

By Senator Sobel

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1 A bill to be entitled
2 An act relating to playground safety; providing a
3 short title; creating s. 501.927, F.S.; defining
4 terms; requiring certain new and existing playgrounds
5 to comply with specified safety standards and
6 guidelines; requiring safety inspections of certain
7 playgrounds by a certain date; requiring counties and
8 municipalities to provide a link to certain playground
9 safety information on their websites; authorizing
10 counties and municipalities to require permits and
11 charge fees for the construction or renovation of
12 certain playgrounds; prohibiting the use of state
13 funds for constructing or retrofitting a playground
14 unless the playground meets certain safety
15 requirements; prohibiting the appropriation of state
16 funds after a specific date to operate, maintain, or
17 supervise playgrounds that do not meet certain safety
18 requirements; providing an effective date.

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

24 WHEREAS, the United States Consumer Product Safety
25 Commission also estimates that between 5 and 15 children die
26 each year as a result of dangerous or defective playgrounds, and

27 WHEREAS, each year, children are injured or killed as a
28 result of playground hazards, such as sharp edges, hot surfaces
29 and surfacing, hard surfacing material, impacts from

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30 protrusions, poorly maintained equipment, or from head
31 entrapments and entanglements, and

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

35 WHEREAS, the Legislature intends that playgrounds that are
36 open to the public in this state be safe for children and,
37 therefore, must comply with national playground safety standards
38 and guidelines, NOW, THEREFORE,

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

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42 Section 1. This act may be cited as the "Playground Safety
43 Act."

44 Section 2. Section 501.927, Florida Statutes, is created to
45 read:

46 501.927 Playground safety.-

47 (1) DEFINITIONS.-As used in this section, the term:

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

52 (b) "Park" means all public and private property
53 specifically designated as being used for recreational purposes
54 where children regularly congregate.

55 (c) "Playground" means an indoor or outdoor area designated
56 for children which has one or more nonmechanized structures,
57 including swings, seesaws, stationary spring-mounted features,
58 rider-propelled merry-go-rounds, climbers, slides, and surfacing

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59 material. The term does not include improved outdoor or indoor
60 areas intended for use as athletic playing fields or courts.

61 (d) "Playground safety standards and guidelines" means the
62 ASTM International playground safety standard specifications
63 F1292, F1487, F1918, and F2049 and the playground safety
64 guidelines published in the Public Playground Safety Handbook,
65 Publication No. 325, November 2010 edition, by the United States
66 Consumer Product Safety Commission.

67 (e) "Public agency" means a state or a county,
68 municipality, special district, or other political subdivision.

69 (f) "Public playground owner" means an entity that owns or
70 operates a playground, including a subdivision, park, school,
71 apartment complex, hotel, motel, resort, campground, office,
72 hospital, shopping center, child care facility, homeowners'
73 association, or restaurant. The term does not include a foster
74 home, group home, or family day care home.

75 (2) COMPLIANCE WITH SAFETY STANDARDS AND GUIDELINES.-

76 (a) Playgrounds that are open to the public and are built
77 or installed on or after July 1, 2017, by a public agency or a
78 public playground owner must conform to the playground safety
79 standards and guidelines.

80 (b) Playgrounds that are open to the public and are built
81 or installed before July 1, 2017, by a public agency or a public
82 playground owner must conform to the playground safety standards
83 and guidelines by July 1, 2022.

84 (c) By July 1, 2018, each playground that is open to the
85 public and owned or operated by a public agency or public
86 playground owner must undergo an initial inspection by a
87 certified playground safety inspector. A written report of the

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88 findings of the initial safety inspection may serve as a
89 reference for the public agency or public playground owner for
90 whom the report was written and is not intended for any other
91 purpose.

92 (d) By July 1, 2017, each county and municipality must
93 provide an electronic link to the playground safety standards
94 and guidelines on its website page that provides information on
95 building permits and applications.

96 (3) FUNDING.—

97 (a) A county or municipality may require a building permit
98 from each public playground owner who constructs a new
99 playground or constructs a major modification or addition to, or
100 replacement of, an existing playground. The county or
101 municipality may charge a reasonable fee for such permit.

102 (b) A public agency may not use state funds for the
103 planning, development, or redevelopment costs of a playground
104 that is open to the public unless the playground, when
105 constructed or installed, complies with the playground safety
106 standards and guidelines. A public agency that has received
107 state funds for a playground project before July 1, 2017, but
108 has not expended the funds must retrofit the design of the
109 project to comply with the playground safety standards and
110 guidelines, unless doing so would significantly increase the
111 project costs.

112 (c) After the date that a public agency is required to meet
113 the playground safety standards and guidelines, it may not use
114 state funds to operate, maintain, or supervise a playground open
115 to the public unless the playground meets the playground safety
116 standards and guidelines.

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Section 3. This act shall take effect January 1, 2017.