

A bill to be entitled

An act relating to the joint use of public school facilities; creating s. 768.072, F.S.; authorizing district school boards to enter into joint-use agreements or adopt public access policies; providing immunity from liability for a district school board that enters into a joint-use agreement or adopts public access policies except in instances of gross negligence or intentional misconduct; providing applicability; providing an effective date.

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

Section 1. Section 768.072, Florida Statutes, is created to read:

768.072 Limitation on public school premises liability.-

(1) A district school board is not liable for civil damages for personal injury, property damage, or death that occurs on a public school property that the district school board has opened to the public through joint-use agreements or public access policies unless gross negligence or intentional misconduct on the part of the district school board is a proximate cause of the injury, damage, or death.

(2) A district school board may, at its discretion, enter into a joint-use agreement with a local government or a private organization or adopt public access policies to enable public

27 access to indoor or outdoor recreation and sports facilities on
28 public school property. A joint-use agreement or public access
29 policy should specify the facilities to be used, dates and times
30 of use, and terms and conditions governing use of such
31 facilities and may include provisions regarding liability
32 insurance coverage and indemnification of the school district.

33 (3) This section does not affect liability for injury,
34 damage, or death that occurs during school hours or during a
35 school-sponsored activity.

36 (4) This section does not waive sovereign immunity beyond
37 the limited waiver in s. 768.28.

38 Section 2. This act shall take effect July 1, 2014.