

By Representative Jacobs

1 A bill to be entitled
2 An act relating to civil immunity of the
3 district school board; providing legislative
4 intent; exempting the district school board and
5 its officers or employees, instructional
6 personnel or staff, administrative personnel or
7 other personnel, school volunteers or teacher's
8 aides, or agents from certain liabilities for
9 tort and other civil claims arising out of, and
10 directly resulting from, use of school property
11 or facilities for "recreational or community
12 purposes," as defined; providing an exception;
13 providing an effective date.

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

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17 Section 1. Civil immunity of district school board
18 from liability for certain incidents arising out of community
19 or recreational use of school property or facilities.--

20 (1) LEGISLATIVE INTENT.--The Legislature declares its
21 intent to encourage the use of facilities and property of the
22 district school system for recreational and community
23 purposes. To this end, the Legislature intends to make each
24 district school board immune from tort liability for injury or
25 death, loss, or other damages arising out of, and incurred as
26 a direct result of the negligent or intentional acts or
27 omissions of persons or entities other than the school
28 district, its agents, employees, or students who are using the
29 school plant or other facilities or property of the district
30 school system for recreational or community purposes.

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1 (2) DEFINITION.--As used in this act, the term
2 "recreational or community purposes" means activities
3 unrelated to the regular functions or operation of the school
4 district for which the district school board permits the use
5 of the school plant or other facilities or property of the
6 district school system, regardless of whether students or
7 other persons participate in the activities, including, but
8 not limited to, such indoor or outdoor events as meetings or
9 lectures held in school classrooms by community groups or
10 nonprofit agencies or organizations; community concerts or
11 community theater productions held in the school auditorium;
12 amateur sports and games held on school athletic playing
13 fields, other than those in which school teams are
14 participating; or neighborhood jogging occurring on the school
15 track.

16 (3) IMMUNITY OF SCHOOL BOARD FROM CIVIL
17 LIABILITY.--Notwithstanding s. 234.03, s. 768.28, Florida
18 Statutes, or any other provision to the contrary, a district
19 school board, or any of its officers or employees,
20 instructional personnel or staff, administrative personnel or
21 other personnel, school volunteers or teacher's aides, or
22 agents shall not be vicariously liable for the negligent acts
23 or omissions of any person or entity not associated with the
24 school district, related to the use for recreational or
25 community purposes of the school plant, as defined in s.
26 228.041, Florida Statutes, or other facilities or property of
27 the district school system. Furthermore, notwithstanding any
28 other provision of law to the contrary, no entity or person
29 who, pursuant to this act, is immune from liability or
30 nonamenable to judgment in a civil action for damages to an
31 injured person shall be deemed or found in said action to be

1 in any way at fault or responsible for the injury that gave
2 rise to those damages.

3 (4) EXCEPTION.--The immunity and exemption from civil
4 liability provided for in this section does not apply to the
5 negligent or intentional acts or omissions of a district
6 school board, or any of its officers or employees,
7 instructional personnel or staff, administrative personnel or
8 other personnel, school volunteers or teacher's aides, or
9 agents. The immunity and exemption from civil liability
10 provided for in this section does not apply where the school
11 board or any of its officers, employees or agents fails to act
12 with reasonable care in permitting the use of its facilities,
13 nor does it apply to a latent dangerous condition of the
14 school plant as defined in s. 228.041(7), Florida Statutes, or
15 other facilities or property of the district school system
16 where the school board or any of its officers, employees or
17 agents has knowledge of such latent dangerous condition and
18 has not disclosed such condition to persons coming on the
19 property or provided a warning of such latent dangerous
20 condition.

21 Section 2. This act shall take effect upon becoming a
22 law.

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25 HOUSE SUMMARY

26 Provides that, notwithstanding specified provisions
27 waiving sovereign immunity, the district school board and
28 its officers or employees, instructional personnel or
29 staff, administrative personnel or other personnel,
30 school volunteers or teacher's aides, or agents are not
31 subject to certain liabilities for tort and other civil
claims arising out of, and directly resulting from, use
of school property or facilities for "recreational or
community purposes," as defined. Provides an exception.