

By the Committee on Civil Justice & Claims and
Representatives Futch and Silver

1 A bill to be entitled
2 An act relating to skateboarding, freestyle
3 bicycling, and rollerblading activities;
4 creating s. 316.0085, F.S., providing
5 legislative purpose; providing definitions;
6 providing limitations on liability with respect
7 to governmental entities and public employees
8 with respect to persons who participate in
9 skateboarding, rollerblading, or freestyle
10 bicycle riding activities on property owned or
11 leased by the governmental entity; providing
12 exceptions; providing for liability of
13 independent concessionaires or other persons or
14 organizations for certain injuries or damages;
15 providing for the assumption of certain risks;
16 providing for the effect of certain insurance;
17 providing an effective date.

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

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21 Section 1. Section 316.0085, Florida Statutes, is
22 created to read:

23 316.0085 Skateboarding; rollerblading; freestyle
24 bicycle riding; definitions; liability.--

25 (1) The purpose of this section is to encourage
26 governmental owners or lessees of property to make land
27 available to the public for skateboarding, rollerblading, and
28 freestyle bicycle riding activities. It is recognized that
29 governmental owners or lessees of property have failed to make
30 property available for such activities because of the exposure
31 to liability from lawsuits and the prohibitive cost of

1 insurance, if insurance can be obtained for such activities.
2 It is also recognized that risks and dangers are inherent in
3 these activities, which risks and dangers should be assumed by
4 those participating in such activities.
5 (2) As used in this section, the term:
6 (a) "Governmental entity" means:
7 1. The United States, the State of Florida, any county
8 or municipality, or any department, agency, or other
9 instrumentality thereof; and
10 2. Any school board, special district, authority or
11 other entity exercising governmental authority.
12 (b) "Inherent risk" means those dangers or conditions
13 that are characteristic of, intrinsic to, or an integral part
14 of skateboarding, rollerblading, and freestyle bicycle riding.
15 (3) No governmental entity or public employee shall be
16 liable to any person who participates in skateboarding,
17 rollerblading, or freestyle bicycle riding, any person who
18 assists the participant, or any spectator who was voluntarily
19 in the place of risk or, having the ability to do so, failed
20 to leave, for any damage or injury to property or persons
21 arising out of any skateboarding, rollerblading, or freestyle
22 bicycle riding activity which takes place in an area
23 designated for such activity.
24 (4) This section does not limit liability which would
25 otherwise exist for any of the following:
26 (a) The failure of the governmental entity or public
27 employee to guard against or warn of a dangerous condition of
28 which he or she has actual or constructive notice and of which
29 a participant does not and cannot reasonably be expected to
30 have notice.
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1 (b) An act of gross negligence by the governmental
2 entity or public employee that is the proximate cause of the
3 injury.

4 (c) As to children under 17 years of age, if a
5 governmental entity that provides a designated area for
6 skateboarding, rollerblading, or freestyle bicycle riding
7 fails to obtain the written consent, in a form acceptable to
8 the governmental entity, from the parents or legal guardians
9 of any child under 17 years of age before authorizing such
10 child or children to participate in skateboarding,
11 rollerblading, or freestyle bicycle riding in such designated
12 area.

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14 Nothing in this subsection creates a duty of care or basis of
15 liability for death, personal injury, or damage to personal
16 property. Nothing in this section shall be deemed to be a
17 waiver of sovereign immunity under any circumstances.

18 (5) Nothing in this section shall limit the liability
19 of an independent concessionaire, or any person or
20 organization other than a governmental entity or public
21 employee, whether or not the person or organization has a
22 contractual relationship with a governmental entity to use the
23 public property, for injuries or damages suffered in any case
24 as a result of the operation of skateboards, rollerblades, or
25 freestyle bicycles on public property by the concessionaire,
26 person, or organization.

27 (6)(a) Any person who participates in, assists in, or
28 observes skateboarding, rollerblading, or freestyle bicycle
29 riding assumes the known and unknown inherent risks in these
30 activities irrespective of their age, and is legally
31 responsible for all damages, injury or death to himself,

1 herself, or other persons or property which result from these
2 activities. No governmental entity which sponsors, allows, or
3 permits skateboarding, rollerblading, or freestyle bicycle
4 riding on its property is required to eliminate, alter, or
5 control the inherent risks in these activities.

6 (b) While engaged in skateboarding, rollerblading, or
7 freestyle bicycle riding, irrespective of where such
8 activities occur, a participant is responsible for doing all
9 of the following:

10 1. Acting within the limits of his or her ability and
11 the purpose and design of the equipment used.

12 2. Maintaining control of his or her person and the
13 equipment used.

14 3. Refraining from acting in any manner which may
15 cause or contribute to death or injury of himself, herself or
16 other persons.

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18 Failure to comply with the requirements of this paragraph
19 shall constitute negligence.

20 (7) The fact that a governmental entity carries
21 insurance which covers any act described in this section shall
22 not constitute a waiver of the protections set forth in this
23 section, regardless of the existence or limits of such
24 coverage.

25 Section 2. This act shall take effect upon becoming a
26 law.

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