

1 A bill to be entitled
2 An act relating to skateboarding, freestyle
3 bicycling, and inline skating 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, inline skating, 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; inline skating; 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, inline skating, 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, inline skating, and freestyle bicycle
15 riding.

16 (3) This section does not grant authority or
17 permission for a person to engage in skateboarding, inline
18 skating, or freestyle bicycling activities on property owned
19 or controlled by a governmental entity unless such
20 governmental entity has specifically designated such area for
21 skateboarding, inline skating, and freestyle bicycling
22 activities.

23 (4) No governmental entity or public employee shall be
24 liable to any person who voluntarily participates in
25 skateboarding, inline skating, or freestyle bicycle riding for
26 any damage or injury to property or persons which arises out
27 of a person's participation in such activity, and which takes
28 place in an area designated for such activity.

29 (5) This section does not limit liability which would
30 otherwise exist for any of the following:

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1 (a) The failure of the governmental entity or public
2 employee to guard against or warn of a dangerous condition of
3 which he or she has actual or constructive notice and of which
4 a participant does not and cannot reasonably be expected to
5 have notice.

6 (b) An act of gross negligence by the governmental
7 entity or public employee that is the proximate cause of the
8 injury.

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

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18 Nothing in this subsection creates a duty of care or basis of
19 liability for death, personal injury, or damage to personal
20 property. Nothing in this section shall be deemed to be a
21 waiver of sovereign immunity under any circumstances.

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

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1 (7)(a) Any person who participates in, assists in, or
2 observes skateboarding, inline skating, or freestyle bicycle
3 riding assumes the known and unknown inherent risks in these
4 activities irrespective of their age, and is legally
5 responsible for all damages, injury or death to himself,
6 herself, or other persons or property which result from these
7 activities. No governmental entity which sponsors, allows, or
8 permits skateboarding, inline skating, or freestyle bicycle
9 riding on its property is required to eliminate, alter, or
10 control the inherent risks in these activities.

11 (b) While engaged in skateboarding, inline skating, or
12 freestyle bicycle riding, irrespective of where such
13 activities occur, a participant is responsible for doing all
14 of the following:

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

17 2. Maintaining control of his or her person and the
18 equipment used.

19 3. Refraining from acting in any manner which may
20 cause or contribute to death or injury of himself, herself or
21 other persons.

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23 Failure to comply with the requirements of this paragraph
24 shall constitute negligence.

25 (8) The fact that a governmental entity carries
26 insurance which covers any act described in this section shall
27 not constitute a waiver of the protections set forth in this
28 section, regardless of the existence or limits of such
29 coverage.

30 Section 2. This act shall take effect upon becoming a
31 law.