

By Senator King

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1 A bill to be entitled

2 An act relating to intergovernmental cooperation; amending
3 s. 163.01, F.S.; authorizing parties to an interlocal
4 agreement to provide for the use or maintenance of
5 facilities or equipment; amending s. 1003.02, F.S.;
6 authorizing district school boards to perform certain
7 functions by means of an interlocal agreement; amending s.
8 1006.261, F.S.; providing for use of school buses for
9 additional public purposes; providing for reimbursement
10 and indemnification; providing an effective date.

11
12 WHEREAS, s. 187.201(20), Florida Statutes, provides that it
13 is a goal of the state that Florida governments economically and
14 efficiently provide the amount and quality of services required
15 by the public and that it is a policy of the state to encourage
16 greater cooperation between, among, and within all levels of
17 Florida government through the use of appropriate interlocal
18 agreements and mutual participation for mutual benefit, and

19 WHEREAS, s. 163.3177(12), Florida Statutes, relating to
20 public school facilities elements of local government
21 comprehensive plans, states, in pertinent part, that local
22 governments must accomplish analyses of problems and
23 opportunities for existing schools and schools anticipated in the
24 future; analyses of opportunities to collocate future schools
25 with other public facilities, such as parks, libraries, and
26 community centers; and analyses of the need for supporting public
27 facilities for existing and future schools, and

28 WHEREAS, s. 163.31777, Florida Statutes, relating to public
29 schools interlocal agreements, states, in part, that the county

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30 and municipalities located within the geographic area of a school
31 district shall enter into an interlocal agreement with the
32 district school board which jointly establishes the specific ways
33 in which the plans and processes of the district school board and
34 the local governments are to be coordinated, NOW, THEREFORE,

35

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

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38 Section 1. Subsection (6) of section 163.01, Florida
39 Statutes, is amended to read:

40 163.01 Florida Interlocal Cooperation Act of 1969.--

41 (6) An interlocal agreement may provide for one or more
42 parties to the agreement to administer or execute the agreement.
43 One or more parties to the agreement may agree to provide all or
44 a part of the services set forth in the agreement in the manner
45 provided in the agreement. The parties may provide for the mutual
46 exchange of services without payment of any contribution other
47 than such services. The parties may provide for the use or
48 maintenance of facilities or equipment of another party on a
49 cost-reimbursement basis or on the basis of educational benefits
50 received by the employees of a party or students of the public
51 agency.

52 Section 2. Paragraphs (e) and (f) of subsection (1) of
53 section 1003.02, Florida Statutes, are amended to read:

54 1003.02 District school board operation and control of
55 public K-12 education within the school district.--As provided in
56 part II of chapter 1001, district school boards are
57 constitutionally and statutorily charged with the operation and
58 control of public K-12 education within their school district.

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59 | The district school boards must establish, organize, and operate
60 | their public K-12 schools and educational programs, employees,
61 | and facilities. Their responsibilities include staff development,
62 | public K-12 school student education including education for
63 | exceptional students and students in juvenile justice programs,
64 | special programs, adult education programs, and career education
65 | programs. Additionally, district school boards must:

66 | (1) Provide for the proper accounting for all students of
67 | school age, for the attendance and control of students at school,
68 | and for proper attention to health, safety, and other matters
69 | relating to the welfare of students in the following fields:

70 | (e) Transportation.--Make provision for the transportation
71 | of students to the public schools or school activities they are
72 | required or expected to attend, efficiently and economically, in
73 | accordance with the requirements of chapter 1006, which function
74 | may be accomplished, in whole or part, by means of an interlocal
75 | agreement under s. 163.01.

76 | (f) Facilities and school plant.--

77 | 1. Approve and adopt a districtwide school facilities
78 | program, in accordance with the requirements of chapter 1013.

79 | 2. Approve plans for locating, planning, constructing,
80 | sanitating, insuring, maintaining, protecting, and condemning
81 | school property as prescribed in chapter 1013.

82 | 3. Approve and adopt a districtwide school building
83 | program.

84 | 4. Select and purchase school sites, playgrounds, and
85 | recreational areas located at centers at which schools are to be
86 | constructed, of adequate size to meet the needs of projected
87 | students to be accommodated.

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88 5. Approve the proposed purchase of any site, playground,
89 or recreational area for which school district funds are to be
90 used.

91 6. Expand existing sites.

92 7. Rent buildings when necessary, which function may be
93 accomplished, in whole or part, by means of an interlocal
94 agreement under s. 163.01.

95 8. Enter into leases or lease-purchase arrangements, in
96 accordance with the requirements and conditions provided in s.
97 1013.15(2).

98 9. Provide for the proper supervision of construction.

99 10. Make or contract for additions, alterations, and
100 repairs on buildings and other school properties.

101 11. Ensure that all plans and specifications for buildings
102 provide adequately for the safety and well-being of students, as
103 well as for economy of construction.

104 12. Provide adequately for the proper maintenance and
105 upkeep of school plants, which function may be accomplished, in
106 whole or part, by means of an interlocal agreement under s.
107 163.01.

108 13. Carry insurance on every school building in all school
109 plants including contents, boilers, and machinery, except
110 buildings of three classrooms or less which are of frame
111 construction and located in a tenth class public protection zone
112 as defined by the Florida Inspection and Rating Bureau, and on
113 all school buses and other property under the control of the
114 district school board or title to which is vested in the district
115 school board, except as exceptions may be authorized under rules
116 of the State Board of Education.

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117 14. Condemn and prohibit the use for public school purposes
118 of any building under the control of the district school board.

119 Section 3. Paragraph (a) of subsection (1) and paragraph
120 (a) of subsection (2) of section 1006.261, Florida Statutes, are
121 amended to read:

122 1006.261 Use of school buses for public purposes.--

123 (1) (a) Each district school board may enter into agreements
124 with the governing body of a county or municipality in the school
125 district or any state agency or agencies established or
126 identified to assist in the provision of public transportation
127 and other public purposes, including, but not limited to,
128 providing for the needs of the transportation disadvantaged, as
129 defined in s. 427.011, including, but not limited to, the
130 elderly, pursuant to Pub. L. No. 89-73, as amended, for the use
131 of the school buses of the school district by departments,
132 boards, commissions, or officers of such county or municipality
133 or of the state for county, municipal, or state purposes,
134 including, but not limited to, transportation of the
135 transportation disadvantaged or other public purposes. Each such
136 agreement shall provide for reimbursement of the district school
137 board, in full or in part, for the proportionate share of fixed
138 and operating costs incurred by the district school board
139 attributable to the use of the buses pursuant to the agreement or
140 attributable to the maintenance or other activities conducted by
141 the district school board.

142 (2) (a) The governing body or state agency or agencies
143 established or identified pursuant to Pub. L. No. 89-73, or the
144 nonprofit corporation or nonprofit civic organization or group,
145 or an agency established or identified to assist the

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146 transportation disadvantaged as defined in s. 427.011, or a
147 public agency otherwise receiving services from a district school
148 board shall indemnify and hold harmless the district school board
149 from any and all liability by virtue of the use of the buses
150 pursuant to an agreement authorized by this section.

151 Section 4. This act shall take effect upon becoming a law.