

By the Committee on Education Pre-K - 12; and Senator King

581-04915-08

20081070c1

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
29 public schools interlocal agreements, states, in part, that the

581-04915-08

20081070c1

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

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

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

41 163.01 Florida Interlocal Cooperation Act of 1969.--

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

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

53 1003.02 District school board operation and control of
54 public K-12 education within the school district.--As provided in
55 part II of chapter 1001, district school boards are
56 constitutionally and statutorily charged with the operation and
57 control of public K-12 education within their school district.
58 The district school boards must establish, organize, and operate

581-04915-08

20081070c1

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

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

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

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

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

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

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

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

581-04915-08

20081070c1

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

90 6. Expand existing sites.

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

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

97 9. Provide for the proper supervision of construction.

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

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

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

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

581-04915-08

20081070c1

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

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

121 1006.261 Use of school buses for public purposes.--

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

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

581-04915-08

20081070c1

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

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