

20081070er

1  
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

20081070er

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

20081070er

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.

20081070er

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.

20081070er

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

20081070er

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.