

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

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

HB 445

2008

29 WHEREAS, section 163.31777, Florida Statutes, relating to
 30 public schools interlocal agreements, states, in part, that the
 31 county and municipalities located within the geographic area of
 32 a school district shall enter into an interlocal agreement with
 33 the district school board which jointly establishes the specific
 34 ways in which the plans and processes of the district school
 35 board and the local governments are to be coordinated, NOW,
 36 THEREFORE,

37

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

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

42 163.01 Florida Interlocal Cooperation Act of 1969.--

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

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

56 1003.02 District school board operation and control of
57 public K-12 education within the school district.--As provided
58 in part II of chapter 1001, district school boards are
59 constitutionally and statutorily charged with the operation and
60 control of public K-12 education within their school district.
61 The district school boards must establish, organize, and operate
62 their public K-12 schools and educational programs, employees,
63 and facilities. Their responsibilities include staff
64 development, public K-12 school student education including
65 education for exceptional students and students in juvenile
66 justice programs, special programs, adult education programs,
67 and career education programs. Additionally, district school
68 boards must:

69 (1) Provide for the proper accounting for all students of
70 school age, for the attendance and control of students at
71 school, and for proper attention to health, safety, and other
72 matters relating to the welfare of students in the following
73 fields:

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

80 (f) Facilities and school plant.--

81 1. Approve and adopt a districtwide school facilities
82 program, in accordance with the requirements of chapter 1013.

HB 445

2008

83 2. Approve plans for locating, planning, constructing,
84 sanitating, insuring, maintaining, protecting, and condemning
85 school property as prescribed in chapter 1013.

86 3. Approve and adopt a districtwide school building
87 program.

88 4. Select and purchase school sites, playgrounds, and
89 recreational areas located at centers at which schools are to be
90 constructed, of adequate size to meet the needs of projected
91 students to be accommodated.

92 5. Approve the proposed purchase of any site, playground,
93 or recreational area for which school district funds are to be
94 used.

95 6. Expand existing sites.

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

99 8. Enter into leases or lease-purchase arrangements, in
100 accordance with the requirements and conditions provided in s.
101 1013.15(2).

102 9. Provide for the proper supervision of construction.

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

105 11. Ensure that all plans and specifications for buildings
106 provide adequately for the safety and well-being of students, as
107 well as for economy of construction.

108 12. Provide adequately for the proper maintenance and
109 upkeep of school plants, which function may be accomplished, in

110 whole or part, by means of an interlocal agreement under s.
 111 163.01.

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

121 14. Condemn and prohibit the use for public school
 122 purposes of any building under the control of the district
 123 school board.

124 Section 3. Paragraph (a) of subsection (1) and paragraph
 125 (a) of subsection (2) of section 1006.261, Florida Statutes, are
 126 amended to read:

127 1006.261 Use of school buses for public purposes.--

128 (1)(a) Each district school board may enter into
 129 agreements with the governing body of a county or municipality
 130 in the school district or any state agency or agencies
 131 established or identified to assist in the provision of public
 132 transportation and other public purposes, including, but not
 133 limited to, providing for the needs of the transportation
 134 disadvantaged, as defined in s. 427.011, including, but not
 135 limited to, the elderly, pursuant to Pub. L. No. 89-73, as
 136 amended, for the use of the school buses of the school district
 137 by departments, boards, commissions, or officers of such county

HB 445

2008

138 or municipality or of the state for county, municipal, or state
139 purposes, including, but not limited to, transportation of the
140 transportation disadvantaged or other public purposes. Each such
141 agreement shall provide for reimbursement of the district school
142 board, in full or in part, for the proportionate share of fixed
143 and operating costs incurred by the district school board
144 attributable to the use of the buses pursuant to the agreement
145 or attributable to the maintenance or other activities conducted
146 by the district school board.

147 (2) (a) The governing body or state agency or agencies
148 established or identified pursuant to Pub. L. No. 89-73, or the
149 nonprofit corporation or nonprofit civic organization or group,
150 or an agency established or identified to assist the
151 transportation disadvantaged as defined in s. 427.011, or a
152 public agency otherwise receiving services from a district
153 school board shall indemnify and hold harmless the district
154 school board from any and all liability by virtue of the use of
155 the buses pursuant to an agreement authorized by this section.

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