

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.

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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

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.

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
 56 in 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.
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
62 | development, public K-12 school student education including
63 | education for exceptional students and students in juvenile
64 | justice programs, special programs, adult education programs,
65 | and career education programs. Additionally, district school
66 | boards must:

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

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

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

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

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

- 84 3. Approve and adopt a districtwide school building
- 85 program.
- 86 4. Select and purchase school sites, playgrounds, and
- 87 recreational areas located at centers at which schools are to be
- 88 constructed, of adequate size to meet the needs of projected
- 89 students to be accommodated.
- 90 5. Approve the proposed purchase of any site, playground,
- 91 or recreational area for which school district funds are to be
- 92 used.
- 93 6. Expand existing sites.
- 94 7. Rent buildings when necessary, which function may be
- 95 accomplished, in whole or part, by means of an interlocal
- 96 agreement under s. 163.01.
- 97 8. Enter into leases or lease-purchase arrangements, in
- 98 accordance with the requirements and conditions provided in s.
- 99 1013.15(2).
- 100 9. Provide for the proper supervision of construction.
- 101 10. Make or contract for additions, alterations, and
- 102 repairs on buildings and other school properties.
- 103 11. Ensure that all plans and specifications for buildings
- 104 provide adequately for the safety and well-being of students, as
- 105 well as for economy of construction.
- 106 12. Provide adequately for the proper maintenance and
- 107 upkeep of school plants, which function may be accomplished, in
- 108 whole or part, by means of an interlocal agreement under s.
- 109 163.01.
- 110 13. Carry insurance on every school building in all school
- 111 plants including contents, boilers, and machinery, except

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

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

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

125 1006.261 Use of school buses for public purposes.--

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

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140 board, in full or in part, for the proportionate share of fixed
141 and operating costs incurred by the district school board
142 attributable to the use of the buses pursuant to the agreement
143 or attributable to the maintenance or other activities conducted
144 by the district school board.

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

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