

1 A bill to be entitled
 2 An act relating to the joint use of public school
 3 facilities; creating s. 1013.105, F.S.; providing
 4 legislative findings; encouraging each district school
 5 board to adopt written policies to promote public
 6 access to outdoor recreation and sports facilities on
 7 school property and increase the number of joint-use
 8 agreements; providing duties of district school boards
 9 and the Department of Education; creating s. 768.072,
 10 F.S.; providing immunity from liability for a district
 11 school board that adopts public access policies or
 12 enters into a joint-use agreement except in instances
 13 of gross negligence or intentional misconduct;
 14 defining the term "gross negligence"; providing an
 15 effective date.

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

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 19 Section 1. Section 1013.105, Florida Statutes is created
 20 to read:

21 1013.105 Joint use of public school facilities.—
 22 (1) The Legislature finds that greater access to
 23 recreation and sports facilities is needed to reduce the impact
 24 of obesity on personal health and health care expenditures. The
 25 Legislature further finds that public schools are equipped with
 26 taxpayer-funded playgrounds, fields, tracks, courts, and other
 27 outdoor recreation and sports facilities that offer easily
 28 accessible opportunities for physical activity for residents of

29 the community.

30 (2) Each district school board is encouraged to:

31 (a) Adopt written policies to promote public access to the
32 outdoor recreation and sports facilities on public school
33 property during nonschool hours when a school-sponsored or
34 school-related activity is not occurring. A public access policy
35 should outline the outdoor recreation and sports facilities that
36 are open to the public and the hours the facilities are open.

37 (b) Increase the number of joint-use agreements entered
38 into with a local government or a private organization. A joint-
39 use agreement should set forth the terms and conditions for the
40 shared use of outdoor recreation and sports facilities on public
41 school property.

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43 Within 30 days after adopting a public access policy or entering
44 into a joint-use agreement, a district school board must submit
45 a copy of the policy or agreement to the Department of
46 Education.

47 (3) The Department of Education shall:

48 (a) Develop a model joint-use agreement and post the model
49 agreement on its website.

50 (b) Post on its website links to or copies of all district
51 school board public access policies and joint-use agreements
52 submitted to the department by a district school board.

53 (c) Develop criteria for the acceptance of grants for
54 implementing joint-use agreements and post the criteria on its
55 website.

56 Section 2. Section 768.072, Florida Statutes, is created

CS/HB 431

2012

57 to read:

58 768.072 Limitation on public school premises liability.-

59 (1) A district school board is not liable for civil
60 damages for personal injury, property damage, or death that
61 occurs on a public school property that the district school
62 board has opened up to the public, through public access
63 policies or joint-use agreements under s. 1013.105, unless gross
64 negligence or intentional misconduct on the part of the district
65 school board is a proximate cause of the injury, damage, or
66 death.

67 (2) As used in this section, the term "gross negligence"
68 means the intentional failure to perform a manifest duty in
69 reckless disregard of the consequences as affecting the life or
70 property of another.

71 Section 3. This act shall take effect July 1, 2012.