

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Raburn offered the following:

**Amendment to Amendment (797637) (with title amendment)**

Between lines 167 and 168, insert:

Section 5. Section 1013.105, Florida Statutes is created to read:

1013.105 Joint use of public school facilities.-

(1) The Legislature finds that greater access to recreation and sports facilities is needed to reduce the impact of obesity on personal health and health care expenditures. The Legislature further finds that public schools are equipped with taxpayer-funded playgrounds, fields, tracks, courts, and other outdoor recreation and sports facilities that offer easily accessible opportunities for physical activity for residents of the community.

(2) Each district school board is encouraged to:

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17 (a) Adopt written policies to promote public access to the  
18 outdoor recreation and sports facilities on public school  
19 property during nonschool hours when a school-sponsored or  
20 school-related activity is not occurring. A public access policy  
21 should outline the outdoor recreation and sports facilities that  
22 are open to the public and the hours the facilities are open.

23 (b) Increase the number of joint-use agreements entered  
24 into with a local government or a private organization. A joint-  
25 use agreement should specify the terms and conditions for the  
26 shared use of outdoor recreation and sports facilities on public  
27 school property.

28 (c) Develop and adopt policies and procedures providing for  
29 an appeal process in which a party seeking to enter into a  
30 joint-use agreement with a school district pursuant to this  
31 section may file an appeal with the district school  
32 superintendent if the negotiations for such joint-use agreement  
33 fail. The decision of the district school superintendent with  
34 regard to the appeal process for joint-use agreements does not  
35 constitute final agency action for purposes of chapter 120.

36  
37 Within 30 days after adopting a public access policy or entering  
38 into a joint-use agreement, a district school board shall submit  
39 a copy of the policy or agreement to the Department of  
40 Education.

41 (3) The Department of Education shall:

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

44 (b) Post on its website links to or copies of all public

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45 access policies and joint-use agreements submitted to the  
46 department by a district school board.

47 (c) Develop criteria for the acceptance of grants for  
48 implementing joint-use agreements and post the criteria on its  
49 website.

50 Section 6. Section 768.072, Florida Statutes, is created to  
51 read:

52 768.072 Limitation on public school premises liability.—

53 (1) A district school board is not liable for civil damages  
54 for personal injury, property damage, or death that occurs on a  
55 public school property that the district school board has opened  
56 up to the public, through public access policies or joint-use  
57 agreements under s. 1013.105, unless gross negligence or  
58 intentional misconduct on the part of the district school board  
59 is a proximate cause of the injury, damage, or death.

60 (2) This section does not change liability for injury,  
61 damage, or death that occurs during school hours or during a  
62 school-related or school-sponsored activity.

63 (3) This section does not waive sovereign immunity beyond  
64 the limited waiver in s. 768.28.

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**T I T L E   A M E N D M E N T**

67 Remove line 196 and insert:

68 report; creating s. 1013.105, F.S.; providing  
69 legislative findings; encouraging each district school  
70 board to adopt written policies to promote public  
71 access to outdoor recreation and sports facilities on  
72

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73 school property, to increase the number of joint-use  
74 agreements, and to develop and adopt policies and  
75 procedures for an appeal process if negotiations for a  
76 joint-use agreement fail; providing duties of district  
77 school boards and the Department of Education;  
78 creating s. 768.072, F.S.; providing immunity from  
79 liability for a district school board that adopts  
80 public access policies or enters into a joint-use  
81 agreement except in instances of gross negligence or  
82 intentional misconduct; providing application;  
83 providing an effective date.