

By Senator Brandes

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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, to increase the number of joint-use
8 agreements, and to develop and adopt policies and
9 procedures for an appeal process if negotiations for a
10 joint-use agreement fail; providing duties of district
11 school boards and the Department of Education;
12 creating s. 768.072, F.S.; providing immunity from
13 liability for a district school board that adopts
14 public access policies or enters into a joint-use
15 agreement except in instances of gross negligence or
16 intentional misconduct; providing application;
17 providing an effective date.

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

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21 Section 1. Section 1013.105, Florida Statutes is created to
22 read:

23 1013.105 Joint use of public school facilities.-

24 (1) The Legislature finds that greater access to recreation
25 and sports facilities is needed to reduce the impact of obesity
26 on personal health and health care expenditures. The Legislature
27 further finds that public schools are equipped with taxpayer-
28 funded playgrounds, fields, tracks, courts, and other outdoor
29 recreation and sports facilities that offer easily accessible

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30 opportunities for physical activity for residents of the
31 community.

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

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

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

44 (c) Develop and adopt policies and procedures providing for
45 an appeal process in which a party seeking to enter into a
46 joint-use agreement with a school district pursuant to this
47 section may file an appeal with the district school
48 superintendent if the negotiations for such joint-use agreement
49 fail.

50
51 Within 30 days after adopting a public access policy or entering
52 into a joint-use agreement, a district school board shall submit
53 a copy of the policy or agreement to the Department of
54 Education.

55 (3) The Department of Education shall:

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

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

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

61 (c) Develop criteria for the acceptance of grants for
62 implementing joint-use agreements and post the criteria on its
63 website.

64 Section 2. Section 768.072, Florida Statutes, is created to
65 read:

66 768.072 Limitation on public school premises liability.-

67 (1) A district school board is not liable for civil damages
68 for personal injury, property damage, or death that occurs on a
69 public school property that the district school board has opened
70 up to the public, through public access policies or joint-use
71 agreements under s. 1013.105, unless gross negligence or
72 intentional misconduct on the part of the district school board
73 is a proximate cause of the injury, damage, or death.

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

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

79 Section 3. This act shall take effect July 1, 2013.