

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Spano offered the following:

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4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 768.072, Florida Statutes, is created
7 to read:

8 768.072 Limitation on public school premises liability.-

9 (1) A district school board is not liable for civil
10 damages for personal injury, property damage, or death that
11 occurs on a public school property that the district school
12 board has opened to the public through joint-use agreements or
13 public access policies unless gross negligence or intentional
14 misconduct on the part of the district school board is a
15 proximate cause of the injury, damage, or death.

16 (2) A district school board may, at its discretion, enter
17 into a joint use agreement with a local government or a private

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18 organization or develop public access policies to enable public
19 access to indoor or outdoor recreation and sports facilities on
20 public school property. A joint use agreement or public access
21 policy should specify the facilities to be used, dates and times
22 of use, and terms and conditions governing use of such
23 facilities and may include provisions regarding liability
24 insurance coverage and indemnification of the school district.

25 (3) This section does not affect liability for injury,
26 damage, or death that occurs during school hours or during a
27 school-sponsored activity.

28 (4) This section does not waive sovereign immunity beyond
29 the limited waiver in s. 768.28.

30 Section 2. This act shall take effect July 1, 2014.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

An act relating to the joint use of public school facilities; creating s. 768.072, F.S.; authorizing district school boards to enter into joint use agreements or public access policies; providing immunity from liability for a district school board that enters into a joint-use agreement or adopts

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 277 (2014)

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44 public access policies except in instances of gross
45 negligence or intentional misconduct; providing
46 application; repealing subsection (3) of s. 1003.453,
47 F.S.; providing an effective date.
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