



324148

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/25/2014	.	
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The Committee on Education (Legg) recommended the following:

1 **Senate Substitute for Amendment (867532) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 768.072 Limitation on public premises liability for public
9 school property and joint community projects, and background
10 screening requirements.—

11 (1) (a) A district school board is not liable for civil



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12 damages for personal injury, property damage, or death that
13 occurs on a public school property that the district school
14 board has opened to the public through joint-use agreements or
15 public access policies pursuant to this subsection, unless gross
16 negligence or intentional misconduct on the part of the district
17 school board is a proximate cause of the injury, damage, or
18 death.

19 (b) A district school board may, at its discretion, enter
20 into a joint-use agreement with a local government or a private
21 organization or adopt public access policies to enable public
22 access to indoor or outdoor recreation and sports facilities on
23 public school property. A joint-use agreement or public access
24 policy must specify the facilities to be used, dates and times
25 of use, and terms and conditions governing use of such
26 facilities and may include provisions regarding liability
27 insurance coverage and indemnification of the school district.

28 (2) (a) A district school board, county or city is not
29 liable for civil damages for personal injury, property damage,
30 or death that occurs on property upon which a joint community
31 project operates and is accessed by the public through joint-use
32 agreements or public access policies pursuant to this
33 subsection, unless gross negligence or intentional misconduct on
34 the part of the district school board, county or city is a
35 proximate cause of the injury, damage, or death. No party to the
36 joint-use agreements or public access policies shall be liable
37 for more than their pro rata share of negligence.

38 (b) A district school board may enter into agreements with
39 a county or city to develop and operate joint community
40 projects. The agreements must specify how the joint community



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41 project will be developed and operated, where the project will
42 be located, that the operating entity may enter into joint-use
43 agreements pursuant to this subsection, how public access
44 policies pursuant to this subsection will be adopted, and any
45 other provisions necessary to develop and operate the joint
46 community project.

47 (c) A joint-use agreement or public access policy for the
48 joint community project must specify the facilities to be used,
49 dates and times of use, and terms and conditions governing use
50 of such facilities, and may include provisions regarding
51 liability insurance coverage, indemnification of the school
52 district and the county or city, and any other necessary
53 provisions.

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

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

59 (5) Section 1012.467 does not apply to the portion of the
60 property made available pursuant to this section when there is
61 no school-sponsored or school-related program or activity in
62 progress. This subsection does not expand the applicability of
63 s. 1012.467.

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

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

67 And the title is amended as follows:

68 Delete everything before the enacting clause
69 and insert:



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70 A bill to be entitled
71 An act relating to the joint use and public access of
72 public school facilities and joint community projects;
73 creating s. 768.072, F.S.; authorizing district school
74 boards to enter into joint-use agreements or adopt
75 public access policies; providing immunity from
76 liability for a district school board that enters into
77 a joint-use agreement or adopts public access policies
78 except in instances of gross negligence or intentional
79 misconduct; authorizing a district school board to
80 enter into agreements with a county or city to develop
81 and operate joint community projects; providing
82 immunity from liability for a district school board,
83 county, and city that enter into joint-use agreements
84 or adopts public access policies except in instances
85 of gross negligence or intentional misconduct,
86 limiting liability to a pro rata share of negligence;
87 providing applicability; providing that s. 1012.467
88 does not apply when there is no school-sponsored or
89 school-related program or activity in progress;
90 providing an effective date.