



740516

LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) (a) A district school board is not liable for civil  
damages for personal injury, property damage, or death that



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

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

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

38 (b) A district school board may enter into agreements with  
39 a county, city, or Florida College System institution to develop  
40 and operate joint community projects. The agreements must



41 specify how the joint community project will be developed and  
42 operated, where the project will be located, that the operating  
43 entity may enter into joint-use agreements pursuant to this  
44 subsection, how public access policies pursuant to this  
45 subsection will be adopted, and any other provisions necessary  
46 to develop and operate the joint 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, city, or Florida College System  
53 institution and any other necessary 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, city, or Florida  
81           College System institution to develop and operate  
82           joint community projects; providing immunity from  
83           liability for a district school board, county, city or  
84           Florida College System institution that enters into  
85           joint-use agreements or adopts public access policies  
86           except in instances of gross negligence or intentional  
87           misconduct; limiting liability to a pro rata share of  
88           negligence; providing applicability; providing that s.  
89           1012.467 does not apply when there is no school-  
90           sponsored or school-related program or activity in  
91           progress; providing an effective date.