

By Senator Bean

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

18
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
22 to 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 in this state to reduce the
26 impact of obesity on personal health and health care
27 expenditures. The Legislature further finds that public schools
28 are equipped with taxpayer-funded playgrounds, fields, tracks,
29 courts, and other outdoor recreation and sports facilities that

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30 offer easily accessible opportunities for physical activity for
31 residents of the community.

32 (2) Each district school board may:

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

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

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

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

56 (3) The Department of Education shall:

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

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59 (b) Post on its website links to or copies of all public
60 access policies and joint-use agreements submitted to the
61 department by a district school board.

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

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

67 768.072 Limitation on public school premises liability.—

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

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

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

80 Section 3. This act shall take effect July 1, 2014.