By the Committee on Education; and Senators Bean and Bradley

581-03182A-14   2014396c1

1   A bill to be entitled
2   An act relating to the joint use and public access of
3   public school facilities and joint community projects;
4   creating s. 768.072, F.S.; authorizing district school
5   boards to enter into joint-use agreements with a local
6   government or a private organization or adopt public
7   access policies; providing criteria for joint-use
8   agreements; authorizing a district school board to
9   enter into agreements with a county, municipality, or
10   Florida College System institution to develop and
11   operate joint community projects; requiring such
12   agreements to have certain specifications; requiring
13   certain provisions to be included in joint-use
14   agreements for joint community projects, including
15   indemnification of district school boards and
16   liability insurance; providing applicability;
17   providing that s. 1012.467, F.S., does not apply when
18   there is no school-sponsored or school-related program
19   or activity in progress; providing an effective date.
20
21 Be It Enacted by the Legislature of the State of Florida:
22
23   Section 1. Section 768.072, Florida Statutes, is created to
24 read:
25   768.072 Indemnification and liability insurance
26 requirements for public school property joint-use agreements and
27 joint community projects.—
28   (1) A district school board may, at its discretion, enter
29 into a joint-use agreement with a local government or a private

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30 organization or adopt public access policies to enable public
31 access to indoor or outdoor recreation and sports facilities on
32 public school property. A joint-use agreement must specify the
33 facilities to be used, the dates and times of use, and the terms
34 and conditions governing use of such facilities; must provide
35 for the full indemnification of the district school board by the
36 local government or private organization for any damages arising
37 from the joint use; and must require the local government or
38 private organization to maintain liability insurance of at least
39 $200,000 per person and $300,000 per incident to cover the
40 indemnification.
41   (a) A district school board may enter into agreements with
42 a county, municipality, or Florida College System institution to
43 develop and operate joint community projects. The agreements
44 must specify how the joint community projects will be developed
45 and operated, where the projects will be located, that the
46 operating entity may enter into joint-use agreements pursuant to
47 this subsection, how public access policies pursuant to this
48 subsection will be adopted, and any other provisions necessary
49 to develop and operate the joint community projects.
50   (b) A joint-use agreement for a joint community project
51 must specify the facilities to be used, the dates and times of
52 use, and the terms and conditions governing use of such
53 facilities; must provide for the full indemnification of the
54 district school board by the county, municipality, or Florida
55 College System institution for any damages arising from the
56 joint use; and must require the county, municipality, or Florida
57 College System institution to maintain liability insurance of at
58 least $200,000 per person and $300,000 per incident to cover the

CODING: Words stricken are deletions; words underlined are additions.

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59 indemnification.

60 (2) This section does not waive sovereign immunity beyond

61 the limited waiver in s. 768.28.

62 (3) Section 1012.467 does not apply to the portion of the

63 property made available pursuant to this section when there is

64 no school-sponsored or school-related program or activity in

65 progress. This subsection does not expand the applicability of

66 s. 1012.467.

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