

By Senator Simmons

10-00489-15

2015408__

1 A bill to be entitled
2 An act relating to designated areas for skateboarding,
3 inline skating, paintball, or freestyle or mountain
4 and off-roading bicycling; amending s. 316.0085, F.S.;
5 deleting the requirement that a governmental entity
6 that provides a designated area for skateboarding,
7 inline skating, or freestyle bicycling obtain the
8 written consent of the parent or legal guardian of a
9 child under a certain age before allowing the child to
10 participate in these activities in such area;
11 requiring the governmental entity to post a rule
12 indicating that consent forms are required for
13 children under a certain age before participation in
14 paintball or mountain and off-road bicycling;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (3) and paragraph (c) of subsection
20 (5) of section 316.0085, Florida Statutes, are amended to read:
21 316.0085 Skateboarding; inline skating; freestyle or
22 mountain and off-road bicycling; paintball; definitions;
23 liability.—

24 (3) (a) This section does not grant authority or permission
25 for a person to engage in skateboarding, inline skating,
26 paintball, or freestyle or mountain and off-road bicycling on
27 property owned or controlled by a governmental entity unless
28 such governmental entity has specifically designated such area
29 for skateboarding, inline skating, paintball, or freestyle or

10-00489-15

2015408__

30 mountain and off-road bicycling. Each governmental entity shall
31 post a rule in each specifically designated area that identifies
32 all authorized activities.

33 (b) Each governmental entity shall post a rule in each
34 specifically designated area for paintball or mountain and off-
35 road bicycling which ~~and~~ indicates that a child under 17 years
36 of age may not engage in such ~~any of these~~ activities until the
37 governmental entity has obtained written consent, in a form
38 acceptable to the governmental entity, from the child's parent
39 or legal guardian ~~parents or legal guardians~~.

40 (5) This section does not limit liability that would
41 otherwise exist for any of the following:

42 (c) The failure of a governmental entity that provides a
43 designated area for ~~skateboarding, inline skating, paintball, or~~
44 ~~freestyle~~ or mountain and off-road bicycling to obtain the
45 written consent, in a form acceptable to the governmental
46 entity, from the parents or legal guardians of any child under
47 17 years of age before allowing ~~authorizing~~ such child to
48 participate in ~~skateboarding, inline skating, paintball, or~~
49 ~~freestyle~~ or mountain and off-road bicycling in such designated
50 area, unless that child's participation is in violation of
51 posted rules governing the authorized use of the designated
52 area, except that a parent or legal guardian must demonstrate
53 that written consent to engage in mountain or off-road bicycling
54 in a designated area was provided to the governmental entity
55 before entering the designated area.

56
57 Nothing in this subsection creates a duty of care or basis of
58 liability for death, personal injury, or damage to personal

10-00489-15

2015408__

59 property. Nothing in this section shall be deemed to be a waiver
60 of sovereign immunity under any circumstances.

61 Section 2. This act shall take effect July 1, 2015.