



HB 525, Engrossed 1

2013

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
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  
25 recreation and sports facilities is needed to reduce the impact  
26 of obesity on personal health and health care expenditures. The  
27 Legislature further finds that public schools are equipped with  
28 taxpayer-funded playgrounds, fields, tracks, courts, and other



29 outdoor recreation and sports facilities that offer easily  
30 accessible opportunities for physical activity for residents of  
31 the community.

32 (2) Each district school board is encouraged to:

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

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

44 (c) Develop and adopt policies and procedures providing  
45 for an appeal process in which a party seeking to enter into a  
46 joint-use agreement with a school district pursuant to this  
47 section may file an appeal with the district school  
48 superintendent if the negotiations for such joint-use agreement  
49 fail. The decision of the district school superintendent with  
50 regard to the appeal process for joint-use agreements does not  
51 constitute final agency action for purposes of chapter 120.

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



57        (3) The Department of Education shall:

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

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

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

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

68        768.072 Limitation on public school premises liability.-

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

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

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

82        Section 3. This act shall take effect July 1, 2013.