

A bill to be entitled

An act relating to the joint use of public school facilities; creating s. 1013.105, F.S.; providing legislative findings; encouraging each district school board to adopt written policies to promote public access to outdoor recreation and sports facilities on school property and to increase the number of joint-use agreements; providing duties of district school boards and the Department of Education; creating s. 768.072, F.S.; providing immunity from liability for a district school board that adopts public access policies or enters into a joint-use agreement except in instances of gross negligence or intentional misconduct; providing application; providing an effective date.

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

Section 1. Section 1013.105, Florida Statutes is created to read:

1013.105 Joint use of public school facilities.-

(1) The Legislature finds that greater access to recreation and sports facilities is needed to reduce the impact of obesity on personal health and health care expenditures. The Legislature further finds that public schools are equipped with taxpayer-funded playgrounds, fields, tracks, courts, and other

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

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

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

37 (b) Increase the number of joint-use agreements entered  
 38 into with a local government or a private organization. A joint-  
 39 use agreement should specify the terms and conditions for the  
 40 shared use of outdoor recreation and sports facilities on public  
 41 school property and may include provisions regarding liability  
 42 insurance coverage and indemnification of the school district.

43  
 44 Within 30 days after adopting a public access policy or entering  
 45 into a joint-use agreement, a district school board shall submit  
 46 a copy of the policy or agreement to the Department of  
 47 Education.

48 (3) The Department of Education shall develop a model  
 49 joint-use agreement and post on its website the model agreement  
 50 and links to or copies of all public access policies and joint-  
 51 use agreements submitted to the department by a district school  
 52 board.

53 Section 2. Section 768.072, Florida Statutes, is created  
54 to read:

55 768.072 Limitation on public school premises liability.-

56 (1) A district school board is not liable for civil  
57 damages for personal injury, property damage, or death that  
58 occurs on a public school property that the district school  
59 board has opened to the public through public access policies  
60 under s. 1013.105(2) (a) or joint-use agreements under s.  
61 1013.105(2) (b) unless gross negligence or intentional misconduct  
62 on the part of the district school board is a proximate cause of  
63 the injury, damage, or death.

64 (2) This section does not affect liability for injury,  
65 damage, or death that occurs during school hours or during a  
66 school-related or school-sponsored activity.

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

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