

By the Committees on Community Affairs; and Education; and
Senators Bean and Bradley

578-04059-14

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2 A bill to be entitled

3 An act relating to the joint use and public access of
4 public school facilities and joint community projects;
5 creating s. 768.072, F.S.; authorizing district school
6 boards to enter into joint-use agreements with a local
7 government or a private organization or adopt public
8 access policies; authorizing criteria for joint-use
9 agreements; authorizing a district school board to
10 enter into agreements with a county, municipality, or
11 Florida College System institution to develop and
12 operate joint community projects; authorizing such
13 agreements to have certain specifications; authorizing
14 certain provisions to be included in joint-use
15 agreements for joint community projects, including
16 indemnification of district school boards and
17 liability insurance; providing applicability;
18 providing that s. 1012.467, F.S., does not apply when
19 there is no school-sponsored or school-related program
20 or activity in progress; providing an effective date.

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

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24 Section 1. Section 768.072, Florida Statutes, is created to
25 read:

26 768.072 Indemnification and liability insurance
27 requirements for public school property joint-use agreements and
28 joint community projects.-

29 (1) A district school board may, at its discretion, enter

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30 into a joint-use agreement with a local government or a private
31 organization or adopt public access policies to enable public
32 access to indoor or outdoor recreation and sports facilities on
33 public school property. A joint-use agreement may specify the
34 facilities to be used, the dates and times of use, and the terms
35 and conditions governing use of such facilities; may provide for
36 the full indemnification of the district school board by the
37 local government or private organization for any damages arising
38 from the joint use; and may require the local government or
39 private organization to maintain liability insurance of at least
40 \$200,000 per person and \$300,000 per incident to cover the
41 indemnification.

42 (a) A district school board may enter into agreements with
43 a county, municipality, or Florida College System institution to
44 develop and operate joint community projects. The agreements may
45 specify how the joint community projects will be developed and
46 operated, where the projects will be located, that the operating
47 entity may enter into joint-use agreements pursuant to this
48 subsection, how public access policies pursuant to this
49 subsection will be adopted, and any other provisions necessary
50 to develop and operate the joint community projects.

51 (b) A joint-use agreement for a joint community project may
52 specify the facilities to be used, the dates and times of use,
53 and the terms and conditions governing use of such facilities;
54 may provide for the full indemnification of the district school
55 board by the county, municipality, or Florida College System
56 institution for any damages arising from the joint use; and may
57 require the county, municipality, or Florida College System
58 institution to maintain liability insurance of at least \$200,000

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59 per person and \$300,000 per incident to cover the
60 indemnification.

61 (2) This section does not waive sovereign immunity beyond
62 the limited waiver in s. 768.28.

63 (3) Section 1012.467 does not apply to the portion of the
64 property made available pursuant to this section when there is
65 no school-sponsored or school-related program or activity in
66 progress. This subsection does not expand the applicability of
67 s. 1012.467.

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