

HB 365

2015

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.

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

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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
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

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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.

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