

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1131 Shared Use of Public School Playground Facilities

SPONSOR(S): Drake and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 984

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

While obesity flourishes due in part to inactivity, many of the state's playgrounds and athletic facilities on the grounds of public schools are closed to the public due in part to a lack in shared use agreements between a school district and a governmental or nongovernmental entity. The bill:

- requires the Department of Education (DOE) to provide technical assistance to school districts to promote community use of shared facilities;
- provides funding to the DOE to provide short-term grants to districts, establish guidelines for funding eligibility for the grants and develop a grant application process; and
- creates a Shared Use Task Force to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities.

This bill has an indeterminate fiscal impact on state government. A district school board may have a negative fiscal impact related to maintenance expenses, but only if it elects to enact a policy or enter into an agreement.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Overweight Children and Adults

The Centers for Disease Control and Prevention (CDC) estimates that 37.9% of American adults are obese and another 32.8% are overweight. The CDC also estimates that 17.4% of children age 6-11 and 20.6% of children age 12-19 are obese.¹ The prevalence of obesity among children has more than tripled since the 1970s.² The Surgeon General estimates 300,000 deaths per year may be attributed to obesity and reports that individuals who are obese have a 50-100% increased risk of premature death from all causes, when compared to individuals with a healthy weight.³

According to the CDC, youth who have access to opportunities for physical activity during non-school hours have higher overall levels of physical activity and are less likely to be overweight or obese.⁴ The CDC cites increasing access to safe and appealing places to play and being active as strategies that communities can employ to combat youth obesity.⁵ CDC's research indicates that approximately half of Florida's youth have access to parks and community centers in their neighborhood.⁶

Public Access to Public School Facilities

Florida law broadly authorizes district school boards and the boards of trustees of Florida College System institutions, state universities, and the Florida School for the Deaf and the Blind to allow the public access to educational facilities and grounds for any legal assembly, as a community use center, or a polling location.⁷ Additionally, the law specifically requires each county and municipality located within the geographic area of a school district to enter into an interlocal agreement with the district school board to coordinate their respective growth and development plans and processes. Among other things, the interlocal agreement must include a process for determining where and how the school boards and local governments can share facilities for mutual benefit and efficiency.⁸ Some district school boards currently authorize, through their interlocal agreements, public access to sports and recreational facilities on school campuses. The specific details related to such access, such as the hours the facility will be open and which party is liable for any damages or injuries sustained on the property, are contained in a separate "joint-use" agreement.⁹

¹ Centers for Disease Control and Prevention, *Obesity and Overweight*, <http://www.cdc.gov/nchs/fastats/overwt.htm> (last visited Mar. 17, 2017).

² Centers for Disease Control and Prevention, Data and Statistics, *Childhood Obesity Facts*, <https://www.cdc.gov/healthyschools/obesity/facts.htm> (last visited Mar. 17, 2017).

³ Office of the Surgeon General, *Overweight and Obesity as Public Health Problems in America*, <https://www.ncbi.nlm.nih.gov/books/NBK44210/> (last visited Mar. 17, 2017).

⁴ Centers for Disease Control and Prevention, *Overweight and Obesity: A Growing Problem*, <http://www.cdc.gov/obesity/childhood/problem.html> (last visited Mar. 17, 2017).

⁵ Centers for Disease Control and Prevention, *Strategies to Prevent Obesity and Other Chronic Diseases, The CDC Guide to Strategies to Increase Physical Activity in the Community*, https://www.cdc.gov/obesity/downloads/PA_2011_WEB.pdf (last visited Mar. 17, 2017).

⁶ Centers for Disease Control and Prevention, *Florida Action Plan*, https://www.cdc.gov/physicalactivity/downloads/state_pdfs/14_248165_fl_tag508.pdf (last visited Mar. 17, 2017).

⁷ Section 1013.10, F.S.; see also s. 1013.01(3), F.S. (defines "Board").

⁸ Sections 163.31777(1) and (2)(g) and 1013.33(2) F.S.

⁹ See, e.g., *Interlocal Agreement between Pinellas County, Florida, et al. and the School Board of Pinellas County, Florida*, at 4 (2012), available at www.pinellascounty.org/Plan/pdf_files/1906_IA.pdf [hereinafter *Pinellas County Agreement*] (last visited Mar. 15, 2017).

According to the Florida Department of Education (DOE), school district facilities personnel have informally expressed support for providing public access to recreation and sports facilities. However, such personnel indicate that reaching a joint-use agreement to provide such access is highly dependent on variables related to individual facilities. Thus, agreements are typically considered on a facility-by-facility basis. Such personnel indicate that one barrier to expanding joint-use of, and public access to, school facilities is premises liability concerns.¹⁰

District school boards are not limited to partnering with governmental entities in joint-use agreements. If authorized by the school board's interlocal agreements, boards may establish joint-use agreements with private entities. For example, in 2003, a Best Financial Management Practices Review of the Duval County School District indicated that the school district had established 47 joint-use agreements with the City of Jacksonville, the YMCA and various community groups for the use of school facilities.¹¹

Effect of Proposed Changes

The bill requires the DOE to provide technical assistance to school districts including, but not limited to:

- individualized assistance;
- the creation of a shared use technical assistance toolkit containing useful information for school districts; and
- the development of a publicly accessible online database of shared use resources and existing shared use agreements.

The bill authorizes the DOE to:

- provide short-term grants to help school districts open their facilities for shared use before or after school hours;
- establish guidelines for funding eligibility;
- promote the availability of the funding statewide;
- provide technical assistance to applicants;
- evaluate applicants;
- determine allowable expenses and disburse funding;
- annually post on its website and report to the Senate President and the Speaker of the House on the expenditure of funds;
- develop an application process for school districts to receive funding. The application must require that a school district:
 - demonstrate an active partnership with a local governmental agency or nonprofit organization or that the funds will be used to open school facilities for use by the public;
 - agree to fully implement its shared use project within the grant period;
 - abide by the conditions for receiving assistance;
 - provide the DOE with a copy of the school district's shared use agreement or shared use policy; and
 - collect and provide data and other information required by the department for monitoring, accountability and evaluation purposes.
- give funding priority to high-need communities, defined as communities in which at least 50 percent of children are eligible to receive free or reduced-price meals.

¹⁰ Florida Department of Education, *Legislative Bill Analysis for HB 431* (2012). For example, the Pinellas County interlocal agreement with the School Board of Pinellas County, among others, authorizes the parties to establish an agreement “for each instance of collocation and shared use to address legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation or shared use.” *Pinellas County Agreement*, *supra* note 6, at 4.

¹¹ Office of Program Policy Analysis and Government Accountability, *Best Financial Management Practices Review of the Duval County School District*, Report No. 03-41, ch. 7 Facilities Construction, at 18-19 (Aug. 2003), available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=03-41> (last visited Mar. 15, 2017).

The bill creates a Shared Use Task Force to identify barriers in creating shared use agreements and to make recommendations to facilitate the shared use of school facilities generally and in high-need communities. The task force is composed of seven members appointed by the DOE, including a chair and vice chair, and shall submit a report of its findings and recommendations to the Senate President and the Speaker of the House by June 30, 2018.

B. SECTION DIRECTORY:

Section 1. Creates s. 1013.101, F.S., relating to shared use agreements.

Section 2. Creates the Shared Use Task Force.

Section 3. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires DOE to execute a number of provisions "...with funds as established in the General Appropriations Act...", however no specific amount is identified.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have a minimal indeterminate fiscal impact on school districts that elect to utilize the provisions created by this bill.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.