

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Raburn offered the following:

Amendment (with title amendment)

Between lines 975 and 976, insert:

Section 10. 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 outdoor recreation and sports facilities that offer easily accessible opportunities for physical activity for residents of the community.

(2) Each district school board is encouraged to:

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17 (a) Adopt written policies to promote public access to the
18 outdoor recreation and sports facilities on public school
19 property during nonschool hours when a school-sponsored or
20 school-related activity is not occurring. A public access policy
21 should outline the outdoor recreation and sports facilities that
22 are open to the public and the hours the facilities are open.

23 (b) Increase the number of joint-use agreements entered
24 into with a local government or a private organization. A joint-
25 use agreement should specify the terms and conditions for the
26 shared use of outdoor recreation and sports facilities on public
27 school property.

28 (c) Develop and adopt policies and procedures providing
29 for an appeal process in which a party seeking to enter into a
30 joint-use agreement with a school district pursuant to this
31 section may file an appeal with the district school
32 superintendent if the negotiations for such joint-use agreement
33 fail. The decision of the district school superintendent with
34 regard to the appeal process for joint-use agreements does not
35 constitute final agency action for purposes of chapter 120.

36
37 Within 30 days after adopting a public access policy or entering
38 into a joint-use agreement, a district school board shall submit
39 a copy of the policy or agreement to the Department of
40 Education.

41 (3) The Department of Education shall:

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

44 (b) Post on its website links to or copies of all public

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45 access policies and joint-use agreements submitted to the
46 department by a district school board.

47 (c) Develop criteria for the acceptance of grants for
48 implementing joint-use agreements and post the criteria on its
49 website.

50 Section 11. Section 768.072, Florida Statutes, is created
51 to read:

52 768.072 Limitation on public school premises liability.-

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

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

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

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T I T L E A M E N D M E N T

68 Remove line 44 and insert:
69 consumption and cost data; creating s. 1013.105, F.S.;
70 providing legislative findings; encouraging each
71 district school board to adopt written policies to
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73 | promote public access to outdoor recreation and sports
74 | facilities on school property, to increase the number
75 | of joint-use agreements, and to develop and adopt
76 | policies and procedures for an appeal process if
77 | negotiations for a joint-use agreement fail; providing
78 | duties of district school boards and the Department of
79 | Education; creating s. 768.072, F.S.; providing
80 | immunity from liability for a district school board
81 | that adopts public access policies or enters into a
82 | joint-use agreement except in instances of gross
83 | negligence or intentional misconduct; providing for
84 | applicability; amending ss. 110.171 and