

CHAPTER 2015-48

Senate Bill No. 408

An act relating to designated areas for skateboarding, inline skating, paintball, or freestyle or mountain and off-roading bicycling; amending s. 316.0085, F.S.; deleting the requirement that a governmental entity that provides a designated area for skateboarding, inline skating, or freestyle bicycling obtain the written consent of the parent or legal guardian of a child under a certain age before allowing the child to participate in these activities in such area; requiring the governmental entity to post a rule indicating that consent forms are required for children under a certain age before participation in paintball or mountain and off-road bicycling; providing an effective date.

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

Section 1. Subsection (3) and paragraph (c) of subsection (5) of section 316.0085, Florida Statutes, are amended to read:

316.0085 Skateboarding; inline skating; freestyle or mountain and off-road bicycling; paintball; definitions; liability.—

(3)(a) This section does not grant authority or permission for a person to engage in skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling on property owned or controlled by a governmental entity unless such governmental entity has specifically designated such area for skateboarding, inline skating, paintball, or freestyle or mountain and off-road bicycling. Each governmental entity shall post a rule in each specifically designated area that identifies all authorized activities.

(b) Each governmental entity shall post a rule in each specifically designated area for paintball or mountain and off-road bicycling which and indicates that a child under 17 years of age may not engage in such any of those activities until the governmental entity has obtained written consent, in a form acceptable to the governmental entity, from the child's parent or legal guardian ~~parents or legal guardians~~.

(5) This section does not limit liability that would otherwise exist for any of the following:

(c) The failure of a governmental entity that provides a designated area for ~~skateboarding, inline skating,~~ paintball, ~~or freestyle~~ or mountain and off-road bicycling to obtain the written consent, in a form acceptable to the governmental entity, from the parents or legal guardians of any child under 17 years of age before ~~allowing~~ ~~authorizing~~ such child to participate in ~~skateboarding, inline skating,~~ paintball, ~~or freestyle~~ or mountain and off-road bicycling in such designated area, unless that child's participation is in violation of posted rules governing the authorized use of the designated area,

except that a parent or legal guardian must demonstrate that written consent to engage in mountain or off-road bicycling in a designated area was provided to the governmental entity before entering the designated area.

Nothing in this subsection creates a duty of care or basis of liability for death, personal injury, or damage to personal property. Nothing in this section shall be deemed to be a waiver of sovereign immunity under any circumstances.

Section 2. This act shall take effect July 1, 2015.

Approved by the Governor May 21, 2015.

Filed in Office Secretary of State May 21, 2015.