

By Representative Machek

1 A bill to be entitled
2 An act relating to the Lake Worth Drainage
3 District, Palm Beach County; amending section 2
4 of chapter 98-525, Laws of Florida; providing a
5 limitation of the district's liability from
6 third-party use of district lands,
7 rights-of-way, works, and easements for
8 authorized, permitted, or licensed activities
9 or facilities or for outdoor recreational
10 purposes; providing an effective date.

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

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14 Section 1. Sections 23, 24, and 25 of section 2 of
15 chapter 98-525, Laws of Florida, are renumbered as sections
16 24, 25, and 26, respectively, and a new section 23 is added to
17 said section to read:

18 Section 23. District liability.--The provisions of
19 chapter 298, Florida Statutes, and applicable local laws to
20 the contrary notwithstanding, the following provisions control
21 with respect to the liability of the Lake Worth Drainage
22 District to persons using the district's lands, rights-of-way,
23 works, or easements for authorized, permitted, or licensed
24 activities or facilities, or outdoor recreational purposes:

25 (1) Except as provided in subsection (3), when the
26 Lake Worth Drainage District, individually or jointly with
27 another agency of government, authorizes, permits, or licenses
28 activities or facilities within district rights-of-way or
29 works, or lands over which the Lake Worth Drainage District
30 has a legally established easement right, thereby allowing
31 access to, or use of, such lands, rights-of-way, works, or

1 easements for such purposes or for outdoor recreational
2 purposes, the Lake Worth Drainage District shall not be liable
3 for personal injury or damages that may occur as a result of
4 such authorized, permitted, or licensed activities or from the
5 use of such authorized, permitted, or licensed facilities.

6 (2) Except as provided in subsection (3), when the
7 Lake Worth Drainage District's lands, rights-of-way, works, or
8 easements are used or accessed by the public for authorized,
9 permitted, or licensed activities or facilities, or for
10 outdoor recreational purposes, it owes no duty of care to keep
11 those lands, rights-of-way, works, or easements safe for entry
12 or use by others or to give warning to persons entering or
13 going onto those lands, rights-of-way, works, or easements of
14 any hazardous conditions, structures, or activities thereon.
15 When the Lake Worth Drainage District's lands, rights-of-way,
16 works, or easements are used or accessed by the public for
17 authorized, permitted, or licensed activities or facilities,
18 or for outdoor recreational purposes, the district does not by
19 providing those lands, rights-of-way, works, or easements
20 extend any assurance that such lands, rights-of-way, works, or
21 easements are safe for any purpose, does not incur any duty of
22 care toward a person who goes onto those lands, rights-of-way,
23 works, or easements, and is not responsible for any injury to
24 persons or property caused by an act or omission of a person
25 who goes onto those lands, rights-of-way, works, or easements.

26 (3) This section does not relieve the Lake Worth
27 Drainage District of any liability that would otherwise exist
28 for gross negligence or a deliberate, willful, or malicious
29 injury to a person or property. This section does not create
30 or increase the liability of the Lake Worth Drainage District
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1 or any person beyond that which is authorized by section
2 768.28, Florida Statutes.

3 (4) The term "outdoor recreational purposes," as used
4 in this section, includes activities such as, but not limited
5 to, horseback riding, hunting, fishing, bicycling, swimming,
6 boating, camping, picnicking, hiking, pleasure driving, nature
7 study, water skiing, motorcycling, and visiting historical,
8 archaeological, scenic, or scientific sites.

9 Section 2. This act shall take effect upon becoming a
10 law.

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