

By the Committee on Comprehensive Planning; and Senator Pruitt

316-1880-03

1 A bill to be entitled
2 An act relating to water control districts;
3 amending s. 298.54, F.S.; providing for
4 apportionment of maintenance taxes on the basis
5 of subsequent improvements; providing for
6 apportioning such taxes equally to equally
7 benefitted acres; creating s. 298.675, F.S.;
8 limiting liability of water control districts
9 for injuries resulting from third-party use of
10 district lands, rights-of-way, works, or
11 easements for specified activities, facilities,
12 and purposes; providing an effective date.

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

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16 Section 1. Section 298.54, Florida Statutes, is
17 amended to read:

18 298.54 Maintenance tax.--To maintain and preserve the
19 ditches, drains, or other improvements made pursuant to this
20 chapter and to repair and restore the same, when needed, and
21 for the purpose of defraying the current expenses of the
22 district, including any sum that is ~~which may be~~ required to
23 pay state and county taxes on any lands that ~~which may~~ have
24 been purchased and ~~which~~ are held by the district under the
25 provisions of this chapter, the board of supervisors may, upon
26 the completion of the ~~said~~ improvements, in whole or in part
27 as ~~may be~~ certified to the board by the chief engineer, levy
28 annually a tax upon each tract or parcel of land within the
29 district, to be known as a "maintenance tax." The Said
30 maintenance tax shall be apportioned upon the basis of the net
31 assessments of benefits assessed as accruing from original

1 construction and any subsequent improvements, shall be
2 evidenced to and certified by the board of supervisors not
3 later than June 1 of each year to the property appraisers of
4 counties in which lands of the district are situated, and
5 shall be extended by the county property appraisers on the
6 county tax rolls and collected by the tax collectors in the
7 same manner and time as county taxes, and the proceeds
8 therefrom shall be paid to the ~~said~~ district. However, the
9 board of supervisors may apportion maintenance taxes for the
10 maintenance of the district facilities equally to all
11 benefitted acres if the board determines that benefits are
12 substantially equal for benefitted acreage throughout the
13 district. ~~Such~~ ~~said~~ tax shall be a lien until paid on the
14 property against which assessed and enforceable in like manner
15 as county taxes.

16 Section 2. Section 298.675, Florida Statutes, is
17 created to read:

18 298.675 Water control district
19 liability.--Notwithstanding any general law or special act to
20 the contrary, the following provisions control with respect to
21 the liability of any water control district created under this
22 chapter or by special act to persons using district lands,
23 rights-of-way, works, or easements for authorized, permitted,
24 or licensed activities or facilities or for outdoor
25 recreational purposes.

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

1 lands, rights-of-way, works, or easements for such activities
2 or facilities or for outdoor recreational purposes, the
3 district is not liable for personal injury or damages caused
4 by the negligent or willful and intentional acts of a
5 permittee or the permittee's invitees which occur as a result
6 of carrying out such activities or from the use of such
7 authorized, permitted, or licensed facilities.

8 (2) Other than as specified by subsection (3), when
9 district lands, rights-of-way, works, or easements are used or
10 accessed by the public for authorized, permitted, or licensed
11 activities or facilities or for outdoor recreational purposes,
12 the district does not, by authorizing such use or access,
13 extend any assurance that such lands, rights-of-way, works, or
14 easements are safe for any purpose; does not by such
15 authorization incur any duty of care toward a person who goes
16 onto those lands, rights-of-way, works, or easements; and is
17 not responsible for any injury to persons or property caused
18 by an act or omission of a person who goes onto those lands,
19 rights-of-way, works, or easements.

20 (3) This section does not relieve any water control
21 district of any liability arising out of the acts or omissions
22 of its officers, employees, or agents which would otherwise
23 exist for negligent or deliberate, willful, or malicious
24 injuries to a person or property as provided by applicable
25 law. This section does not create or increase the liability of
26 a district or any person beyond that authorized by s. 768.28.

27 (4) As used in this section, the term "outdoor
28 recreational purposes" includes activities such as, but not
29 limited to, horseback riding, hunting, fishing, bicycling,
30 swimming, boating, camping, picnicking, hiking, pleasure
31 driving, nature study, water skiing, motorcycling, operating

1 off-road vehicles, and visiting historical, archaeological,
2 scenic, or scientific sites.

3 Section 3. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 266

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9 The Committee Substitute deletes the word "negligent" from
10 "negligent act or omission" in subsection (2) of s. 298.675,
11 F.S., which is created to provide limits on third-party
12 liability for water control districts. Removing the word
13 "negligent" makes this provision consistent with a similar
14 statute that provides limitations on third-party liability for
15 water management districts.

16 The Committee Substitute also makes technical changes and adds
17 "operating off-road vehicles" to the list of "outdoor
18 recreational purposes."
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