



HB 0807

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1 A bill to be entitled

2 An act relating to water control districts; amending s.
3 298.54, F.S.; authorizing equal apportionment of
4 maintenance taxes for district facility maintenance under
5 certain circumstances; creating s. 298.82, F.S.;
6 preempting control of liability of water control districts
7 to certain persons using district property for certain
8 purposes; specifying lack of district liability for
9 personal injury or damages under certain circumstances;
10 providing construction of district authorization to use
11 property for certain purposes; providing for existence of
12 district liability for certain actions under certain
13 circumstances; providing a limitation; providing a
14 definition; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 298.54, Florida Statutes, is amended to
19 read:

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



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31 "maintenance tax." Said maintenance tax shall be apportioned
32 upon the basis of the net assessments of benefits assessed as
33 accruing from original construction and any subsequent
34 improvements, shall be evidenced to and certified by the board
35 of supervisors not later than June 1 of each year to the
36 property appraisers of counties in which lands of the district
37 are situated, and shall be extended by the county property
38 appraisers on the county tax rolls and collected by the tax
39 collectors in the same manner and time as county taxes, and the
40 proceeds therefrom shall be paid to said district. Provided,
41 nothing in this section shall prevent the board of supervisors
42 from apportioning maintenance taxes for the maintenance of the
43 district facilities equally to all benefited acres if the
44 district board determines that benefits are substantially equal
45 for benefited acreage throughout the district. Said tax shall be
46 a lien until paid on the property against which assessed and
47 enforceable in like manner as county taxes.

48 Section 2. Section 298.82, Florida Statutes, is created to
49 read:

50 298.82 Water control district liability.--Notwithstanding
51 the provisions of any general law or special act, this section
52 controls with respect to the liability of any water control
53 district created pursuant to this chapter or special act to
54 persons using the district's lands, rights-of-way, works, or
55 easements for authorized, permitted, or licensed activities or
56 facilities, or outdoor recreational purposes.

57 (1) Except as provided in subsection (3), when a water
58 control district individually or jointly with another agency of
59 government authorizes, permits, or licenses activities or
60 facilities within district rights-of-way or works, or lands over



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61 which a district has a legally established easement right,
62 thereby allowing access to or use of such lands, rights-of-way,
63 works, or easements for such purposes or for outdoor
64 recreational purposes, the district shall not be liable for
65 personal injury or damages caused by the negligent or willful
66 and intentional acts of a permittee or their invitees that may
67 occur as a result of carrying out the permitted activity or from
68 the use of such authorized, permitted, or licensed facilities.

69 (2) Other than as specified by subsection (3), when
70 district lands, rights-of-way, works, or easements are used or
71 accessed by the public for authorized, permitted, or licensed
72 activities for facilities or for outdoor recreational purposes,
73 the district does not by authorizing such use or access extend
74 any assurance that such lands, rights-of-way, works, or
75 easements are safe for any purpose; does not by such
76 authorization incur any duty of care toward a person who goes
77 onto such lands, rights-of-way, works, or easements; and is not
78 responsible for any injury to persons or property caused by a
79 negligent act or omission of a person who goes onto those lands,
80 rights-of-way, works, or easements.

81 (3) This section does not relieve any water control
82 district of any liability arising out of the acts or omissions
83 of its officers, employees, or agents that would otherwise exist
84 for negligent or deliberate, willful, or malicious injuries to a
85 person or property as provided by applicable law of this state.
86 This section does not create or increase the liability of a
87 district or any person beyond that which is authorized by s.
88 768.28.

89 (4) As used in this section, the term "outdoor
90 recreational purposes" includes activities such as, but not



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91 limited to, horseback riding, hunting, fishing, bicycling,
92 swimming, boating, camping, picnicking, hiking, pleasure
93 driving, nature study, waterskiing, motorcycling, and visiting
94 historical, archeological, scenic, or scientific sites.

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