

Bill No. CS for SB 94

Barcode 335654

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

On page 8, between lines 16 and 17,

insert:

Section 7. Subsections (2), (3), and (4) of section 373.1395, Florida Statutes, are amended to read:

373.1395 Limitation on liability of water management district with respect to areas made available to the public for recreational purposes without charge.--

(2) Except as provided in subsection(5) ~~(4)~~, a water management district that provides the public with a park area or other land for outdoor recreational purposes, or allows access over district lands for recreational purposes, incurs ~~owes~~ no duty of care to keep that park area or land safe for entry or use by others or to give warning to persons entering or going on that park area or land of any hazardous conditions, structures, or activities thereon. A water management district that provides the public with a park area or other land for outdoor recreational purposes does not, by

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1 providing that park area or land, extend any assurance that  
2 such park area or land is safe for any purpose, does not incur  
3 any duty of care toward a person who goes on that park area or  
4 land, and is not responsible for any injury to persons or  
5 property caused by an act or omission of a person who goes on  
6 that park area or land. This subsection does not apply if  
7 there is any charge made or usually made for entering or using  
8 the park area or land, or if any commercial or other activity  
9 from which profit is derived from the patronage of the public  
10 is conducted on such park area or land or any part thereof.

11           (3)~~(a)~~ Except as provided in subsection(5) ~~(4)~~, a  
12 water management district that leases any land or water area  
13 to the state for outdoor recreational purposes, or for access  
14 to outdoor recreational purposes, incurs ~~owes~~ no duty of care  
15 to keep that land or water area safe for entry or use by  
16 others or to give warning to persons entering or going on that  
17 land or water of any hazardous conditions, structures, or  
18 activities thereon. A water management district that leases a  
19 land or water area to the state for outdoor recreational  
20 purposes does not, by giving such lease, extend any assurance  
21 that such land or water area is safe for any purpose, incur  
22 any duty of care toward a person who goes on the leased land  
23 or water area, and is not responsible for any injury to  
24 persons or property caused by an act or omission of a person  
25 who goes on the leased land or water area.

26           ~~(b)~~ This subsection applies to any person going on the  
27 leased land or water area whether the person goes as an  
28 invitee, licensee, trespasser, or otherwise.

29           (4) Where a water management district has secured an  
30 easement or other right through private land for the purpose  
31 of providing access to lands that the water management

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1 district provides or makes available to the public for outdoor  
2 recreational purposes, the owner of the private land does not  
3 incur any liability arising from use of such easement or other  
4 right by the general public, or by the employees and agents of  
5 the water management district or other agencies. Except as  
6 provided in subsection (5), a water management district that  
7 secures such easement or other right incurs no duty of care to  
8 keep that access area safe for entry or use by others or to  
9 give warning to persons entering or going on that access area  
10 of any hazardous conditions, structures, or activities  
11 thereon. A water management district that secures such  
12 easement or other right need not extend any assurance that  
13 such access area is safe for any purpose, incurs no duty of  
14 care toward a person who goes on such access area, and is not  
15 responsible for any injury to persons or property caused by an  
16 act of omission of a person who uses the access area.

17       ~~(5)(4)~~ This section does not relieve any water  
18 management district or private landowner of any liability that  
19 would otherwise exist for gross negligence or a deliberate,  
20 willful, or malicious injury to a person or property. This  
21 section does not create or increase the liability of any water  
22 management district or person beyond that which is authorized  
23 by s. 768.28.

24  
25 (Redesignate subsequent sections.)

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

29 And the title is amended as follows:

30           On page 1, line 20, after the semicolon,

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1 insert:

2           amending s. 373.1395, F.S.; limiting liability  
3           for injuries that occur on private property  
4           that provides access to lands made available by  
5           a water management district for recreational  
6           purposes;

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