

Bill No. CS/HB 981, 1st Eng.

Barcode 192602

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

**Senate Amendment (with title amendment)**

Between lines 210 and 211,

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 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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