SENATOR AMENDMENT

Bill No. <u>CS/HB 981, 1st Eng.</u>

## Barcode 192602

	CHAMBER ACTION Senate House		
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11	Senator Saunders moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Between lines 210 and 211,		
15			
16	insert:		
17	Section 7. Subsections $(2)$ , $(3)$ , and $(4)$ of section		
18	373.1395, Florida Statutes, are amended to read:		
19	373.1395 Limitation on liability of water management		
20	district with respect to areas made available to the public		
21	for recreational purposes without charge		
22	(2) Except as provided in subsection $(5)$ $(4)$ , a water		
23	management district that provides the public with a park area		
24	or other land for outdoor recreational purposes, or allows		
25	access over district lands for recreational purposes, <u>incurs</u>		
26	<del>owes</del> no duty of care to keep that park area or land safe for		
27	entry or use by others or to give warning to persons entering		
28	or going on that park area or land of any hazardous		
29	conditions, structures, or activities thereon. A water		
30	management district that provides the public with a park area		
31	or other land for outdoor recreational purposes does not, by $1$		
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1 providing that park area or land, extend any assurance that such park area or land is safe for any purpose, does not incur 2 any duty of care toward a person who goes on that park area or 3 4 land, and is not responsible for any injury to persons or property caused by an act or omission of a person who goes on 5 that park area or land. This subsection does not apply if 6 7 there is any charge made or usually made for entering or using the park area or land, or if any commercial or other activity 8 from which profit is derived from the patronage of the public 9 10 is conducted on such park area or land or any part thereof. 11 (3) (a) Except as provided in subsection(5) (4), a water management district that leases any land or water area 12 13 to the state for outdoor recreational purposes, or for access to outdoor recreational purposes, <u>incurs</u> owes no duty of care 14 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 land or water of any hazardous conditions, structures, or 17 activities thereon. A water management district that leases a 18 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 or water area, and is not responsible for any injury to 23 24 persons or property caused by an act or omission of a person who goes on the leased land or water area. 25 (b) This subsection applies to any person going on the 26 leased land or water area whether the person goes as an 27 invitee, licensee, trespasser, or otherwise. 28 29 (4) Where a water management district has secured an easement or other right through private land for the purpose 30 31 of providing access to lands that the water management 2 9:49 AM 05/01/07 h0981e1c-37-r2e

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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			
б	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.)			
26				
27				
28	========= TITLE AMENDMENT===========			
29	And the title is amended as follows:			
30	On line 34, after the second semicolon,			
31				
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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	
б	purposes;	
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