

HB 1131

2009

1                                   A bill to be entitled  
 2           An act relating to limitation on liability of water  
 3           management districts; amending s. 373.1395, F.S.; revising  
 4           provisions limiting the liability of water management  
 5           districts for damages that occur on specified areas of the  
 6           district; revising applicability of such provisions;  
 7           providing a definition; providing an effective date.

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

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 11           Section 1. Subsections (2) and (5) of section 373.1395,  
 12   Florida Statutes, are amended to read:

13           373.1395   Limitation on liability of water management  
 14   district with respect to areas made available to the public for  
 15   recreational purposes without charge.--

16           (2) (a) Except as provided in subsection (4), a water  
 17   management district that provides the public with a park area or  
 18   ~~other~~ land or water area for outdoor recreational purposes, or  
 19   allows access over or the use of district or other lands or  
 20   water areas for recreational purposes, owes no duty of care to  
 21   keep that park area or land or water area safe for entry or use  
 22   by others or to give warning to persons entering or going on  
 23   that park area or land or water area of any hazardous  
 24   conditions, structures, or activities thereon. A water  
 25   management district that provides the public with a park area or  
 26   ~~other~~ land or water area for outdoor recreational purposes, or  
 27   allows access over or the use of district or other lands or  
 28   water areas, does not, by providing that park area or land or

CODING: Words **stricken** are deletions; words **underlined** are additions.

29 water area, or by allowing access over or the use of district or  
 30 other lands or water areas, extend any assurance that such park  
 31 area or land or water area is safe for any purpose, does not  
 32 incur any duty of care toward a person who goes on that park  
 33 area or land or water area, and is not responsible for any  
 34 injury to persons or property caused by an act or omission of a  
 35 person who goes on that park area or land or water area.

36 (b) This subsection applies to:

37 1. Any person going on the park area or land or water  
 38 area, regardless of whether the person goes as an invitee,  
 39 licensee, trespasser, or otherwise.

40 2. Parks, district or other lands, and water areas used by  
 41 the public for recreational activities, regardless of whether  
 42 the park, land, or water areas were made available to the public  
 43 or whether a person was engaged in a recreational activity at  
 44 the time of an accident or occurrence.

45 (c) This subsection does not apply if:

46 1. The water management district charges or usually  
 47 charges the public ~~there is any charge made or usually made~~ for  
 48 entering or using the park area or land or water area; or

49 2. ~~if~~ Any commercial or other activity from which profit  
 50 is derived from the patronage of the public is conducted,  
 51 excluding the sale of food, beverages, plants, and tee shirts,  
 52 or the activities of nonprofit organizations, on such park area  
 53 or land or any part thereof.

54 (5) As used in this section, the term:

55 (a) "Outdoor recreational purposes," ~~as used in this~~  
 56 ~~section,~~ includes activities such as, but not limited to,

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57 horseback riding, hunting, fishing, bicycling, swimming,  
58 boating, camping, picnicking, hiking, pleasure driving, nature  
59 study, water skiing, motorcycling, and visiting historical,  
60 archaeological, scenic, or scientific sites.

61 (b) "Park area or land or water area" includes, but is not  
62 limited to, all park areas, district or other lands, rights-of-  
63 way, or water areas that the water management district has a  
64 property or other interest in or that the water management  
65 district controls, possesses, or maintains.

66 Section 2. This act shall take effect July 1, 2009.