

CS/HB 313

2012

1 A bill to be entitled
 2 An act relating to premises liability; amending s.
 3 375.251, F.S.; providing that an owner or lessee who
 4 makes an area available to another person for hunting,
 5 fishing, or wildlife viewing is entitled to certain
 6 limitations on liability if notice is provided to a
 7 person upon entry to the area; providing that an owner
 8 of an area who enters into a written agreement with
 9 the state for the area to be used for outdoor
 10 recreational purposes is entitled to certain
 11 limitations on liability; deleting a requirement that
 12 the area be leased to the state in order for the
 13 limitations on liability to apply; defining the term
 14 "area"; making technical and grammatical changes;
 15 providing an effective date.

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

18
 19 Section 1. Section 375.251, Florida Statutes, is amended
 20 to read:

21 375.251 Limitation on liability of persons making
 22 available to public certain areas for recreational purposes
 23 without charge.—

24 (1) The purpose of this section ~~act~~ is to encourage
 25 persons to make land, water areas, and park areas available to
 26 the public ~~land, water areas and park areas~~ for outdoor
 27 recreational purposes by limiting their liability to persons
 28 using these areas ~~going thereon~~ and to third persons who may be

29 | damaged by the acts or omissions of persons using these areas
 30 | ~~going thereon.~~

31 | (2) (a) An owner or lessee who provides the public with an
 32 | ~~a park area or other land~~ for outdoor recreational purposes owes
 33 | no duty of care to keep that ~~park area or land~~ safe for entry or
 34 | use by others, or to give warning to persons entering or going
 35 | on that ~~park area or land~~ of any hazardous conditions,
 36 | structures, or activities on the area ~~thereon~~. An owner or
 37 | lessee who provides the public with an ~~a park area or other land~~
 38 | for outdoor recreational purposes ~~shall not by providing that~~
 39 | ~~park area or land~~:

40 | 1. Is not ~~be~~ presumed to extend any assurance that the
 41 | ~~such park area or land~~ is safe for any purpose;r

42 | 2. Does not incur any duty of care toward a person who
 43 | goes on the ~~that park area or land~~;r or

44 | 3. Is not ~~Become~~ liable or responsible for any injury to
 45 | persons or property caused by the act or omission of a person
 46 | who goes on the ~~that park area or land~~.

47 | (b) Notwithstanding the inclusion of the term "public" in
 48 | this subsection and subsection (1), an owner or lessee who makes
 49 | available to any person an area primarily for the purposes of
 50 | hunting, fishing, or wildlife viewing is entitled to the
 51 | limitation on liability provided herein so long as the owner or
 52 | lessee gives notice of this provision to the person upon entry
 53 | to the area.

54 | (c) ~~(b)~~ The Legislature recognizes that an area offered for
 55 | outdoor recreational purposes may be subject to multiple uses.
 56 | The limitation of liability extended to an owner or lessee under

57 this subsection applies only if no charge is made for entry to
 58 or use of the area for outdoor recreational purposes and no
 59 other revenue is derived from patronage of the area for outdoor
 60 recreational purposes. ~~This section shall not apply if there is~~
 61 ~~any charge made or usually made for entering or using such park~~
 62 ~~area or land, or any part thereof, or if any commercial or other~~
 63 ~~activity , whereby profit is derived from the patronage of the~~
 64 ~~general public, is conducted on such park area or land, or any~~
 65 ~~part thereof.~~

66 (3) (a) An owner of an land or water area who enters into a
 67 written agreement concerning the area with ~~leased to~~ the state
 68 for outdoor recreational purposes owes no duty of care to keep
 69 the that land or water area safe for entry or use by others, or
 70 to give warning to persons entering or going on the area that
 71 ~~land or water~~ of any hazardous conditions, structures, or
 72 activities thereon. An owner who enters into a written agreement
 73 concerning the area with ~~leases land or water area to~~ the state
 74 for outdoor recreational purposes, where such agreement
 75 recognizes that the state may be responsible for personal injury
 76 or loss of property resulting from negligence or wrongful acts
 77 or omissions of the state to the extent authorized under s.
 78 768.28 shall not by giving such lease:

79 1. Is not ~~be~~ presumed to extend any assurance that the
 80 ~~such land or water area is safe for any purpose;~~;

81 2. Does not incur any duty of care toward a person who
 82 goes on the ~~leased land or water area~~ that is subject to the
 83 agreement;; or

84 3. Is not ~~become~~ liable or responsible for any injury to

85 persons or property caused by the act or omission of a person
 86 who goes on the ~~leased land or water~~ area that is subject to the
 87 agreement.

88 (b) This subsection applies to all persons going on the
 89 area that is subject to the agreement, including invitees,
 90 licensees, and trespassers. The foregoing applies whether the
 91 person going on the leased land or water area is an invitee,
 92 licensee, trespasser, or otherwise.

93 (4) This section ~~act~~ does not relieve any person of
 94 liability that ~~which~~ would otherwise exist for deliberate,
 95 willful, or malicious injury to persons or property. This
 96 section does not ~~The provisions hereof shall not be deemed to~~
 97 ~~create or increase the liability of any person.~~

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

99 (a) "Area" includes land, water, and park areas.

100 (b) "Outdoor recreational purposes" includes as used in
 101 ~~this act shall include,~~ but is not necessarily be limited to,
 102 hunting, fishing, wildlife viewing, swimming, boating, camping,
 103 picnicking, hiking, pleasure driving, nature study, water
 104 skiing, motorcycling, and visiting historical, archaeological,
 105 scenic, or scientific sites.

106 Section 2. This act shall take effect July 1, 2012.