

By the Committee on Environmental Preservation and Conservation

592-00701-12

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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 to  
20           read:

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

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

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30 thereon.

31 (2) (a) An owner or lessee who provides the public with an a  
32 ~~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 ~~such~~  
41 ~~park area or land~~ is safe for any purpose;;

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

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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 that ~~land or water~~ area safe for entry or use by others, or to  
70 give warning to persons entering or going on that area ~~land or~~  
71 ~~water~~ of any hazardous conditions, structures, or activities  
72 thereon. An owner who enters into a written agreement concerning  
73 the area with ~~leases land or water area to~~ the state for outdoor  
74 recreational purposes ~~shall not by giving such lease:~~

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

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

80 3. Is not ~~become~~ liable or responsible for any injury to  
81 persons or property caused by the act or omission of a person  
82 who goes on the ~~leased land or water~~ area that is subject to the  
83 agreement.

84 (b) This subsection applies to all persons going on the  
85 area that is subject to the agreement, including invitees,  
86 licensees, and trespassers. ~~The foregoing applies whether the~~  
87 ~~person going on the leased land or water area is an invitee,~~

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88 ~~licensee, trespasser, or otherwise.~~

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

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

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

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

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