

1 A bill to be entitled
 2 An act relating to liability of persons providing
 3 areas for public outdoor recreational purposes;
 4 amending s. 375.251, F.S.; limiting liability for
 5 persons who enter into written agreements with state
 6 agencies to provide areas for public outdoor
 7 recreational purposes without charge; revising and
 8 providing definitions; providing an effective date.

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

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 12 Section 1. Subsections (3) and (5) of section 375.251,
 13 Florida Statutes, are amended to read:

14 375.251 Limitation on liability of persons making
 15 available to public certain areas for recreational purposes
 16 without charge.—

17 (3) (a) An owner of an area who enters into a written
 18 agreement concerning the area with a ~~the~~ state agency for
 19 outdoor recreational purposes, where such agreement recognizes
 20 that the state agency is responsible for personal injury, loss,
 21 or damage resulting in whole or in part from the state agency's
 22 ~~state's~~ use of the area under the terms of the agreement subject
 23 to the limitations and conditions specified in s. 768.28, owes
 24 no duty of care to keep the area safe for entry or use by
 25 others, or to give warning to persons entering or going on the

26 | area of any hazardous conditions, structures, or activities
27 | thereon. An owner who enters into a written agreement concerning
28 | the area with a ~~the~~ state agency for outdoor recreational
29 | purposes:

30 | 1. Is not presumed to extend any assurance that the area
31 | is safe for any purpose;

32 | 2. Does not incur any duty of care toward a person who
33 | goes on the area that is subject to the agreement; or

34 | 3. Is not liable or responsible for any injury to persons
35 | or property caused by the act or omission of a person who goes
36 | on the area that is subject to the agreement.

37 | (b) This subsection applies to all persons going on the
38 | area that is subject to the agreement, including invitees,
39 | licensees, and trespassers.

40 | (c) It is the intent of this subsection that an agreement
41 | entered into pursuant to this subsection should not result in
42 | compensation to the owner of the area above reimbursement of
43 | reasonable costs or expenses associated with the agreement. An
44 | agreement that provides for such does not subject the owner or
45 | the state agency to liability even if the compensation exceeds
46 | those costs or expenses. This paragraph applies only to
47 | agreements executed after July 1, 2012.

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

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

50 | (b) "Outdoor recreational purposes" includes, but is not

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51 limited to, hunting, fishing, wildlife viewing, swimming,
52 boating, camping, picnicking, hiking, pleasure driving, nature
53 study, water skiing, motorcycling, ~~and~~ visiting historical,
54 archaeological, scenic, or scientific sites, and traversing or
55 crossing for the purpose of ingress and egress to and from, and
56 access to and from, public lands or lands owned or leased by a
57 state agency which are used for outdoor recreational purposes.

58 (c) "State agency" means the state or any governmental or
59 public entity created by law.

60 Section 2. This act shall take effect July 1, 2021.