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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/25/2021	.	
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The Committee on Rules (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 12 - 49

and insert:

Section 1. Paragraph (c) of subsection (2) and subsections (3) and (5) of section 375.251, Florida Statutes, are amended to read:

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

(2)



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12 (c) The Legislature recognizes that an area offered for  
13 outdoor recreational purposes may be subject to multiple uses.  
14 The limitation of liability extended to an owner or lessee under  
15 this subsection applies only if no charge is made for entry to  
16 or use of the area for outdoor recreational purposes and no  
17 other revenue is derived from patronage of the area for outdoor  
18 recreational purposes, other than revenue from concessions or  
19 special events which is used to maintain, manage, and improve  
20 the recreational area.

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

34 1. Is not presumed to extend any assurance that the area is  
35 safe for any purpose;

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

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



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41 (b) This subsection applies to all persons going on the  
42 area that is subject to the agreement, including invitees,  
43 licensees, and trespassers.

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

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

53 (a) "Area" includes land, water, and park areas, including  
54 any privately funded park open to the public without an  
55 admission fee or charge for entry during normal business hours.

56

57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete line 4

60 and insert:

61 amending s. 375.251, F.S.; revising legislative intent  
62 regarding the applicability of limitation on  
63 liability; expanding the applicability