

By the Committee on Environmental Preservation and Conservation

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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.