

By Senator Bradley

5-01103-21

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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           defining terms; providing an effective date.

9  
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 available  
15   to public certain areas for recreational purposes without  
16   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:

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

32 2. Does not incur any duty of care toward a person who goes  
33 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  
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

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59 public entity created by law.

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