An act relating to liability of persons providing areas for public outdoor recreational purposes; amending s. 375.251, F.S.; providing that owners may not be subject to liability if they are generating certain revenues and those revenues are used exclusively for specified purposes; expanding the applicability of the limitation of liability for persons who provide areas to the public for outdoor recreational purposes without charge; revising and defining terms; providing an effective date.

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

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)

(c) The Legislature recognizes that an area offered for outdoor recreational purposes may be subject to multiple uses. The limitation of liability extended to an owner or lessee under this subsection applies only if no charge is made for entry to or use of the area for outdoor recreational purposes and no other revenue is derived from patronage of the area for outdoor recreational purposes. An owner may derive revenue from concessions or special events but will only retain liability

protection under this subsection if such revenue is used exclusively to maintain, manage, and improve the outdoor recreational area.

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

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

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

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

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

(c) It is the intent of this subsection that an agreement entered into pursuant to this subsection should not result in compensation to the owner of the area above reimbursement of

reasonable costs or expenses associated with the agreement. An agreement that provides for such does not subject the owner or the state agency to liability even if the compensation exceeds those costs or expenses. This paragraph applies only to agreements executed after July 1, 2012.

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

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

(b) "Outdoor recreational purposes" includes, but is not limited to, hunting, fishing, wildlife viewing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, motorcycling, ~~and~~ visiting historical, archaeological, scenic, or scientific sites, and traversing or crossing for the purpose of ingress and egress to and from, and access to and from, public lands or lands owned or leased by a state agency which are used for outdoor recreational purposes.

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

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