

By Senator Calatayud

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1 A bill to be entitled  
2 An act relating to private campground liability;  
3 creating s. 513.201, F.S.; defining terms; providing  
4 civil liability protection for private campground  
5 owners or specified employees of private campgrounds  
6 for injury or death or property damage that results  
7 from the inherent risk of camping; providing  
8 exceptions; requiring private campground operators to  
9 post and maintain signs and to enter into written  
10 contracts that meet certain requirements and warn of  
11 the inherent risk of camping; requiring a private  
12 campground operator, owner, or employee to comply with  
13 certain requirements in order to invoke immunity;  
14 providing for the award of reasonable costs and  
15 attorney fees under certain circumstances; providing  
16 construction; providing an effective date.  
17

18 Be It Enacted by the Legislature of the State of Florida:  
19

20 Section 1. Section 513.201, Florida Statutes, is created to  
21 read:

22 513.201 Immunity from liability for inherent risk of  
23 camping at private campgrounds; posting and notification  
24 required.—

25 (1) As used in this section, the term:

26 (a) "Camping" means all aspects of visiting, staying at,  
27 using, and departing from a private campground, regardless of  
28 the type of lodging a guest visited, stayed at, used, or  
29 departed from at the private campground.

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30 (b) "Inherent risk of camping" means the danger or  
31 condition assumed as a part of camping, including the dangers  
32 posed by any of the following, at a private campground:

33 1. Features of the natural world, such as trees, naturally  
34 occurring infectious agents, tree stumps, roots, brush, rocks,  
35 mud, sand, standing and moving water, and soil.

36 2. Uneven or unpredictable terrain.

37 3. Natural bodies of water and facilities allowing the use  
38 of natural bodies of water, including piers, docks, and swimming  
39 and aquatic sports or recreation facilities or areas.

40 4. Another camper or visitor at the private campground  
41 acting in a negligent manner in which the private campground  
42 owner or employees of the private campground are not involved.

43 5. A lack of lighting, including lighting at a campsite.

44 6. Campfires contained in or outside of a fire pit or  
45 enclosure provided by the private campground; bonfires or grass  
46 or brush fires; wildfires; and forest fires.

47 7. Weather.

48 8. Insects, birds, and other wildlife.

49 9. Violations or disregard by a camper or visitor of any  
50 posted or established safety rules or posted signs communicating  
51 warnings.

52 10. Actions by a camper or visitor which exceed the  
53 physical limitations or abilities of the camper or visitor.

54 11. Animals of other campers or visitors which cause  
55 injury, unless the private campground has accepted  
56 responsibility for care of the animal.

57 12. Fireworks set off by a camper, visitor, or offsite  
58 entity not authorized by the private campground operator.

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59 13. Any person coming onto a campsite who is not reported  
60 to the private campground operator or an employee of the private  
61 campground.

62 (c) "Private campground" means a facility that provides  
63 sites on which recreational vehicles, camping units, and tents  
64 may be placed for transient occupancy and that is owned and  
65 operated, directly or indirectly, by a private property owner.  
66 The term also includes a recreational vehicle park's lodging  
67 park or recreational camp, as those terms are defined in s.  
68 513.01.

69 (d) "Private campground operator" means the owner,  
70 operator, keeper, lessor, proprietor, manager, assistant  
71 manager, desk clerk, agent, or employee of a private campground,  
72 including a lodging park, a recreational vehicle park, or a  
73 recreational camp who is designated as the individual solely  
74 responsible for the daily operation of the park or camp pursuant  
75 to this chapter.

76 (2) Except as provided in subsection (3), a private  
77 campground owner, a private campground operator, and any  
78 employee or officer of a private campground, private campground  
79 owner, or private campground operator are immune from civil  
80 liability for acts or omissions related to camping at a private  
81 campground if, as a result of an inherent risk of camping, a  
82 person or animal is injured or killed or property is damaged at  
83 the private campground.

84 (3) The immunity provisions of subsection (2) do not apply  
85 if the person seeking immunity does any of the following:

86 (a) Intentionally causes the injury, death, or property  
87 damage.

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88 (b) Commits an act or omission that constitutes willful or  
89 wanton disregard for the safety of the camper visitor, and such  
90 act or omission proximately causes injury, damage, or death to  
91 the camper or visitor.

92 (c) Fails to conspicuously post warning signs of a  
93 dangerous, inconspicuous condition known to him or her on the  
94 property that he or she owns, leases, rents, or is otherwise in  
95 lawful control or possession of, if he or she is aware of the  
96 condition due to a prior injury involving the same location or  
97 the same mechanism of injury.

98 (4) Each private campground operator shall provide notice  
99 to campers of the inherent risk of camping.

100 (a) The private campground operator shall post a sign  
101 warning of the inherent risk of camping in a clearly visible  
102 location at the entrance to the private campground. The notice  
103 posted on the sign must consist of black letters that are at  
104 least 1 inch in height each, with sufficient color contrast to  
105 be clearly visible.

106 (b) Each written contract entered into by a private  
107 campground or private campground operator with a transient guest  
108 must contain in clearly readable print the notice of inherent  
109 risk.

110 (c) The sign and contract must contain the following notice  
111 of the inherent risk of camping:

112  
113 WARNING

114  
115 Under Florida law, a private campground owner,  
116 operator, or employee is not liable for the injury or

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117 death of a participant, or damage or loss to property,  
118 in camping at a private campground if such injury,  
119 death, damage, or loss results from the inherent risk  
120 of camping. The inherent risk of camping includes, but  
121 is not limited to, risks of injury inherent to land,  
122 equipment, weather, animals, and actions by other  
123 campers, as well as the potential for you to act in a  
124 negligent manner that may contribute to your own  
125 injury, death, damage, or loss. You are assuming the  
126 risk of participating in camping.

127  
128 (d) A private campground operator or owner or an employee  
129 of a private campground, or the owner of the underlying land on  
130 which the camping occurs, may not invoke the privilege of  
131 immunity provided by this section if he or she fails to comply  
132 with this subsection.

133 (5) In a civil action filed pursuant to this section  
134 against a private campground or a private campground operator  
135 for loss, injury, or damage resulting from an activity covered  
136 under the inherent risk of camping, the court must assess and  
137 award the reasonable costs of defense, including reasonable  
138 attorney fees, against the plaintiff or responsible party if the  
139 court determines that the immunity from liability under this  
140 section applies to the private campground or private campground  
141 operator.

142 (6) This section does not limit the immunity created by  
143 other sections of Florida law, by contractual waiver, or by  
144 common-law assumptions of risk.

145 Section 2. This act shall take effect July 1, 2023.