

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 and specified employees of private campgrounds
 6 for injury, death, or property damage resulting from
 7 the inherent risk of camping; providing exceptions;
 8 requiring private campground operators to provide
 9 certain notice; providing requirements for such
 10 notice; requiring written contracts, if entered into
 11 by certain parties, to contain such notice; requiring
 12 private campground operators to comply with certain
 13 requirements to invoke immunity; providing for the
 14 award of reasonable costs and attorney fees under
 15 certain circumstances; providing construction;
 16 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
 21 to read:

22 513.201 Private campgrounds; immunity from liability;
 23 posting and notification.—

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

25 (a) "Camping" means all aspects of visiting, staying at,

26 using, and departing from a private campground, regardless of
27 the type of lodging a guest visited, stayed at, used, or
28 departed from at the private campground.

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

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

35 2. Uneven or unpredictable terrain.

36 3. Natural bodies of water and facilities allowing use of
37 the water, including piers, docks, and recreational facilities
38 or areas for swimming and aquatic sports.

39 4. A person acting in a negligent manner in which the
40 private campground operator is not involved.

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

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

45 7. Weather.

46 8. Insects, birds, and other wildlife.

47 9. Violations or disregard by a person of any posted or
48 established safety rules or posted signs communicating warnings.

49 10. Actions by a person which exceed the physical
50 limitations or abilities of such person.

51 11. Animals of other persons which cause injury, unless
52 the private campground has accepted responsibility for care of
53 the animal.

54 12. Fireworks set off by any person or offsite entity not
55 authorized by the private campground operator.

56 13. Any person coming onto a campsite who is not reported
57 to the private campground operator.

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

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

72 (2) Except as provided in subsection (3), a private
73 campground operator is immune from civil liability for acts or
74 omissions related to camping at a private campground if, as a
75 result of the inherent risk of camping, a person or animal is

76 injured or killed or a person's property is damaged or lost at
77 the private campground.

78 (3) Subsection (2) does not apply if the person seeking
79 immunity does any of the following:

80 (a) Intentionally injures or kills another person or
81 intentionally causes damage to or the loss of another person's
82 property.

83 (b) Commits an act or omission that constitutes willful or
84 wanton disregard for the safety of another person and such act
85 or omission proximately causes the other person's injury or
86 death or the damage to or loss of the other person's property.

87 (4) Each private campground operator shall provide notice
88 of the inherent risk of camping.

89 (a) The private campground operator shall post a sign that
90 includes a notice of the inherent risk of camping in a clearly
91 visible location at the entrance to the private campground. The
92 notice must be in black letters that are at least 1 inch in
93 height each, with sufficient color contrast to be clearly
94 visible.

95 (b) If a private campground operator enters into a written
96 contract with a person to camp or otherwise utilize or visit the
97 private campground, such contract must contain in clearly
98 readable print the notice of the inherent risk of camping.

99 (c) The notice and written contract, if any, must contain
100 the following:

WARNING

Under Florida law, a private campground owner, operator, or employee is not liable for a person's injury or death, or any damage to or loss of such person's property, who is camping at a private campground if such injury, death, damage, or loss results from the inherent risk of camping. The inherent risk of camping includes, but is not limited to, risk of injury, death, damage, or loss inherent to land, equipment, weather, animals, and actions by other persons, as well as the potential for you to act in a negligent manner that may contribute to your own injury or death or the damage to or loss of your own property. You are camping at your own risk.

(d) A private campground operator may not invoke the privilege of immunity provided under subsection (2) if he or she fails to comply with this subsection.

(5) In a civil action filed pursuant to this section against a private campground operator for a person's injury or death or the damage to or loss of a person's property resulting from an activity covered under the inherent risk of camping, the court must assess and award reasonable costs of defense,

HB 1323

2023

126 | including reasonable attorney fees, against the plaintiff or
127 | responsible party if the court determines that the immunity from
128 | liability under subsection (2) applies to the private campground
129 | operator.

130 | (6) This section does not limit the immunity created by
131 | other sections of law, by contractual waiver, or by common law
132 | assumptions of risk.

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