

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  
 14                      construction; providing an effective date.  
 15

16 Be It Enacted by the Legislature of the State of Florida:  
 17

18                      Section 1. Section 513.201, Florida Statutes, is created  
 19                      to read:

20                      513.201 Private campgrounds; immunity from liability;  
 21                      posting and notification.-

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

23                      (a) "Camping" means all aspects of visiting, staying at,  
 24                      using, and departing from a private campground, regardless of  
 25                      the type of lodging a guest visited, stayed at, used, or

26 | departed from at the private campground.

27 |       (b) "Inherent risk of camping" means the danger or

28 | condition assumed as a part of camping at a private campground,

29 | including the dangers posed by any of the following:

30 |       1. Features of the natural world, such as trees, naturally

31 | occurring infectious agents, tree stumps, roots, brush, rocks,

32 | mud, sand, standing and moving water, and soil.

33 |       2. Uneven or unpredictable terrain.

34 |       3. Natural bodies of water.

35 |       4. A person acting in a negligent manner if the private

36 | campground operator is not aware of or involved in such action.

37 |       5. A lack of lighting, including lighting at a campsite.

38 | The term does not include a lack of lighting at structures such

39 | as bathhouses, laundry facilities, visitor centers, game rooms,

40 | or other similar common area structures.

41 |       6. Campfires contained in or outside of a fire pit or

42 | enclosure provided by the private campground; bonfires; grass or

43 | brush fires; wildfires; and forest fires.

44 |       7. Weather.

45 |       8. Insects, birds, and other wildlife.

46 |       9. Violations or disregard by a person of any posted or

47 | established safety rules or posted signs communicating warnings.

48 |       10. Actions by a person which exceed the physical

49 | limitations or abilities of such person.

50 |       11. Animals of other persons which cause injury, unless

51 the private campground has accepted responsibility for care of  
52 the animal.

53 12. Any person coming onto a campsite who is not known to  
54 the private campground operator.

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

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

69 (2) Except as provided in subsection (3), a private  
70 campground operator is immune from civil liability for acts or  
71 omissions related to camping at a private campground if, as a  
72 result of the inherent risk of camping, a person or animal is  
73 injured or killed or a person's property is damaged or lost at  
74 the private campground.

75 (3) Subsection (2) does not apply if the person seeking

76 immunity does any of the following:

77 (a) Intentionally injures or kills another person or  
78 intentionally causes damage to or the loss of another person's  
79 property.

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

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

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

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

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

98  
99 WARNING

100

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

114  
115 (d) A private campground operator may not invoke the  
116 privilege of immunity provided under subsection (2) if he or she  
117 fails to comply with this subsection.

118 (5) This section does not limit the immunity created by  
119 other sections of law, by contractual waiver, or by common law  
120 assumptions of risk.

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