

551-137AX-06

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Heyman offered the following:

Amendment

On page 22, lines 5-17,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 18. Section 768.0705, Florida Statutes, is
created to read:

768.0705 Limitation on premises liability.--

(1) A person or organization owning or controlling an
interest in a business premises is not liable for civil
damages sustained by invitees, guests, or other members of the
public which are caused by criminal acts that occur on the
premises and which are committed by third parties who are not
employees or agents of such person or organization, if the
person or organization owning or controlling the interest in a
business premises maintains a reasonably safe premises in
light of the foreseeability of the occurrence of the
particular criminal act.

(2) If at least six provisions contained in the

1 following nine paragraphs of this subsection are substantially
2 met, there shall be a presumption that a person or
3 organization owning or controlling an interest in a business
4 premises, other than a convenience store, has fulfilled any
5 duty to provide adequate security for invitees, guests, and
6 other members of the public against criminal acts that occur
7 in common areas, in parking areas, or on portions of the
8 premises not occupied by buildings or structures and that are
9 committed by third parties who are not employees or agents of
10 the person or organization owning or controlling the interest
11 in a business premises.

12 (a) Signs shall be prominently posted in the parking
13 area and other public-access points on the premises indicating
14 the hours of normal business operations and the general
15 security measures provided.

16 (b) The parking area, public walkways, and public
17 building entrances and exits shall be illuminated at an
18 intensity of at least 2 foot-candles per square foot at 18
19 inches above the surface of the ground, pavement, or walkway
20 or, if zoning requirements do not permit such levels of
21 illumination, to the highest intensity permitted.

22 (c) Crime prevention training, with a curriculum
23 approved by the local law enforcement agency or the Department
24 of Legal Affairs, shall be provided to all nonmanagement
25 on-site employees. To meet the requirements of this paragraph,
26 persons employed at the business premises before October 1,
27 1998, must receive training by October 1, 1999, and persons
28 employed at the business premises on or after October 1, 1998,
29 must receive training within 120 days after hiring. No person
30 shall be liable for ordinary negligence due to implementing
31 the approved curriculum so long as the training was actually

1 provided. Under no circumstances shall the state or the local
2 law enforcement agency be held liable for the contents of the
3 approved curriculum.

4 (d) Security cameras shall be installed and
5 maintained, and shall be monitored or recorded, covering
6 public entrances and exits to buildings and at least half the
7 parking lot. Cameras shall operate during business hours and
8 for at least 30 minutes after closing.

9 (e) An emergency call box, or an alarm system linked
10 to a law enforcement agency, a private security agency, or a
11 security guard or other agent on the premises, shall be
12 maintained and available within 150 feet of any location in
13 the parking lot or other public place on the premises.

14 (f) A licensed security guard or law enforcement
15 officer is on duty at the time of the criminal occurrence and
16 is either monitoring surveillance cameras or patrolling the
17 premises with such frequency that the parking area and common
18 areas are observed by the guard at not more than 15-minute
19 intervals.

20 (g) Perimeter fencing shall be installed and
21 maintained which surrounds parking areas and structures and
22 directs pedestrian entry onto the premises.

23 (h) Landscaping shall be maintained which does not
24 substantially obstruct the view of security personnel or
25 cameras, and landscaping adjacent to areas frequented by the
26 public shall be maintained in a manner that provides no hiding
27 place sufficient to conceal an adult person.

28 (i) A public address system shall be installed and
29 maintained which is capable of reaching portions of the
30 premises regularly frequented by the public.

31 (3) The owner or operator of a convenience business

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Bill No. HB 775

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1 that substantially implements the applicable security measures
 2 listed in ss. 812.173 and 812.174 shall gain a presumption
 3 against liability in connection with criminal acts that occur
 4 on the premises and that are committed by third parties who
 5 are not employees or agents of the owner or operator of the
 6 convenience business.

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