

By Senator Grant

13-315-00

1                                   A bill to be entitled  
2           An act relating to civil actions; creating s.  
3           768.071, F.S.; providing a presumption in  
4           premises liability actions; providing an  
5           exception; creating s. 768.072, F.S.; limiting  
6           the civil liability of owners, occupiers, or  
7           controllers of business premises for criminal  
8           attacks by certain persons which occur on  
9           specified areas of the business premises;  
10          providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 768.071, Florida Statutes, is  
15 created to read:

16           768.071 Presumption in premises liability actions.--A  
17 person, as defined in s. 1.01, who owns, occupies, or controls  
18 premises is presumed to have maintained the premises in a  
19 reasonably safe condition and is not liable for any civil  
20 damages for the death of, or injury to, an invitee, licensee,  
21 or guest upon the premises or for damage to the property of  
22 such persons unless it can be proved by clear and convincing  
23 evidence that the person who owns, occupies, or controls the  
24 premises had actual knowledge that a dangerous condition  
25 existed on the premises and failed to take any corrective  
26 action that could have prevented the death, injury, or damage.  
27 However, this section does not apply to actions arising from  
28 criminal acts occurring on business premises as provided for  
29 in s. 768.072.

30           Section 2. Section 768.072, Florida Statutes, is  
31 created to read:

1           768.072 Limitation on liability for criminal acts on  
2 business premises.--A person, as defined in s. 1.01, who owns,  
3 occupies, or controls a business premises is liable for civil  
4 damages for the death of, or injury or damage to, an invitee,  
5 licensee, or guest resulting from a criminal act committed by  
6 a person who is not an employee or agent of the business and  
7 occurring on a part of the business premises that is not  
8 within an enclosed building only if the person who owns,  
9 occupies, or controls the business premises is found to have  
10 disregarded that person's duty to protect invitees, licensees,  
11 or guests on the property. For purposes of this section, a  
12 person who owns, occupies, or controls a business premises may  
13 be found to have disregarded the duty to protect invitees,  
14 licensees, or guests only if the person who owns, occupies, or  
15 controls the business premises had actual knowledge that a  
16 criminal act was likely to occur on the portion of the  
17 property not within an enclosed building and failed to take  
18 any corrective action that could have prevented the criminal  
19 act.

20           Section 3. This act shall take effect October 1, 2000.  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides that a person who owns, occupies, or controls premises is presumed to have maintained the premises in a reasonably safe condition and is not liable for civil damages for the death or injury of specified persons on the premises or for damage to their property unless the person who owns, occupies, or controls the premises had actual knowledge of a dangerous condition on the premises and failed to take corrective action. The presumption does not apply to actions arising from criminal acts committed by a person who is not an employee or agent of a person who owns, occupies, or controls a business premises, which acts occur on a part of the business premises not within an enclosed building. Limits the civil liability of the owner, occupier, or person who controls a business premises for the criminal acts of a person who is not an employee or agent of the business when the acts are not within an enclosed building on the building premises.