

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Ambler offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 21-42, and insert:

5 768.1382 Maintenance of street lights; negligence.--

6 (1) A governmental entity, including the state and its
7 agencies or subdivisions, or an electric utility, as defined in
8 s. 366.02(2), that maintains street lights is presumed to be not
9 negligent in the maintenance of the street lights if the entity
10 or utility:

11 (a) Logs reports of inoperative or malfunctioning street
12 lights that result from any citizen complaint or from any
13 voluntary inspection; and

14 (b) Repairs reported inoperative or malfunctioning street
15 lights within 30 days after receiving the report or, if in an
16 area affected by a state of emergency declared by federal,

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17 state, or local authorities, within 180 days after the cessation
18 of the emergency.

19 (2) The presumption under subsection (1) that the entity
20 or utility is not negligent is rebuttable.

21 (3) In an action for damages arising out of a personal
22 injury or wrongful death in which a duty to maintain street
23 lights is at issue, an entity responsible for maintaining the
24 street lights that is not a party to the litigation may not be
25 deemed or found at fault or responsible for the injury or death
26 that gave rise to the damages.

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28 ===== T I T L E A M E N D M E N T =====

29 Remove lines 7-12, and insert:
30 F.S.; providing for a rebuttable presumption that certain
31 entities are not negligent in the maintenance of street
32 lights when certain procedures are followed; prohibiting
33 certain findings of fault or