

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to street lighting; creating s. 768.1382,
7 F.S.; limiting liability for certain public and private
8 entities providing street lights, security lights, or
9 other similar illumination; providing that certain
10 entities do not owe duty to the public to provide,
11 operate, or maintain illumination; providing for
12 exceptions; prohibiting certain findings of fault or
13 responsibility of an entity not a party to litigation;
14 providing for severability; providing for application;
15 providing an effective date.

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

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19 Section 1. Section 768.1382, Florida Statutes, is created
20 to read:

21 768.1382 Street lights and other similar illumination;
22 limitation on liability.--Neither the state, nor any of its
23 officers, agencies, or instrumentalities, nor any electric

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24 utility, as defined in s. 366.02(2), that provides or operates
25 or maintains street lights, security lights, or other similar
26 illumination shall be held liable for any civil damages for
27 injury or death affected or caused by the adequacy or failure of
28 illumination of such lights, regardless of whether the adequacy
29 or failure of illumination is alleged or demonstrated to have
30 contributed in any manner to the injury or death, unless such
31 liability was expressly assumed by written contract. No such
32 entity that provides, operates, or maintains a manner of
33 illumination as described in this section owes a duty to the
34 public to provide, operate, or maintain the illumination in any
35 manner, except that such a duty may be expressly assumed by
36 written contract. In any civil action for damages arising out of
37 personal injury or wrongful death when an entity's fault
38 regarding the maintenance of street lights is at issue, if the
39 entity responsible for maintaining the street lights is not a
40 party to the litigation, the entity shall not be deemed or found
41 in such action to be in any way at fault or responsible for the
42 injury or death that gave rise to the damages.

43 Section 2. If any provision of this act or its application
44 to any person or circumstance is held invalid, the invalidity
45 does not affect other provisions or applications of this act
46 which can be given effect without the invalid provision or
47 application, and to this end the provisions of this act are
48 declared severable.

49 Section 3. This act shall take effect upon becoming a law
50 and shall apply to causes of action that accrue on or after the
51 effective date.