

1 A bill to be entitled

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

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

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 15 Section 1. Section 768.1382, Florida Statutes, is created
 16 to read:

17 768.1382 Street lights and other similar illumination;
 18 limitation on liability.--Neither the state, any of the state's
 19 officers, agencies, or instrumentalities, any political
 20 subdivision, as defined in s. 1.01, nor any electric utility, as
 21 defined in s. 366.02(2), that provides or operates or maintains
 22 street lights, security lights, or other similar illumination
 23 shall be held liable for any civil damages for injury or death
 24 affected or caused by the adequacy or failure of illumination of
 25 such lights, regardless of whether the adequacy or failure of
 26 illumination is alleged or demonstrated to have contributed in
 27 any manner to the injury or death, unless such liability was
 28 expressly assumed by written contract. No such entity that

29 | provides, operates, or maintains a manner of illumination as
30 | described in this section owes a duty to the public to provide,
31 | operate, or maintain the illumination in any manner, except that
32 | such a duty may be expressly assumed by written contract. In any
33 | civil action for damages arising out of personal injury or
34 | wrongful death when an entity's fault regarding the maintenance
35 | of street lights is at issue, if the entity responsible for
36 | maintaining the street lights is not a party to the litigation,
37 | the entity shall not be deemed or found in such action to be in
38 | any way at fault or responsible for the injury or death that
39 | gave rise to the damages.

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

46 | Section 3. This act shall take effect upon becoming a law
47 | and shall apply to causes of action that accrue on or after the
48 | effective date.