

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, 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

CODING: Words **stricken** are deletions; words **underlined** are additions.

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.