

By the Committee on Judiciary

590-1218-05

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

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

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17 Section 1. Section 768.1382, Florida Statutes, is
18 created to read:

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

1 a manner of illumination as described in this section owes a
2 duty to the public to provide, operate, or maintain the
3 illumination in any manner, except that such a duty may be
4 expressly assumed by written contract. In any civil action for
5 damages arising out of personal injury or wrongful death when
6 an entity's fault regarding the maintenance of street lights
7 is at issue, if the entity responsible for maintaining the
8 street lights is not a party to the litigation, the entity
9 shall not be deemed or found in such action to be in any way
10 at fault or responsible for the injury or death that gave rise
11 to the damages.

12 Section 2. If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 invalidity does not affect other provisions or applications of
15 this act which can be given effect without the invalid
16 provision or application, and to this end the provisions of
17 this act are declared severable.

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