

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Simmons and Brown offered the following:

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3 **Amendment to Senate Amendment (702196) (with title**
4 **amendment)**

5 On page 1, line(s) 17, through page 2, line 6,
6 remove: all of said lines

7

8 and insert:

9 Section 1. Section 768.0755, Florida Statutes, is created
10 to read:

11 768.0755 Premises liability for transitory foreign
12 substances on business premises.--If a person slips and falls on
13 a transitory foreign substance on business premises, the injured
14 person must prove that the business had actual or constructive
15 knowledge of the dangerous condition in that the condition

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16 existed for a sufficient length of time so that, in the exercise
17 of ordinary care, the business should have known of the
18 dangerous condition and taken action to remedy it. Constructive
19 knowledge may be proven by circumstantial evidence showing that:

20 (1) The dangerous condition existed for such a length of
21 time that in the exercise of ordinary care, the business should
22 have known of the condition; or

23 (2) The condition occurred with regularity and was
24 therefore foreseeable.

25 Section 2. Paragraph (b) of subsection (4) of section
26 768.81, Florida Statutes, is amended to read:

27 (4) APPLICABILITY.--

28 (b) This section does not apply to any action brought by
29 any person to recover actual economic damages resulting from
30 pollution, to any action based upon an intentional tort that
31 occurs in an indoor area of a business, or to any cause of
32 action as to which application of the doctrine of joint and
33 several liability is specifically provided by chapter 403,
34 chapter 498, chapter 517, chapter 542, or chapter 895.

35 Section 3. Section 768.0710, Florida Statutes, is
36 repealed.

37 Section 4. For the purpose of incorporating the amendment
38 made by this act to section 768.81, Florida Statutes, in
39 references thereto, section 25.077, Florida Statutes, is
40 reenacted to read:

41 25.077 Negligence case settlements and jury verdicts; case
42 reporting.--Through the state's uniform case reporting system,

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43 the clerk of court shall report to the Office of the State
 44 Courts Administrator, beginning in 2003, information from each
 45 settlement or jury verdict and final judgment in negligence
 46 cases as defined in s. 768.81(4), as the President of the Senate
 47 and the Speaker of the House of Representatives deem necessary
 48 from time to time. The information shall include, but need not
 49 be limited to: the name of each plaintiff and defendant; the
 50 verdict; the percentage of fault of each; the amount of economic
 51 damages and noneconomic damages awarded to each plaintiff,
 52 identifying those damages that are to be paid jointly and
 53 severally and by which defendants; and the amount of any
 54 punitive damages to be paid by each defendant.

55 Section 5. This act shall take effect July 1, 2005.

56

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

58 On page 1, line(s) 14-28,
 59 remove: all of said lines

60

61 and insert:

62

A bill to be entitled

63

An act relating to negligence; creating s. 768.0755, F.S.;
 64 providing that if a person slips and falls on a transitory
 65 foreign substance on business premises, the injured person
 66 must prove that the business had knowledge of the
 67 condition in that the condition existed for a sufficient
 68 time for the business to have taken action to remedy the
 69 condition; providing that constructive knowledge may be

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HOUSE AMENDMENT

Bill No. HB 1931

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70 proven by circumstantial evidence; amending s. 768.81,
71 F.S., relating to comparative fault; providing that the
72 section does not apply to an intentional tort that occurs
73 in an indoor area of a business; repealing s. 768.0710,
74 F.S., relating to the duty to maintain premises in a
75 reasonably safe condition for the safety of business
76 invitees; reenacting s. 25.077, F.S., relating to the duty
77 of the clerk of court to report certain information
78 concerning negligence cases, to incorporate the amendment
79 made to s. 768.81, F.S., in a reference thereto; providing
80 an effective date.

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