

Bill No. HB 1931, 1st Eng.

Barcode 702196

CHAMBER ACTION

Senate

House

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2	05/05/2005 07:38 PM	.	05/06/2005 21:50:20
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11 Senator Webster moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15
16 and insert:

17 Section 1. Section 768.0755, Florida Statutes, is

18 created to read:

<A NAME="PageLine19 768.0755 Premises liability for transitory
foreign

20 substances in a retail establishment.--If a person slips and
21 falls on a transitory foreign substance in a retail
22 establishment, the injured person must prove that the retail
23 establishment had actual or constructive knowledge of the
24 dangerous condition in that the condition existed for a
25 sufficient length of time so that, in the exercise of ordinary
26 care, the retail establishment should have known of the
27 dangerous condition and taken action to remedy it.

28 Constructive knowledge may be proven by circumstantial
29 evidence showing that:

30 (1) The dangerous condition existed for such a length
31 of time that in the exercise of ordinary care, the retail

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1 establishment should have known of the condition; or
 2 (2) The condition occurred with regularity and was
 3 therefore foreseeable.

4 Section 2. Section 768.0710, Florida Statutes, is
 5 repealed.

6 Section 3. This act shall take effect July 1, 2005.
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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12
 13 and insert:

14 An act relating to negligence; creating s.
 15 768.0755, F.S.; providing that if a person
 16 slips and falls on a transitory foreign
 17 substance in a retail establishment, the
 18 injured person must prove that the retail
 19 establishment had knowledge of the condition in
 20 that the condition existed for a sufficient
 21 time for the retail establishment to have taken
 22 action to remedy the condition; providing that
 23 constructive knowledge may be proven by
 24 circumstantial evidence; repealing s. 768.0710,
 25 F.S., relating to the duty to maintain premises
 26 in a reasonably safe condition for the safety
 27 of business invitees; providing an effective
 28 date.

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