

Bill No. HB 1931, 1st Eng.

Barcode 882298

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

768.0755 Premises liability for transitory foreign substances in a retail establishment.--If a person slips and falls on a transitory foreign substance in a retail establishment, the injured person must prove that the retail establishment had actual or constructive knowledge of the dangerous condition in that the condition existed for a sufficient length of time so that, in the exercise of ordinary care, the retail establishment should have known of the dangerous condition and taken action to remedy it. Constructive knowledge may be proven by circumstantial evidence showing that:

(1) The dangerous condition existed for such a length 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. Paragraph (b) of subsection (4) of section  
5 768.81, Florida Statutes, is amended to read:

6 (4) APPLICABILITY.--

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

14 Section 3. Section 768.0710, Florida Statutes, is  
15 repealed.

16 Section 4. For the purpose of incorporating the  
17 amendment made by this act to section 768.81, Florida  
18 Statutes, in references thereto, section 25.077, Florida  
19 Statutes, is reenacted to read:

20 25.077 Negligence case settlements and jury verdicts;  
21 case reporting.--Through the state's uniform case reporting  
22 system, the clerk of court shall report to the Office of the  
23 State Courts Administrator, beginning in 2003, information  
24 from each settlement or jury verdict and final judgment in  
25 negligence cases as defined in s. 768.81(4), as the President  
26 of the Senate and the Speaker of the House of Representatives  
27 deem necessary from time to time. The information shall  
28 include, but need not be limited to: the name of each  
29 plaintiff and defendant; the verdict; the percentage of fault  
30 of each; the amount of economic damages and noneconomic  
31 damages awarded to each plaintiff, identifying those damages

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1 that are to be paid jointly and severally and by which  
2 defendants; and the amount of any punitive damages to be paid  
3 by each defendant.

4 Section 5. This act shall take effect July 1, 2005.  
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6

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

8 And the title is amended as follows:

9 Delete everything before the enacting clause  
10

11 and insert:

12 An act relating to negligence; creating s.  
13 768.0755, F.S.; providing that if a person  
14 slips and falls on a transitory foreign  
15 substance in a retail establishment, the  
16 injured person must prove that the retail  
17 establishment had knowledge of the condition in  
18 that the condition existed for a sufficient  
19 time for the retail establishment to have taken  
20 action to remedy the condition; providing that  
21 constructive knowledge may be proven by  
22 circumstantial evidence; amending s. 768.81,  
23 F.S.; providing for the apportionment of  
24 damages to an intentional tortfeasor for  
25 intentional torts that occur in the outdoor  
26 areas of a business; repealing s. 768.0710,  
27 F.S., relating to the duty to maintain premises  
28 in a reasonably safe condition for the safety  
29 of business invitees; reenacting s. 25.077,  
30 F.S., relating to the duty of the clerk of  
31 court to report certain information concerning

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1 negligence cases, to incorporate the amendment  
2 made to s. 768.81, F.S., in a reference  
3 thereto; providing an effective date.  
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