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A bill to be entitled
 An act relating to negligence; creating s. 768.0755, F.S.;
 providing that a person seeking damages for a slip and
 fall on a transitory foreign substance in a retail
 establishment must prove that the retail establishment had
 actual knowledge of the condition or constructive
 knowledge of the condition; defining "constructive
 knowledge"; providing that constructive knowledge may be
 proven by circumstantial evidence; amending s. 768.81,
 F.S.; redefining the term "negligence cases" as it relates
 to comparative fault to include claims for negligent
 security in which the defendant is sued for failing to
 prevent the commission of an intentional tort; providing
 that the apportionment of damages does not apply to any
 action in which an intentional tortfeasor is sued and
 seeks to apportion fault to a negligent tortfeasor;
 repealing s. 768.0710, F.S., relating to the duty to
 maintain premises in a reasonably safe condition for the
 safety of business invitees; reenacting s. 25.077, F.S.,
 relating to the duty of the clerk of court to report
 certain information concerning negligence cases, to
 incorporate the amendment made to s. 768.81, F.S., in a
 reference thereto; providing an effective date.

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

Section 1. Section 768.0775, Florida Statutes, is created
 to read:

29 768.0775 Premises liability for transitory foreign
 30 substances in a retail establishment.--If a person slips and
 31 falls on a transitory foreign substance in a retail
 32 establishment, the injured person must prove that the retail
 33 establishment had actual knowledge of the dangerous condition or
 34 had constructive knowledge of the dangerous condition in that
 35 the condition existed for a sufficient length of time that, in
 36 the exercise of ordinary care, the retail establishment should
 37 have known of the dangerous condition and taken action to remedy
 38 it. Constructive knowledge may be proven by circumstantial
 39 evidence showing that the dangerous condition existed for such a
 40 length of time that in the exercise of ordinary care the retail
 41 establishment should have known of the condition.

42 Section 2. Subsection (4) of section 768.81, Florida
 43 Statutes, is amended to read:

44 768.81 Comparative fault.--

45 (4) APPLICABILITY.--

46 (a) This section applies to negligence cases. For purposes
 47 of this section, the term "negligence cases" includes, but is
 48 not limited to, civil actions for damages based upon theories of
 49 negligence, including negligent security resulting in the
 50 commission of an intentional tort or criminal act; strict
 51 liability; products liability; professional malpractice
 52 whether couched in terms of contract or tort; or breach of
 53 warranty and like theories. In determining whether a case falls
 54 within the term "negligence cases," the court shall look to the
 55 substance of the action and not the conclusory terms used by the
 56 parties.

57 (b) This section does not apply to any action brought by
 58 any person to recover actual economic damages resulting from
 59 pollution, to any action in which an intentional tortfeasor
 60 seeks to apportion fault to a negligent tortfeasor ~~based upon an~~
 61 ~~intentional tort~~, or to any cause of action as to which
 62 application of the doctrine of joint and several liability is
 63 specifically provided by chapter 403, chapter 498, chapter 517,
 64 chapter 542, or chapter 895.

65 Section 3. Section 768.0710, Florida Statutes, is
 66 repealed.

67 Section 4. For the purpose of incorporating the amendment
 68 to section 768.81, Florida Statutes, in a reference thereto,
 69 section 25.077, Florida Statutes, is reenacted to read:

70 25.077 Negligence case settlements and jury verdicts; case
 71 reporting.--Through the state's uniform case reporting system,
 72 the clerk of court shall report to the Office of the State
 73 Courts Administrator, beginning in 2003, information from each
 74 settlement or jury verdict and final judgment in negligence
 75 cases as defined in s. 768.81(4), as the President of the Senate
 76 and the Speaker of the House of Representatives deem necessary
 77 from time to time. The information shall include, but need not
 78 be limited to: the name of each plaintiff and defendant; the
 79 verdict; the percentage of fault of each; the amount of economic
 80 damages and noneconomic damages awarded to each plaintiff,
 81 identifying those damages that are to be paid jointly and
 82 severally and by which defendants; and the amount of any
 83 punitive damages to be paid by each defendant.

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