

Bill No. SB 2566

Barcode 743146

CHAMBER ACTION

Senate

House

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11 The Committee on Judiciary (Campbell) recommended the
12 following amendment:

Senate Amendment (with title amendment)

15 On page 2, line 24, through
16 page 6, line 21, delete those lines

18 and insert:

19 Section 2. Section 812.18, Florida Statutes, is
20 created to read:

812.18 Business parking lot security.--

22 (1) The Legislature recognizes that a person or
23 organization who owns or controls an interest in commercial
24 real property upon which the sales of goods or services takes
25 place and who owns or controls a parking lot of 150 or more
26 parking spaces associated with such commercial property should
27 provide adequate security for invitees, guests, and other
28 members of the public who are legally on the premises to
29 protect against reasonably foreseeable and preventable
30 criminal acts that may occur in such parking lot, adjacent
31 public walkways, common areas, and commercial business

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1 entrances and exits on the premises.

2 (2) In determining whether adequate security to
3 protect against a reasonably foreseeable and preventable
4 criminal act was provided at the time that the criminal act
5 occurred, a presumption exists that a person or organization
6 who owns or controls an interest in commercial real property
7 upon which the sales of goods or services takes place and who
8 owns or controls a parking lot of 150 or more parking spaces
9 associated with such commercial property has fulfilled any
10 duty to provide adequate security in such parking lot to any
11 person legally on the property in such parking lot against
12 criminal acts committed by third parties if the court finds
13 that the owner met the following conditions in a non-negligent
14 manner at the time the criminal act occurred, and any party
15 may present evidence on motion for summary judgment or at
16 trial that some or all of the following security measures had
17 or had not been taken and maintained in a reasonable,
18 non-negligent manner:

19 (a) Signs were prominently posted in the parking lot
20 and other exterior public places on the premises indicating
21 the hours of normal business operations and advising that the
22 premises are monitored by video cameras. Signs may also
23 provide a safety message substantially similar to the
24 following: TO HELP PROTECT YOUR SAFETY AND PERSONAL PROPERTY,
25 PLEASE LOCK YOUR VEHICLE, BE ALERT, AND DO NOT LEAVE VALUABLES
26 IN YOUR VEHICLE.

27 (b) Substantially all of the parking lot, adjacent
28 public walkways, common areas, and commercial business
29 entrances and exits on the premises, including the location
30 where the criminal act occurred, were illuminated at an
31 intensity of at least 2 foot-candles per square foot at 36

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1 inches above the surface of the ground, pavement, or walkway,
2 as attested to by a certified electrical engineer or a
3 licensed electrical contractor, unless another level of
4 illumination is required by local, state, or federal law.

5 (c) The person or organization who owns or controls
6 the property adopted and maintained reasonable policies and
7 training programs for employees concerning crime awareness and
8 prevention and safety and security of invitees, guests, and
9 other members of the public.

10 (d) Security cameras were installed and were operating
11 during business hours and covered substantially all the
12 parking lot and adjacent public walkways, common areas, and
13 commercial building entrances and exits on the premises, and
14 the recording for the cameras were maintained for at least 30
15 days.

16 (e) One or more private security guards licensed
17 pursuant to chapter 493 or police officers were on duty,
18 either monitoring surveillance cameras or patrolling the
19 premises, with such frequency that each area of the parking
20 lot, public walkways, common areas, and commercial building
21 entrances and exits could be observed by the guard or guards
22 at not less than 30-minute intervals. The number of security
23 guards or police officers utilized should be based on a
24 reasonable assessment pursuant to paragraph (h). This
25 assessment should be based, at a minimum, on the number of
26 prior crimes occurring on and around the parking lot, adjacent
27 public walkways, common areas, and commercial building
28 entrances and exits on the premises, the time of day and
29 season of commission of such crimes relative to the hours of
30 business operations, the size of the parking lot, and the
31 ability of the security guards or police officers to monitor

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1 and patrol the premises in a timely manner as described above.

2 (f) When not prohibited by law, fencing had been
3 installed and maintained adjacent to property which limited
4 pedestrian access and entry onto the premises via public
5 accessways and walkways and denied access onto the premises
6 from areas not intended for access onto the premises.

7 (g) A person or organization owning or controlling an
8 interest in commercial real property made an assessment of the
9 appropriate security measures for the parking lot, public
10 walkways, common areas, and commercial building entrances and
11 exits based upon criminal-incident reports from the local law
12 enforcement agency. This assessment shall include an onsite
13 examination and analysis of the business and surrounding
14 properties by the person or organization to ascertain what
15 crimes have occurred in the past, crimes likely to occur in
16 the future, and the present status of security measures. The
17 results and conclusions must be in writing and must be
18 available through discovery.

19 (3) The provisions of this section and evidence
20 relating to compliance or noncompliance with this section
21 shall be admissible in evidence in any civil or criminal
22 proceeding, if such evidence is otherwise admissible pursuant
23 to the Florida Evidence Code.

24 (4) This section does not apply if the criminal act
25 was committed by the person owning or controlling the interest
26 in the commercial real property or an employee or agent of
27 such person.

28 Section 3. Section 768.0710, Florida Statutes, is
29 repealed.

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31 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 1, line 12, through
4 page 2, line 2, delete those lines

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6 and insert:

7 circumstantial evidence; creating s. 812.18,
8 F.S.; providing legislative intent relating to
9 business parking lot security; providing an
10 evidentiary presumption relating to determining
11 whether there was adequate security to protect
12 against a reasonably foreseeable and
13 preventable criminal act that occurs in a
14 commercial parking lot; providing for
15 admissibility of evidence relating to
16 compliance with this section; providing an
17 exception to applicability of the section;
18 repealing s. 768.0710, F.S., relating to the
19 duty to maintain premises in a reasonably safe
20 condition for the safety of business invitees;
21 providing an effective date.

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