

Bill No. SB 2566

Barcode 945018

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Webster) recommended the following amendment:

Senate Amendment (with title amendment)

On page 2, line 24, through page 5, line 30, delete those lines

and insert:

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

812.18 Business parking lot security.--

(1) The Legislature recognizes that a person or organization owning or controlling an interest in commercial real property upon which the sale of goods or services takes place and who owns or controls a parking lot of 150 or more parking spaces associated with such commercial property should provide adequate security for invitees, guests, and other members of the public legally on the premises to protect against reasonably foreseeable and preventable criminal acts that may occur in such parking lot, adjacent public walkways, common areas, and commercial business entrances and exits on

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1 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 owning or controlling an interest in commercial real property
7 upon which the sale 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 is monitored by video cameras. Signs may also provide
23 a safety message substantially similar to the following: TO
24 HELP PROTECT YOUR SAFETY AND PERSONAL PROPERTY, PLEASE LOCK
25 YOUR VEHICLE, BE ALERT, AND DO NOT LEAVE VALUABLES IN YOUR
26 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 owning or controlling
 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 covering substantially all the parking
 12 lot and adjacent public walkways, common areas, and commercial
 13 building entrances and exits on the premises, and the
 14 recordings 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 (g). 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 in
2 this paragraph.

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

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

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

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

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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, lines 12-24, delete those lines

4

5 and insert: circumstantial evidence; creating s. 812.18,
6 F.S.; recognizing an expectation regarding the provision of
7 adequate security from certain criminal acts on specified
8 commercial real property; providing security conditions that
9 are presumed sufficient; authorizing certain evidence to be
10 admissible in civil or criminal proceedings; providing
11 applicability; repealing s. 768.0710,

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