By Senator Baker

20-1209A-06

1	A bill to be entitled
2	An act relating to negligence; creating s.
3	768.0755, F.S.; providing that if a person
4	slips and falls on a transitory foreign
5	substance in a business establishment, the
6	injured person must prove that the business
7	establishment had knowledge of the condition in
8	that the condition existed for a sufficient
9	time for the business establishment to have
10	taken action to remedy the condition; providing
11	that constructive knowledge may be proven by
12	circumstantial evidence; repealing s. 768.0710,
13	F.S., relating to the duty to maintain premises
14	in a reasonably safe condition for the safety
15	of business invitees; providing an effective
16	date.
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18	Be It Enacted by the Legislature of the State of Florida:
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20	Section 1. Section 768.0755, Florida Statutes, is
21	created to read:
22	768.0755 Premises liability for transitory foreign
23	substances in a business establishmentIf a person slips and
24	falls on a transitory foreign substance in a business
25	establishment, the injured person must prove that the business
26	establishment had actual or constructive knowledge of the
27	dangerous condition in that the condition existed for a
28	sufficient length of time so that, in the exercise of ordinary
29	care, the business establishment should have known of the
30	dangerous condition and taken action to remedy it.
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1	Constructive knowledge may be proven by circumstantial
2	evidence showing that:
3	(1) The dangerous condition existed for such a length
4	of time that, in the exercise of ordinary care, the business
5	establishment should have known of the condition; or
6	(2) The condition occurred with regularity and was
7	therefore foreseeable.
8	Section 2. <u>Section 768.0710, Florida Statutes, is</u>
9	repealed.
10	Section 3. This act shall take effect July 1, 2006.
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13	SENATE SUMMARY
14	Provides that if a person slips and falls on a transitory foreign substance in a business establishment, the
15	injured person must prove that the business establishment had knowledge of the condition in that the condition
16	existed for a sufficient time for the business establishment to have taken action to remedy the
17	condition. Provides that constructive knowledge may be proven by circumstantial evidence. Deletes provisions
18	relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees.
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