

By Senator Gardiner

9-01573-09

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1                                   A bill to be entitled  
 2           An act relating to negligence; creating s. 768.0755,  
 3           F.S.; providing that if a person slips and falls on a  
 4           transitory foreign substance in a business  
 5           establishment, the injured person must prove that the  
 6           business establishment had knowledge of the condition  
 7           in that the condition existed for a sufficient time  
 8           for the business establishment to have taken action to  
 9           remedy the condition; providing that constructive  
 10          knowledge may be proven by circumstantial evidence;  
 11          repealing s. 768.0710, F.S., relating to the duty to  
 12          maintain premises in a reasonably safe condition for  
 13          the safety of business invitees; providing an  
 14          effective date.

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

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

20           768.0755 Premises liability for transitory foreign  
 21 substances in a business establishment.-

22           (1) If a person slips and falls on a transitory foreign  
 23 substance in a business establishment, the injured person must  
 24 prove that the business establishment had actual or constructive  
 25 knowledge of the dangerous condition in that the condition  
 26 existed for a sufficient length of time so that, in the exercise  
 27 of ordinary care, the business establishment should have known  
 28 of the dangerous condition and taken action to remedy it.

29           (2) Constructive knowledge may be proven by circumstantial

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30 evidence showing that:

31 (a) The dangerous condition existed for such a length of  
32 time that, in the exercise of ordinary care, the business  
33 establishment should have known of the condition; or

34 (b) The condition occurred with regularity and was  
35 therefore foreseeable.

36 Section 2. Section 768.0710, Florida Statutes, is repealed.

37 Section 3. This act shall take effect July 1, 2009.