

HB 495

2009

1 A bill to be entitled
2 An act relating to negligence; creating s. 768.0755, F.S.;
3 providing that if a person slips and falls on a transitory
4 foreign substance in a business establishment, the injured
5 person must prove that the business establishment had
6 actual or constructive knowledge of the condition and
7 should have taken action to remedy it; providing that
8 constructive knowledge may be proven by circumstantial
9 evidence; repealing s. 768.0710, F.S., relating to the
10 duty to maintain premises and the burden of proof in
11 claims of negligence involving transitory foreign objects
12 or substances; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 768.0755, Florida Statutes, is created
17 to read:

18 768.0755 Premises liability for transitory foreign
19 substances in a business establishment.--If a person slips and
20 falls on a transitory foreign substance in a business
21 establishment, the injured person must prove that the business
22 establishment had actual or constructive knowledge of the
23 dangerous condition and should have taken action to remedy it.
24 Constructive knowledge may be proven by circumstantial evidence
25 showing that:

26 (1) The dangerous condition existed for such a length of
27 time that, in the exercise of ordinary care, the business
28 establishment should have known of the condition; or

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29 (2) The condition occurred with regularity and was
30 therefore foreseeable.

31 Section 2. Section 768.0710, Florida Statutes, is
32 repealed.

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