



181536

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2010	.	
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The Committee on Judiciary (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete lines 19 - 31

and insert:

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

(1) If a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it. Constructive knowledge may be proven by circumstantial evidence showing that:

(a) The dangerous condition existed for such a length of



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14 time that, in the exercise of ordinary care, the business
15 establishment should have known of the condition; or

16 (b) The condition occurred with regularity and was
17 therefore foreseeable.

18 (2) This section does not affect any common-law duty of care
19 owed by a person or entity in possession or control of a
20 business premises.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Between lines 9 and 10

25 insert:

26 providing that such provisions do not affect any
27 common-law duty of care owed by a person or entity in
28 possession or control of a business premises;