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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



356454

14 circumstantial evidence showing that:

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

18 (b) The condition occurred with regularity and was
19 therefore foreseeable.

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

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 Section 768.0710, Florida Statutes, is repealed.

24 Section 3. This act shall take effect July 1, 2010.

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause
29 and insert:

30 A bill to be entitled

31 An act relating to negligence; creating s. 768.0755,
32 F.S.; providing that if a person slips and falls on a
33 transitory foreign substance in a business
34 establishment, the injured person must prove that the
35 business establishment had actual or constructive
36 knowledge of the condition and should have taken
37 action to remedy it; providing that constructive
38 knowledge may be proven by circumstantial evidence;
39 specifying that the provisions do not affect any
40 common-law duty of care owed by a person or entity in
41 possession or control of a business premises;
42 repealing s. 768.0710, F.S., relating to the duty to



356454

43 maintain premises and the burden of proof in claims of
44 negligence involving transitory foreign objects or
45 substances; providing an effective date.