

By Senator Gardiner

9-00538A-10

20101224

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 actual or constructive  
7           knowledge of the condition and should have taken  
8           action to remedy it; providing that constructive  
9           knowledge may be proven by circumstantial evidence;  
10          repealing s. 768.0710, F.S., relating to the duty to  
11          maintain premises and the burden of proof in claims of  
12          negligence involving transitory foreign objects or  
13          substances; providing an effective date.

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

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

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

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

9-00538A-10

20101224\_\_

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

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 Section 768.0710, Florida Statutes, is repealed.

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