

ENROLLED

HB 689, Engrossed 1

2010 Legislature

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; providing that such provisions do not affect any
10 common-law duty of care owed by a person or entity in
11 possession or control of a business premises; repealing s.
12 768.0710, F.S., relating to the duty to maintain premises
13 and the burden of proof in claims of negligence involving
14 transitory foreign objects or substances; providing an
15 effective date.

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

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

21 768.0755 Premises liability for transitory foreign
22 substances in a business establishment.—

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

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

32 (b) The condition occurred with regularity and was
33 therefore foreseeable.

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

37 Section 2. Section 768.0710, Florida Statutes, is
38 repealed.

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