

CHAPTER 2010-8

House Bill No. 689

An act relating to negligence; creating s. 768.0755, F.S.; providing that 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 condition and should have taken action to remedy it; providing that constructive knowledge may be proven by circumstantial evidence; providing that such provisions do not affect any common-law duty of care owed by a person or entity in possession or control of a business premises; repealing s. 768.0710, F.S., relating to the duty to maintain premises and the burden of proof in claims of negligence involving transitory foreign objects or substances; providing an effective date.

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

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 circumstantial evidence showing that:

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

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

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

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 Section 768.0710, Florida Statutes, is repealed.

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

Approved by the Governor April 14, 2010.

Filed in Office Secretary of State April 14, 2010.