NEWS UPDATE: NEW FLORIDA SLIP-AND-FALL LAW SIGNED BY GOVERNOR CHARLIE CRIST

On April 14, 2010, Florida Governor Charlie Crist signed House Bill 689 which will raise the level of proof for plaintiffs to win some slip-and-fall lawsuits against Florida businesses.

The Bill repealed section 768.0710, *Florida Statutes*, making the new law, section 768.0755, *Florida Statutes*, effective July 1, 2010.

This new law requires persons who slip and fall on "transitory foreign substances" such as banana peels, spilled liquids, rotten produce, etc., in a business establishment to prove that the business knew or should have known a dangerous condition had existed for a sufficient amount of time or the condition occurred with such regularity that it was foreseeable.

A 2001 Florida Supreme Court ruling removed the requirement that a business have actual or constructive knowledge of the dangerous condition[1]. Since Owens, the presence of a transitory substance on a floor (in Owens, a banana) showed that the business establishment did not keep their premises safe for patrons. Showing that the business "knew or should have known" was not required. This made it easier for plaintiffs to get in front of a jury, making the prior slip and fall law very plaintiff friendly.

Now, it is an essential element of a banana peel (or other transitory substance) slip-and-fall claim to show that the business had knowledge of the unsafe condition.

This new law is a win for Florida businesses.

If you have any questions about this new law and how it may affect your business and/or current slip-and-fall claims, please contact:

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[1] Owens v. Publix Supermarkets, Inc., 802 So. 2d 315 (Fla. 2001).