

Bill No. SB 2226

Amendment No. 1 Barcode 121286

CHAMBER ACTION

Senate

House

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The Committee on Comprehensive Planning recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 768.1382, Florida Statutes, is created to read:

768.1382 Reasonable care in the maintenance of street lights by utilities.--

(1) A governmental entity, including the state and its agencies or subdivisions, or an electric utility, as defined in s. 366.02(2), which maintains streetlights is presumed to have used reasonable care in the maintenance of the streetlights if it:

(a) Conducts regular inspections of each streetlight at night at least once every 6 months;

(b) Logs reports of inoperative or malfunctioning streetlights which result from the inspections or from citizen complaints; and

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1 (c) Repairs reported inoperative or malfunctioning
2 lights within 30 days after receiving the report or, if in an
3 area affected by a state of emergency declared by federal,
4 state, or local authorities, within 180 days after the
5 cessation of the emergency.

6 (2) The presumption of reasonable care is rebuttable.

7 (3) In an action for damages arising out of a personal
8 injury or wrongful death in which a duty to maintain
9 streetlights is at issue, an entity responsible for
10 maintaining the streetlights which is not a party to the
11 litigation may not be deemed or found at fault or responsible
12 for the injury or death that gave rise to the damages.

13 Section 2. This act shall take effect July 1, 2004,
14 and applies to causes of action that accrue on or after that
15 date.

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

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22 and insert:

23 A bill to be entitled
24 An act relating to liability for the
25 maintenance of streetlights; creating s.
26 768.1382, F.S.; creating a rebuttable
27 presumption of reasonable care for utilities
28 that follow certain procedures; limiting the
29 liability of nonparties in certain litigation;
30 providing an effective date.

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