

Premises Liability and Property Visitors

When you step on another person's property, the owner is responsible for your safety. A well-maintained property should not cause harm or injury to customers, guests, or uninvited visitors. If a visitor is injured, homeowners and business owners are all potentially held responsible under Florida's premises liability law. The premises liability differs for each level of duty under the law.

What is Premises Liability?

For the most part, it is the responsibility of the owner to make their property safe for visitors. If an injury occurs to a visitor, he or she can file a lawsuit against the property owner.

Premises liability law applies to homeowners, small business owners, and property managers. Anyone who owns a property space can face a lawsuit for a visitor's injury.

Visitors can fall into three different categories of responsibility for the property owner. These levels of care include business invitees, licensees, and trespassers.

Business Invitees and Liability

Business invitees need the highest level of care from the property owner. A business invitee is any person who enters the premises for the purpose of an actual or a potential transaction. This designation can include customers in a grocery store, patrons in a restaurant, or drivers at a gas station.

Business invitees also include in-home workers and repair technicians. In any case, the property owner must maintain and inspect the property to keep it safe for invitees. With this special duty, property owners are potentially liable for any injuries to the business invitee. If they knew about the dangers and failed to make repairs, it is likely that the property owner's negligence that led to an injury.

Responsibilities for Licensees

Social guests such as friends, family members, and business associates fall into the category known as licensees. These guests enter the property strictly for a social purpose. The licensee term does not only include invited guests but those who show up unannounced to a party. Once again, the property owner has a responsibility to keep the space properly maintained. If there are any dangers, the owner must warn the licensees about the property's known hazards.

Premises Liability and Trespassers

Does the property owner have a duty to protect those who illegally gained entry to the property? In most circumstances, the property owner is not responsible for trespassers injured or killed on the property.

Under the law, there are two types of trespassers: discovered and undiscovered. Discovered trespassers are known to the property owner within a limited time frame before the accident. An undiscovered trespasser's presence is unknown to the property owner. In either case, the property owner is likely not responsible for any injuries to these trespassers.

However, the property owner still has a limited duty to stop any reckless or intentional injury. This means the property owner cannot set up a trap or other harmful instrument to intentionally injure a trespasser. If the property owner discovers a trespasser, he or she must warn them of any known dangers on the property.

Choose an Experienced Premises Liability Attorney for Your Case

If you need help with pursuing a lawsuit due to a premises liability injury, you want an experienced attorney on your side. At Zimmet & Zimmet, we will answer those important questions about your case. Let us help you work towards a favorable outcome for your lawsuit. Call Zimmet & Zimmet at (386) 210-7989 to schedule a consultation today.