

MARKS & WEINBERG, P.C.

Clements v. Wildlife Conservation Society

750 So.2d 715 (Fla. 5th Cir. 2000)

LEASES INVOLVING "DANGEROUS INSTRUMENTALITIES"

A Cuban crocodile on loan from the Conservation Society attacked Clements, an employee at the St. Augustine Alligator Farm. Clements obtained worker's compensation from his employer, but sued the Conservation Society alleging that it was strictly liable for his injuries since it was the owner of the crocodile.

Under Section 440.11, Florida Statutes (1995), an owner of a dangerous instrumentality enjoys the same immunity or limited liability from a tort action as the employer of an employee injured by the instrumentality where it is leased to, and under the control of, the employer. A dangerous instrumentality is defined as:

"Anything that unless carefully guarded and carefully used is dangerous to others including the use of explosives, vicious animals, or automobiles operating on roadways."

When the Conservation Society loaned the crocodile to the Alligator Farm, the Conservation Society no longer had control over the animal, and thus could no longer be held liable for its behavior.



Marks & Weinberg, PC is a law firm with significant experience in dealing with virtually every type of equipment and facility lease financing. The lawyers of the firm have participated in leasing financings for more than a billion dollars of equipment and are recognized throughout the industry. If you would like more cases or articles on leasing, or have any questions or comments about this Article or other leasing issues, please visit leaselawyer.com or contact Barry Marks at 205.251.8303 or Ken Weinberg at 205.251.8307.

