

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Patterson offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 23-58 and insert:

5 (1) POPULAR NAME.--This section shall be known by the  
6 popular name the "Good Samaritan Volunteer Firefighters'  
7 Assistance Act."

8 (2) DEFINITIONS.--As used in this section, the term:

9 (a) "Authorized technician" means a technician who is  
10 certified by the manufacturer of fire control or fire rescue  
11 equipment as qualified to inspect that equipment. The technician  
12 may not be employed by the state agency or subdivision  
13 administering the distribution of the fire control or fire  
14 rescue equipment.

15 (b) "Qualified fire control or fire rescue equipment"  
16 means equipment used for fire control or fire rescue which has

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17 been recertified by an authorized technician as meeting the  
18 manufacturer's specifications and which is distributed by or  
19 through a state agency or subdivision to a volunteer fire  
20 department.

21 (c) "State agency or subdivision" shall have the meaning  
22 provided in s. 768.28(2).

23 (3) LIMITATION OF LIABILITY.--A state agency or  
24 subdivision, including an officer, employee, or agent thereof,  
25 who is acting within the scope of his or her employment or  
26 function, which donates qualified fire control or fire rescue  
27 equipment to a volunteer fire department is not liable for civil  
28 damages under any state law for personal injury, property  
29 damage, or death proximately caused, after the donation, by a  
30 defect in the equipment.

31 (4) EXCEPTIONS TO LIABILITY PROTECTION.--Subsection (3)  
32 does not apply to a state agency or subdivision if:

33 (a) The defect that proximately caused the personal  
34 injury, property damage, or death resulted from:

35 1. An act or omission of an officer, employee, or agent of  
36 the state agency or subdivision which constitutes malice, gross  
37 negligence, recklessness, or intentional misconduct; or

38 2. A modification or alteration of the qualified fire  
39 control or fire rescue equipment by the state agency or  
40 subdivision, or by an officer, employee, or agent thereof, after  
41 the equipment was recertified by an authorized technician as  
42 meeting the manufacturer's specifications.

43 (b) The state agency or subdivision is the manufacturer of  
44 the qualified fire control or fire rescue equipment.

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Nothing in this section shall be construed as a waiver of  
sovereign immunity.

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

Remove lines 9-14 and insert:

that a state agency or subdivision, or an officer, employee, or  
agent thereof is not liable for civil damages resulting from  
personal injuries, property damage, or death proximately caused  
by defective fire control or fire rescue equipment donated to a  
volunteer fire department; providing certain exceptions to the  
limitation on liability; providing applicability; providing for  
construction;