

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

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3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to a limitation of liability for donated
7 firefighting equipment; creating s. 768.1315, F.S.;
8 providing a popular name; providing definitions; providing
9 that a state agency or political subdivision is not liable
10 for civil damages resulting from personal injuries,
11 property damage, or death proximately caused by defective
12 fire control or fire rescue equipment donated to a
13 volunteer fire department; providing certain exceptions to
14 the limitation on liability; providing applicability;
15 providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 768.1315, Florida Statutes, is created
20 to read:

21 768.1315 Good Samaritan Volunteer Firefighters' Assistance
22 Act; immunity from civil liability.--

23 (1) SHORT TITLE.--This section shall be known by the
 24 popular name the "Good Samaritan Volunteer Firefighters'
 25 Assistance Act."

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

27 (a) "Authorized technician" means a technician who is
 28 certified by the manufacturer of fire control or fire rescue
 29 equipment as qualified to inspect that equipment. The technician
 30 shall not be employed by the state agency or political
 31 subdivision administering the distribution of the fire control
 32 or fire rescue equipment.

33 (b) "Qualified fire control or fire rescue equipment"
 34 means equipment used for fire control or fire rescue which has
 35 been recertified by an authorized technician as meeting the
 36 manufacturer's specifications and which is distributed by or
 37 through a state agency or political subdivision to a volunteer
 38 fire department.

39 (3) LIMITATION OF LIABILITY.--A state agency or political
 40 subdivision, including a person acting as an agent thereof,
 41 which acts reasonably in donating qualified fire control or fire
 42 rescue equipment to a volunteer fire department is not liable
 43 for civil damages under any state law for personal injury,
 44 property damage, or death proximately caused, after the
 45 donation, by a defect in the equipment.

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

48 (a) The defect that proximately caused the injury, damage,
 49 or death resulted from an act or omission of the state agency or

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50 political subdivision which constitutes malice, gross
51 negligence, recklessness, or intentional misconduct;

52 (b) The state agency or political subdivision is the
53 manufacturer of the qualified fire control or fire rescue
54 equipment; or

55 (c) The state agency or political subdivision modified or
56 altered the equipment after it had been recertified by an
57 authorized technician as meeting the manufacturer's
58 specifications.

59 Section 2. This act shall take effect July 1, 2004, and
60 applies to any cause of action that accrues on or after that
61 date.