

By Senator Lynn

7-1289-04

1 A bill to be entitled
2 An act relating to a limitation of liability
3 for donated firefighting equipment; creating s.
4 768.1315, F.S.; providing a short title;
5 providing definitions; providing that a state
6 agency or political subdivision is not liable
7 for civil damages resulting from personal
8 injuries, property damage, or death proximately
9 caused by defective fire control or fire rescue
10 equipment donated to a volunteer fire
11 department; providing certain exceptions to the
12 limitation on liability; providing an effective
13 date.

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

17 Section 1. Section 768.1315, Florida Statutes, is
18 created to read:

19 768.1315 Good Samaritan Volunteer Firefighters'
20 Assistance Act; immunity from civil liability.--

21 (1) SHORT TITLE.--This section may be cited as the
22 "Good Samaritan Volunteer Firefighters' Assistance Act."

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

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

30 (b) "Qualified fire control or fire rescue equipment"
31 means equipment used for fire control or fire rescue which has

1 been recertified by an authorized technician as meeting the
2 manufacturer's specifications and which is distributed by or
3 through a state agency or political subdivision to a volunteer
4 fire department.

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

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

15 (a) The defect that proximately caused the injury,
16 damage, or death resulted from an act or omission of the state
17 agency or political subdivision which constitutes malice,
18 gross negligence, recklessness, or intentional misconduct;

19 (b) The state agency or political subdivision is the
20 manufacturer of the qualified fire control or fire rescue
21 equipment; or

22 (c) The state agency or political subdivision modified
23 or altered the equipment after it had been recertified by an
24 authorized technician as meeting the manufacturer's
25 specifications.

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

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SENATE SUMMARY

Provides that a state agency or political subdivision is not liable in civil damages for personal injuries, property damage, or death proximately caused by a defect in donated fire control or rescue equipment. Provides certain exceptions to the limitation on liability. (See bill for details.)