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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, or an officer,  
7 employee, or agent thereof, is not liable for  
8 civil damages resulting from personal injuries,  
9 property damage, or death proximately caused by  
10 defective fire control or fire rescue equipment  
11 donated to a volunteer fire department;  
12 providing certain exceptions to the limitation  
13 on liability; providing an effective date.  
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15 Be It Enacted by the Legislature of the State of Florida:  
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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 may not be employed by the state agency or  
28 subdivision administering the distribution of the fire control  
29 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 subdivision to a volunteer fire  
4 department.

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

7 (3) LIMITATION OF LIABILITY.--A state agency or  
8 subdivision, including an officer, employee, or agent thereof,  
9 who is acting within the scope of his or her employment or  
10 function, which donates qualified fire control or fire rescue  
11 equipment to a volunteer fire department is not liable for  
12 civil damages under any state law for personal injury,  
13 property damage, or death proximately caused after the  
14 donation by a defect in the equipment.

15 (4) EXCEPTIONS TO LIABILITY PROTECTION.--Subsection  
16 (3) does not apply to a state agency or subdivision, or an  
17 officer, employee, or agent thereof, if:

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

20 1. An act or omission of an officer, employee, or  
21 agent of the state agency or subdivision which constitutes  
22 malice, gross negligence, recklessness, or intentional  
23 misconduct; or

24 2. A modification or alteration of the qualified fire  
25 control or fire rescue equipment by the state agency or  
26 subdivision, or by an officer, employee, or agent thereof,  
27 after the equipment was recertified by an authorized  
28 technician as meeting the manufacturer's specifications.

29 (b) The state agency or subdivision is the  
30 manufacturer of the qualified fire control or fire rescue  
31 equipment.

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

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