

Bill No. CS for SB 460

Barcode 452366

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Argenziano) recommended the following amendment:

Senate Amendment

On page 4, line 28, through
page 5, line 21, delete those lines

and insert:

(1) In a civil action for the death of or injury to a person, or for damage to property, against the Department of Transportation or its agents, consultants, or contractors for work performed on a highway, road, street, bridge, or other transportation facility when the death, injury, or damage resulted from a motor vehicle crash within a construction zone in which the driver of a vehicle was under the influence of alcoholic beverages as set forth in s. 316.193, under the influence of any chemical substance as set forth in s. 877.111, or illegally under the influence of any substance controlled under chapter 893 to the extent that her or his normal faculties were impaired, or operated a vehicle at an unlawful speed as prohibited in s. 316.183, it is presumed

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1 that such driver's operation of the vehicle was the sole
2 proximate cause of his or her death, injury, or damage. This
3 presumption is overcome if the gross negligence or intentional
4 misconduct of the department, its agents, consultants, or
5 contractors was a proximate cause of the death, injury, or
6 damage.

7 (2) After the Department of Transportation has
8 accepted a completed roadway project, the contractor who
9 constructed or repaired the highway, road, street, or bridge
10 for the department is not liable to a claimant for personal
11 injury, property damage, or death arising from the performance
12 of the construction or repair if, at the time of final
13 acceptance by the department, the contractor is in compliance
14 with the contract documents, department standards, and federal
15 standards that are material to the condition that was the
16 proximate cause of the personal injury, property damage, or
17 death. The limitation on liability in this subsection does not
18 apply to a hidden or undiscoverable condition or defect that
19 was created by the contractor.

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