

Bill No. CS for CS for SB 460

Barcode 741412

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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The Committee on Transportation and Economic Development
Appropriations (Hill) recommended the following amendment:

Senate Amendment

On page 15, lines 22 - 31, and on page 16, lines 1 -
20, 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 a 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
that such driver's operation of the vehicle was the sole

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1 proximate cause of her or his death, injury, or damage. This
 2 presumption can be overcome if the gross negligence or
 3 intentional misconduct of the Department of Transportation,
 4 its agents, consultants, or contractors was a proximate cause
 5 of the death, injury, or damage. This presumption can be
 6 overcome if the gross negligence or intentional misconduct of
 7 the Department of Transportation, its agents, consultants, or
 8 contractors was a proximate cause of the death, injury, or
 9 damage.

10 (2) Once the Department of Transportation has accepted
 11 a completed roadway project, the contractor who constructed or
 12 repaired the highway, road, street, or bridge for the
 13 department is not liable to a claimant for personal injury,
 14 property damage, or death arising from the performance of the
 15 construction or repair if, at the time of final acceptance by
 16 the department, the contractor is in compliance with all
 17 contract documents, DOT standards and Federal Standards
 18 material to the condition or defect that was a proximate cause
 19 of the personal injury, property damage, or death. This
 20 section does not apply to a hidden or undiscoverable condition
 21 created by the contractor.

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