

By Senator Bradley

5-00779-21

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1                   A bill to be entitled  
2           An act relating to limitation of liability for  
3           voluntary engineering services; creating s. 768.38,  
4           F.S.; defining the term "structures specialist";  
5           exempting engineers, architects, and structures  
6           specialists from liability for certain voluntary  
7           engineering services under certain circumstances;  
8           providing applicability; providing an effective date.  
9

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

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12           Section 1. Section 768.38, Florida Statutes, is created to  
13 read:

14           768.38 Limitation of liability for certain voluntary  
15 engineering services.-

16           (1) For the purposes of this section, the term "structures  
17 specialist" means a person who has been trained by, and holds a  
18 current certification from, the United States Army Corps of  
19 Engineers as a structures specialist.

20           (2) An engineer as defined in s. 471.005, an architect as  
21 defined in s. 481.203, or a structures specialist, and any  
22 qualified business organization of such person, who voluntarily  
23 provides engineering services related to a declared federal,  
24 state, or local emergency may not be held liable for any  
25 personal injury, wrongful death, property damage, or other  
26 economic loss related to his or her acts or omissions in the  
27 performance of his or her services if:

28           (a) Such person acted reasonably and in good faith; and

29           (b) The act did not involve gross negligence or willful

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30 misconduct.

31 (3) The immunity from liability under this section also  
32 applies to any person who is licensed or registered as an  
33 engineer or architect in any other jurisdiction and who is  
34 rendering aid in this state as a member of a mobile support unit  
35 of another state.

36 (4) The immunity from liability under this section applies  
37 only to services provided during, or within 90 calendar days  
38 after the end of, a declared federal, state, or local emergency.

39 Section 2. This act shall take effect July 1, 2021.