

By the Committees on Regulated Industries; and Judiciary; and  
Senator Bradley

580-02950-21

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

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

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

15 768.38 Limitation of liability for certain voluntary  
16 engineering or architectural services.-

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

21 (2) An engineer as defined in s. 471.005, an architect as  
22 defined in s. 481.203, or a structures specialist, and any  
23 qualified business organization of such person, who voluntarily  
24 participates in emergency response activities by providing  
25 engineering or architectural services while under the direction  
26 of, or in connection with, a community emergency response team,  
27 a local emergency management agency, the Division of Emergency  
28 Management, or the Federal Emergency Management Agency in  
29 response to a declared federal, state, or local emergency, may

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30 not be held liable for any personal injury, wrongful death,  
31 property damage, or other economic loss related to his or her  
32 acts or omissions in the performance of his or her services,  
33 unless the act or omission constituted gross negligence or  
34 willful misconduct.

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

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

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