



589480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2024	.	
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The Committee on Transportation (Hooper) recommended the following:

Senate Amendment to Amendment (703922)

Delete lines 400 - 446

and insert:

(b) A contractor is not liable for personal injury, property damage, or death arising from any of the following:

1. The performance of the construction, maintenance, or repair of the transportation facility, if, at the time the personal injury, property damage, or death occurred, the contractor was in compliance with the contract documents



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11 material to the personal injury, property damage, or death.

12 2. Acts or omissions of a third party that furnishes or
13 contracts at any contractual level to furnish services or
14 materials to the transportation facility, including any
15 subcontractor; sub-subcontractor; laborer; materialman; owner,
16 lessor, or driver of a motor vehicle, trailer, semitrailer,
17 truck, heavy truck, truck tractor, or commercial motor vehicle,
18 as those terms are defined in s. 320.01; or any person who
19 performs services as an architect, a landscape architect, an
20 interior designer, an engineer, or a surveyor and mapper.

21 3. Acts or omissions of a third party who trespasses within
22 the limits of the transportation facility or otherwise is not
23 authorized to enter the area of the transportation facility in
24 which the personal injury, property damage, or death occurred.

25 4. Acts or omissions of a third party who damages,
26 modifies, moves, or removes any traffic control device, warning
27 device, barrier, or other facility or device used for the
28 public's safety and convenience ~~who constructs, maintains, or~~
29 ~~repairs a highway, road, street, bridge, or other transportation~~
30 ~~facility for the Department of Transportation is not liable to a~~
31 ~~claimant for personal injury, property damage, or death arising~~
32 ~~from the performance of the construction, maintenance, or repair~~
33 ~~if, at the time of the personal injury, property damage, or~~
34 ~~death, the contractor was in compliance with contract documents~~
35 ~~material to the condition that was the proximate cause of the~~
36 ~~personal injury, property damage, or death.~~

37 (c)(a) The limitations limitation on liability contained in
38 this subsection ~~do~~ does not apply when the proximate cause of
39 the personal injury, property damage, or death is a latent



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40 condition, defect, error, or omission that was created by the
41 contractor and not a defect, error, or omission in the contract
42 documents; or when the proximate cause of the personal injury,
43 property damage, or death was the contractor's failure to
44 ~~perform, update, or~~ comply with the ~~maintenance of the~~ traffic
45 control plans ~~safety plan~~ as required by the contract documents.

46 (d) (b) Nothing in This subsection may not shall be
47 interpreted or construed as relieving the contractor of any
48 obligation to provide the department ~~of Transportation~~ with
49 written notice of any apparent error or omission in the contract
50 documents, or as relieving the contractor of his or her contract
51 responsibility to manage the work of others performing under the
52 contract.