



428046

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2013	.	
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The Committee on Judiciary (Thrasher) recommended the following:

1 **Senate Substitute for Amendment (519266) (with title**
2 **amendment)**

3
4
5 Delete lines 18 - 52

6 and insert:

7 Section 1. Section 558.0035, Florida Statutes, is created
8 to read:

9 558.0035 Design professionals; contractual limitation on
10 liability.-

11 (1) A design professional employed by a business entity or
12 an agent of the business entity is not individually liable for
13 damages resulting from negligence occurring within the course



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14 and scope of a professional services contract if:

15 (a) The contract is made between the business entity and a
16 claimant or with another entity for the provision of
17 professional services to the claimant;

18 (b) The contract does not name as a party to the contract
19 the individual employee or agent who will perform the
20 professional services;

21 (c) The contract includes a prominent statement, in
22 uppercase font that is at least 5 point sizes larger than the
23 rest of the text, that, pursuant to this section, an individual
24 employee or agent may not be held individually liable for
25 negligence;

26 (d) The business entity maintains any professional
27 liability insurance required under the contract; and

28 (e) Any damages are solely economic in nature and the
29 damages do not extend to personal injuries or property not
30 subject to the contract.

31 (2) As used in this section, the term "business entity"
32 means any corporation, limited liability company, partnership,
33 limited partnership, proprietorship, firm, enterprise,
34 franchise, association, self-employed individual, or trust,
35 whether fictitiously named or not, doing business in this state.

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 2 - 11

40 and insert:

41 An act relating to design professionals; creating s.
42 558.0035, F.S.; specifying conditions under which a



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43 design professional employed by a business entity or
44 an agent of the business entity may not be held
45 individually liable for damages resulting from
46 negligence occurring within the course and scope of a
47 professional services contract; defining the term
48 "business entity";