

1 A bill to be entitled
 2 An act relating to construction defect claims;
 3 repealing chapter 558, F.S., relating to construction
 4 defects; amending ss. 471.023, 472.021, 481.219,
 5 481.319, and 492.111, F.S.; conforming provisions to
 6 changes made by the act; providing an effective date.

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

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 10 Section 1. Chapter 558, Florida Statutes, consisting of
 11 sections 558.001, 558.002, 558.003, 558.0035, 558.004, and
 12 558.005, Florida Statutes, is repealed.

13 Section 2. Subsection (3) of section 471.023, Florida
 14 Statutes, is amended to read:

15 471.023 Qualification of business organizations.—

16 (3) ~~Except as provided in s. 558.0035,~~ The fact that a
 17 licensed engineer practices through a business organization does
 18 not relieve the licensee from personal liability for negligence,
 19 misconduct, or wrongful acts committed by him or her.

20 Partnerships and all partners shall be jointly and severally
 21 liable for the negligence, misconduct, or wrongful acts
 22 committed by their agents, employees, or partners while acting
 23 in a professional capacity. Any officer, agent, or employee of a
 24 business organization other than a partnership shall be
 25 personally liable and accountable only for negligent acts,

26 | wrongful acts, or misconduct committed by him or her or
 27 | committed by any person under his or her direct supervision and
 28 | control, while rendering professional services on behalf of the
 29 | business organization. The personal liability of a shareholder
 30 | or owner of a business organization, in his or her capacity as
 31 | shareholder or owner, shall be no greater than that of a
 32 | shareholder-employee of a corporation incorporated under chapter
 33 | 607. The business organization shall be liable up to the full
 34 | value of its property for any negligent acts, wrongful acts, or
 35 | misconduct committed by any of its officers, agents, or
 36 | employees while they are engaged on its behalf in the rendering
 37 | of professional services.

38 | Section 3. Subsection (3) of section 472.021, Florida
 39 | Statutes, is amended to read:

40 | 472.021 Certification of partnerships and corporations.—

41 | (3) ~~Except as provided in s. 558.0035,~~ The fact that any
 42 | registered surveyor and mapper practices through a corporation
 43 | or partnership does not relieve the registrant from personal
 44 | liability for negligence, misconduct, or wrongful acts committed
 45 | by him or her. Partnerships and all partners shall be jointly
 46 | and severally liable for the negligence, misconduct, or wrongful
 47 | acts committed by their agents, employees, or partners while
 48 | acting in a professional capacity. An officer, agent, or
 49 | employee of a business organization other than a partnership
 50 | shall be personally liable and accountable only for negligent

51 acts, wrongful acts, or misconduct committed by him or her or
52 committed by a person under his or her direct supervision and
53 control while rendering professional services on behalf of the
54 business organization. The personal liability of a shareholder
55 or owner of a business organization, in his or her capacity as
56 shareholder or owner, shall be no greater than that of a
57 shareholder-employee of a corporation incorporated under chapter
58 607. The business organization shall be liable up to the full
59 value of its property for any negligent acts, wrongful acts, or
60 misconduct committed by any of its officers, agents, or
61 employees while they are engaged on its behalf in the rendering
62 of professional services.

63 Section 4. Subsection (7) of section 481.219, Florida
64 Statutes, is amended to read:

65 481.219 Qualification of business organizations.—

66 (7) A business organization is not relieved of
67 responsibility for the conduct or acts of its agents, employees,
68 or officers by reason of its compliance with this section.

69 However, ~~except as provided in s. 558.0035,~~ the architect who
70 signs and seals the construction documents and instruments of
71 service is liable for the professional services performed, and
72 the interior designer who signs and seals the interior design
73 drawings, plans, or specifications shall be liable for the
74 professional services performed.

75 Section 5. Subsection (5) of section 481.319, Florida

76 Statutes, is amended to read:

77 481.319 Corporate and partnership practice of landscape
78 architecture.—

79 (5) ~~Except as provided in s. 558.0035,~~ The fact that a
80 registered landscape architect practices landscape architecture
81 through a corporation or partnership as provided in this section
82 does not relieve the landscape architect from personal liability
83 for her or his professional acts.

84 Section 6. Subsection (3) of section 492.111, Florida
85 Statutes, is amended to read:

86 492.111 Practice of professional geology by a firm,
87 corporation, or partnership.—The practice of, or offer to
88 practice, professional geology by individual professional
89 geologists licensed under the provisions of this chapter through
90 a firm, corporation, or partnership offering geological services
91 to the public through individually licensed professional
92 geologists as agents, employees, officers, or partners thereof
93 is permitted subject to the provisions of this chapter, if:

94 (3) ~~Except as provided in s. 558.0035,~~ The fact that a
95 licensed professional geologist practices through a corporation
96 or partnership does not relieve the registrant from personal
97 liability for negligence, misconduct, or wrongful acts committed
98 by her or him. The partnership and all partners are jointly and
99 severally liable for the negligence, misconduct, or wrongful
100 acts committed by their agents, employees, or partners while

101 acting in a professional capacity. Any officer, agent, or
102 employee of a corporation is personally liable and accountable
103 only for negligent acts, wrongful acts, or misconduct committed
104 by her or him or committed by any person under her or his direct
105 supervision and control, while rendering professional services
106 on behalf of the corporation. The personal liability of a
107 shareholder of a corporation, in her or his capacity as
108 shareholder, may be no greater than that of a shareholder-
109 employee of a corporation incorporated under chapter 607. The
110 corporation is liable up to the full value of its property for
111 any negligent acts, wrongful acts, or misconduct committed by
112 any of its officers, agents, or employees while they are engaged
113 on behalf of the corporation in the rendering of professional
114 services.

115 Section 7. This act shall take effect July 1, 2022.