

1 A bill to be entitled
 2 An act relating to sovereign immunity for professional
 3 firms; amending s. 768.28, F.S.; providing that
 4 professional firms or their employees when performing
 5 specified services for certain public projects are
 6 considered agents of the state or its applicable
 7 subdivision when acting within the scope of their
 8 contract; revising applicability; requiring that
 9 contracts with such firms must, to the extent
 10 permitted by law, provide indemnity to the state or
 11 its applicable subdivision; providing applicability;
 12 making technical changes; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (e) of subsection (10) of section
 17 768.28, Florida Statutes, is amended to read:

18 768.28 Waiver of sovereign immunity in tort actions;
 19 recovery limits; civil liability for damages caused during a
 20 riot; limitation on attorney fees; statute of limitations;
 21 exclusions; indemnification; risk management programs.—

22 (10)

23 (e) For purposes of this section, a professional firm that
 24 provides monitoring and inspection services of the work required
 25 for state roadway, bridge, or other transportation facility

26 construction projects, or any employee of a firm ~~the firm's~~
27 ~~employees~~ performing such services, is ~~shall be~~ considered an
28 agent ~~agents~~ of the state or of its applicable subdivision
29 ~~Department of Transportation~~ while acting within the scope of
30 the firm's contract ~~with the Department of Transportation~~ to
31 ensure that the project is constructed in conformity with the
32 project's plans, specifications, and contract provisions. This
33 paragraph applies to a professional firm in direct contract with
34 the state or any of its subdivisions, as well as any
35 professional firm providing monitoring and inspection services
36 as a consultant to a professional firm. Any contract with a
37 ~~between the~~ professional firm must ~~and the state,~~ to the extent
38 permitted by law, ~~shall~~ provide for the indemnification of the
39 state or its applicable subdivision ~~department~~ for any
40 liability, including reasonable attorney ~~attorney's~~ fees,
41 incurred up to the limits set out in this chapter to the extent
42 caused by the negligence of the firm or its employees. This
43 paragraph may ~~shall~~ not be construed as designating persons who
44 provide monitoring and inspection services as employees or
45 agents of the state for purposes of chapter 440. This paragraph
46 is not applicable to the professional firm or its employees if
47 involved in an accident while operating a motor vehicle. This
48 paragraph is not applicable to a firm engaged by the state or by
49 any of its subdivisions ~~Department of Transportation~~ for the
50 design or construction of a state roadway, bridge, or other

HB619

2024

51 transportation facility construction project or to its
52 employees, agents, or subcontractors.

53 Section 2. This act shall take effect July 1, 2024.