

Bill No. CS for SB 1064

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Mitchell moved the following amendment to amendment (054848):

Senate Amendment (with title amendment)

On page 29, between lines 6 and 7,

insert:

Section 23. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.

(1) A construction contract may require a party to that contract to indemnify and hold harmless the other party to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.

(2) Except as specifically provided in subsection (1),

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1 a construction contract may not require one party to indemnify
2 the other party, its employees, officers, directors, or agents
3 from any liability, damage, loss, claim, action, or
4 proceeding, and any such contract provision is void as against
5 public policy of this state.

6 ~~Any portion of any agreement or contract for, or in~~
7 ~~connection with, any construction, alteration, repair, or~~
8 ~~demolition of a building, structure, appurtenance, or~~
9 ~~appliance, including moving and excavating connected with it,~~
10 ~~or any guarantee of, or in connection with, any of them,~~
11 ~~between an owner of real property and an architect, engineer,~~
12 ~~general contractor, subcontractor, sub-subcontractor, or~~
13 ~~materialman, or between any combination thereof, wherein any~~
14 ~~party referred to herein obtains indemnification from~~
15 ~~liability for damages to persons or property caused in whole~~
16 ~~or in part by any act, omission, or default of that party~~
17 ~~arising from the contract or its performance shall be void and~~
18 ~~unenforceable unless:~~

19 ~~(1) The contract contains a monetary limitation on the~~
20 ~~extent of the indemnification and shall be a part of the~~
21 ~~project specifications or bid documents, if any, or~~

22 ~~(2) The person indemnified by the contract gives a~~
23 ~~specific consideration to the indemnitor for the~~
24 ~~indemnification that shall be provided for in his or her~~
25 ~~contract and section of the project specifications or bid~~
26 ~~documents, if any.~~

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28 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 43, line 10, after the second semicolon,

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5 insert:

6 amending s. 725.06, F.S.; providing for
7 indemnification in construction contracts and
8 voiding all others as being against public
9 policy;

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