

1                   A bill to be entitled  
2           An act relating to professional services  
3           contracts; creating s. 725.08, F.S.; providing  
4           for indemnification in design professional  
5           contracts and voiding all others as being  
6           against public policy; providing definitions;  
7           providing for application; providing an  
8           effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1.   Section 725.08, Florida Statutes, is  
13   created to read:

14           725.08 Design professional contracts; limitation in  
15   indemnification.--

16           (1) Notwithstanding the provisions of s. 725.06, if a  
17   design professional provides professional services to or for a  
18   public agency, the agency may require in a professional  
19   services contract with the design professional that the design  
20   professional indemnify and hold harmless the agency, and its  
21   officers and employees, from liabilities, damages, losses, and  
22   costs, including, but not limited to, reasonable attorneys'  
23   fees, to the extent caused by the negligence, recklessness, or  
24   intentionally wrongful conduct of the design professional and  
25   other persons employed or utilized by the design professional  
26   in the performance of the contract.

27           (2) Except as specifically provided in subsection (1),  
28   a professional services contract may not require that the  
29   design professional defend, indemnify, or hold harmless the  
30   agency, its employees, officers, directors, or agents from any  
31   liability, damage, loss, claim, action, or proceeding, and any

1 such contract provision will be void as against the public  
2 policy of this state.

3 (3) "Professional services contract" means a written  
4 or oral agreement relating to the planning, design,  
5 construction, administration, study, evaluation, consulting,  
6 or other professional and technical support services furnished  
7 in connection with any actual or proposed construction,  
8 improvement, alteration, repair, maintenance, operation,  
9 management, relocation, demolition, excavation, or other  
10 facility, land, air, water, or utility development or  
11 improvement.

12 (4) "Design professional" means an individual or  
13 entity licensed by the state who holds a current certificate  
14 of registration under chapter 481 to practice architecture or  
15 landscape architecture, under chapter 472 to practice land  
16 surveying and mapping, or under chapter 471 to practice  
17 engineering, and who enters into a professional services  
18 contract.

19 (5) This section does not affect contracts or  
20 agreements entered into before the effective date of this  
21 section.

22 Section 2. This act shall take effect upon becoming a  
23 law.