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

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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.

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