

By Senator Clary

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A bill to be entitled
An act relating to architects and engineers;
creating s. 725.08, F.S.; providing for
indemnification in design professional
contracts; amending s. 725.06, F.S.; conforming
provisions; providing an effective date.

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

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

725.08 Design professional contracts; limitation in
indemnification.--

(1) A client may require, in a professional services
contract with a design professional, that the design
professional indemnify and hold harmless the client, its
officers, and employees from liability, damages, losses, and
costs, including, but not limited to, reasonable attorney's
fees, to the extent caused by the negligence, recklessness, or
intentional wrongful conduct of the design professional or
other persons employed or used by the design professional in
the performance of the contract.

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

(3) As used in this section, the term:

(a) "Professional services contract" means a written
or oral agreement relating to the planning, design,
construction, administration, study, evaluation, consulting,

1 or other professional and technical support services furnished
2 in connection with any actual or proposed construction,
3 improvement, alteration, repair, maintenance, operation,
4 management, relocation, demolition, excavation, or other
5 improvement.

6 (b) "Design professional" means a person licensed by
7 this state who holds a current certificate of registration
8 under chapter 481 to practice architecture or under chapter
9 471 to practice engineering.

10 (4) This act does not affect contracts or agreements
11 entered into before July 1, 2000.

12 Section 2. Section 725.06, Florida Statutes, is
13 amended to read:

14 725.06 Construction contracts; limitation on
15 indemnification.--Any portion of any agreement or contract
16 for, or in connection with, any construction, alteration,
17 repair, or demolition of a building, structure, appurtenance,
18 or appliance, including moving and excavating connected with
19 it, or any guarantee of, or in connection with, any of them,
20 between an owner of real property and a ~~an architect,~~
21 ~~engineer,~~ general contractor, subcontractor,
22 sub-subcontractor, or materialman, or between any combination
23 thereof, wherein any party referred to herein obtains
24 indemnification from liability for damages to persons or
25 property caused in whole or in part by any act, omission, or
26 default of that party arising from the contract or its
27 performance shall be void and unenforceable unless:

28 (1) The contract contains a monetary limitation on the
29 extent of the indemnification and shall be a part of the
30 project specifications or bid documents, if any, or
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1 (2) The person indemnified by the contract gives a
2 specific consideration to the indemnitor for the
3 indemnification that shall be provided for in his or her
4 contract and section of the project specifications or bid
5 documents, if any.

6 Section 3. This act shall take effect July 1, 2000.

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9 SENATE SUMMARY

10 Provides for indemnification in design services contracts
11 with architects and engineers. (See bill for details.)
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