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2 An act relating to construction monitoring and
3 inspection services; amending s. 768.28, F.S.;
4 providing that professional firms under
5 contract with the Department of Transportation
6 to provide specified construction monitoring
7 and inspection services are agents of the state
8 for purposes of sovereign immunity; providing
9 for indemnification; providing that such agents
10 are not employees or agents of the state for
11 purposes of chapter 440, F.S.; providing that
12 the act does not apply to such a firm or its
13 employees if an accident occurs while an
14 employee is operating a vehicle or to a firm
15 providing design or construction services;
16 providing an effective date.

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

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20 Section 1. Paragraph (e) is added to subsection (10)
21 of section 768.28, Florida Statutes, to read:

22 768.28 Waiver of sovereign immunity in tort actions;
23 recovery limits; limitation on attorney fees; statute of
24 limitations; exclusions; indemnification; risk management
25 programs.--

26 (10)

27 (e) For purposes of this section, a professional firm
28 that provides monitoring and inspection services of the work
29 required for state roadway, bridge, or other transportation
30 facility construction projects, or any of the firm's employees
31 performing such services, shall be considered agents of the

1 Department of Transportation while acting within the scope of
2 the firm's contract with the Department of Transportation to
3 ensure that the project is constructed in conformity with the
4 project's plans, specifications, and contract provisions. Any
5 contract between the professional firm and the state, to the
6 extent permitted by law, shall provide for the indemnification
7 of the department for any liability, including reasonable
8 attorney's fees, incurred up to the limits set out in this
9 chapter to the extent caused by the negligence of the firm or
10 its employees. This paragraph shall not be construed as
11 designating persons who provide monitoring and inspection
12 services as employees or agents of the state for purposes of
13 chapter 440. This paragraph is not applicable to the
14 professional firm or its employees if involved in an accident
15 while operating a motor vehicle. This paragraph is not
16 applicable to a firm engaged by the Department of
17 Transportation for the design or construction of a state
18 roadway, bridge, or other transportation facility construction
19 project or to its employees, agents, or subcontractors.

20 Section 2. This act shall take effect upon becoming a
21 law.

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