

Bill No. CS for SB 2364, 1st Enq.

Amendment No. \_\_\_\_ Barcode 871440

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

WD/3R  
04/30/2003 06:21 PM

.  
. .  
. .  
. .  
. .  
. .

---

Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 77, between lines 22 and 23,

insert:

Section 82. Subsections (2) and (3) are added to section 725.06, Florida Statutes, to read:

725.06 Construction contracts; limitation on indemnification.--

(2) If, as part of any agreement or contract for or in connection with, or any guarantee of or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating associated with such activities, between or among an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman or any combination of such persons, a policy of insurance extends certain coverage rights to an additional insured for liability arising out of the acts, errors, or omissions of the named insured, such additional insured coverage shall provide

Bill No. CS for SB 2364, 1st Enq.

Amendment No. \_\_\_\_ Barcode 871440

1 liability protection only to the additional insured for the  
2 imputed or vicarious liability imposed on the additional  
3 insured as a direct consequence of the negligent acts or  
4 omissions of the named insured.

5 (3) If a written contract requires a subcontractor,  
6 sub-subcontractor, or materialman to provide a policy of  
7 insurance or a certificate of insurance to a general  
8 contractor or subcontractor, extending specific coverage  
9 rights to an additional insured:

10 (a) The general contractor or subcontractor may at any  
11 point prior to the date the subcontractor, sub-subcontractor,  
12 or materialman commences work or delivers material to the  
13 project accept or reject the policy as being nonconforming;

14 (b) If the policy is not rejected, the general  
15 contractor or subcontractor shall be deemed to have accepted  
16 the policy; and

17 (c) The general contractor or subcontractor may not  
18 use the lack of conforming insurance as a reason to reject  
19 work already completed by a subcontractor or  
20 sub-subcontractor, or material already supplied by the  
21 materialman, or withhold payment to the subcontractor,  
22 sub-subcontractor, or materialman for work already completed  
23 or material already supplied.

24  
25 (Redesignate subsequent sections.)

26  
27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 6, line 5, after the semicolon,

31

Bill No. CS for SB 2364, 1st Enq.

Amendment No. \_\_\_\_ Barcode 871440

1 insert:

2           amending s. 725.06, F.S.; extending certain  
3           coverage rights in a policy of insurance  
4           relative to construction contracts;

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31