



HB 0357

2003

1 A bill to be entitled
 2 An act relating to construction contract administration;
 3 amending s. 768.28, F.S.; providing that professional
 4 firms that have contractually agreed with the Department
 5 of Transportation for construction contract administration
 6 are agents of the state with respect to sovereign
 7 immunity; providing for indemnification; 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. Paragraph (e) is added to subsection (10) of
 13 section 768.28, Florida Statutes, to read:

14 768.28 Waiver of sovereign immunity in tort actions;
 15 recovery limits; limitation on attorney fees; statute of
 16 limitations; exclusions; indemnification; risk management
 17 programs.--

18 (10)

19 (e) Professional firms, or any of their employees, agents,
 20 or sub-consultants, that have contractually agreed to provide
 21 construction contract administration and related services, such
 22 as construction engineering or inspection, for projects of the
 23 Department of Transportation shall be considered agents of the
 24 state for purposes of this section while acting within the scope
 25 of the contract or guidelines of the department. Any such
 26 contract, to the extent allowed by law, must provide for the
 27 indemnification of the state up to the limits established by
 28 this chapter for any liability incurred by the department as a
 29 result of the agent's actions.

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