



HB 0357

2003
CS

CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to construction engineering and inspection services; amending s. 768.28, F.S.; providing that professional firms that have contractually agreed with the Department of Transportation for construction engineering and inspection services are agents of the state with respect to sovereign immunity; providing for indemnification; providing that such agents are not agents of the state for purposes of ch. 440, F.S.; providing an effective date.

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

Section 1. Paragraphs (e) and (f) are added to subsection (10) of section 768.28, Florida Statutes, to read:

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



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29 (10)
30 (e) Professional firms, or any of their employees, agents,
31 or sub-consultants, under contract to provide construction
32 engineering and inspection services for the Department of
33 Transportation shall, solely for purposes of this section, be
34 considered agents of the state while acting within the scope of
35 the contract. Any such contract, to the extent allowed by law,
36 must provide for the indemnification of the state up to the
37 limits established by this chapter.

38 (f) Except for the provisions of s. 440.09, this
39 subsection shall not be construed as designating persons
40 providing construction engineering and inspection services as
41 employees or agents of the state for the purposes of chapter
42 440.

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