



519266

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/07/2013	.	
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The Committee on Judiciary (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 52

and insert:

Section 1. Section 558.0035, Florida Statutes, is created to read:

558.0035 Design professionals; contractual limitation on liability.-

(1) A design professional employed by a business entity or an agent of the business entity is not individually liable for damages resulting from negligence occurring within the course and scope of a professional services contract if:

(a) The contract is made between the business entity and a



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14 claimant or with another entity for the provision of
15 professional services to the claimant;

16 (b) The contract does not name an individual employee or
17 agent as a party to the contract;

18 (c) The contract includes a prominent statement, in
19 uppercase font that is at least 5 point sizes larger than the
20 rest of the text, that, pursuant to this section, an individual
21 employee or agent may not be held individually liable for
22 negligence;

23 (d) The business entity maintains any professional
24 liability insurance required under the contract; and

25 (e) Any damages are solely economic in nature and the
26 damages do not extend to persons or property not subject to the
27 contract.

28 (2) As used in this section, the term "business entity" means
29 any corporation, limited liability company, partnership, limited
30 partnership, proprietorship, firm, enterprise, franchise,
31 association, self-employed individual, or trust, whether
32 fictitiously named or not, doing business in this state.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete lines 2 - 11

37 and insert:

38 An act relating to design professionals; creating s.
39 558.0035, F.S.; specifying conditions under which a
40 design professional employed by a business entity or
41 an agent of the business entity may not be held
42 individually liable for damages resulting from



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43 negligence occurring within the course and scope of a
44 professional services contract; defining the term
45 "business entity";