

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Passidomo offered the following:

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4 **Amendment (with title amendment)**

5 Remove lines 18-52 and insert:

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

8 558.0035 Design professionals; contractual limitation on
 9 liability.-

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

14 (a) The contract is made between the business entity and a
 15 claimant or with another entity for the provision of
 16 professional services to the claimant;

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

19 (c) The contract includes a prominent statement, in
 20 uppercase font that is at least 5 point sizes larger than the

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21 rest of the text, that, pursuant to this section, an individual
22 employee or agent may not be held individually liable for
23 negligence;

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

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

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

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39 **T I T L E A M E N D M E N T**

40 Remove lines 2-11 and insert:

41 An act relating to design professionals; creating s. 558.0035,
42 F.S.; specifying conditions under which a design professional
43 employed by a business entity or an agent of the business entity
44 may not be held individually liable for damages resulting from
45 negligence occurring within the course and scope of a
46 professional services contract; defining the term "business
47 entity";
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