



376374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2024	.	
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The Committee on Judiciary (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 49

and insert:

agent ~~agents~~ of the Department of Transportation while acting within the scope of the firm's contract with the Department of Transportation to ensure that the project is constructed in conformity with the project's plans, specifications, and contract provisions. This paragraph applies to a professional firm in direct contract with the department, as well as any professional firm providing monitoring and inspection services



12 as a consultant to the professional firm that is in direct
13 contract with the department. Any contract with a ~~between the~~
14 professional firm must ~~and the state~~, to the extent permitted by
15 law, ~~shall~~ provide for the indemnification of the department for
16 any liability, including reasonable attorney ~~attorney's~~ fees,
17 incurred up to the limits set out in this chapter to the extent
18 caused by the negligence of the firm or its employees. This
19 paragraph may ~~shall~~ not be construed as designating persons who
20 provide monitoring and inspection services as employees or
21 agents of the state for purposes of chapter 440. This paragraph
22 is not applicable to the professional firm or its employees if
23 involved in an accident while operating a motor vehicle. This
24 paragraph is not applicable to a firm engaged by the department
25 ~~of Transportation~~ for the design or

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

28 And the title is amended as follows:
29 Delete lines 3 - 11
30 and insert:
31 768.28, F.S.; revising applicability; requiring that
32 contracts with such firms must, to the extent
33 permitted by law, provide indemnity to the department;
34 making technical changes; providing an