

1 A bill to be entitled
 2 An act relating to sovereign immunity for professional
 3 firms; amending s. 768.28, F.S.; providing
 4 applicability; requiring that contracts with certain
 5 professional firms must, to the extent permitted by
 6 law, provide indemnity to the Department of
 7 Transportation; making technical changes; 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) of subsection (10) of section
 13 768.28, Florida Statutes, is amended to read:

14 768.28 Waiver of sovereign immunity in tort actions;
 15 recovery limits; civil liability for damages caused during a
 16 riot; limitation on attorney fees; statute of limitations;
 17 exclusions; indemnification; risk management programs.—

18 (10)

19 (e) For purposes of this section, a professional firm that
 20 provides monitoring and inspection services of the work required
 21 for state roadway, bridge, or other transportation facility
 22 construction projects, or any employee of a firm ~~the firm's~~
 23 ~~employees~~ performing such services, is ~~shall be~~ considered an
 24 agent ~~agents~~ of the Department of Transportation while acting
 25 within the scope of the firm's contract with the Department of

26 Transportation to ensure that the project is constructed in
27 conformity with the project's plans, specifications, and
28 contract provisions. This paragraph applies to a professional
29 firm that is in direct contract with the Department of
30 Transportation, as well as any professional firm providing
31 monitoring and inspection services as a consultant to the
32 professional firm that is in direct contract with the Department
33 of Transportation. Any contract with a ~~between the~~ professional
34 firm must ~~and the state~~, to the extent permitted by law, ~~shall~~
35 provide for the indemnification of the Department of
36 Transportation for any liability, including reasonable attorney
37 ~~attorney's~~ fees, incurred up to the limits set out in this
38 chapter to the extent caused by the negligence of the firm or
39 its employees. This paragraph may ~~shall~~ not be construed as
40 designating persons who provide monitoring and inspection
41 services as employees or agents of the state for purposes of
42 chapter 440. This paragraph is not applicable to the
43 professional firm or its employees if involved in an accident
44 while operating a motor vehicle. This paragraph is not
45 applicable to a firm engaged by the Department of Transportation
46 for the design or construction of a state roadway, bridge, or
47 other transportation facility construction project or to its
48 employees, agents, or subcontractors.

49 Section 2. This act shall take effect July 1, 2024.