

CHAPTER 2024-271

Committee Substitute for Committee Substitute for House Bill No. 619

An act relating to sovereign immunity for professional firms; amending s. 768.28, F.S.; providing applicability; requiring that contracts with certain professional firms must, to the extent permitted by law, provide indemnity to the Department of Transportation; making technical changes; providing an effective date.

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

Section 1. Paragraph (e) of subsection (10) of section 768.28, Florida Statutes, is amended to read:

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

(10)

(e) For purposes of this section, a professional firm that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects, or any employee of a firm ~~the firm's employees~~ performing such services, is ~~shall be~~ considered an 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 that is in direct contract with the Department of Transportation, as well as any professional firm providing monitoring and inspection services as a consultant to the professional firm that is in direct contract with the Department of Transportation. Any contract with a ~~between the professional firm must and the state,~~ to the extent permitted by law, shall ~~shall~~ provide for the indemnification of the Department of Transportation ~~of Transportation~~ for any liability, including reasonable attorney ~~attorney's~~ fees, incurred up to the limits set out in this chapter to the extent caused by the negligence of the firm or its employees. This paragraph may ~~shall~~ not be construed as designating persons who provide monitoring and inspection services as employees or agents of the state for purposes of chapter 440. This paragraph is not applicable to the professional firm or its employees if involved in an accident while operating a motor vehicle. This paragraph is not applicable to a firm engaged by the Department of Transportation for the design or construction of a state roadway, bridge, or other transportation facility construction project or to its employees, agents, or subcontractors.

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

Approved by the Governor June 27, 2024.

Filed in Office Secretary of State June 27, 2024.