



Senator Joe Negrón and Representative Kathleen Passidomo have filed [SB 286](#) and [HB 575](#) respectively in the Florida legislature. If these bills become law, they will have a serious negative impact on community associations and other consumers of design professional services. The bills will be heard in the Senate Judiciary Committee and the House Civil Justice Subcommittee this Thursday, March 7, so your timely action is needed.

As presently written, these bills will permit surveyors, engineers, landscape architects, architects and interior designers (“design professionals”) to eliminate all personal liability for economic damages caused by the negligent performance of their professional services pursuant to a contract with the consumer. This is done by them simply placing a “prominent statement [in their form contract], in uppercase font that is at least 5 point sizes larger than the rest of the text”, and, pursuant to this legislation, an individual employee or agent may not be held individually liable for negligence.

Proponents of the bills argue that they are fair and equitable for the following reasons:

1. The requirement that design professionals place the above described “prominent statement” in their contract will protect the unsuspecting consumer because, upon seeing that statement, they will take steps to re-impose liability on the design professionals by altering the form contract. This argument completely ignores human nature and ignores the fact that many (most) consumers, including association boards, sign form contracts without ever reading, let alone analyzing the same;
2. The bills only protect individual design professionals, not design professional companies who would remain liable for the negligence of their employees. While on its face this can be argued, that argument is illusory because as written, design professional companies can easily “hide” assets by placing them in other entities thereby completely frustrating the rights of the harmed consumer.

In summary, the bills are an unfortunate attempt to shift the ultimate negligence liability burden from the design professionals to the consumers. This should NOT be permitted.

For this reason, we are asking that you contact the members of the [Senate Judiciary Committee](#) and the [House Civil Justice Subcommittee](#). Your message to these legislators is simple and clear. **Ask them to please oppose any attempt to reduce liability on the design professionals responsible for your association's facility which then increases the risk on homeowners and residents.** Be certain to include SB 286 in your correspondence to Senators and HB 575 in your correspondence to Representatives.

Senate Judiciary Committee			
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Thank you for your vital participation in Florida's policy making process. Your voice makes a difference.

Sincerely,

Robert L. Taylor, Esq.

CAI Florida Legislative Alliance

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