



January 26, 2026
The Honorable Jonathan Martin
315 Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399

Via Email Delivery

RE: SB 888 — Professional Services Contracts
1/27/2026 agenda, Senate Judiciary Committee

Dear Senator Martin:

On behalf of the Florida League of Cities and the municipalities we represent, I respectfully write to share municipal considerations regarding SB 888, relating to professional services contracts. Cities appreciate the bill's stated intent to clarify contracting standards for design professionals and understand that the legislation is modeled, in part, on similar laws adopted in other states. However, as currently drafted, SB 888 raises concerns about its interaction with existing Florida law, public procurement requirements, and the allocation of liability between local governments and licensed design professionals.

Existing Florida Law

Florida law already contains detailed provisions governing professional services contracts, including limitations on indemnification, defense obligations, and standards of care for architects and engineers. These provisions strike a careful balance by ensuring that design professionals are responsible for their own negligence while allowing public owners to rely on licensed expertise without assuming professional liability themselves. Cities are concerned that SB 888 may be duplicative of existing statute while introducing new ambiguities that could disrupt well-established contracting practices.

Eroding Local Control and Contracting Flexibility

Unlike private entities, cities are required to procure architectural and engineering services through a qualifications-based selection process under the Consultants' Competitive Negotiation Act (CCNA). This structure reflects a fundamental reality: local governments do not possess in-house engineering or architectural expertise and must rely on licensed professionals to exercise independent professional judgment. Cities are concerned that SB 888 could be interpreted to limit their ability to allocate responsibility through contract provisions designed to ensure accountability, quality control, and risk management, even where the city has reasonably relied on professional recommendations.

Increased Exposure to Liability

A key concern for municipalities is whether SB 888 could be construed to shift liability for professional negligence from the design professional to the public owner. Unlike a similar Alabama statute, SB 888 does not expressly state that it may not be interpreted to make a public entity responsible for a design professional's proportionate liability. In Florida, where sovereign immunity limits do not eliminate litigation exposure, cities are concerned that this omission could result in municipalities being treated as the default defendant in claims arising from professional errors, particularly where damages exceed a professional's insurance coverage.



Conclusion

Cities share the goal of fair and predictable contracting standards for design professionals and remain open to discussions on clarifying statutory language where needed. However, municipalities respectfully request that SB 888 be carefully reviewed to ensure it does not conflict with existing Florida law, undermine CCNA procurement principles, or unintentionally shift professional liability onto local governments. The Florida League of Cities looks forward to working with you and stakeholders to identify targeted clarifications—consistent with Alabama’s approach—that preserve professional accountability while advancing the bill’s objectives.

Thank you for your time and consideration. Please do not hesitate to contact me should you have any additional questions.

Sincerely,



Samuel A. Wagoner
Legislative Advocate
Florida League of Cities, Inc.

CC: Chair Yarborough and Members of the Senate Judiciary Committee