

1 covenant of a written agreement or a written directive issued
2 by the department pursuant to the written agreement. In any
3 such suit, the department and the contractor shall have all of
4 the same rights and obligations as a private person under a
5 like contract except that no liability may be based on an oral
6 modification of either the written contract or written
7 directive. Nothing herein shall be construed to waive the
8 sovereign immunity of the state and its political subdivisions
9 from equitable claims and equitable remedies. Notwithstanding
10 anything to the contrary contained in this section, no
11 employee or agent of the department may be held personally
12 liable to an extent greater than that pursuant to s. 768.28
13 ~~under contract for work done; provided,~~ that no suit sounding
14 in tort shall be maintained against the department.

15 Section 2. Effective July 1, 1999, subsection (9) is
16 added to section 255.05, Florida Statutes, 1998 Supplement, to
17 read:

18 255.05 Bond of contractor constructing public
19 buildings; form; action by materialmen.--

20 (9) On any public works project for which the public
21 authority requires a performance and payment bond, suits at
22 law and in equity may be brought and maintained by and against
23 the public authority on any contract claim arising from breach
24 of an express provision or an implied covenant of a written
25 agreement or a written directive issued by the public
26 authority pursuant to the written agreement. In any such
27 suit, the public authority and the contractor shall have all
28 of the same rights and obligations as a private person under a
29 like contract except that no liability may be based on an oral
30 modification of either the written contract or written
31 directive. Nothing herein shall be construed to waive the

1 sovereign immunity of the state and its political subdivisions
2 from equitable claims and equitable remedies. The provisions
3 of this subsection shall apply only to contracts entered into
4 on or after July 1, 1999.

5 Section 3. Except as otherwise provided herein, this
6 act shall take effect upon becoming law.

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