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LEGISLATIVE ACTION

Senate

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House

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The Committee on Governmental Oversight and Accountability  
(Boyd) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 52 and 53

insert:

(8) Every procurement of contractual services in excess of  
the threshold amount provided in s. 287.017 for CATEGORY TWO  
must be evidenced by a written agreement that includes the  
following provision:

For all claims against the contractor under any



313992

11 contract or purchase order, regardless of the basis on  
12 which the claim is made, the contractor's liability  
13 for direct damages under a contract or purchase order  
14 must be limited to the greater of \$100,000, the dollar  
15 amount of the contract or purchase order, or two times  
16 the charges rendered by the contractor under the  
17 purchase order. This limitation does not apply to  
18 claims arising under the indemnity section of the  
19 agreement. Unless otherwise specifically enumerated in  
20 the contract or in the purchase order, a party may not  
21 be liable to another for special, indirect, punitive,  
22 or consequential damages, including lost data or  
23 records, unless the contract or purchase order  
24 requires the contractor to back up such data or  
25 records, even if the party has been advised that such  
26 damages are possible. A party may not be liable for  
27 lost profits, lost revenue, or lost institutional  
28 operating savings. The state and agency may, in  
29 addition to other remedies available to them at law or  
30 equity and upon notice to the contractor, retain such  
31 monies from amounts due to the contractor as may be  
32 necessary to satisfy any claim for damages, penalties,  
33 costs, and the like asserted by or against them. The  
34 state may offset any liability or other obligation of  
35 the contractor or its affiliates to the state against  
36 any payments due to the contractor under any contract  
37 with the state.

38  
39 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====



313992

40 And the directory clause is amended as follows:

41 Delete line 20

42 and insert:

43 (j), a new paragraph (i) is added to that subsection, and  
44 subsection (8) is added to that section, to

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete line 8

49 and insert:

50 or formula; providing applicability; requiring that  
51 certain procurement agreements or purchase orders  
52 include a specified provision; reenacting ss.