



313992

LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 03/22/2023 | . | |
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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



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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 =====



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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.