

1 A bill to be entitled
 2 An act relating to contractual services contract
 3 liability limits; amending s. 287.058, F.S.; requiring
 4 certain contract documents to include a specified
 5 provision that provides certain liability limits;
 6 providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:

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 10 Section 1. Subsection (8) is added to section 287.058,
 11 Florida Statutes, to read:

12 287.058 Contract document.—

13 (8) In addition to any other provision required to be
 14 included, the written agreement for a procurement of contractual
 15 services in excess of the threshold amount provided in s.
 16 287.017 for CATEGORY TWO must include the following provision:

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 18 For all claims against the Contractor under any
 19 contract or purchase order, and regardless of the
 20 basis on which the claim is made, the Contractor's
 21 liability for direct damages under a contract or
 22 purchase order shall be limited to the greater of
 23 \$100,000, the dollar amount of the contract or
 24 purchase order, or two times the charges rendered by
 25 the Contractor under the purchase order. This

26 limitation shall not apply to claims arising under the
 27 Indemnity paragraph contained in this agreement.
 28 Unless otherwise specifically enumerated in the
 29 Contract or in the purchase order, no party shall be
 30 liable to another for special, indirect, punitive, or
 31 consequential damages, including lost data or records
 32 (unless the contract or purchase order requires the
 33 Contractor to back-up data or records), even if the
 34 party has been advised that such damages are possible.
 35 No party shall be liable for lost profits, lost
 36 revenue, or lost institutional operating savings. The
 37 State and Customer may, in addition to other remedies
 38 available to them at law or equity and upon notice to
 39 the Contractor, retain such monies from amounts due
 40 Contractor as may be necessary to satisfy any claim
 41 for damages, penalties, costs and the like asserted by
 42 or against them. The State may set off any liability
 43 or other obligation of the Contractor or its
 44 affiliates to the State against any payments due the
 45 Contractor under any contract with the State.
 46 Section 2. This act shall take effect July 1, 2023.