

By the Committee on Governmental Operations and  
Representatives Trovillion, Fasano, Posey, Sublette, Jones and  
Ball

1                                   A bill to be entitled  
2           An act relating to public property and publicly  
3           owned buildings; amending s. 255.05, F.S.;  
4           specifying conditions under which suits may be  
5           brought by and against a public authority with  
6           respect to specified public works projects;  
7           providing for rights, obligations, remedies,  
8           and defenses of the public authority and the  
9           contractor; excluding specified basis of  
10          liability; providing for construction of the  
11          act; providing an effective date.

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

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15           Section 1. Subsection (9) is added to section 255.05,  
16 Florida Statutes, 1998 Supplement, to read:

17           255.05 Bond of contractor constructing public  
18 buildings; form; action by materialmen.--

19           (9) On any public works project for which the public  
20 authority requires a performance and payment bond, suits at  
21 law and in equity may be brought and maintained by and against  
22 the public authority on any contract claim arising from breach  
23 of an express provision or an implied covenant of a written  
24 agreement or a written directive issued by the public  
25 authority pursuant to the written agreement. In any such suit,  
26 the public authority and the contractor shall have all of the  
27 same rights, obligations, remedies, and defenses as a private  
28 person under a like contract, except that no liability may be  
29 based on an oral modification of either the written contract  
30 or written directive. However, this subsection shall not be  
31 construed to in any way prohibit the public authority from

1 limiting its liability or damages through provisions in its  
2 contracts.

3           Section 2. This act shall take effect July 1, 1999,  
4 and shall apply only to contracts entered into on or after  
5 that date.

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