By Senator Sebesta

16-385-05

1	A bill to be entitled
2	An act relating to public construction bonds;
3	amending s. 255.05, F.S.; revising requirements
4	for the form used for public construction
5	bonds; requiring payment provisions of public
6	construction bonds to be construed as statutory
7	bonds; requiring payment bond forms to
8	reference notice and time limitation
9	provisions; providing an effective date.
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11	Be It Enacted by the Legislature of the State of Florida:
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13	Section 1. Subsections (3), (4), and (6) of section
14	255.05, Florida Statutes, are amended to read:
15	255.05 Bond of contractor constructing public
16	buildings; form; action by materialmen
17	(3) The bond required in subsection (1) may be in
18	substantially the following form:
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20	PUBLIC CONSTRUCTION BOND
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22	Bond No. (enter bond number)
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24	BY THIS BOND, We, as Principal and, a
25	corporation, as Surety, are bound to, herein called
26	Owner, in the sum of \$, for payment of which we bind
27	ourselves, our heirs, personal representatives, successors,
28	and assigns, jointly and severally.
29	THE CONDITION OF THIS BOND is that if Principal:
30	1. Performs the contract dated, between
31	Principal and Owner for construction of, the contract

being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and

- 2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and
- 3. Pays Owner all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of a default by Principal under the contract; and
- 4. Performs the guarantee of all work and materials furnished under the contract for the time specified in the contract, then this bond is void; otherwise it remains in full force.

Any action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in subsection (2).

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Any changes in or under the contract documents and compliance or noncompliance with any formalities connected with the contract or the changes does not affect Surety's obligation under this bond.

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DATED ON ...., .....

26 ...(Name of Principal)...

By ...(As Attorney in Fact)...

...(Name of Surety)...

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(4) The payment provisions of all bonds <u>required by</u> furnished for public work contracts described in subsection

1	(1) shall, regardless of form, be construed and deemed
2	statutory bonds furnished pursuant to this section and such
3	bonds shall not under any circumstances be converted into
4	common law bonds bond provisions, subject to all requirements
5	of subsection (2).
6	(6) All payment bond forms used by a public owner and
7	all <u>payment</u> bonds executed pursuant to this section <u>by a</u>
8	surety shall make reference to this section by number and
9	shall contain reference to the notice and time limitation
10	provisions in subsection (2) of this section.
11	Section 2. This act shall take effect upon becoming a
12	law.
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14	************
15	SENATE SUMMARY
16	Revises provisions relating to public construction bonds. Clarifies certain notice requirements and makes claimant
17	actions dependent on such notice provisions. Requires payment provisions of such bonds to be construed as
18	statutory bonds and prohibits their being converted into common law bonds. Requires payment bind forms to
19	reference certain provisions.
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