

1 A bill to be entitled
2 An act relating to prompt payment for
3 construction services; amending s. 218.70,
4 F.S.; providing a short title; amending s.
5 218.72, F.S.; redefining terms used in part VII
6 of ch. 218, F.S.; amending s. 218.735, F.S.;
7 revising provisions relating to timely payment
8 for purchases of construction services;
9 revising deadlines for payment; providing
10 procedures for project closeout and payment of
11 retainage; providing requirements for local
12 government construction retainage; providing
13 that ss. 218.72-218.76, F.S., apply to the
14 payment of any payment request for retainage;
15 creating s. 255.0705, F.S.; providing a short
16 title; amending s. 255.071, F.S.; revising
17 deadlines for the payment of subcontractors,
18 sub-subcontractors, materialmen, and suppliers
19 on construction contracts for public projects;
20 creating ss. 255.072, 255.073, 255.074,
21 255.075, 255.076, 255.077, 255.078, F.S.;
22 providing definitions; providing for timely
23 payment for purchases of construction services
24 by a public entity; providing procedures for
25 calculating payment due dates; providing
26 procedures for handling improper payment
27 requests; providing for the resolution of
28 disputes; providing for project closeout and
29 payment of retainage; providing for
30 public-construction retainage; providing that
31 ss. 255.072-255.076, F.S., apply to the payment

1 of any payment request for retainage; amending
2 s. 255.05, F.S.; providing requirements for
3 certain notices of nonpayment served by a
4 claimant who is not in privity with the
5 contractor; providing limitations on a
6 claimant's institution of certain actions
7 against a contractor or surety; providing for
8 certain notices to the claimant; providing an
9 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. Section 218.70, Florida Statutes, is
14 amended to read:

15 218.70 Popular name ~~Short title~~.--This part may be
16 cited as the "Local Government Florida Prompt Payment Act."

17 Section 2. Subsections (2), (6), and (7) of section
18 218.72, Florida Statutes, are amended to read:

19 218.72 Definitions.--As used in this part:

20 (2) "Local governmental entity" means a county or
21 municipal government, school board, school district,
22 authority, special taxing district, other political
23 subdivision, community college, or any office, board, bureau,
24 commission, department, branch, division, or institution
25 thereof or any project supported by county or municipal funds.

26 (6) "Vendor" means any person who sells goods or
27 services, sells or leases personal property, or leases real
28 property directly to a local government entity. The term
29 includes any person who provides waste-hauling services to
30 residents or businesses located within the boundaries of a
31 local government pursuant to a contract or local ordinance.

1 (7) "Construction services" means all labor, services,
2 and materials provided in connection with the construction,
3 alteration, repair, demolition, reconstruction, or any other
4 improvements to real property ~~that require a license under~~
5 ~~parts I and II of chapter 489.~~

6 Section 3. Subsection (6) of section 218.735, Florida
7 Statutes, is amended, present subsection (7) of that section
8 is redesignated as subsection (9), and new subsections (7) and
9 (8) are added to that section, to read:

10 218.735 Timely payment for purchases of construction
11 services.--

12 (6) When a contractor receives payment from a local
13 governmental entity for labor, services, or materials
14 furnished by subcontractors and suppliers hired by the
15 contractor, the contractor shall remit payment due to those
16 subcontractors and suppliers within 10 ~~15~~ days after the
17 contractor's receipt of payment. When a subcontractor receives
18 payment from a contractor for labor, services, or materials
19 furnished by subcontractors and suppliers hired by the
20 subcontractor, the subcontractor shall remit payment due to
21 those subcontractors and suppliers within 10 ~~15~~ days after the
22 subcontractor's receipt of payment. Nothing herein shall
23 prohibit a contractor or subcontractor from disputing,
24 pursuant to the terms of the relevant contract, all or any
25 portion of a payment alleged to be due to another party. In
26 the event of such a dispute, the contractor or subcontractor
27 may withhold the disputed portion of any such payment if the
28 contractor or subcontractor notifies the party whose payment
29 is disputed, in writing, of the amount in dispute and the
30 actions required to cure the dispute. The contractor or
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1 subcontractor must pay all undisputed amounts due within the
2 time limits imposed by this section.

3 (7)(a) Each contract for construction services between
4 a local government entity and vendor must provide for the
5 development of a list of items required to render complete,
6 satisfactory, and acceptable the construction services
7 purchased by the local government. The contract must specify
8 the process for the development of the list, including
9 responsibilities of the local government and vendor in
10 developing and reviewing the list and a reasonable time for
11 developing such list as follows:

12 1. For construction projects with an estimated cost
13 less than \$10 million, within 30 days after reaching
14 substantial completion of the construction services purchased
15 as defined in the contract, or, if not defined in the
16 contract, upon reaching beneficial occupancy or use; or

17 2. For construction projects with an estimated cost of
18 \$10 million or more, within 30 days, unless otherwise extended
19 by contract not to exceed 90 days, after reaching substantial
20 completion of the construction services purchased as defined
21 in the contract, or, if not defined in the contract, upon
22 reaching beneficial occupancy or use.

23 (b) If the contract between the local government
24 entity and vendor relates to the purchase of construction
25 services on more than one building or structure, or involves a
26 multiphased project, the contract shall provide for the
27 development of a list of items required to render complete,
28 satisfactory, and acceptable the construction services
29 purchased for each building, structure, or phase of the
30 project in accordance with the timeframes specified in
31 subparagraph (a)1. or subparagraph (a)2.

1 (c) The failure to include any corrective work or
2 pending items not yet completed on the list developed pursuant
3 to this subsection shall not alter the responsibility of the
4 vendor to complete all the purchased construction services as
5 defined in the contract.

6 (d) Upon completion of all items on the list, or such
7 other time defined in the contract, the vendor may submit a
8 payment request for the appropriate amount of retainage. The
9 local government may withhold an amount not to exceed 150
10 percent of the total costs to complete any incomplete items on
11 the list.

12 (e) All items that require correction under the
13 contract and that are identified after the preparation and
14 delivery of the list shall remain the obligation of the vendor
15 as defined by the contract.

16 (f) Warranty items may not affect the final payment of
17 retainage as provided in this section or as may be provided in
18 the contract between the vendor and its subcontractors and
19 suppliers.

20 (g) If a local government entity fails to comply with
21 its responsibilities to develop the list required under
22 paragraph (a) or paragraph (b), as defined in the contract,
23 and the timeframes provided in subparagraph (a)1. or
24 subparagraph (a)2., the vendor may submit a payment request
25 for the appropriate amount of retainage. The local government
26 entity shall not be required to pay or process any request for
27 payment of retainage if the vendor has, in whole or in part,
28 failed to cooperate with the local government in the
29 development of the list; failed to perform its contractual
30 responsibilities, if any, with regard to the development of
31 the list; or if paragraph (8)(d) applies.

1 (8)(a) In any public construction project, a local
2 government entity may withhold an amount not exceeding 10
3 percent of each progress payment made to the vendor until the
4 local government project has reached 50-percent completion.
5 After reaching 50-percent completion, the local government
6 must reduce to 5 percent the amount of retainage withheld from
7 each subsequent progress payment made to the vendor. However,
8 notwithstanding the provisions of this subsection, a
9 municipality with a population of 25,000 or fewer, or a county
10 with a population of 100,000 or fewer, may withhold retainage
11 in an amount not exceeding 10 percent of each progress payment
12 made to the vendor until final completion and acceptance of
13 the project by the local government. For purposes of this
14 subsection, the term "50-percent completion" means as defined
15 in the contract between the local government entity and the
16 vendor, or, if not defined in the contract, the point at which
17 the local government has expended 50 percent of the total
18 project costs identified in the contract, plus all change
19 orders and other additions issued subsequent to the approval
20 of the contract by the governing body of the local government,
21 and the level of actual project construction is equivalent to
22 such expenditure of funds.

23 (b) After 50-percent completion, the vendor may
24 present to the local government entity a payment request for
25 up to one-half of the retainage amount held by the local
26 government. The local government entity shall promptly make
27 payment to the vendor, unless the local government has
28 grounds, pursuant to the contract or as provided in paragraph
29 (d), for withholding the payment of retainage. If the local
30 government makes payment of retainage to the vendor under this
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1 paragraph, the vendor shall timely remit payment of such
2 retainage to the appropriate subcontractors and suppliers.

3 (c) After 50-percent completion, the vendor may elect
4 to withhold retainage from payments to its subcontractors at a
5 rate higher than 5 percent. The specific amount to be withheld
6 must be determined on a case-by-case basis and must be based
7 on the vendor's assessment of the subcontractor's past
8 performance, the likelihood that such performance will
9 continue, and the vendor's ability to rely on other
10 safeguards. The vendor shall notify the subcontractor, in
11 writing, of its determination to withhold more than 5 percent
12 of the progress payment and the reasons for making that
13 determination, and the vendor may not request the release of
14 such retained funds from the local government.

15 (d) Nothing in this section requires the local
16 government to pay or release any amounts that are the subject
17 of a good-faith dispute, the subject of an action brought
18 pursuant to s. 255.05, or otherwise the subject of a claim or
19 demand by the local government or vendor.

20 (e) The timeframes set forth in this section for
21 payment of payment requests apply to any payment request for
22 retainage made pursuant to this subsection.

23 Section 4. Section 255.0705, Florida Statutes, is
24 created to read:

25 255.0705 Short title.--Sections 255.0705-255.078 may
26 be cited as the "Florida Prompt Payment Act."

27 Section 5. Subsections (2) and (3) of section 255.071,
28 Florida Statutes, are amended to read:

29 255.071 Payment of subcontractors, sub-subcontractors,
30 materialmen, and suppliers on construction contracts for
31 public projects.--

1 (2) The failure to pay any undisputed obligations for
2 such labor, services, or materials within 30 days after the
3 date the labor, services, or materials were furnished and
4 payment for such labor, services, or materials became due, or
5 within 10 ~~30~~ days after the date payment for such labor,
6 services, or materials is received, whichever last occurs,
7 shall entitle any person providing such labor, services, or
8 materials to the procedures specified in subsection (3) and
9 the remedies provided in subsection (4).

10 (3) Any person providing labor, services, or materials
11 for the construction of a public building, for the prosecution
12 and completion of a public work, or for repairs upon a public
13 building or public work improvements to real property may file
14 a verified complaint alleging:

15 (a) The existence of a contract for providing such
16 labor, services, or materials to improve real property.

17 (b) A description of the labor, services, or materials
18 provided and alleging that the labor, services, or materials
19 were provided in accordance with the contract.

20 (c) The amount of the contract price.

21 (d) The amount, if any, paid pursuant to the contract.

22 (e) The amount that remains unpaid pursuant to the
23 contract and the amount thereof that is undisputed.

24 (f) That the undisputed amount has remained due and
25 payable pursuant to the contract for more than 30 days after
26 the date the labor or services were accepted or the materials
27 were received.

28 (g) That the person against whom the complaint was
29 filed has received payment on account of the labor, services,
30 or materials described in the complaint more than 10 ~~30~~ days
31 prior to the date the complaint was filed.

1 Section 6. Section 255.072, Florida Statutes, is
2 created to read:

3 255.072 Definitions.--As used in ss. 255.073-255.078,
4 the term:

5 (1) "Agent" means project architect, project engineer,
6 or any other agency or person acting on behalf of a public
7 entity.

8 (2) "Construction services" means all labor, services,
9 and materials provided in connection with the construction,
10 alteration, repair, demolition, reconstruction, or any other
11 improvements to real property. The term "construction
12 services" does not include contracts or work performed for the
13 Department of Transportation.

14 (3) "Payment request" means an invoice or request for
15 payment for construction services which conforms with all
16 statutory requirements and with all requirements specified by
17 the public entity to which the payment request is submitted.

18 (4) "Public entity" means the state, a state
19 university, or any office, board, bureau, commission,
20 department, branch, division, or institution thereof, or any
21 project supported by state funds, but does not include a local
22 government entity as defined in s. 218.72.

23 (5) "Purchase" means the purchase of construction
24 services.

25 (6) "Vendor" means any person providing construction
26 services directly to a public entity.

27 Section 7. Section 255.073, Florida Statutes, is
28 created to read:

29 255.073 Timely payment for purchases of construction
30 services.--

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1 (1) Except as otherwise provided in ss.

2 255.072-255.078, s. 215.422 governs the timely payment for
3 construction services by a public entity under this act.

4 (2) If a public entity disputes a portion of a payment
5 request, the undisputed portion must be timely paid, in
6 accordance with subsection (1).

7 (3) When a vendor receives payment from a public
8 entity for labor, services, or materials furnished by
9 subcontractors and suppliers hired by the vendor, the vendor
10 shall remit payment due to those subcontractors and suppliers
11 within 10 days after the vendor's receipt of payment. When a
12 subcontractor receives payment from a vendor for labor,
13 services, or materials furnished by subcontractors and
14 suppliers hired by the subcontractor, the subcontractor shall
15 remit payment due to those subcontractors and suppliers within
16 10 days after the subcontractor's receipt of payment. This
17 subsection does not prohibit a vendor or subcontractor from
18 disputing, pursuant to the terms of the relevant contract, all
19 or any portion of a payment alleged to be due to another
20 party. If such a dispute occurs, the vendor or subcontractor
21 may withhold the disputed portion of any such payment if the
22 vendor or subcontractor notifies the party whose payment is
23 disputed, in writing, of the amount in dispute and the actions
24 required to cure the dispute. The vendor or subcontractor must
25 pay all undisputed amounts due within the time limits imposed
26 by this section.

27 (4) All payments due under this section and not made
28 within the time periods specified by this section shall bear
29 interest at the rate of 1 percent per month, or the rate
30 specified by contract, whichever is greater.

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1 Section 8. Section 255.074, Florida Statutes, is
2 created to read:

3 255.074 Procedures for calculation of payment due
4 dates.--

5 (1) Each public entity shall establish procedures
6 whereby each payment request received by the public entity is
7 marked as received on the date on which it is delivered to an
8 agent or employee of the public entity or of a facility or
9 office of the public entity.

10 (2) If the terms under which a purchase is made allow
11 for partial deliveries and a payment request is submitted for
12 a partial delivery, the time for payment for the partial
13 delivery must be calculated from the time of the partial
14 delivery and the submission of the payment request in the same
15 manner as provided in s. 255.073.

16 (3) The public entity must submit a payment request to
17 the Chief Financial Officer for payment no more than 25 days
18 after receipt of the payment request.

19 Section 9. Section 255.075, Florida Statutes, is
20 created to read:

21 255.075 Mandatory interest.--A contract between a
22 public entity and a vendor or a provider of construction
23 services may not prohibit the collection of late payment
24 interest charges allowable under ss. 255.072-255.078.

25 Section 10. Section 255.076, Florida Statutes, is
26 created to read:

27 255.076 Improper payment request; resolution of
28 disputes.--

29 (1) If a vendor submits an improper payment request,
30 the public entity shall, within 10 days after receiving the
31 improper payment request, notify the vendor that the payment

1 request is improper and indicate what corrective action on the
2 part of the vendor is needed to make the payment request
3 proper.

4 (2) If a dispute occurs between a vendor and a public
5 entity concerning payment of a payment request, the dispute
6 must be resolved as provided in this section. Each public
7 entity shall establish a dispute resolution procedure to be
8 followed by the public entity if such a dispute occurs. The
9 procedure must provide that proceedings to resolve the dispute
10 must commence not later than 45 days after the date on which
11 the public entity received the payment request and must
12 conclude by final decision of the public entity not later than
13 60 days after the date on which the public entity received the
14 payment request. Such procedures are not subject to chapter
15 120 and do not constitute an administrative proceeding that
16 prohibits a court from deciding de novo any action arising out
17 of the dispute. If the dispute is resolved in favor of the
18 public entity, interest charges begin to accrue 15 days after
19 the public entity's final decision. If the dispute is resolved
20 in favor of the vendor, interest begins to accrue as of the
21 original date the payment became due.

22 (3) In an action to recover amounts due under ss.
23 255.072-255.078, the court shall award court costs and
24 reasonable attorney's fees, including fees incurred through
25 any appeal, to the prevailing party, if the court finds that
26 the nonprevailing party withheld any portion of the payment
27 that is the subject of the action without any reasonable basis
28 in law or fact to dispute the prevailing party's claim to
29 those amounts.

30 Section 11. Section 255.077, Florida Statutes, is
31 created to read:

1 255.077 Project closeout and payment of retainage.--
2 (1) A public entity must present to the vendor a final
3 punch list of all items required to render complete,
4 satisfactory, and acceptable the construction services
5 purchased, within 30 days after the earliest of the following:
6 (a) Issuance of a temporary or final certificate of
7 occupancy, if applicable;
8 (b) Substantial completion of the construction
9 services purchased, as defined in the contract; or
10 (c) Beneficial occupancy or use of the structure,
11 building, facility, or improvement that is the subject of the
12 construction services purchased, as defined in the contract.
13 (2) If the purchase relates to construction services
14 on more than one building or structure, the public entity
15 shall prepare a final punch list for each building or
16 structure. The public entity must present to the vendor a
17 final punch list with regard to each building or structure
18 within 30 days after the earliest of the following:
19 (a) Issuance of a temporary or final certificate of
20 occupancy on the particular building or structure, if
21 applicable;
22 (b) Substantial completion of the particular building
23 or structure, as defined in the contract; or
24 (c) Beneficial occupancy or use of the particular
25 structure, building, facility, or improvement, as defined in
26 the contract.
27
28 Unless the contract provides otherwise, the public entity
29 shall pay out retainage to the vendor based upon the value of
30 the construction services rendered with regard to that
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1 structure, building, facility, or improvement as compared to
2 the total value of the purchase.

3 (3) Upon completion of all items on the final punch
4 list or within 30 days after issuance of the punch list,
5 whichever occurs sooner, the vendor shall submit a payment
6 request for the appropriate amount of retainage. The owner may
7 withhold up to 150 percent of the cost to complete any
8 incomplete final punchlist items. Thereafter, ss.
9 255.072-255.076 apply to the payment of any payment request
10 for retainage.

11 (4) If the public entity fails to present to the
12 vendor a final punch list within the time periods provided in
13 subsection (1) or subsection (2), the project is considered to
14 be complete and the vendor shall submit a payment request for
15 the appropriate amount of retainage. Thereafter, ss.
16 255.072-255.076 apply to the payment of any payment request
17 for retainage.

18 (5) All items that require correction under the
19 contract which are identified subsequent to preparation and
20 delivery of the final punch list must be considered warranty
21 items or make-good items, and such items have no effect on the
22 final payment of retainage provided in this section.

23 Section 12. Section 255.078, Florida Statutes, is
24 created to read:

25 255.078 Public construction retainage.--

26 (1) From the commencement of a public construction
27 project that is subject to ss. 255.072-255.078 until
28 50-percent of the contract value has been earned, a public
29 entity may not withhold as retainage more than 10 percent of
30 each progress payment to the vendor. When 50-percent of the
31 contract value has been earned, the vendor may submit a

1 payment request to the public entity for up to one-half of the
2 retainage withheld up to that time.

3 (2) After 50-percent of the contract value has been
4 earned, the public entity may not withhold as retainage more
5 than 5 percent of each progress payment to the vendor.
6 However, the vendor may withhold retainage from payments to
7 its subcontractors at a rate higher than 5 percent. The
8 specific amount to be withheld must be determined on a
9 case-by-case basis and must be based on the vendor's
10 assessment of the subcontractor's past performance, the
11 likelihood that such performance will continue, and the
12 vendor's ability to rely on other safeguards. The vendor shall
13 notify the subcontractor, in writing, of its determination to
14 withhold more than 5 percent of the progress payment and the
15 reasons for making that determination.

16 (3) This section does not require the payment or
17 release of amounts that are the subject of a good-faith
18 dispute.

19 (4) Sections 255.072-255.076 apply to the payment of
20 any payment request for retainage.

21 Section 13. Paragraph (a) of subsection (2) is
22 amended, and subsections (10) and (11) are added to section
23 255.05, Florida Statutes, to read:

24 255.05 Bond of contractor constructing public
25 buildings; form; action by materialmen.--

26 (2)(a)1. If a claimant is no longer furnishing labor,
27 services, or materials on a project, a contractor or the
28 contractor's agent or attorney may elect to shorten the
29 prescribed time in this paragraph within which an action to
30 enforce any claim against a payment bond provided pursuant to
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1 this section may be commenced by recording in the clerk's
2 office a notice in substantially the following form:

3

4 NOTICE OF CONTEST OF CLAIM
5 AGAINST PAYMENT BOND

6

7 To: ...(Name and address of claimant)...

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9 You are notified that the undersigned contests your
10 notice of nonpayment, dated,, and served
11 on the undersigned on,, and that the
12 time within which you may file suit to enforce your claim is
13 limited to 60 days after the date of service of this notice.

14

15 DATED on,

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17 Signed:...(Contractor or Attorney)...

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19 The claim of any claimant upon whom such notice is served and
20 who fails to institute a suit to enforce his or her claim
21 against the payment bond within 60 days after service of such
22 notice shall be extinguished automatically. The clerk shall
23 mail a copy of the notice of contest to the claimant at the
24 address shown in the notice of nonpayment or most recent
25 amendment thereto and shall certify to such service on the
26 face of such notice and record the notice. Service is complete
27 upon mailing.

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29 2. A claimant, except a laborer, who is not in privity
30 with the contractor shall, before commencing or not later than
31 45 days after commencing to furnish labor, materials, or
supplies for the prosecution of the work, furnish the

1 contractor with a notice that he or she intends to look to the
2 bond for protection. A claimant who is not in privity with the
3 contractor and who has not received payment for his or her
4 labor, materials, or supplies shall deliver to the contractor
5 and to the surety written notice of the performance of the
6 labor or delivery of the materials or supplies and of the
7 nonpayment. The notice of nonpayment may be served at any time
8 during the progress of the work or thereafter but not before
9 45 days after the first furnishing of labor, services, or
10 materials, and not later than 90 days after the final
11 furnishing of the labor, services, or materials by the
12 claimant or, with respect to rental equipment, not later than
13 90 days after the date that the rental equipment was last on
14 the job site available for use. Any notice of nonpayment
15 served by a claimant who is not in privity with the contractor
16 which includes sums for retainage must specify the portion of
17 the amount claimed for retainage.No action for the labor,
18 materials, or supplies may be instituted against the
19 contractor or the surety unless both notices have been given.
20 Notices required or permitted under this section may be served
21 in accordance with s. 713.18. An action, except for an action
22 exclusively for recovery of retainage, must be instituted
23 against the contractor or the surety on the payment bond or
24 the payment provisions of a combined payment and performance
25 bond within 1 year after the performance of the labor or
26 completion of delivery of the materials or supplies. An action
27 exclusively for recovery of retainage must be instituted
28 against the contractor or the surety within 1 year after the
29 performance of the labor or completion of delivery of the
30 materials or supplies, or within 90 days after receipt of
31 final payment (or the payment estimate containing the owner's

1 final reconciliation of quantities if no further payment is
2 earned and due as a result of deductive adjustments) by the
3 contractor or surety, whichever comes last. A claimant may not
4 waive in advance his or her right to bring an action under the
5 bond against the surety. In any action brought to enforce a
6 claim against a payment bond under this section, the
7 prevailing party is entitled to recover a reasonable fee for
8 the services of his or her attorney for trial and appeal or
9 for arbitration, in an amount to be determined by the court,
10 which fee must be taxed as part of the prevailing party's
11 costs, as allowed in equitable actions. The time periods for
12 service of a notice of nonpayment or for bringing an action
13 against a contractor or a surety shall be measured from the
14 last day of furnishing labor, services, or materials by the
15 claimant and shall not be measured by other standards, such as
16 the issuance of a certificate of occupancy or the issuance of
17 a certificate of substantial completion.

18 (10) Notwithstanding any other provision of law to the
19 contrary, a claimant may not institute an action for the sole
20 purpose of recovery of retainage against the contractor or
21 against the surety issuing a payment or performance bond
22 pursuant to this section until:

23 (a) The public entity has paid out that retainage to
24 the contractor and the time provided under ss. 218.70-218.76
25 or ss. 255.072-255.078 for payment of that retainage to the
26 claimant has expired;

27 (b) The claimant has completed all work required under
28 its contract and 90 days have passed since the owner's receipt
29 of the contractor's last payment request; or
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1 (c) The claimant has made the written request to the
2 owner provided in subsection (11) and has not timely received
3 the requested information from the owner.

4 (11) An owner shall furnish in writing to a claimant
5 who has provided labor, services, or materials to a project,
6 within 5 business days after receipt of a written request from
7 that claimant, the following information:

8 (a) The dates of all payment requests received by the
9 owner from the contractor.

10 (b) The dates of all payments made by the owner to the
11 contractor.

12 (c) Whether the owner has received the contractor's
13 final payment request and, if so, the date the final payment
14 request was submitted by the contractor to the owner.

15 Section 14. This act shall take effect July 1, 2003.

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