

By Senator Sebesta

16-1027A-04

See HB

1                                   A bill to be entitled  
2           An act relating to public construction bonds;  
3           amending s. 255.05, F.S.; providing for a  
4           mandatory form for public construction bonds;  
5           providing an effective date.

6  
7 Be It Enacted by the Legislature of the State of Florida:

8  
9           Section 1. Subsections (7), (8), and (9) of section  
10   255.05, Florida Statutes, are renumbered as subsections (6),  
11   (7), and (8), respectively, and present subsections (3) and  
12   (6) of that section are amended to read:

13           255.05 Bond of contractor constructing public  
14   buildings; form; action by materialmen.--

15           (3) The bond required in subsection (1) shall ~~may~~ be  
16   in ~~substantially~~ the following form, and any deviation of the  
17   bond form required by the public owner or furnished by the  
18   contractor shall be disregarded:

19  
20                                   PUBLIC CONSTRUCTION BOND

21  
22           BY THIS BOND, We, ...(enter name, principal business  
23   address, and telephone number of contractor)..., as Principal,  
24   and...(enter name, principal business address, and telephone  
25   number of surety)..., a corporation authorized to do business  
26   in Florida as a surety insurer, as Surety, are bound to  
27   ...(enter name, principal business address, and telephone  
28   number of public owner)..., hereinafter ~~herein~~ called Owner,  
29   in the sum of \$.....(enter contract amount as penal sum of  
30   bond)..., for payment of which we bind ourselves and ~~our~~

1 heirs, personal representatives, successors, and assigns,  
2 jointly and severally.

3  
4 WHEREAS, Principal has entered into a contract with  
5 Owner for ...(enter description of project sufficient to  
6 identify it, such as a legal description of property, the  
7 street address of property, and a general description of the  
8 improvement to be constructed)..., which is Owner's contract  
9 No. ...(enter contract number)... belonging to ...(enter name,  
10 principal business address, and telephone number of owner of  
11 property if different from the contracting public entity)...,  
12 and

13 WHEREAS, the Bond is given to meet the requirements of  
14 Section 255.05, Florida Statutes, and the respective rights  
15 and obligations of the Principal, Surety, Owner, and any  
16 Claimant shall be controlled by Section 255.05, Florida  
17 Statutes, including specifically the notice and time  
18 limitation provisions of Section 255.05(2), Florida Statutes.

19 NOW, THEREFORE, THE CONDITION OF THIS BOND is that if  
20 Principal:

21 1. Performs the contract dated ...(enter date of  
22 contract)..., ....., between Principal and Owner for  
23 construction of ...(the Project)..., the contract being made a  
24 part of this bond by reference, at the times and in the manner  
25 prescribed in the contract; and

26 2. Promptly makes payments to all claimants, as  
27 defined in Section 255.05(1), Florida Statutes, supplying  
28 Principal with labor, materials, or supplies, used directly or  
29 indirectly by Principal in the prosecution of the work  
30 provided for in the contract; and

31

1           3. Pays Owner all losses, damages, expenses, costs,  
2 and attorney's fees, including appellate proceedings, that  
3 Owner sustains because of a default by Principal under the  
4 contract; and

5           4. Performs the guarantee of all work and materials  
6 furnished under the contract for the time specified in the  
7 contract, then this bond is void; otherwise it remains in full  
8 force.

9           Any changes in or under the contract documents and  
10 compliance or noncompliance with any formalities connected  
11 with the contract or the changes do ~~does~~ not affect Surety's  
12 obligation under this bond. In no event shall the liability of  
13 the Surety exceed the amount of the bond stated above.  
14

15 DATED ON ........(enter date of bond)...

16  
17                                  ...(enter name of Principal)...

18 By...(enter name of its authorized Officer)...... (As  
19 Attorney in Fact)...

20                                  ...(enter name of Surety)...

21 By ... (its authorized Attorney-in-Fact)...  
22

23           ~~(6) All bonds executed pursuant to this section shall~~  
24 ~~make reference to this section by number and shall contain~~  
25 ~~reference to the notice and time limitation provisions of this~~  
26 ~~section.~~

27           Section 2. This act shall take effect upon becoming a  
28 law.  
29  
30  
31