

HB 0535

2004

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

5
 6 Be It Enacted by the Legislature of the State of Florida:

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

12 255.05 Bond of contractor constructing public buildings;
 13 form; action by materialmen.--

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

18
 19 PUBLIC CONSTRUCTION BOND

20
 21 BY THIS BOND, We, _____ (enter name, principal business
 22 address, and telephone number of contractor) _____, as Principal,
 23 and _____ (enter name, principal business address, and telephone
 24 number of surety) _____, a corporation authorized to do business
 25 in Florida as a surety insurer, as Surety, are bound to
 26 _____ (enter name, principal business address, and telephone
 27 number of public owner) _____, hereinafter ~~herein~~ called Owner,
 28 in the sum of \$ _____ (enter contract amount as penal sum of bond)
 29 ___, for payment of which we bind ourselves and ~~our~~ heirs,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 personal representatives, successors, and assigns, jointly and
 31 severally.

32
 33 WHEREAS, Principal has entered into a contract with Owner
 34 for ...(enter description of project sufficient to identify it,
 35 such as a legal description of property, the street address of
 36 property, and a general description of the improvement to be
 37 constructed)..., which is Owner's contract No. ...(enter
 38 contract number)... belonging to ...(enter name, principal
 39 business address, and telephone number of owner of property if
 40 different from the contracting public entity)..., and

41
 42 WHEREAS, the Bond is given to meet the requirements of
 43 Section 255.05, Florida Statutes, and the respective rights and
 44 obligations of the Principal, Surety, Owner, and any Claimant
 45 shall be controlled by Section 255.05, Florida Statutes,
 46 including specifically the notice and time limitation provisions
 47 of Section 255.05(2), Florida Statutes.

48
 49 NOW, THEREFORE, THE CONDITION OF THIS BOND is that if
 50 Principal:

51 1. Performs the contract dated _____(enter date of
 52 contract)_____, _____, between Principal and Owner for
 53 construction of ___(the Project)___, the contract being made a
 54 part of this bond by reference, at the times and in the manner
 55 prescribed in the contract; and

56 2. Promptly makes payments to all claimants, as defined in
 57 Section 255.05(1), Florida Statutes, supplying Principal with
 58 labor, materials, or supplies, used directly or indirectly by

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59 Principal in the prosecution of the work provided for in the
 60 contract; and

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

65 4. Performs the guarantee of all work and materials
 66 furnished under the contract for the time specified in the
 67 contract, then this bond is void; otherwise it remains in full
 68 force.

69 Any change ~~changes~~ in or under the contract documents and
 70 compliance or noncompliance with any formalities connected with
 71 the contract or the changes does not affect Surety's obligation
 72 under this bond. In no event shall the liability of the Surety
 73 exceed the amount of the bond stated above.

74
 75 DATED ON _____, _____(enter date of bond) _____.

76
 77 ... (enter name of Principal) ...
 78 By ... (enter name of its authorized officer) ~~(As Attorney in~~
 79 ~~Fact)~~ ...
 80 ... (enter name of Surety) ...

81
 82 By ... (its authorized Attorney-in-Fact)

83
 84 ~~(6) All bonds executed pursuant to this section shall make~~
 85 ~~reference to this section by number and shall contain reference~~
 86 ~~to the notice and time limitation provisions of this section.~~

87 Section 2. This act shall take effect upon becoming a law.