

HB 0581

2004

A bill to be entitled

An act relating to high-speed rail system surety bonds; creating s. 341.843, F.S.; providing that contractors entering into specified contracts with the Florida High-Speed Rail Authority must provide a performance and payment bond in an amount determined by the authority; providing requirements with respect to such surety bonds; amending ss. 255.05 and 337.18, F.S.; specifying that surety bonds for construction of a high-speed rail system authorized pursuant to the Florida High-Speed Rail Authority Act shall be governed by the provisions of s. 341.843, F.S.; providing an effective date.

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

Section 1. Section 341.843, Florida Statutes, is created to read:

341.843 Surety bonds; requirements.--

(1) The authority shall require, upon entering into a DBOM or DBOM&F contract, that the contractor provide a performance and payment bond in an amount determined by the authority.

(2) Prior to the commencement of any construction work by a contractor under a DBOM or DBOM&F contract with the authority, the contractor shall provide to the authority a payment and performance bond that covers 100 percent of the costs of the construction. However, if such level of surety is not commercially available, the authority, notwithstanding ss. 255.05 and 337.18, may require a monetary surety amount of less than 100 percent of such costs or may authorize that surety

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30 bonds be provided on a phased basis. Such bond shall be
 31 conditioned upon the contractor's performance of the
 32 construction work in the time and manner prescribed in the
 33 contract and the prompt payment of all persons defined in s.
 34 713.01 who furnish labor, services, or materials for the
 35 prosecution of the work provided for in the contract.

36 (3) The surety on such bonds shall be from a surety
 37 company authorized to do business in the state. All surety bonds
 38 shall be payable to the authority and conditioned for the
 39 prompt, faithful, and efficient performance of the contract
 40 according to plans and specifications and within the time period
 41 specified, and for the prompt payment of all persons furnishing
 42 labor, material, equipment, and supplies therefor.

43 (4) A payment and performance bond required under this
 44 section may be substantially in the form provided in s.
 45 255.05(3).

46 Section 2. Subsection (10) is added to section 255.05,
 47 Florida Statutes, to read:

48 255.05 Bond of contractor constructing public buildings;
 49 form; action by materialmen.--

50 (10) Surety bonds for construction of a high-speed rail
 51 system authorized pursuant to the Florida High-Speed Rail
 52 Authority Act shall be governed by the provisions of s. 341.843.

53 Section 3. Subsection (6) is added to section 337.18,
 54 Florida Statutes, to read:

55 337.18 Surety bonds for construction or maintenance
 56 contracts; requirement with respect to contract award; bond
 57 requirements; defaults; damage assessments.--

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58 (6) Surety bonds for construction of a high-speed rail
59 system authorized pursuant to the Florida High-Speed Rail
60 Authority Act shall be governed by the provisions of s. 341.843.

61 Section 4. This act shall take effect July 1, 2004.