

HB 1167

2005

A bill to be entitled

An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

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

Section 1. Section 18.11 is added to chapter 92-341, Laws of Florida, as amended, to read:

Section 18.11 Waiver of payment and performance bonds on construction contracts.--Notwithstanding anything to the contrary in section 255.05, Florida Statutes, the City of Jacksonville may waive payment and performance bonds on a construction contract for the construction of a public building, for the prosecution and completion of a public work, or for the repair of a public building or public work when the cost of such project is \$500,000 or less and the contract is awarded pursuant to a race-neutral and gender-neutral economic development program for the encouragement of local small businesses that has been adopted by the Council of the City of Jacksonville by

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30 resolution or ordinance. For any contract for which a payment or
31 performance bond has been waived pursuant to the authority of
32 this section, the City of Jacksonville shall pay all persons
33 defined in section 713.01, Florida Statutes, who furnish labor,
34 services, or materials for the prosecution of the work provided
35 for in the contract to the same extent and upon the same
36 conditions that a surety on the payment bond under section
37 255.05, Florida Statutes, would have been obligated to pay such
38 persons if the payment or performance bond had not been waived.
39 The City of Jacksonville shall record notice of this obligation
40 in the manner and location that surety bonds are recorded. The
41 notice shall include the information describing the contract
42 which section 255.05(1), Florida Statutes, requires be stated on
43 the front page of the bond. Section 255.05(9), Florida Statutes,
44 shall apply to any contract on which a performance or payment
45 bond is waived pursuant to this act, and any claim to payment
46 under this section shall be treated as a contract claim pursuant
47 to section 255.05(9), Florida Statutes.

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