

By the Committees on Judiciary; Governmental Oversight and Productivity; and Senator Sebesta

590-2253-05

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A bill to be entitled
An act relating to public construction bonds;
amending s. 255.05, F.S.; revising requirements
for the form used for public construction
bonds; requiring payment provisions of public
construction bonds to be construed as statutory
bonds; requiring payment bond forms to
reference notice and time limitation
provisions; providing an effective date.

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

Section 1. Subsections (3), (4), and (6) of section
255.05, Florida Statutes, are amended to read:

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

(3) The bond required in subsection (1) may be in
substantially the following form:

PUBLIC CONSTRUCTION BOND

Bond No. (enter bond number)

BY THIS BOND, We , as Principal and , a
corporation, as Surety, are bound to , herein called
Owner, in the sum of \$. . . . , for payment of which we bind
ourselves, our heirs, personal representatives, successors,
and assigns, jointly and severally.

THE CONDITION OF THIS BOND is that if Principal:

1. Performs the contract dated , , between
Principal and Owner for construction of , the contract

1 | being made a part of this bond by reference, at the times and
2 | in the manner prescribed in the contract; and

3 | 2. Promptly makes payments to all claimants, as
4 | defined in Section 255.05(1), Florida Statutes, supplying
5 | Principal with labor, materials, or supplies, used directly or
6 | indirectly by Principal in the prosecution of the work
7 | provided for in the contract; and

8 | 3. Pays Owner all losses, damages, expenses, costs,
9 | and attorney's fees, including appellate proceedings, that
10 | Owner sustains because of a default by Principal under the
11 | contract; and

12 | 4. Performs the guarantee of all work and materials
13 | furnished under the contract for the time specified in the
14 | contract, then this bond is void; otherwise it remains in full
15 | force.
16 |

17 | Any action instituted by a claimant under this bond for
18 | payment must be in accordance with the notice and time
19 | limitation provisions in Section 255.05(2), Florida Statutes.
20 |

21 | Any changes in or under the contract documents and
22 | compliance or noncompliance with any formalities connected
23 | with the contract or the changes does not affect Surety's
24 | obligation under this bond.
25 |

26 | DATED ON

27 | ...(Name of Principal)...

28 | By ...(As Attorney in Fact)...

29 | ...(Name of Surety)...

1 (4) The payment bond provisions of all bonds required
2 by ~~furnished for public work contracts described in~~ subsection
3 (1) shall, ~~regardless of form,~~ be construed and deemed
4 statutory payment bonds furnished pursuant to this section and
5 such bonds shall not under any circumstances be converted into
6 common law bonds ~~bond provisions, subject to all requirements~~
7 ~~of subsection (2).~~

8 (6) All payment bond forms used by a public owner and
9 all payment bonds executed pursuant to this section by a
10 surety shall make reference to this section by number and
11 shall contain reference to the notice and time limitation
12 provisions in subsection (2) ~~of this section.~~

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

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 CS/Senate Bill 652

19 The committee substitute makes the following change to the
20 underlying committee substitute.

21 -- Clarifies references to "payment bonds."
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