

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Artiles offered the following:

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 4 **Amendment to Amendment (674989) by Representative Rooney**
 5 **(with title amendment)**

6 Between lines 242 and 243 of the amendment, insert:

7 Section 10. Paragraph (a) of subsection (1) of section
 8 337.18, Florida Statutes, is amended to read:

9 337.18 Surety bonds for construction or maintenance
 10 contracts; requirement with respect to contract award; bond
 11 requirements; defaults; damage assessments.—

12 (1)(a) A surety bond shall be required of the successful
 13 bidder in an amount equal to the awarded contract price.

14 However, the department may choose, in its discretion and
 15 applicable only to multiyear maintenance contracts, to allow for
 16 incremental annual contract bonds that cumulatively total the
 17 full, awarded, multiyear contract price.

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18 1. The department may waive the requirement for all or a
19 portion of a surety bond if:

20 a. ~~For a project for which~~ The contract price is \$250,000
21 or less ~~and the department, the department may waive the~~
22 ~~requirement for all or a portion of a surety bond if it~~
23 determines the project is of a noncritical nature and
24 nonperformance will not endanger public health, safety, or
25 property;

26 b. The prime contractor is a qualified nonprofit agency
27 for the blind or for the other severely handicapped under s.
28 413.036(2); or

29 c. The prime contractor is using a subcontractor that is a
30 qualified nonprofit agency for the blind or for the other
31 severely handicapped under s. 413.036(2) but may not waive more
32 than the amount of the subcontract.

33 2. If the Secretary of Transportation or the secretary's
34 designee determines that it is in the best interests of the
35 department to reduce the bonding requirement for a project and
36 that to do so will not endanger public health, safety, or
37 property, the department may waive the requirement of a surety
38 bond in an amount equal to the awarded contract price for a
39 project having a contract price of \$250 million or more and, in
40 its place, may set a surety bond amount that is a portion of the
41 total contract price and provide an alternate means of security
42 for the balance of the contract amount that is not covered by
43 the surety bond or provide for incremental surety bonding and

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44 provide an alternate means of security for the balance of the
45 contract amount that is not covered by the surety bond. Such
46 alternative means of security may include letters of credit,
47 United States bonds and notes, parent company guarantees, and
48 cash collateral. The department may require alternate means of
49 security if a surety bond is waived. The surety on such bond
50 shall be a surety company authorized to do business in the
51 state. All bonds shall be payable to the department and
52 conditioned for the prompt, faithful, and efficient performance
53 of the contract according to plans and specifications and within
54 the time period specified, and for the prompt payment of all
55 persons defined in s. 713.01 furnishing labor, material,
56 equipment, and supplies for work provided in the contract;
57 however, whenever an improvement, demolition, or removal
58 contract price is \$25,000 or less, the security may, in the
59 discretion of the bidder, be in the form of a cashier's check,
60 bank money order of any state or national bank, certified check,
61 or postal money order. The department shall adopt rules to
62 implement this subsection. Such rules shall include provisions
63 under which the department shall refuse to accept bonds on
64 contracts when a surety wrongfully fails or refuses to settle or
65 provide a defense for claims or actions arising under a contract
66 for which the surety previously furnished a bond.

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69 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7075 (2015)

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70 Remove line 492 of the amendment and insert:
71 with certain federal law; amending s. 337.18, F.S.;
72 authorizing the department to waive a surety bond on
73 certain contracts with specified contractors; amending
74 s. 338.231, F.S., relating to