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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) is added to subsection (11) of
section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency
repairs, supplemental agreements, and change orders; combined
design and construction contracts; progress payments; records;
requirements of vehicle registration.—

(11)



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(d)1. The department may make direct payments to a first-tier subcontractor. Such payments do not create any enforceable third-party beneficiary rights. The department shall adopt by rule procedures to implement this paragraph. Such procedures must establish the circumstances under which such payments may be made and must include, at a minimum, all of the following:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no legitimate dispute between the contractor and the subcontractor.

e. The department has provided written notice to the payment and performance bond surety at least 30 days before releasing a payment under this paragraph, and the surety has not objected in writing within the 30-day period based on a documented dispute or claim regarding the unpaid work or payment.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance



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contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department and the surety enter into a takeover agreement, such agreement must set forth procedures regarding the surety's certification of disbursement of payment to subcontractors.

Section 3. This act shall take effect July 1, 2026.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; authorizing the Department of Transportation to make direct payments to a first-tier subcontractor; providing construction; requiring the department to adopt rules establishing certain procedures; providing requirements for such procedures; requiring that amounts paid to a first-tier subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety set forth certain procedures; providing an effective date.