

House Bill No. 1167

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

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

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.