



377162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2010	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 276 and 277  
insert:

Section 4. Subsection (3) of section 255.073, Florida Statutes, is amended to read:

255.073 Timely payment for purchases of construction services.—

(3) When a contractor receives payment from a public entity for construction labor, services, ~~or materials~~ furnished by subcontractors and suppliers hired by the contractor, the contractor shall remit payment due to those subcontractors and



377162

13 suppliers within 10 days after the contractor's receipt of  
14 payment. When a subcontractor receives payment from a contractor  
15 for construction labor, services, or materials furnished by  
16 subcontractors and suppliers hired by the subcontractor, the  
17 subcontractor shall remit payment due to those subcontractors  
18 and suppliers within 7 days after the subcontractor's receipt of  
19 payment.

20 (a) A subcontractor may invoice the contractor for the  
21 remainder of unpaid construction services 45 days after the  
22 completion of such services, including the full value of the  
23 retainage related to the services. The subcontractor shall  
24 include a conditional release of lien and all appropriate  
25 warranties and closeout documentation with the final payment  
26 invoice to the contractor. The contractor must include the  
27 payment request in the next payment application cycle to the  
28 agent following the receipt of the subcontractor's payment  
29 request. The public entity shall process the payment request  
30 within 20 days after receipt of the certificate for payment from  
31 the agent, and include payment of the retainage in its next  
32 payment to the contractor. The contractor shall remit payment  
33 due to those subcontractors and suppliers within 10 days after  
34 the contractor's receipt of payment from the public entity.

35 (b) The public entity may require the contractor to include  
36 the following provision in all construction contracts to promote  
37 timely payments to subcontractors for services properly  
38 completed: "When the contractor receives payment from the public  
39 entity for labor, services, or materials furnished by  
40 subcontractors and suppliers hired by the contractor for the  
41 project, the contractor shall remit payment due to those



377162

42 subcontractors and suppliers, less the value of any item  
43 contested, within 10 days after the contractor's receipt of  
44 payment. If the payment due the subcontractor is for final  
45 payment, including retainage, the subcontractor must include a  
46 conditional release of lien and all appropriate warranties and  
47 closeout documentation with the subcontractor's invoice for  
48 final payment. When the subcontractor receives payment from the  
49 contractor for labor, services, or materials furnished by  
50 subcontractors and suppliers hired by the subcontractor, the  
51 subcontractor shall remit payment due to those subcontractors  
52 and suppliers, less the value of any item contested, within 10  
53 days after the subcontractor's receipt of payment." This  
54 provision does not create a contractual relationship of any kind  
55 between the agent and the contractor, between the public entity  
56 and a subcontractor, between the public entity and the agent, or  
57 between any persons or entities other than the public entity and  
58 the contractor.

59 (c) This subsection does not prohibit a contractor or  
60 subcontractor from disputing, pursuant to the terms of the  
61 relevant contract, all or any portion of a payment alleged to be  
62 due to another party if the contractor or subcontractor notifies  
63 the party whose payment is disputed, in writing, of the amount  
64 in dispute and the actions required to cure the dispute. The  
65 contractor or subcontractor must pay all undisputed amounts due  
66 within the time limits imposed by this subsection.

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

69 And the title is amended as follows:

70 Delete lines 2 - 17



377162

71 and insert:

72 An act relating to public construction contracts;  
73 amending s. 218.72, F.S.; revising definitions;  
74 amending s. 218.735, F.S.; revising provisions  
75 relating to the timely payment for purchases of  
76 construction services provided to local government;  
77 requiring that a dispute be resolved according to  
78 procedures in the invitation to bid or request for  
79 proposal; prohibiting the assessment of damages  
80 against a contractor if the list of items remaining to  
81 complete is not timely provided to the contractor;  
82 amending s. 218.76, F.S.; revising provisions relating  
83 to the resolution of disputes concerning an improper  
84 payment request or invoice; providing that a local  
85 governmental entity waives its objection in a payment  
86 dispute if it fails to commence the dispute resolution  
87 procedure within the time required; amending s.  
88 255.073, F.S.; providing a procedure and timeframe for  
89 remitting final payment to subcontractors providing  
90 construction services provided to a public entity;  
91 providing an effective date.