

# NOTICE OF NONPAYMENT

**Effective October 1, 2019 a notice of nonpayment must be in substantially the following statutory form in order to have a valid claim against a payment bond!**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(name of contractor and address)                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(name of surety and address)

The undersigned claimant notifies you that pursuant to a contract with \_\_\_\_\_ (customer):

1. Claimant has furnished \_\_\_\_\_ (describe labor, services, or materials) for the improvement of the real property identified as \_\_\_\_\_ (property description). The corresponding amount unpaid to date is \$\_\_\_\_\_, of which \$\_\_\_\_\_ is unpaid retainage.

2. Claimant has been paid to date the amount of \$\_\_\_\_\_ for previously furnishing \_\_\_\_\_ (describe labor, services, or materials) for this improvement.

3. Claimant expects to furnish \_\_\_\_\_ (describe labor, services, or materials) for this improvement in the future (if known), and the corresponding amount expected to become due is \$\_\_\_\_\_ (if known).

The undersigned requests a written statement indicating the following: (1) Whether the project has reached substantial completion as that term is defined in the contract, or if not defined in the contract, if beneficial occupancy or use of the project has occurred; (2) Whether you have received payment of the undersigned's retainage and if so, the date the retainage was received by you; and (3) Whether you have sent your final payment request to the owner of the project and if so, the date on which the final payment request was sent. [Note: This paragraph is not part of the statutory form but is recommended in order to trigger your right to make a claim for retainage against the bond.]

I declare that I have read the foregoing Notice of Nonpayment and that the facts stated in it are true to the best of my knowledge and belief.

DATED on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(signature and address of claimant)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary Public - State of Florida)                      \_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification  Type of Identification Produced \_\_\_\_\_.