

By Senator Hooper

16-01790-19

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1 A bill to be entitled
 2 An act relating to a notice of termination; amending
 3 s. 713.132, F.S.; revising and providing statements
 4 that must be included in a notice of termination;
 5 revising when a notice of termination may be recorded;
 6 providing requirements for a notice of termination to
 7 be effective; requiring that a notice of termination
 8 be recorded in the public records of the county where
 9 the project is located; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Section 713.132, Florida Statutes, is amended to
 14 read:

15 713.132 Notice of termination.—

16 (1) An owner may terminate the period of effectiveness of a
 17 notice of commencement by executing, swearing to, and recording
 18 a notice of termination that contains:

19 (a) The same information as the notice of commencement;

20 (b) The recording office document with the ~~book and page~~
 21 reference numbers and date of the notice of commencement;

22 (c) A statement of the date as of which the notice of
 23 commencement is terminated, which date may not be earlier than
 24 30 days after the notice of termination is recorded;

25 (d) A statement specifying that the notice applies to all
 26 the real property subject to the notice of commencement or
 27 specifying the portion of such real property to which it
 28 applies;

29 (e) A statement that all lienors have been paid in full;

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30 and

31 (f) A statement that the owner has, before recording the
32 notice of termination, served a copy of the notice of
33 termination ~~on the contractor and~~ on each lienor who has a
34 direct contract with the owner or who has served a notice to
35 owner, and a statement that the owner will serve a copy of the
36 notice of termination on each lienor who timely serves a notice
37 to owner after the notice of termination has been recorded. The
38 owner is not required to serve a copy of the notice of
39 termination on any lienor who has executed a waiver and release
40 of lien upon final payment in accordance with s. 713.20.

41 (2) An owner has the right to rely on a contractor's
42 affidavit given under s. 713.06(3)(d), except with respect to
43 lienors who have already given notice, in connection with the
44 execution, swearing to, and recording of a notice of
45 termination. However, the notice of termination must be
46 accompanied by the contractor's affidavit.

47 (3) An owner may ~~not~~ record a notice of termination at any
48 time ~~except after completion of construction, or after~~
49 ~~construction ceases before completion and~~ all lienors have been
50 paid in full or pro rata in accordance with s. 713.06(4).

51 (4) If an owner or a contractor, by fraud or collusion,
52 knowingly makes any fraudulent statement or affidavit in a
53 notice of termination or any accompanying affidavit, the owner
54 and the contractor, or either of them, ~~as the case may be,~~ is
55 liable to any lienor who suffers damages as a result of the
56 filing of the fraudulent notice of termination, ~~and any~~ such
57 lienor has a right of action for damages ~~occasioned thereby.~~

58 (5) ~~(4)~~ A notice of termination is effective after it has

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59 been served on each lienor who has a direct contract with the
60 owner or who has been timely served a notice to owner before the
61 recording of the notice of termination. A notice of termination
62 must be recorded in the public records of the county where the
63 project is located. The termination of the notice of
64 commencement is effective 30 days after the notice of
65 termination is recorded in the public records ~~is effective to~~
66 ~~terminate the notice of commencement at the later of 30 days~~
67 ~~after recording of the notice of termination or the date stated~~
68 ~~in the notice of termination as the date on which the notice of~~
69 ~~commencement is terminated.~~ However, if a lienor, who began work
70 under the notice of commencement before its termination, lacks a
71 direct contract with the owner and timely serves his or her
72 notice to owner after the notice of termination has been
73 recorded, the owner must serve a copy of the notice of
74 termination upon such lienor, and the termination of the notice
75 of commencement as to that lienor is effective 30 days after
76 service of the notice of termination, ~~if the notice of~~
77 ~~termination has been served pursuant to paragraph (1)(f) on the~~
78 ~~contractor and on each lienor who has a direct contract with the~~
79 ~~owner or who has served a notice to owner.~~

80 Section 2. This act shall take effect July 1, 2019.