

Bill No. CS for SB 1016

Barcode 624228

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Argenziano) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (a) of subsection (1) of section
255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public
buildings; form; action by materialmen.--

(1)(a) Any person entering into a formal contract with
the state or any county, city, or political subdivision
thereof, or other public authority, for the construction of a
public building, for the prosecution and completion of a
public work, or for repairs upon a public building or public
work shall be required, before commencing the work or before
recommencing the work after a default or abandonment, to
execute, deliver to the public owner, and record in the public
records of the county where the improvement is located, a
payment and performance bond with a surety insurer authorized

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1 to do business in this state as surety. A public entity may
2 not require a contractor to secure a surety bond under this
3 section from a specific agent or bonding company. The bond
4 must state on its front page: the name, principal business
5 address, and phone number of the contractor, the surety, the
6 owner of the property being improved, and, if different from
7 the owner, the contracting public entity; the contract number
8 assigned by the contracting public entity; and a description
9 of the project sufficient to identify it, such as a legal
10 description or the street address of the property being
11 improved, and a general description of the improvement. Such
12 bond shall be conditioned upon the contractor's performance of
13 the construction work in the time and manner prescribed in the
14 contract and promptly making payments to all persons defined
15 in s. 713.01 who furnish labor, services, or materials for the
16 prosecution of the work provided for in the contract. Any
17 claimant may apply to the governmental entity having charge of
18 the work for copies of the contract and bond and shall
19 thereupon be furnished with a certified copy of the contract
20 and bond. The claimant shall have a right of action against
21 the contractor and surety for the amount due him or her,
22 including unpaid finance charges due under the claimant's
23 contract. Such action shall not involve the public authority
24 in any expense. When such work is done for the state and the
25 contract is for \$100,000 or less, no payment and performance
26 bond shall be required. At the discretion of the official or
27 board awarding such contract when such work is done for any
28 county, city, political subdivision, or public authority, any
29 person entering into such a contract which is for \$200,000 or
30 less may be exempted from executing the payment and
31 performance bond. When such work is done for the state, the

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1 Secretary of the Department of Management Services may
2 delegate to state agencies the authority to exempt any person
3 entering into such a contract amounting to more than \$100,000
4 but less than \$200,000 from executing the payment and
5 performance bond. In the event such exemption is granted, the
6 officer or officials shall not be personally liable to persons
7 suffering loss because of granting such exemption. The
8 Department of Management Services shall maintain information
9 on the number of requests by state agencies for delegation of
10 authority to waive the bond requirements by agency and project
11 number and whether any request for delegation was denied and
12 the justification for the denial. Any provision in a bond
13 furnished for public work contracts as provided by this
14 subsection which restricts the classes of persons as defined
15 in s. 713.01, protected by the bond or the venue of any
16 proceeding relating to such bond is unenforceable.

17 Section 2. Subsection (1) of section 489.129, Florida
18 Statutes, is amended to read:

19 489.129 Disciplinary proceedings.--

20 (1) The board may take any of the following actions
21 against any certificateholder or registrant: place on
22 probation or reprimand the licensee, revoke, suspend, or deny
23 the issuance or renewal of the certificate, registration, or
24 certificate of authority, require financial restitution to a
25 consumer for financial harm directly related to a violation of
26 a provision of this part, impose an administrative fine not to
27 exceed ~~\$10,000~~ ~~\$5,000~~ per violation, require continuing
28 education, or assess costs associated with investigation and
29 prosecution, if the contractor, financially responsible
30 officer, or business organization for which the contractor is
31 a primary qualifying agent, a financially responsible officer,

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1 or a secondary qualifying agent responsible under s. 489.1195
2 is found guilty of any of the following acts:

3 (a) Obtaining a certificate, registration, or
4 certificate of authority by fraud or misrepresentation.

5 (b) Being convicted or found guilty of, or entering a
6 plea of nolo contendere to, regardless of adjudication, a
7 crime in any jurisdiction which directly relates to the
8 practice of contracting or the ability to practice
9 contracting.

10 (c) Violating any provision of chapter 455.

11 (d) Performing any act which assists a person or
12 entity in engaging in the prohibited uncertified and
13 unregistered practice of contracting, if the certificateholder
14 or registrant knows or has reasonable grounds to know that the
15 person or entity was uncertified and unregistered.

16 (e) Knowingly combining or conspiring with an
17 uncertified or unregistered person by allowing his or her
18 certificate, registration, or certificate of authority to be
19 used by the uncertified or unregistered person with intent to
20 evade the provisions of this part. When a certificateholder or
21 registrant allows his or her certificate or registration to be
22 used by one or more business organizations without having any
23 active participation in the operations, management, or control
24 of such business organizations, such act constitutes prima
25 facie evidence of an intent to evade the provisions of this
26 part.

27 (f) Acting in the capacity of a contractor under any
28 certificate or registration issued hereunder except in the
29 name of the certificateholder or registrant as set forth on
30 the issued certificate or registration, or in accordance with
31 the personnel of the certificateholder or registrant as set

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1 | forth in the application for the certificate or registration,
2 | or as later changed as provided in this part.

3 | (g) Committing mismanagement or misconduct in the
4 | practice of contracting that causes financial harm to a
5 | customer. Financial mismanagement or misconduct occurs when:

6 | 1. Valid liens have been recorded against the property
7 | of a contractor's customer for supplies or services ordered by
8 | the contractor for the customer's job; the contractor has
9 | received funds from the customer to pay for the supplies or
10 | services; and the contractor has not had the liens removed
11 | from the property, by payment or by bond, within 75 days after
12 | the date of such liens;

13 | 2. The contractor has abandoned a customer's job and
14 | the percentage of completion is less than the percentage of
15 | the total contract price paid to the contractor as of the time
16 | of abandonment, unless the contractor is entitled to retain
17 | such funds under the terms of the contract or refunds the
18 | excess funds within 30 days after the date the job is
19 | abandoned; or

20 | 3. The contractor's job has been completed, and it is
21 | shown that the customer has had to pay more for the contracted
22 | job than the original contract price, as adjusted for
23 | subsequent change orders, unless such increase in cost was the
24 | result of circumstances beyond the control of the contractor,
25 | was the result of circumstances caused by the customer, or was
26 | otherwise permitted by the terms of the contract between the
27 | contractor and the customer.

28 | (h) Being disciplined by any municipality or county
29 | for an act or violation of this part.

30 | (i) Failing in any material respect to comply with the
31 | provisions of this part or violating a rule or lawful order of

1 the board.

2 (j) Abandoning a construction project in which the
3 contractor is engaged or under contract as a contractor. A
4 project may be presumed abandoned after 90 days if the
5 contractor terminates the project without just cause or
6 without proper notification to the owner, including the reason
7 for termination, or fails to perform work without just cause
8 for 90 consecutive days.

9 (k) Signing a statement with respect to a project or
10 contract falsely indicating that the work is bonded; falsely
11 indicating that payment has been made for all subcontracted
12 work, labor, and materials which results in a financial loss
13 to the owner, purchaser, or contractor; or falsely indicating
14 that workers' compensation and public liability insurance are
15 provided.

16 (l) Committing fraud or deceit in the practice of
17 contracting.

18 (m) Committing incompetency or misconduct in the
19 practice of contracting.

20 (n) Committing gross negligence, repeated negligence,
21 or negligence resulting in a significant danger to life or
22 property.

23 (o) Proceeding on any job without obtaining applicable
24 local building department permits and inspections.

25 (p) Intimidating, threatening, coercing, or otherwise
26 discouraging the service of a notice to owner under part I of
27 chapter 713 or a notice to contractor under chapter 255 or
28 part I of chapter 713.

29 (q) Failing to satisfy within a reasonable time, the
30 terms of a civil judgment obtained against the licensee, or
31 the business organization qualified by the licensee, relating

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1 to the practice of the licensee's profession.

2

3 For the purposes of this subsection, construction is
4 considered to be commenced when the contract is executed and
5 the contractor has accepted funds from the customer or lender.

6 A contractor does not commit a violation of this subsection
7 when the contractor relies on a building code interpretation
8 rendered by a building official or person authorized by s.
9 553.80 to enforce the building code, absent a finding of fraud
10 or deceit in the practice of contracting, or gross negligence,
11 repeated negligence, or negligence resulting in a significant
12 danger to life or property on the part of the building
13 official, in a proceeding under chapter 120.

14 Section 3. Paragraph (c) of subsection (2) of section
15 489.533, Florida Statutes, is amended to read:

16 489.533 Disciplinary proceedings.--

17 (2) When the board finds any applicant, contractor, or
18 business organization for which the contractor is a primary
19 qualifying agent or secondary qualifying agent responsible
20 under s. 489.522 guilty of any of the grounds set forth in
21 subsection (1), it may enter an order imposing one or more of
22 the following penalties:

23 (c) Imposition of an administrative fine not to exceed
24 ~~\$10,000~~~~\$5,000~~ for each count or separate offense.

25 Section 4. Section 713.015, Florida Statutes, is
26 amended to read:

27 713.015 Mandatory provisions for direct
28 contracts.--Any direct contract between an owner and a
29 contractor, related to improvements to real property
30 consisting of single or multiple family dwellings up to and
31 including four units, must contain the following provision

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1 printed in no less than 14-point ~~18-point~~, capitalized,
2 boldfaced type on the front page of the contract:

3
4 ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS
5 713.001-713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR
6 PROPERTY OR PROVIDE MATERIALS AND ARE NOT PAID IN FULL HAVE A
7 RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR
8 PROPERTY. ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN.~~ IF YOUR
9 CONTRACTOR OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS,
10 SUB-SUBCONTRACTORS, OR MATERIAL SUPPLIERS ~~OR NEGLECTS TO MAKE~~
11 ~~OTHER LEGALLY REQUIRED PAYMENTS~~, THE PEOPLE WHO ARE OWED MONEY
12 MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE
13 ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR
14 CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR
15 PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE
16 SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER
17 SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE
18 FAILED TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN
19 THIS CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR
20 IS REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM
21 ANY PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO
22 OWNER." FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX AND IT IS
23 RECOMMENDED THAT ~~WHENEVER A SPECIFIC PROBLEM ARISES,~~ YOU
24 CONSULT AN ATTORNEY.

25
26 Nothing in this section shall be construed to adversely affect
27 the lien and bond rights of lienors who are not in privity
28 with the owner. This section does not apply when the owner is
29 a licensed contractor under chapter 489 or is a person who
30 creates parcels or offers parcels for sale or lease in the
31 ordinary course of business.

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1 Section 5. Subsection (7) of section 713.02, Florida
2 Statutes, is amended to read:

3 713.02 Types of lienors and exemptions.--

4 (7) Notwithstanding any other provision of this part,
5 no lien shall exist in favor of any contractor, subcontractor,
6 or sub-subcontractor who is unlicensed as provided in s.
7 489.128 or s. 489.532. Notwithstanding any other provision of
8 this part, if a contract is rendered unenforceable by an
9 unlicensed contractor, subcontractor, or sub-subcontractor
10 pursuant to s. 489.128 or s. 489.532, such unenforceability
11 shall not affect the rights of any other persons to enforce
12 contract, lien, or bond remedies and shall not affect the
13 obligations of a surety that has provided a bond on behalf of
14 the unlicensed contractor, subcontractor, or
15 sub-subcontractor. It shall not be a defense to any claim on a
16 bond or indemnity agreement that the principal or indemnitor
17 is unlicensed as provided in s. 489.128 or s. 489.532.

18 Section 6. Subsection (3) of section 713.04, Florida
19 Statutes, is amended, and subsection (4) is added to that
20 section, to read:

21 713.04 Subdivision improvements.--

22 (3) The owner shall not pay any money on account of a
23 direct contract before actual furnishing of labor and services
24 or materials for subdivision improvements. Any ~~The~~ payment ~~not~~
25 complying with this requirement shall not qualify as a proper
26 payment under this chapter ~~section~~.

27 (4) The owner shall make final payment on account of a
28 direct contract only after the contractor complies with s.
29 713.06(3)(d). Any payment not complying with this requirement
30 shall not qualify as a proper payment under this chapter.

31 Section 7. Paragraph (c) of subsection (4) of section

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1 713.08, Florida Statutes, is amended to read:

2 713.08 Claim of lien.--

3 (4)

4 (c) The claim of lien shall be served on the owner.

5 Failure to serve any claim of lien in the manner provided in
6 s. 713.18 before recording or within 15 days after recording
7 shall render the claim of lien voidable to the extent that the
8 failure or delay is shown to have been prejudicial to any
9 person entitled to rely on the service.

10 Section 8. Paragraph (e) of subsection (1) of section
11 713.13, Florida Statutes, is amended to read:

12 713.13 Notice of commencement.--

13 (1)

14 (e) A copy of any payment bond must be attached at the
15 time of recordation of the notice of commencement. The failure
16 to attach a copy of the bond to the notice of commencement
17 when the notice is recorded negates the exemption provided in
18 s. 713.02(6). However, if ~~such~~ a payment bond under s. 713.23
19 exists but was is not attached at the time of recordation of
20 the notice of commencement, the bond may be used to transfer
21 any recorded lien of a lienor except that of the contractor by
22 the recordation and service of a notice of bond pursuant to s.
23 713.23(2). The notice requirements of s. 713.23 apply to any
24 claim against the bond; however, the time limits for serving
25 any required notices shall begin running from the later of the
26 time specified in s. 713.23 or the date the notice of bond is
27 served on the lienor recorded, the bond may be used as a
28 ~~transfer bond pursuant to s. 713.24.~~

29 Section 9. Paragraphs (b) and (d) of subsection (1)
30 and subsection (4) of section 713.135, Florida Statutes, are
31 amended, and paragraph (e) is added to subsection (1) of that

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1 section, to read:

2 713.135 Notice of commencement and applicability of
3 lien.--

4 (1) When any person applies for a building permit, the
5 authority issuing such permit shall:

6 (b) Provide the applicant and the owner of the real
7 property upon which improvements are to be constructed with a
8 printed statement stating that the right, title, and interest
9 of the person who has contracted for the improvement may be
10 subject to attachment under the Construction Lien Law. The
11 Department of Business and Professional Regulation shall
12 furnish, for distribution, the statement described in this
13 paragraph, and the statement must be a summary of the
14 Construction Lien Law and must include an explanation of the
15 provisions of the Construction Lien Law relating to the
16 recording, and the posting of copies, of notices of
17 commencement and a statement encouraging the owner to record a
18 notice of commencement and post a copy of the notice of
19 commencement in accordance with s. 713.13. The statement must
20 also contain an explanation of the owner's rights if a lienor
21 fails to furnish the owner with a notice as provided in s.
22 713.06(2) and an explanation of the owner's rights as provided
23 in s. 713.22. The authority that issues the building permit
24 must obtain from the Department of Business and Professional
25 Regulation the statement required by this paragraph and must
26 mail, deliver by electronic mail or other electronic format or
27 facsimile, or personally deliver that statement to the owner
28 or, in a case in which the owner is required to personally
29 appear to obtain the permit, provide that statement to any
30 owner making improvements to real property consisting of a
31 single or multiple family dwelling up to and including four

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1 units. However, the failure by the authorities to provide the
2 summary does not subject the issuing authority to liability.

3 (d) Furnish to the applicant two or more copies of a
4 form of notice of commencement conforming with s. 713.13. If
5 the direct contract is greater than \$2,500, the applicant
6 shall file with the issuing authority prior to the first
7 inspection either a certified copy of the recorded notice of
8 commencement or a notarized statement that the notice of
9 commencement has been filed for recording, along with a copy
10 thereof. In the absence of the filing of a certified copy of
11 the recorded notice of commencement, the issuing authority or
12 a private provider performing inspection services may shall
13 not perform or approve subsequent inspections until the
14 applicant files by mail, facsimile, hand delivery, or any
15 other means such certified copy with the issuing authority.

16 The certified copy of the notice of commencement must contain
17 the name and address of the owner, the name and address of the
18 contractor, and the location or address of the property being
19 improved. The issuing authority shall verify that the name and
20 address of the owner, the name of the contractor, and the
21 location or address of the property being improved which is
22 contained in the certified copy of the notice of commencement
23 is consistent with the information in the building permit
24 application. The issuing authority shall provide the recording
25 information on the certified copy of the recorded notice of
26 commencement to any person upon request. This subsection does
27 not require the recording of a notice of commencement prior to
28 the issuance of a building permit. If a local government
29 requires a separate permit or inspection for installation of
30 temporary electrical service or other temporary utility
31 service, land clearing, or other preliminary site work, such

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1 permits may be issued and such inspections may be conducted
 2 without providing the issuing authority with a certified copy
 3 of a recorded notice of commencement or a notarized statement
 4 regarding a recorded notice of commencement. This subsection
 5 does not apply to a direct contract to repair or replace an
 6 existing heating or air-conditioning system in an amount less
 7 than ~~\$7,500~~ \$5,000.

8 (e) An issuing authority or building official may not
 9 require that a notice of commencement be recorded as a
 10 condition of the application, processing, or issuance of a
 11 building permit. However, this paragraph does not modify or
 12 waive the inspection requirements set forth in this
 13 subsection.

14 (4) The several boards of county commissioners,
 15 municipal councils, or other similar bodies may by ordinance
 16 or resolution establish reasonable fees for furnishing copies
 17 of the forms and the printed statement provided in paragraphs
 18 paragraph (1)(b) and (d) in an amount not to exceed \$5 to be
 19 paid by the applicant for each permit in addition to all other
 20 costs of the permit; however, no forms or statement need be
 21 furnished, mailed, or otherwise provided to, nor may such
 22 additional fee be obtained from, applicants for permits in
 23 those cases in which the owner of a legal or equitable
 24 interest (including that of ownership of stock of a corporate
 25 landowner) of the real property to be improved is engaged in
 26 the business of construction of buildings for sale to others
 27 and intends to make the improvements authorized by the permit
 28 on the property and upon completion will offer the improved
 29 real property for sale.

30 Section 10. Paragraph (e) of subsection (1) of section
 31 713.23, Florida Statutes, is amended to read:

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1 713.23 Payment bond.--

2 (1)

3 (e) No action for the labor or materials or supplies
4 may be instituted or prosecuted against the contractor or
5 surety unless both notices have been given. No action shall
6 be instituted or prosecuted against the contractor or against
7 the surety on the bond under this section after 1 year from
8 the performance of the labor or completion of delivery of the
9 materials and supplies. The time period for bringing an action
10 against the contractor or surety on the bond shall be measured
11 from the last day of furnishing labor, services, or materials
12 by the lienor and shall not be measured by other standards,
13 such as the issuance of a certificate of occupancy or the
14 issuance of a certificate of substantial completion. A
15 contractor or the contractor's agent or attorney may elect to
16 shorten the prescribed time within which an action to enforce
17 any claim against a payment bond provided under ~~pursuant to~~
18 this section or s. 713.245 may be commenced at any time after
19 a notice of nonpayment has been served for the claim by
20 recording in the clerk's office a notice in substantially the
21 following form:

22
23 NOTICE OF CONTEST OF CLAIM
24 AGAINST PAYMENT BOND
25

26 To: ...(Name and address of lienor)...

27 You are notified that the undersigned contests your
28 notice of nonpayment, dated,, and served on the
29 undersigned on,, and that the time within which you
30 may file suit to enforce your claim is limited to 60 days from
31 the date of service of this notice.

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DATED on,

Signed: ...(Contractor or Attorney)...

The claim of any lienor upon whom the ~~such~~ notice is served and who fails to institute a suit to enforce his or her claim against the payment bond within 60 days after service of the ~~such~~ notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the lienor at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to the ~~such~~ service on the face of the ~~such~~ notice and record the notice. Service is complete upon mailing.

Section 11. Subsections (3) and (4) of section 713.24, Florida Statutes, are amended to read:

713.24 Transfer of liens to security.--

(3) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in chancery in the circuit court of the county where such security is deposited, or file a motion in a pending action to enforce a lien, for an order to require additional security, reduction of security, change or substitution of sureties, payment of discharge thereof, or any other matter affecting said security. If the court finds that the amount of the deposit or bond in excess of the amount claimed in the claim of lien is insufficient to pay the lienor's attorney's fees and court costs incurred in the action to enforce the lien, the court must increase the amount of the cash deposit or lien transfer

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1 bond. Nothing in this section shall be construed to vest
2 exclusive jurisdiction in the circuit courts over transfer
3 bond claims for nonpayment of an amount within the monetary
4 jurisdiction of the county courts.

5 (4) If a proceeding to enforce a transferred lien is
6 not commenced within the time specified in s. 713.22 or if it
7 appears that the transferred lien has been satisfied of
8 record, the clerk shall return said security upon request of
9 the person depositing or filing the same, or the insurer. If a
10 proceeding to enforce a lien is commenced in a court of
11 competent jurisdiction within the time specified in s. 713.22
12 and, during such proceeding, the lien is transferred pursuant
13 to this section or s. 713.13(1)(e), an action commenced within
14 1 year of the transfer, unless otherwise shortened by
15 operation of law, in the same county or circuit court to
16 recover against the security shall be deemed to have been
17 brought as of the date of filing the action to enforce the
18 lien, and the court shall have jurisdiction over the action.

19 Section 12. Paragraph (b) of subsection (1) of section
20 713.345, Florida Statutes, is amended to read:

21 713.345 Moneys received for real property
22 improvements; penalty for misapplication.--

23 (1)

24 (b) Any person who knowingly and intentionally fails
25 to comply with paragraph (a) is guilty of misapplication of
26 construction funds, punishable as follows:

27 1. If the amount of payments misapplied has an
28 aggregate value of \$100,000 or more, the violator is guilty of
29 a felony of the first degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 2. If the amount of payments misapplied has an

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1 aggregate value of ~~\$1,000~~~~\$20,000~~ or more but less than
2 \$100,000, the violator is guilty of a felony of the second
3 degree, punishable as provided in s. 775.082, s. 775.083, or
4 s. 775.084.

5 3. If the amount of payments misapplied has an
6 aggregate value of less than ~~\$1,000~~~~\$20,000~~, the violator is
7 guilty of a felony of the third degree, punishable as provided
8 in s. 775.082, s. 775.083, or s. 775.084.

9 Section 13. Subsection (1) of section 713.3471,
10 Florida Statutes, is amended to read:

11 713.3471 Lender responsibilities with construction
12 loans.--

13 (1) Prior to a lender making any loan disbursement on
14 any construction loan secured by residential real property
15 directly to the owner, which, for purposes of this subsection,
16 means only a natural person, into the owner's account or
17 accounts, or jointly to the owner and any other party, the
18 lender must mail, deliver by electronic mail or other
19 electronic format or facsimile, or personally deliver ~~shall~~
20 ~~give~~ the following written notice to the borrowers in bold
21 type larger than any other type on the page:

22
23 WARNING!

24
25 YOUR LENDER IS MAKING A LOAN DISBURSEMENT
26 DIRECTLY TO YOU AS THE BORROWER, OR JOINTLY TO
27 YOU AND ANOTHER PARTY. TO PROTECT YOURSELF FROM
28 HAVING TO PAY TWICE FOR THE SAME LABOR,
29 SERVICES, OR MATERIALS USED IN MAKING THE
30 IMPROVEMENTS TO YOUR PROPERTY, BE SURE THAT YOU
31 REQUIRE YOUR CONTRACTOR TO GIVE YOU LIEN

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1 RELEASES FROM EACH LIENOR WHO HAS SENT YOU A
 2 NOTICE TO OWNER EACH TIME YOU MAKE A PAYMENT TO
 3 YOUR CONTRACTOR.

4
 5 This subsection does not apply when the owner is a licensed
 6 contractor under chapter 489 or is a person who creates
 7 parcels or offers parcels for sale or lease in the ordinary
 8 course of business.

9 Section 14. This act shall take effect October 1,
 10 2005.

11
 12
 13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16
 17 and insert:

18 A bill to be entitled
 19 An act relating to construction contracting;
 20 amending s. 255.05, F.S.; making certain
 21 restrictions in bonds issued for public works
 22 projects unenforceable; amending ss. 489.129
 23 and 489.533, F.S.; increasing an administrative
 24 fine under certain disciplinary proceeding
 25 provisions; amending s. 713.015, F.S.; revising
 26 a direct contract provision requirement;
 27 providing that failure to include such
 28 provision in such contracts limits certain lien
 29 rights under the contract; providing
 30 construction relating to validity and
 31 enforceability; preserving lien rights of

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1 certain persons; amending s. 713.02, F.S.;

2 protecting the rights of certain persons to

3 enforce certain contract, lien, or bond

4 remedies or contractual obligations under

5 certain circumstances; precluding certain

6 defenses; amending s. 713.04, F.S.; revising

7 certain final payment requirements; amending s.

8 713.08, F.S.; requiring a claim of lien to be

9 served on an owner; amending s. 713.13, F.S.;

10 revising provisions authorizing use of certain

11 payment bonds to transfer certain recorded

12 liens; specifying application of certain notice

13 requirements to certain claims; revising time

14 limits for serving certain required notices;

15 amending s. 713.135, F.S.; revising certain

16 notice of commencement and applicability of

17 lien requirements for certain authorities

18 issuing building permits; providing

19 construction; amending s. 713.23, F.S.;

20 providing that a contractor may commence an

21 action to enforce a claim any time after a

22 notice of nonpayment has been served; amending

23 s. 713.24, F.S.; preserving jurisdiction in the

24 county court over certain transfer bond claims

25 for nonpayment; preserving certain lien rights

26 when filing a transfer bond after commencing

27 certain lien enforcement proceedings; amending

28 s. 713.345, F.S.; increasing certain criminal

29 penalties for misapplication of construction

30 funds; amending s. 713.3471, F.S.; revising a

31 provision requiring a lender to provide notice

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Barcode 624228

1 to a borrower when making a disbursement on a
2 construction loan secured by residential
3 property; providing an effective date.
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