

1                   A bill to be entitled  
2           An act relating to construction liens; amending s. 255.05,  
3           F.S.; requiring a performance bond for certain contracts  
4           with private entities for specified public works projects;  
5           requiring that certain notices by claimants be in writing;  
6           amending s. 713.01, F.S.; defining the term "final  
7           furnishing"; creating s. 713.012, F.S.; requiring that  
8           certain notices, demands, or requests be in writing;  
9           amending s. 713.015, F.S.; requiring that certain notices  
10          pertaining to direct contracts for improvements to certain  
11          property be in writing; amending s. 713.02, F.S.;  
12          providing for an owner and contractor to agree to the  
13          furnishing of a payment bond; exempting an owner who  
14          agrees from certain statutory provisions; amending s.  
15          713.07, F.S.; providing for the recommencement of  
16          construction following the termination of certain  
17          contracts; amending s. 713.08, F.S.; requiring that  
18          certain claims of lien be sworn to or affirmed; revising  
19          and conforming certain exceptions to a time limitation on  
20          recording of a claim of lien; amending s. 713.13, F.S.;  
21          requiring that notices of commencement include the tax  
22          folio number; providing for the recording of amended  
23          notices of commencement; amending s. 713.16, F.S.;  
24          revising provisions relating to a lienor's right to demand  
25          a statement of account; requiring that the claim of lien  
26          be recorded; deleting provisions relating to the failure  
27          to furnish the statement; amending s. 713.18, F.S.;  
28          providing procedures for service of notices and other

29 | instruments upon a limited liability company; amending s.  
 30 | 713.22, F.S.; extending the duration of certain liens for  
 31 | which amended claims of lien are filed; amending s.  
 32 | 713.31, F.S.; providing for the award of attorney's fees  
 33 | and costs to prevailing parties in certain actions  
 34 | relating to fraudulent liens; repealing s. 713.36, F.S.,  
 35 | relating to an effective date, to delete an obsolete  
 36 | provision; providing an effective date.

37 |

38 | Be It Enacted by the Legislature of the State of Florida:

39 |

40 | Section 1. Paragraph (a) of subsection (1) and paragraph  
 41 | (a) of subsection (2) of section 255.05, Florida Statutes, are  
 42 | amended to read:

43 | 255.05 Bond of contractor constructing public buildings;  
 44 | form; action by materialmen.--

45 | (1) (a) Any person entering into a formal contract with the  
 46 | state or any county, city, or political subdivision thereof, or  
 47 | other public authority or private entity, for the construction  
 48 | of a public building, for the prosecution and completion of a  
 49 | public work, or for repairs upon a public building or public  
 50 | work shall be required, before commencing the work or before  
 51 | recommencing the work after a default or abandonment, to  
 52 | execute, deliver to the public owner, and record in the public  
 53 | records of the county where the improvement is located, a  
 54 | payment and performance bond with a surety insurer authorized to  
 55 | do business in this state as surety. A public entity may not  
 56 | require a contractor to secure a surety bond under this section

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57 | from a specific agent or bonding company. The bond must state on  
58 | its front page: the name, principal business address, and phone  
59 | number of the contractor, the surety, the owner of the property  
60 | being improved, and, if different from the owner, the  
61 | contracting public entity; the contract number assigned by the  
62 | contracting public entity; and a description of the project  
63 | sufficient to identify it, such as a legal description or the  
64 | street address of the property being improved, and a general  
65 | description of the improvement. Such bond shall be conditioned  
66 | upon the contractor's performance of the construction work in  
67 | the time and manner prescribed in the contract and promptly  
68 | making payments to all persons defined in s. 713.01 who furnish  
69 | labor, services, or materials for the prosecution of the work  
70 | provided for in the contract. Any claimant may apply to the  
71 | governmental entity having charge of the work for copies of the  
72 | contract and bond and shall thereupon be furnished with a  
73 | certified copy of the contract and bond. The claimant shall have  
74 | a right of action against the contractor and surety for the  
75 | amount due him or her, including unpaid finance charges due  
76 | under the claimant's contract. Such action shall not involve the  
77 | public authority in any expense. When such work is done for the  
78 | state and the contract is for \$100,000 or less, no payment and  
79 | performance bond shall be required. At the discretion of the  
80 | official or board awarding such contract when such work is done  
81 | for any county, city, political subdivision, or public  
82 | authority, any person entering into such a contract which is for  
83 | \$200,000 or less may be exempted from executing the payment and  
84 | performance bond. When such work is done for the state, the

85 Secretary of ~~the Department of~~ Management Services may delegate  
 86 to state agencies the authority to exempt any person entering  
 87 into such a contract amounting to more than \$100,000 but less  
 88 than \$200,000 from executing the payment and performance bond.  
 89 In the event such exemption is granted, the officer or officials  
 90 shall not be personally liable to persons suffering loss because  
 91 of granting such exemption. The Department of Management  
 92 Services shall maintain information on the number of requests by  
 93 state agencies for delegation of authority to waive the bond  
 94 requirements by agency and project number and whether any  
 95 request for delegation was denied and the justification for the  
 96 denial. Any provision in a payment bond furnished for public  
 97 work contracts as provided by this subsection which restricts  
 98 the classes of persons as defined in s. 713.01 protected by the  
 99 bond or the venue of any proceeding relating to such bond is  
 100 unenforceable.

101 (2)(a)1. If a claimant is no longer furnishing labor,  
 102 services, or materials on a project, a contractor or the  
 103 contractor's agent or attorney may elect to shorten the  
 104 prescribed time in this paragraph within which an action to  
 105 enforce any claim against a payment bond provided pursuant to  
 106 this section may be commenced by recording in the clerk's office  
 107 a notice in substantially the following form:

108  
 109 NOTICE OF CONTEST OF CLAIM  
 110 AGAINST PAYMENT BOND

111  
 112 To: (Name and address of claimant)

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You are notified that the undersigned contests your notice of nonpayment, dated \_\_\_\_\_, \_\_\_\_\_, and served on the undersigned on \_\_\_\_\_, \_\_\_\_\_, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

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

Signed: (Contractor or Attorney)

The claim of any claimant upon whom 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 such notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of such notice and record the notice. Service is complete upon mailing.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a written notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor

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141 or delivery of the materials or supplies and of the nonpayment.  
142 The notice of nonpayment may be served at any time during the  
143 progress of the work or thereafter but not before 45 days after  
144 the first furnishing of labor, services, or materials, and not  
145 later than 90 days after the final furnishing of the labor,  
146 services, or materials by the claimant or, with respect to  
147 rental equipment, not later than 90 days after the date that the  
148 rental equipment was last on the job site available for use. Any  
149 notice of nonpayment served by a claimant who is not in privity  
150 with the contractor which includes sums for retainage must  
151 specify the portion of the amount claimed for retainage. No  
152 action for the labor, materials, or supplies may be instituted  
153 against the contractor or the surety unless both notices have  
154 been given. Notices required or permitted under this section may  
155 be served in accordance with s. 713.18. A claimant may not waive  
156 in advance his or her right to bring an action under the bond  
157 against the surety. In any action brought to enforce a claim  
158 against a payment bond under this section, the prevailing party  
159 is entitled to recover a reasonable fee for the services of his  
160 or her attorney for trial and appeal or for arbitration, in an  
161 amount to be determined by the court, which fee must be taxed as  
162 part of the prevailing party's costs, as allowed in equitable  
163 actions. The time periods for service of a notice of nonpayment  
164 or for bringing an action against a contractor or a surety shall  
165 be measured from the last day of furnishing labor, services, or  
166 materials by the claimant and shall not be measured by other  
167 standards, such as the issuance of a certificate of occupancy or  
168 the issuance of a certificate of substantial completion.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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169 Section 2. Subsections (12) through (28) of section  
 170 713.01, Florida Statutes, are renumbered as subsections (13)  
 171 through (29), respectively, and a new subsection (12) is added  
 172 to that section, to read:

173 713.01 Definitions.--As used in this part, the term:  
 174 (12) "Final furnishing" means the last date that the  
 175 lienor furnishes labor, services, or materials. Such date may  
 176 not be measured by other standards, such as the issuance of a  
 177 certificate of occupancy or the issuance of a certificate of  
 178 final completion, and does not include correction of  
 179 deficiencies in the lienor's previously performed work or  
 180 materials supplied. With respect to rental equipment, the term  
 181 means the date that the rental equipment was last on the job  
 182 site and available for use.

183 Section 3. Section 713.012, Florida Statutes, is created  
 184 to read:

185 713.012 Written notices, demands, or requests.--Notices,  
 186 demands, or requests permitted or required under this part,  
 187 except any required by s. 713.04, must be in writing.

188 Section 4. Section 713.015, Florida Statutes, is amended  
 189 to read:

190 713.015 Mandatory provisions for direct contracts.--  
 191 (1) Any direct contract between an owner and a contractor,  
 192 related to improvements to real property consisting of single or  
 193 multiple family dwellings up to and including four units, must  
 194 contain the following notice provision printed in no less than  
 195 14-point, capitalized, boldfaced type on the front page of the  
 196 contract:

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197  
198 ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-  
199 713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR  
200 PROVIDE MATERIALS AND ARE NOT PAID IN FULL HAVE A RIGHT TO  
201 ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY. IF YOUR  
202 CONTRACTOR OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-  
203 SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THE PEOPLE WHO ARE OWED  
204 MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE  
205 ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR  
206 CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR  
207 PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE  
208 SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER  
209 SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED  
210 TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS  
211 CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS  
212 REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY  
213 PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."  
214 FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS  
215 RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

216 (2) (a) If the contract is written, the notice must be in  
217 the contract document. If the contract is oral or implied, the  
218 notice must be provided in a document referencing the contract.

219 (b) The failure to provide such written notice does not  
220 bar the enforcement of a lien against a person who has not been  
221 adversely affected.

222 (c) ~~Nothing in~~ This section may not ~~shall~~ be construed to  
223 adversely affect the lien and bond rights of lienors who are not  
224 in privity with the owner. This section does not apply when the



225 owner is a contractor licensed under chapter 489 or is a person  
 226 who created parcels or offers parcels for sale or lease in the  
 227 ordinary course of business.

228 Section 5. Subsection (6) of section 713.02, Florida  
 229 Statutes, is amended to read:

230 713.02 Types of lienors and exemptions.--

231 (6) ~~In any direct contract~~ The owner and contractor may  
 232 agree that require the contractor shall ~~to~~ furnish a payment  
 233 bond as provided in s. 713.23, and upon receipt of the bond the  
 234 owner is ~~shall be~~ exempt from the other provisions of this part  
 235 as to that direct contract, but this does not exempt the owner  
 236 from the lien of the contractor who furnishes the bond. If the  
 237 bond is provided, it shall secure all liens subsequently  
 238 accruing under this part as provided in s. 713.23.

239 Section 6. Subsection (4) of section 713.07, Florida  
 240 Statutes, is amended to read:

241 713.07 Priority of liens.--

242 (4) If construction ceases or the direct contract is  
 243 terminated before completion and the owner desires to recommence  
 244 construction, he or she may pay all lienors in full or pro rata  
 245 in accordance with s. 713.06(4) prior to recommencement in which  
 246 event all liens for the recommenced construction shall take  
 247 priority from such recommencement; or the owner may record an  
 248 affidavit in the clerk's office stating his or her intention to  
 249 recommence construction and that all lienors giving notice have  
 250 been paid in full except those listed therein as not having been  
 251 so paid in which event 30 days after such recording, the rights  
 252 of any person acquiring any interest, lien, or encumbrance on

253 | said property or of any lienor on the recommenced construction  
 254 | shall be paramount to any lien on the prior construction unless  
 255 | such prior lienor records a claim of lien within said 30-day  
 256 | period. A copy of said affidavit shall be served on each lienor  
 257 | named therein. Before recommencing, the owner shall record and  
 258 | post a notice of commencement for the recommenced construction,  
 259 | as provided in s. 713.13.

260 |       Section 7. Subsections (2) and (5) of section 713.08,  
 261 | Florida Statutes, are amended to read:

262 |       713.08 Claim of lien.--

263 |       (2) The claim of lien shall be signed and sworn to or  
 264 | affirmed ~~verified~~ by the lienor or the lienor's ~~her or his~~ agent  
 265 | acquainted with the facts stated therein.

266 |       (5) The claim of lien may be recorded at any time during  
 267 | the progress of the work or thereafter but not later than 90  
 268 | days after the final furnishing of the labor or services or  
 269 | materials by the lienor. ~~However, or, with respect to rental~~  
 270 | ~~equipment, within 90 days after the date that the rental~~  
 271 | ~~equipment was last on the job site available for use, provided~~  
 272 | if the original ~~contractor defaults or the contract is~~  
 273 | terminated under s. 713.07(4), a ~~ne~~ claim for a lien attaching  
 274 | prior to such termination may not ~~default shall~~ be recorded  
 275 | after 90 days following from the date of such termination  
 276 | ~~default~~ or 90 days after the final ~~performance of labor or~~  
 277 | ~~services or furnishing of materials, whichever occurs first. The~~  
 278 | ~~time period for recording a claim of lien shall be measured from~~  
 279 | ~~the last day of furnishing of~~ labor, services, or materials by  
 280 | the lienor, whichever occurs first ~~and shall not be measured by~~

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281 ~~other standards, such as the issuance of a certificate of~~  
282 ~~occupancy or the issuance of a certificate of substantial~~  
283 ~~completion.~~ The claim of lien shall be recorded in the clerk's  
284 office. If such real property is situated in two or more  
285 counties, the claim of lien shall be recorded in the clerk's  
286 office in each of such counties. The recording of the claim of  
287 lien shall be constructive notice to all persons of the contents  
288 and effect of such claim. The validity of the lien and the right  
289 to record a claim therefor shall not be affected by the  
290 insolvency, bankruptcy, or death of the owner before the claim  
291 of lien is recorded.

292 Section 8. Paragraph (a) of subsection (1) of section  
293 713.13, Florida Statutes, is amended, subsections (5) and (6) of  
294 that section are renumbered as subsections (6) and (7),  
295 respectively, and a new subsection (5) is added to that section,  
296 to read:

297 713.13 Notice of commencement.--

298 (1)(a) Except for an improvement that is exempt pursuant  
299 to s. 713.02(5), an owner or the owner's authorized agent before  
300 actually commencing to improve any real property, or  
301 recommencing completion of any improvement after default or  
302 abandonment, whether or not a project has a payment bond  
303 complying with s. 713.23, shall record a notice of commencement  
304 in the clerk's office and forthwith post either a certified copy  
305 thereof or a notarized statement that the notice of commencement  
306 has been filed for recording along with a copy thereof. The  
307 notice of commencement shall contain the following information:

308 1. A description sufficient for identification of the real

309 property to be improved. The description should include the  
310 legal description of the property and also should include the  
311 street address and tax folio number of the property if available  
312 or, if there is no street address available, such additional  
313 information as will describe the physical location of the real  
314 property to be improved.

315 2. A general description of the improvement.

316 3. The name and address of the owner, the owner's interest  
317 in the site of the improvement, and the name and address of the  
318 fee simple titleholder, if other than such owner.

319 4. The name and address of the contractor.

320 5. The name and address of the surety on the payment bond  
321 under s. 713.23, if any, and the amount of such bond.

322 6. The name and address of any person making a loan for  
323 the construction of the improvements.

324 7. The name and address within the state of a person other  
325 than himself or herself who may be designated by the owner as  
326 the person upon whom notices or other documents may be served  
327 under this part; and service upon the person so designated  
328 constitutes service upon the owner.

329 (5) (a) A notice of commencement that is recorded within  
330 the effective period may be amended to extend the effective  
331 period, change erroneous information in the original notice, or  
332 add information that was omitted from the original notice.  
333 However, in order to change contractors, a new notice of  
334 commencement or notice of recommencement must be executed and  
335 recorded.

336 (b) The amended notice must identify the official records

337 book and page where the original notice of commencement is  
 338 recorded, and a copy of the amended notice must be served by the  
 339 owner upon the contractor and each lienor who serves notice  
 340 before or within 30 days after the date the amended notice is  
 341 recorded.

342 Section 9. Subsections (5) and (6) of section 713.16,  
 343 Florida Statutes, are amended to read:

344 713.16 Demand for copy of contract and statements of  
 345 account; form.--

346 (5)(a) Any lienor who has recorded ~~filed~~ a claim of lien  
 347 may make written demand on the owner for a written statement  
 348 under oath showing:

349 1. The amount of the all direct contract under which the  
 350 lien was recorded; ~~contracts; the amount paid by or on behalf of~~  
 351 ~~the owner for all labor, services, and materials furnished~~  
 352 ~~pursuant to the direct contracts;~~

353 2. The dates and amounts paid or to be paid by or on  
 354 behalf of the owner for all improvements described in the any  
 355 direct contract ~~contracts; and~~

356 3. The reasonable estimated costs of completing the,  
 357 ~~according to the terms and specifications of same, any direct~~  
 358 contract under which the lien was claimed pursuant to the scope  
 359 of the direct contract; and construction has ceased.

360 4. If known, the actual cost of completion ~~must be~~  
 361 provided.

362 (b) Any owner who does not provide the statement within 30  
 363 days after demand, or who provides a false or fraudulent  
 364 statement, is not a prevailing party for purposes of an award of

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365 attorney's fees under s. 713.29. The written demand must include  
 366 the following warning in conspicuous type in substantially the  
 367 following form:

368           WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT  
 369 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL  
 370 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY  
 371 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING  
 372 THIS STATEMENT.

373           (6) For purposes of this section, the term "information"  
 374 means the nature and quantity of the labor, services, and  
 375 materials furnished or to be furnished by a lienor and the  
 376 amount paid, the amount due, and the amount to become due on the  
 377 lienor's account. ~~The failure to furnish the statement under~~  
 378 ~~eath does not constitute an omission of information and shall~~  
 379 ~~deprive the lienor of his or her lien.~~

380           Section 10. Section 713.18, Florida Statutes, is amended  
 381 to read:

382           713.18 Manner of serving notices and other instruments.--

383           (1) Service of notices, claims of lien, affidavits,  
 384 assignments, and other instruments permitted or required under  
 385 this part, or copies thereof when so permitted or required,  
 386 unless otherwise specifically provided in this part, must be  
 387 made by one of the following methods:

388           (a) By actual delivery to the person to be served; ~~or~~, if  
 389 a partnership, to one of the partners; ~~or~~, if a corporation, to  
 390 an officer, director, managing agent, or business agent; or, if  
 391 a limited liability company, to a member or manager thereof.

392           (b) By sending the same by registered or certified mail,

393 with postage prepaid, or by overnight or second-day delivery  
 394 with evidence of delivery, which may be in an electronic format.

395 (c) If the method specified in paragraph (a) or paragraph  
 396 (b) cannot be accomplished, by posting on the premises.

397 (2)1. Notwithstanding subsection (1), if a notice to  
 398 owner, a notice to contractor under s. 713.23, or a preliminary  
 399 notice under s. 255.05 is mailed by registered or certified mail  
 400 with postage prepaid to the person to be served at any of the  
 401 addresses set forth in subsection (3) ~~subparagraph 2.~~ within 40  
 402 days after the date the lienor first furnishes labor, services,  
 403 or materials, service of that notice is effective as of the date  
 404 of mailing if the person who served the notice maintains a  
 405 registered or certified mail log that shows the registered or  
 406 certified mail number issued by the United States Postal  
 407 Service, the name and address of the person served, and the date  
 408 stamp of the United States Postal Service confirming the date of  
 409 mailing or if the person who served the notice maintains  
 410 electronic tracking records generated through use of the United  
 411 States Postal Service Confirm service or a similar service  
 412 containing the postal tracking number, the name and address of  
 413 the person served, and verification of the date of receipt by  
 414 the United States Postal Service.

415 (3)2. If an instrument served pursuant to this section to  
 416 the last address shown in the notice of commencement or any  
 417 amendment thereto or, in the absence of a notice of  
 418 commencement, to the last address shown in the building permit  
 419 application, or to the last known address of the person to be  
 420 served, is not received, but is returned as being "refused,"

421 "moved, not forwardable," or "unclaimed," or is otherwise not  
 422 delivered or deliverable through no fault of the person serving  
 423 the item, then service is effective on the date the instrument  
 424 ~~notice~~ was sent.

425 ~~(c) If none of the foregoing methods can be accomplished,~~  
 426 ~~by posting on the premises.~~

427 (4)~~(2)~~ If the real property is owned by more than one  
 428 person or a partnership, a lienor may serve any notices or other  
 429 papers under this part on any one of such owners or partners,  
 430 and such notice is deemed notice to all owners and partners.

431 Section 11. Subsection (1) of section 713.22, Florida  
 432 Statutes, is amended to read:

433 713.22 Duration of lien.--

434 (1) No lien provided by this part shall continue for a  
 435 longer period than 1 year after the claim of lien has been  
 436 recorded or 1 year after the recording of an amended claim of  
 437 lien that shows a later date of final furnishing of labor,  
 438 services, or materials, unless within that time an action to  
 439 enforce the lien is commenced in a court of competent  
 440 jurisdiction. The continuation of the lien effected by the  
 441 commencement of the action shall not be good against creditors  
 442 or subsequent purchasers for a valuable consideration and  
 443 without notice, unless a notice of lis pendens is recorded.

444 Section 12. Paragraph (c) of subsection (2) of section  
 445 713.31, is amended to read:

446 713.31 Remedies in case of fraud or collusion.--

447 (2)

448 (c) An owner against whose interest in real property a



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449 fraudulent lien is filed, or any contractor, subcontractor, or  
450 sub-subcontractor who suffers damages as a result of the filing  
451 of the fraudulent lien, shall have a right of action for damages  
452 occasioned thereby. The action may be instituted independently  
453 of any other action, or in connection with a summons to show  
454 cause under s. 713.21, or as a counterclaim or cross-claim to  
455 any action to enforce or to determine the validity of the lien.  
456 The prevailing party in an action under this paragraph may  
457 recover reasonable attorney's fees and costs. If the lienor who  
458 files a fraudulent lien is not the prevailing party, the lienor  
459 shall be liable to the owner or the defrauded party who prevails  
460 in an action under this subsection in damages, which shall  
461 include court costs, clerk's fees, a reasonable attorney's fee  
462 and costs for services in securing the discharge of the lien,  
463 the amount of any premium for a bond given to obtain the  
464 discharge of the lien, interest on any money deposited for the  
465 purpose of discharging the lien, and punitive damages in an  
466 amount not exceeding the difference between the amount claimed  
467 by the lienor to be due or to become due and the amount actually  
468 due or to become due.

469 Section 13. Section 713.36, Florida Statutes, is repealed.

470 Section 14. This act shall take effect July 1, 2007.