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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2010	.	
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	.	

The Committee on Regulated Industries (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 255.05, Florida Statutes, are 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, municipality ~~city~~, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and



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13 completion of a public work, or for repairs upon a public
14 building or public work shall ~~be required~~, before commencing the
15 work or before recommencing the work after a default or
16 abandonment, ~~to execute and~~ deliver to the public owner, ~~and~~
17 ~~record in the public records of the county where the improvement~~
18 ~~is located~~, a payment and performance bond with a surety insurer
19 authorized to do business in this state as surety.

20 (a) A public entity may not require a contractor to secure
21 a surety bond under this section from a specific agent or
22 bonding company.

23 (b) The bond must state on its front page: the name,
24 principal business address, and phone number of the contractor,
25 the surety, the owner of the property being improved, and, if
26 different from the owner, the contracting public entity; the
27 contract number assigned by the contracting public entity; the
28 bond number assigned by the surety; and a description of the
29 project sufficient to identify it, such as a legal description
30 or the street address of the property being improved, and a
31 general description of the improvement.

32 (c) Such bond shall be conditioned upon the contractor's
33 performance of the construction work in the time and manner
34 prescribed in the contract and promptly making payments to all
35 persons defined in s. 713.01 who furnish labor, services, or
36 materials for the prosecution of the work provided for in the
37 contract.

38 (d) The contractor shall record the payment bond upon
39 issuance in the public records of the county in which the
40 improvement will be located.

41 (e) 1. The issuing authority for the building permit, or a



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42 private provider performing inspection services, may not inspect
43 the property being improved until:

44 a. The issuing authority has a copy of the contractor's
45 recorded payment bond on file; or

46 b. The contracting public entity has filed with the issuing
47 authority a notarized statement stating that the contract is
48 exempt from the requirement for a payment bond as provided in
49 this section.

50 2. This paragraph does not apply to inspections for the
51 installation of temporary electrical service or other temporary
52 utility service, land clearing, or other preliminary site work.

53 (f) Any claimant may apply to the governmental entity
54 having charge of the work for copies of the contract and bond
55 and shall thereupon be furnished with a certified copy of the
56 contract and bond. The claimant ~~has~~ shall have a right of action
57 against the contractor and surety for the amount due him or her,
58 including unpaid finance charges due under the claimant's
59 contract. Such action shall not involve the public authority in
60 any expense.

61 (g)1. A payment and performance bond is not required for a
62 contract with the state for \$100,000 or less. ~~When such work is~~
63 ~~done for the state and the contract is for \$100,000 or less, no~~
64 ~~payment and performance bond shall be required.~~

65 2. ~~At the discretion of~~ The official or board awarding a
66 ~~such contract when such work is done for a~~ any county,
67 ~~municipality~~ city, political subdivision, or public authority
68 ~~may exempt a contract, any person entering into such a contract~~
69 ~~which is for \$200,000 or less~~ from the requirement for a ~~may be~~
70 ~~exempted from executing the payment and performance bond.~~



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71 ~~3. When such work is done for the state,~~ The Secretary of
72 Management Services may delegate to a state agency ~~agencies~~ the
73 authority to exempt ~~any person entering into such~~ a contract for
74 ~~amounting to~~ more than \$100,000 but less than \$200,000 from the
75 requirement for a ~~executing the~~ payment and performance bond. If
76 ~~In the event~~ such exemption is granted, the officer or officials
77 are shall not ~~be~~ personally liable to persons suffering loss
78 because of granting such exemption. The Department of Management
79 Services shall maintain information on the number of requests by
80 state agencies for delegation of authority to waive the bond
81 requirements by agency and project number and whether any
82 request for delegation was denied and the justification for the
83 denial.

84 (h) Any provision in a payment bond furnished for public
85 work contracts as provided by this subsection which restricts
86 the classes of persons as defined in s. 713.01 protected by the
87 bond or the venue of any proceeding relating to such bond is
88 unenforceable.

89 (i) ~~(b)~~ The Department of Management Services shall adopt
90 rules with respect to all contracts for \$200,000 or less, to
91 provide:

92 1. Procedures for retaining up to 10 percent of each
93 request for payment submitted by a contractor and procedures for
94 determining disbursements from the amount retained on a pro rata
95 basis to laborers, materialmen, and subcontractors, as defined
96 in s. 713.01.

97 2. Procedures for requiring certification from laborers,
98 materialmen, and subcontractors, as defined in s. 713.01, prior
99 to final payment to the contractor, that such laborers,



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100 materialmen, and subcontractors have no claims against the
101 contractor resulting from the completion of the work provided
102 for in the contract.

103
104 The state ~~is shall~~ not ~~be held~~ liable to any laborer,
105 materialman, or subcontractor for any amounts greater than the
106 pro rata share as determined under this section.

107 (j)~~(e)~~1. The amount of the bond shall equal the contract
108 price, except that for a contract in excess of \$250 million, if
109 the state, county, municipality, political subdivision, or other
110 public entity finds that a bond in the amount of the contract
111 price is not reasonably available, the public owner shall set
112 the amount of the bond at the largest amount reasonably
113 available, but not less than \$250 million.

114 2. For construction-management or design-build contracts,
115 if the public owner does not include in the bond amount the cost
116 of design or other nonconstruction services, the bond may not be
117 conditioned on performance of such services or payment to
118 persons furnishing such services. Notwithstanding paragraph (h)
119 ~~(a)~~, such a bond may exclude persons furnishing such services
120 from the classes of persons protected by the bond.

121 (2) (a)1. If a claimant is no longer furnishing labor,
122 services, or materials on a project, a contractor or the
123 contractor's agent or attorney may elect to shorten the
124 ~~prescribed time in this paragraph~~ within which an action to
125 enforce any claim against a payment bond must ~~provided pursuant~~
126 ~~to this section may~~ be commenced by recording in the clerk's
127 office a notice in substantially the following form:

128 NOTICE OF CONTEST OF CLAIM



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AGAINST PAYMENT BOND

To: ...(Name and address of claimant)...

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 serve 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, services, or materials 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



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158 and who has not received payment for his or her labor, services,
159 or materials shall deliver to the contractor and to the surety
160 written notice of the performance of the labor or delivery of
161 the materials or supplies and of the nonpayment. The notice of
162 nonpayment may be served at any time during the progress of the
163 work or thereafter but not before 45 days after the first
164 furnishing of labor, services, or materials, and not later than
165 90 days after the final furnishing of the labor, services, or
166 materials by the claimant or, with respect to rental equipment,
167 not later than 90 days after the date that the rental equipment
168 was last on the job site available for use. Any notice of
169 nonpayment served by a claimant who is not in privity with the
170 contractor which includes sums for retainage must specify the
171 portion of the amount claimed for retainage. An ~~No~~ action for
172 ~~the~~ labor, materials, or supplies may not be instituted against
173 the contractor or the surety unless both notices have been
174 given. Notices required or permitted under this section may be
175 served in accordance with s. 713.18. A claimant may not waive in
176 advance his or her right to bring an action under the bond
177 against the surety. In any action brought to enforce a claim
178 against a payment bond under this section, the prevailing party
179 is entitled to recover a reasonable fee for the services of his
180 or her attorney for trial and appeal or for arbitration, in an
181 amount to be determined by the court, and the ~~which~~ fee must be
182 taxed as part of the prevailing party's costs, as allowed in
183 equitable actions. The time periods for service of a notice of
184 nonpayment or for bringing an action against a contractor or a
185 surety shall be measured from the last day of furnishing labor,
186 services, or materials by the claimant and shall not be measured



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187 by other standards, such as the issuance of a certificate of
188 occupancy or the issuance of a certificate of substantial
189 completion.

190 Section 2. Section 713.015, Florida Statutes, is amended to
191 read:

192 713.015 General statement of owner's rights and
193 responsibilities ~~Mandatory provisions for direct contracts.-~~

194 (1) For any direct contract ~~greater than \$2,500~~ between an
195 owner and a contractor, related to improvements to real property
196 consisting of single or multiple family dwellings up to and
197 including four units, the contractor must provide the owner with
198 a copy of the general statement of owner's rights and
199 responsibilities under Florida's Construction Lien Law as set
200 forth in subsection (2), which must be contain the following
201 notice provision printed in no less than 12-point, capitalized,
202 boldfaced type on the front page of the contract or on a
203 separate page, signed by the owner and dated, and submitted with
204 the original building permit application pursuant to s.
205 713.135.

206
207 ~~ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-~~
208 ~~713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR~~
209 ~~PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A~~
210 ~~RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.~~
211 ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR~~
212 ~~OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-~~
213 ~~SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED~~
214 ~~MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE~~
215 ~~ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR~~



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216 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~
217 ~~PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE~~
218 ~~SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER~~
219 ~~SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED~~
220 ~~TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS~~
221 ~~CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS~~
222 ~~REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY~~
223 ~~PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~
224 ~~FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS~~
225 ~~RECOMMENDED THAT YOU CONSULT AN ATTORNEY.~~

226 (2) The general statement of an owner's rights and
227 responsibilities under Florida's Construction Lien Law must be
228 in substantially the following form, must include the
229 information contained in the following form, and must include a
230 copy of a notice of commencement as provided in s. 713.13(1), a
231 waiver and release of lien upon progress payment as provided in
232 s. 713.20(4), a waiver and release of lien upon final payment as
233 provided in s. 713.20(5), a request for sworn statement of
234 account as provided in s. 713.16, and a contractor's final
235 payment affidavit as provided in s. 713.06(3):

236
237 GENERAL STATEMENT OF
238 OWNER'S RIGHTS AND RESPONSIBILITIES
239 UNDER FLORIDA'S CONSTRUCTION LIEN LAW
240

241 ABOUT THIS DOCUMENT.—Florida law requires your contractor
242 to provide you with this document and the attached statutory
243 forms when you are contracting to make improvements to real
244 property. Therefore, it is critical that you have some



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245 understanding of Florida's construction lien and payment laws
246 and take appropriate steps to protect your investment and
247 fulfill your obligations to those who provide labor and
248 materials for your project.

249
250 You must acknowledge that you have received and read this
251 document by signing on the signature page. The signed original
252 document must be delivered to the building permit authority,
253 along with the building permit application for your project.
254 Your building permit application will not be processed unless
255 this signed document is in the file. You need to retain a copy
256 of the filed document and the attached statutory forms so that
257 you can follow the procedures described in the document and
258 identify the proper statutory forms as you proceed with your
259 construction project.

260
261 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
262 Florida Statutes (F.S.), governs private construction projects
263 in this state. The complete text of this law can be found at
264 www.leg.state.fl.us. This general statement is intended as a
265 guide and does not take precedence over the language of
266 Florida's Construction Lien Law.

267
268 Under this law, those who work on your property or provide
269 materials and services and who are not paid in full have a right
270 to enforce their claim for payment against your property. This
271 claim is known as a construction lien. If your contractor or a
272 subcontractor fails to pay subcontractors, sub-subcontractors,
273 or material suppliers, those people who are owed money may look



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274 to your property for payment even if you have already paid your
275 contractor in full. If you fail to pay your contractor, your
276 contractor may also have a lien on your property. This means
277 that if a lien is filed, your property could be sold against
278 your will to pay for labor, materials, or other services that
279 your contractor or a subcontractor may have failed to pay.

280
281 The law also provides procedures to protect owners and
282 guarantee that you will never have to pay more than the amount
283 of your contract if you make proper payments. Although the
284 construction lien law has many complexities, the steps owners
285 can take to protect themselves and establish a "proper payment
286 defense" are simple, but very important.

287
288 IF YOU FOLLOW THESE FOUR SIMPLE STEPS, FLORIDA LAW WILL
289 PROTECT YOU AND YOU SHOULD NEVER HAVE TO PAY TWICE FOR THE SAME
290 LABOR OR MATERIALS.

291
292 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required
293 by law to complete, sign, and record in the public records an
294 accurate Notice of Commencement for all direct contracts that
295 exceed \$2,500, and must provide certain specified information.
296 The information provided in the recorded Notice of Commencement
297 is relied upon by all parties who provide labor and materials to
298 your project. A copy of the statutory Notice of Commencement
299 form, s. 713.13, F.S., is attached to this document.

300
301 If a lender is financing your project, the lender will
302 assist you in completing the Notice of Commencement and is



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303 responsible for recording it in the public records. It is
304 critical that your Notice of Commencement be recorded after any
305 construction loan or mortgage documents are recorded. If you do
306 not have a lender, preparing and recording the Notice of
307 Commencement is your responsibility. The Notice of Commencement
308 must be recorded before commencing construction and posted on
309 your jobsite. For most projects, a copy of the recorded Notice
310 of Commencement must be submitted to the building permit
311 authority before the first building inspection.

312
313 STEP 2 - MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.-
314 Pick up your certified mail. Most lien notices are served by
315 certified mail and you need to know who is providing labor and
316 materials to your project. Section 713.18, F.S., provides that
317 any properly addressed notices that are returned to the sender
318 through no fault of the sender are considered served on the date
319 sent, so failing to claim certified mail only hurts you.

320
321 If you expect to be absent for periods of time during your
322 project, you should have an attorney or other agent in a
323 position of trust who understands the law handle these details
324 for you. Make sure someone is receiving your mail and taking
325 steps to obtain the necessary lien releases before making
326 payments to your contractor. If you receive anything that you do
327 not understand, seek the assistance of an experienced
328 construction law attorney.

329
330 STEP 3 - OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A
331 PAYMENT TO YOUR CONTRACTOR.-Each time you pay your contractor



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332 you should obtain a Waiver and Release of Lien form from the
333 contractor and from anyone who serves you with a Notice to
334 Owner. Make sure that each release waives lien rights against
335 your project for work or materials furnished through the date of
336 the work or materials that your payment covers. This date is
337 probably not the date you are making the payment, but a date
338 before the payment date through which labor and materials have
339 been billed.

340
341 UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS
342 DUE TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A
343 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT FORM OR
344 A WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT FORM
345 SHOWING THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

346
347 There are two statutory Waiver and Release of Lien forms.
348 The signed Waiver and Release of Lien Upon Progress Payment
349 should be submitted by a contractor, subcontractor, or material
350 supplier each time you make a payment to your contractor. The
351 signed Waiver and Release of Lien Upon Final Payment should be
352 submitted by your contractor, a subcontractor, or material
353 supplier when they are finished furnishing all work or materials
354 for your project and have received final payment. For example,
355 when the plumber finishes all plumbing on your project and
356 receives final payment from the contractor, you should obtain a
357 Waiver and Release of Lien Upon Final Payment. Once you receive
358 a final waiver from a contractor, subcontractor, or material
359 supplier, you should not need another waiver unless they are
360 hired to do additional work. A copy of both statutory Waiver and



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361 Release of Lien forms, s. 713.20, F.S., are attached to this
362 document.

363
364 STEP 4 – OBTAIN A CONTRACTOR’S FINAL PAYMENT AFFIDAVIT
365 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.–In addition to
366 obtaining Final Waiver and Release of Lien forms from the
367 contractor and anyone who has served you with a Notice to Owner,
368 you should obtain a Contractor’s Final Payment Affidavit before
369 you make final payment to your contractor. This sworn affidavit
370 should reflect that everyone who supplied labor and materials on
371 your project has been paid in full or should list those
372 subcontractors and suppliers who are still owed money. Make sure
373 that anyone listed as not being paid in full is paid before
374 making final payment to your contractor. You have a right to
375 rely on the information contained in the sworn affidavit when
376 you make final payment to your contractor with respect to any
377 lienor who has not served a Notice to Owner. A copy of the
378 statutory Contractor’s Final Payment Affidavit form, s. 713.06,
379 F.S., is attached to this document.

380
381 ADDITIONAL INFORMATION FOR YOUR PROTECTION

382
383 1. Always hire a Florida-licensed contractor. You can
384 verify the license status of your contractor by accessing the
385 website of the Department of Business and Professional
386 Regulation at www.myflorida.com/dbpr and performing a licensee
387 search. You can check under an individual name or, if your
388 contractor is a company, under the business name and then check
389 to see who the qualifying licensee is for that company.



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2. Make sure that your contractor has the proper workers' compensation coverage, or an allowed workers' compensation exemption, and carries sufficient public liability and property damage insurance. The contractor should be able to provide you with current, valid certificates of insurance from his or her insurance agent.

3. Use caution before accepting an obviously low bid. If it seems too good to be true, it probably is, and your construction project may be in trouble before you even begin.

4. Some contractors require a reasonable deposit to cover the cost of plans and permitting. This is an acceptable practice. However, you should use caution before paying substantial sums to a contractor in advance of the work being performed.

5. At any time during the construction process if you need contract or payment information from anyone providing labor, services, or materials to your project, you have the right to make a written request to them for a Sworn Statement of Account to ascertain the nature of the work performed or to be performed, the materials furnished or to be furnished, the amounts paid or to be paid, or the amounts due or to become due to them. The form for this written Request for Sworn Statement of Account is attached to this statement. If you received a Notice to Owner from the person to whom you wish to send such a request, make sure you address the request to the person,



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419 company, and address listed in the Notice to Owner. The request
420 must be served by you in accordance with lien law provisions
421 (usually by hand delivery, certified mail, or overnight
422 delivery) and you should make sure to request and keep the proof
423 of delivery.

424
425 6. If you receive documents or information that you do not
426 understand, consult an experienced construction law attorney.

427
428 7. Florida has a Homeowners' Construction Recovery Fund
429 that is funded through a portion of the building permit fees.
430 This fund helps consumers who have been harmed by a licensed
431 general contractor, building contractor, or residential
432 contractor. In order to be eligible to recover from this fund,
433 you must have complied with the proper payment procedures as
434 described in this document. For more information, contact the
435 Construction Industry Licensing Board at
436 www.myflorida.com/dbpr/pro/cilb.

437
438 8. You have the right to require in your contract that the
439 contractor furnish a payment bond so that the owner is exempt
440 from the Construction Lien Law. If there is a payment bond, a
441 lienor must file a claim on the payment bond for payment rather
442 than file a lien on the property. However, if you require a
443 payment bond, understand that the payment bond will likely
444 increase the cost of your construction.

445
446 OWNER'S ACKNOWLEDGMENT AND RECEIPT
447



448 The undersigned owner(s) of Florida real property hereby
449 acknowledge that they are preparing to enter into a contract
450 with _____ for the
451 construction of real property improvements to the following-
452 described property (insert address or legal description):

453 _____
454 _____
455 _____

457 ...(Signature of Property Owner).....(Date)...

459 ...(Signature of Property Owner).....(Date)...

461 Attached Statutory Forms:

462 Notice of Commencement

463 Waiver and Release of Lien Upon Progress Payment

464 Waiver and Release of Lien Upon Final Payment

465 Request for Sworn Statement of Account

466 Contractor's Final Payment Affidavit

467 ~~(2) (a) If the contract is written, the notice must be in~~
468 ~~the contract document. If the contract is oral or implied, the~~
469 ~~notice must be provided in a document referencing the contract.~~

470 (3) (b) The failure to provide such written notice does not
471 bar the enforcement of a lien against a person who has not been
472 adversely affected.

473 (4) (e) This section may not be construed to adversely
474 affect the lien and bond rights of lienors who are not in
475 privity with the owner. This section does not apply when the
476 owner is a contractor licensed under chapter 489 or is a person



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477 who created parcels or offers parcels for sale or lease in the
478 ordinary course of business.

479 Section 3. Paragraph (c) of subsection (2) of section
480 713.06, Florida Statutes, is amended to read:

481 713.06 Liens of persons not in privity; proper payments.—

482 (2)

483 (c) The notice may be in substantially the following form
484 and must include the information and the warning contained in
485 the following form:

486

487 WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME
488 UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL
489 SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF
490 YOU HAVE MADE PAYMENT IN FULL.

491

492 UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID
493 MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING
494 TWICE.

495 TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE
496 CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN
497 WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,
498 REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND
499 RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT
500 THE BEGINNING OF YOUR CONSTRUCTION PROJECT. AVOID A LIEN AND
501 PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY
502 TIME YOU PAY YOUR CONTRACTOR.

503

NOTICE TO OWNER

504

505 To ... (Owner's name and address) ...



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The undersigned hereby informs you that he or she has furnished or is furnishing services or materials as follows:
...(General description of services or materials)... for the improvement of the real property identified as ...(property description)... under an order given by.....

Florida law prescribes the serving of this notice and restricts your right to make payments under your contract in accordance with Section 713.06, Florida Statutes.

IMPORTANT INFORMATION FOR
YOUR PROTECTION

Under Florida's laws, those who work on your property or provide materials and are not paid have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

If your contractor fails to pay subcontractors or material suppliers or neglects to make other legally required payments, the people who are owed money may look to your property for payment, EVEN IF YOU HAVE PAID YOUR CONTRACTOR IN FULL.

PROTECT YOURSELF:

-RECOGNIZE that this Notice to Owner may result in a lien against your property unless all those supplying a Notice to Owner have been paid.

-LEARN more about the Construction Lien Law, Chapter 713, Part I, Florida Statutes, and the meaning of this notice by contacting an attorney or the Florida Department of Business and



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535 Professional Regulation.
536 ... (Lienor's Signature) ...
537 ... (Lienor's Name) ...
538 ... (Lienor's Address) ...
539

540 Copies to: ... (Those persons listed in Section 713.06(2) (a) and
541 (b), Florida Statutes) ...

542 The form may be combined with a notice to contractor given under
543 s. 255.05 or s. 713.23 and, if so, may be entitled "NOTICE TO
544 OWNER/NOTICE TO CONTRACTOR."

545 Section 4. Section 713.09, Florida Statutes, is amended to
546 read:

547 713.09 Single claim of lien.—A lienor may ~~is required to~~
548 record only one claim of lien covering his or her entire demand
549 against the real property when the amount demanded is for labor
550 or services or material furnished for more than one improvement
551 ~~under the same direct contract~~. The single claim of lien is
552 sufficient even though the improvement is for one or more
553 improvements located on separate lots, parcels, units, or tracts
554 of land. If materials to be used on one or more improvements on
555 separate lots, parcels, units, or tracts of land ~~under one~~
556 ~~direct contract~~ are delivered by a lienor to a place designated
557 by the person with whom the materialman contracted, other than
558 the site of the improvement, the delivery to the place
559 designated is prima facie evidence of delivery to the site of
560 the improvement and incorporation in the improvement. The single
561 claim of lien may be limited to a part of multiple lots,
562 parcels, or tracts of land and their improvements or may cover
563 all of the lots, parcels, units, or tracts of land and



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564 ~~improvements. In each claim of lien under this section, the~~
565 ~~owner under the direct contract must be the same person for all~~
566 ~~lots, parcels, or tracts of land against which a single claim of~~
567 ~~lien is recorded.~~

568 Section 5. Section 713.13, Florida Statutes, is amended to
569 read:

570 713.13 Notice of commencement.—

571 (1) (a) Except for an improvement that is exempt pursuant to
572 s. 713.02(5), an owner or the owner's authorized agent before
573 actually commencing to improve any real property, or
574 recommencing completion of any improvement after default or
575 abandonment, whether or not a project has a payment bond
576 complying with s. 713.23, shall record a notice of commencement
577 in the clerk's office and forthwith post either a certified copy
578 thereof or a notarized statement that the notice of commencement
579 has been filed for recording along with a copy thereof. The
580 notice of commencement shall contain the following information:

581 1. A description sufficient for identification of the real
582 property to be improved. The description should include the
583 legal description of the property and also should include the
584 street address and tax folio number of the property if available
585 or, if there is no street address available, such additional
586 information as will describe the physical location of the real
587 property to be improved.

588 2. A general description of the improvement.

589 3. The name and address of the owner, the owner's interest
590 in the site of the improvement, and the name and address of the
591 fee simple titleholder, if other than such owner.

592 4. The name and address of the contractor.



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

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

597 7. The name and address within the state of a person other
598 than himself or herself who may be designated by the owner as
599 the person upon whom notices or other documents may be served
600 under this part; and service upon the person so designated
601 constitutes service upon the owner.

602 (b) The owner, ~~at his or her option,~~ may designate a person
603 in addition to himself or herself to receive a copy of the
604 lienor's notice as provided in s. 713.06(2)(b), and if he or she
605 does so, the name and address of such person must be included in
606 the notice of commencement.

607 (c) A notice of commencement expires:

608 1. Ninety days after the day of the final furnishing of all
609 labor, services, and materials required by the direct contract,
610 including any change orders; or

611 2. On the effective date of a notice of termination that
612 has been served and recorded. If the contract between the owner
613 and a contractor named in the notice of commencement expresses a
614 period of time for completion for the construction of the
615 improvement greater than 1 year, the notice of commencement must
616 state that it is effective for a period of 1 year plus any
617 additional period of time. Any payments made by the owner after
618 the expiration of the notice of commencement are considered
619 improper payments.

620 (d) A notice of commencement must be in substantially the
621 following form:



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650

Permit No..... Tax Folio No.....

NOTICE OF COMMENCEMENT

State of....
County of....

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property: ...(legal description of the property, and street address if available)....
2. General description of improvement:.....
3. Owner information:.....
 - a. Name and address:.....
 - b. Interest in property:.....
 - c. Name and address of fee simple titleholder (if other than Owner):.....
4.
 - a. Contractor: ...(name and address)....
 - b. Contractor's phone number:.....
5. Surety...(a copy of the payment bond is attached, if the project is bonded)....
 - a. Name and address:.....
 - b. Phone number:.....
 - c. Amount of bond: \$.....
6.
 - a. Lender: ...(name and address)....
 - b. Lender's phone number:.....
7.
 - a. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as



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651 provided by Section 713.13(1)(a)7., Florida Statutes: ...(name
652 and address)....

653 b. Phone numbers of designated persons:.....

654 8.a. In addition to himself or herself, Owner designates
655 of to receive a copy of the Lienor's
656 Notice as provided in Section 713.13(1)(b), Florida Statutes.

657 b. Phone number of person or entity designated by
658 owner:.....

659 9. This notice of commencement expires 90 days after the
660 day of the final furnishing of all labor, services, and
661 materials required by the direct contract, including any change
662 orders, or on the effective date of a notice of termination.
663 ~~Expiration date of notice of commencement (the expiration date~~
664 ~~is 1 year from the date of recording unless a different date is~~
665 ~~specified).....~~

666
667 ~~WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE~~
668 ~~EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER~~
669 ~~PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA~~
670 ~~STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS~~
671 ~~TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND~~
672 ~~POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU~~
673 ~~INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN~~
674 ~~ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF~~
675 ~~COMMENCEMENT.~~

676
677 Under penalty of perjury, I declare that I have read the
678 foregoing notice of commencement and that the facts stated
679 therein are true to the best of my knowledge and belief.



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680
681 ... (Signature of Owner or Owner's Authorized
682 Officer/Director/Partner/Manager) ...
683
684 ... (Signatory's Title/Office) ...
685
686 The foregoing instrument was acknowledged before me this
687 day of, ... (year) ..., by ... (name of person) ... as ... (type
688 of authority, ... e.g. officer, trustee, attorney in fact) ... for
689 ... (name of party on behalf of whom instrument was executed)
690
691 ... (Signature of Notary Public - State of Florida) ...
692
693 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...
694
695 Personally Known OR Produced Identification
696
697 Type of Identification Produced.....
698
699 ~~Verification pursuant to Section 92.525, Florida Statutes.~~
700
701 ~~Under penalties of perjury, I declare that I have read the~~
702 ~~foregoing and that the facts stated in it are true to the best~~
703 ~~of my knowledge and belief.~~
704
705 ~~... (Signature of Natural Person Signing Above) ...~~
706 (e) A copy of any payment bond must be attached at the time
707 of recordation of the notice of commencement. The failure to
708 attach a copy of the bond to the notice of commencement when the



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709 notice is recorded negates the exemption provided in s.
710 713.02(6). However, if a payment bond under s. 713.23 exists but
711 was not attached at the time of recordation of the notice of
712 commencement, the bond may be used to transfer any recorded lien
713 of a lienor except that of the contractor by the recordation and
714 service of a notice of bond pursuant to s. 713.23(2). The notice
715 requirements of s. 713.23 apply to any claim against the bond;
716 however, the time limits for serving any required notices shall
717 begin running from the later of the time specified in s. 713.23
718 or the date the notice of bond is served on the lienor.

719 (f) The giving of a notice of commencement is effective
720 upon the filing of the notice in the clerk's office.

721 (g) The owner must sign the notice of commencement and no
722 one else may be permitted to sign in his or her stead.

723 ~~(2) If the improvement described in the notice of~~
724 ~~commencement is not actually commenced within 90 days after the~~
725 ~~recording thereof, such notice is void and of no further effect.~~

726 (2)~~(3)~~ The recording of a notice of commencement does not
727 constitute a lien, cloud, or encumbrance on real property, but
728 gives constructive notice that claims of lien under this part
729 may be recorded and may take priority as provided in s. 713.07.
730 The posting of a copy does not constitute a lien, cloud, or
731 encumbrance on real property, nor actual or constructive notice
732 of any of them.

733 (3)~~(4)~~ This section does not apply to an owner who is
734 constructing improvements described in s. 713.04.

735 (4)~~(5)~~(a) A notice of commencement that is recorded within
736 the effective period may be amended to ~~extend the effective~~
737 ~~period~~, change erroneous information in the original notice, or



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738 add information that was omitted from the original notice.
739 However, in order to change contractors, a new notice of
740 commencement or notice of recommencement must be executed and
741 recorded.

742 (b) The amended notice must identify the official records
743 book and page where the original notice of commencement is
744 recorded, and a copy of the amended notice must be served by the
745 owner upon the contractor and each lienor who serves notice
746 before or within 30 days after the date the amended notice is
747 recorded.

748 ~~(5)(6) Unless otherwise provided in the notice of~~
749 ~~commencement or a new or amended notice of commencement, A~~
750 notice of commencement is not effectual in law or equity against
751 a conveyance, transfer, or mortgage of or lien on the real
752 property described in the notice, or against creditors or
753 subsequent purchasers for a valuable consideration, after the
754 expiration of 1 year after the date of recording the notice of
755 commencement.

756 ~~(6)(7)~~ A lender must, prior to the disbursement of any
757 construction funds to the contractor, record the notice of
758 commencement in the clerk's office as required by this section;
759 however, the lender is not required to post a certified copy of
760 the notice at the construction site. The posting of the notice
761 at the construction site remains the owner's obligation. The
762 failure of a lender to record the notice of commencement as
763 required by this subsection renders the lender liable to the
764 owner for all damages sustained by the owner as a result of the
765 failure. Whenever a lender is required to record a notice of
766 commencement, the lender shall designate the lender, in addition



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767 to others, to receive copies of notices to owner. This
768 subsection does not give any person other than the owner a claim
769 or right of action against a lender for failure to record a
770 notice of commencement.

771 Section 6. Section 713.135, Florida Statutes, is amended to
772 read:

773 713.135 Notice of commencement and applicability of lien.-

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

776 (a) Require the applicant to submit the signed and dated
777 general statement of an owner's rights and responsibilities
778 under Florida's Construction Lien Law provided in s. 713.015 for
779 any single-family or multifamily dwelling up to and including
780 four units. A building permit application may not be processed
781 unless the signed document is in the file.

782 (b) ~~(a)~~ Print on the face of each permit card in no less
783 than 14-point, capitalized, boldfaced type: "WARNING TO OWNER:
784 IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A NOTICE OF COMMENCEMENT, YOU
785 MAY PAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR
786 PROPERTY. A NOTICE OF COMMENCEMENT, AND THE CONTRACTOR'S PAYMENT
787 BOND IF THE PROJECT IS BONDED, MUST BE RECORDED AND POSTED ON
788 THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO
789 OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE
790 RECORDING YOUR NOTICE OF COMMENCEMENT."

791 (c) ~~(b)~~ Make available to ~~Provide~~ the applicant and the
792 owner of the real property upon which improvements are to be
793 constructed copies of the general statement of an owner's rights
794 and responsibilities under Florida's ~~with a printed statement~~
795 stating that the right, title, and interest of the person who



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796 ~~has contracted for the improvement may be subject to attachment~~
797 ~~under the Construction Lien Law, as described in s. 713.015,~~
798 ~~along with the attached statutory forms. The issuing authority~~
799 ~~may make the general statement and forms available in printed~~
800 ~~form or on the Internet or both. The Department of Business and~~
801 ~~Professional Regulation shall furnish, for distribution, the~~
802 ~~statement described in this paragraph, and the statement must be~~
803 ~~a summary of the Construction Lien Law and must include an~~
804 ~~explanation of the provisions of the Construction Lien Law~~
805 ~~relating to the recording, and the posting of copies, of notices~~
806 ~~of commencement and a statement encouraging the owner to record~~
807 ~~a notice of commencement and post a copy of the notice of~~
808 ~~commencement in accordance with s. 713.13. The statement must~~
809 ~~also contain an explanation of the owner's rights if a lienor~~
810 ~~fails to furnish the owner with a notice as provided in s.~~
811 ~~713.06(2) and an explanation of the owner's rights as provided~~
812 ~~in s. 713.22. The authority that issues the building permit must~~
813 ~~obtain from the Department of Business and Professional~~
814 ~~Regulation the statement required by this paragraph and must~~
815 ~~mail, deliver by electronic mail or other electronic format or~~
816 ~~facsimile, or personally deliver that statement to the owner or,~~
817 ~~in a case in which the owner is required to personally appear to~~
818 ~~obtain the permit, provide that statement to any owner making~~
819 ~~improvements to real property consisting of a single or multiple~~
820 ~~family dwelling up to and including four units. However, the~~
821 ~~failure by the authorities to provide the summary does not~~
822 ~~subject the issuing authority to liability.~~

823 ~~(c) In addition to providing the owner with the statement~~
824 ~~as required by paragraph (b), inform each applicant who is not~~



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825 ~~the person whose right, title, and interest is subject to~~
826 ~~attachment that, as a condition to the issuance of a building~~
827 ~~permit, the applicant must promise in good faith that the~~
828 ~~statement will be delivered to the person whose property is~~
829 ~~subject to attachment.~~

830 ~~(d) Furnish to the applicant two or more copies of a form~~
831 ~~of notice of commencement conforming with s. 713.13. If the~~
832 ~~direct contract is greater than \$2,500, the applicant shall file~~
833 ~~with the issuing authority prior to the first inspection either~~
834 ~~a certified copy of the recorded notice of commencement or a~~
835 ~~notarized statement that the notice of commencement has been~~
836 ~~filed for recording, along with a copy thereof. In the absence~~
837 ~~of the filing of a certified copy of the recorded notice of~~
838 ~~commencement, the issuing authority or a private provider~~
839 ~~performing inspection services may not perform or approve~~
840 ~~subsequent inspections until the applicant files by mail,~~
841 ~~facsimile, hand delivery, or any other means such certified copy~~
842 ~~with the issuing authority. The certified copy of the notice of~~
843 ~~commencement must contain the name and address of the owner, the~~
844 ~~name and address of the contractor, and the location or address~~
845 ~~of the property being improved. The issuing authority shall~~

846 ~~(d) Verify that the name and address of the owner, the name~~
847 ~~of the contractor, and the location or address of the property~~
848 ~~being improved which is contained in the certified copy of the~~
849 ~~notice of commencement is consistent with the information in the~~
850 ~~building permit application.~~

851 ~~(e) Provide the recording information from the official~~
852 ~~public records in which the notice of commencement and payment~~
853 ~~bond, if any, are recorded to any person upon request. The~~



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854 ~~issuing authority shall provide the recording information on the~~
855 ~~certified copy of the recorded notice of commencement to any~~
856 ~~person upon request. This subsection does not require the~~
857 ~~recording of a notice of commencement prior to the issuance of a~~
858 ~~building permit. If a local government requires a separate~~
859 ~~permit or inspection for installation of temporary electrical~~
860 ~~service or other temporary utility service, land clearing, or~~
861 ~~other preliminary site work, such permits may be issued and such~~
862 ~~inspections may be conducted without providing the issuing~~
863 ~~authority with a certified copy of a recorded notice of~~
864 ~~commencement or a notarized statement regarding a recorded~~
865 ~~notice of commencement. This subsection does not apply to a~~
866 ~~direct contract to repair or replace an existing heating or air-~~
867 ~~conditioning system in an amount less than \$7,500.~~

868 ~~(f)(e) Not require that a notice of commencement be~~
869 ~~recorded as a condition of the application for, or processing or~~
870 ~~issuance of, a building permit. However, this paragraph does not~~
871 ~~modify or waive the inspection requirements set forth in this~~
872 ~~subsection.~~

873 (2) An issuing authority under subsection (1) is not liable
874 in any civil action for the failure of the person whose property
875 is subject to attachment to receive or to be delivered the
876 general statement of an owner's rights and responsibilities
877 under Florida's a printed statement stating that the right,
878 title, and interest of the person who has contracted for the
879 improvement may be subject to attachment under the Construction
880 Lien Law as provided in s. 713.015.

881 (3) An issuing authority under subsection (1) is not liable
882 in any civil action for the failure to verify that a certified



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883 copy of the recorded notice of commencement has been filed in
884 accordance with this section.

885 (4) The several boards of county commissioners, municipal
886 councils, or other similar bodies may by ordinance or resolution
887 establish reasonable fees for furnishing, upon request, copies
888 of the forms and the printed statement provided in paragraph
889 (1) (a) ~~paragraphs (1) (b) and (d)~~ in an amount not to exceed \$5
890 to be paid by the applicant for each permit in addition to all
891 other costs of the permit; ~~however, no forms or statement need~~
892 ~~be furnished, mailed, or otherwise provided to, nor may such~~
893 ~~additional fee be obtained from, applicants for permits in those~~
894 ~~eases in which the owner of a legal or equitable interest~~
895 ~~(including that of ownership of stock of a corporate landowner)~~
896 ~~of the real property to be improved is engaged in the business~~
897 ~~of construction of buildings for sale to others and intends to~~
898 ~~make the improvements authorized by the permit on the property~~
899 ~~and upon completion will offer the improved real property for~~
900 ~~sale.~~

901 (5) In addition to any other information required by the
902 authority issuing the permit, each building permit application
903 must contain:

904 (a) The name and address of the owner of the real property;

905 (b) The name and address of the contractor;

906 (c) A description sufficient to identify the real property
907 to be improved; and

908 (d) The number or identifying symbol assigned to the
909 building permit by the issuing authority, which ~~number or symbol~~
910 must be affixed to the application by the issuing authority.

911 (6) (a) In addition to any other information required by the



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912 authority issuing the permit, the building permit application
913 must be in substantially the following form:

914
915 Tax Folio No.....

916 BUILDING PERMIT APPLICATION

917
918 Owner's Name.....
919 Owner's Address.....
920 Fee Simple Titleholder's Name (If other than owner).....
921 Fee Simple Titleholder's Address (If other than owner).....
922 City.....
923 State..... Zip.....
924 Contractor's Name.....
925 Contractor's Address.....
926 City.....
927 State..... Zip.....
928 Job Name.....
929 Job Address.....
930 City..... County.....
931 Legal Description.....
932 Bonding Company.....
933 Bonding Company Address.....
934 City..... State.....
935 Architect/Engineer's Name.....
936 Architect/Engineer's Address.....
937 Mortgage Lender's Name.....
938 Mortgage Lender's Address.....

939
940 Application is hereby made to obtain a permit to do the



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941 work and installations as indicated. I certify that no work or
942 installation has commenced prior to the issuance of a permit and
943 that all work will be performed to meet the standards of all
944 laws regulating construction in this jurisdiction. I understand
945 that a separate permit must be secured for ELECTRICAL WORK,
946 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
947 TANKS, and AIR CONDITIONERS, etc.

948

949 OWNER'S AFFIDAVIT: I certify that all the foregoing information
950 is accurate and that all work will be done in compliance with
951 all applicable laws regulating construction and zoning.

952

953 WARNING TO OWNER: IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A
954 NOTICE OF COMMENCEMENT, YOU MAY PAY ~~RESULT IN YOUR PAYING TWICE~~
955 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT, AND
956 THE CONTRACTOR'S PAYMENT BOND IF THE PROJECT IS BONDED, MUST BE
957 RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

958

959 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
960 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
961 RECORDING YOUR NOTICE OF COMMENCEMENT.

962

963 ... (Signature of Owner or Agent) ...

964

965 ... (including contractor) ...

966 STATE OF FLORIDA

967 COUNTY OF

968

969 Sworn to (or affirmed) and subscribed before me this



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999 APPLICATION APPROVED BY
1000

1001 (b) Consistent with the requirements of paragraph (a), an
1002 authority responsible for issuing building permits under this
1003 section may accept a building permit application in an
1004 electronic format, as prescribed by the authority. Building
1005 permit applications submitted to the authority electronically
1006 must contain the following additional statement in lieu of the
1007 requirement in paragraph (a) that a signed, sworn, and notarized
1008 signature of the owner or agent and the contractor be part of
1009 the owner's affidavit:

1010
1011 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
1012 perjury, I declare that all the information contained in this
1013 building permit application is true and correct.

1014 (c) An authority responsible for issuing building permit
1015 applications which accepts building permit applications in an
1016 electronic format shall provide public Internet access to the
1017 electronic building permit applications in a searchable format.

1018 (7) This section applies to every municipality and county
1019 in the state which now has or hereafter may have a system of
1020 issuing building permits for the construction of improvements or
1021 for the alteration or repair of improvements on or to real
1022 property located within the geographic limits of the issuing
1023 authority.

1024 Section 7. Section 713.137, Florida Statutes, is created to
1025 read:

1026 713.137 Prerequisites to inspection of improvements;
1027 exceptions.-



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1028 (1) The authority issuing a building permit or a private
1029 provider performing inspection services may not inspect the real
1030 property being improved unless:

1031 (a) The following documents have been filed with the
1032 issuing authority:

1033 1.a. A certified copy of the recorded notice of
1034 commencement; or

1035 b. A notarized statement that the notice of commencement
1036 has been filed for recording, along with a copy of the notice.

1037 2. If the permit is for a commercial project:

1038 a. A copy of the contractor's recorded payment bond; or

1039 b. A notarized statement of the contractor or owner stating
1040 that a payment bond was not required.

1041 3. A signed copy of the general statement of owner's rights
1042 and responsibilities under Florida's Construction Lien Law, if
1043 required by s. 713.015.

1044 (b) The information in the notice of commencement filed
1045 with the issuing authority is consistent with the building
1046 permit application, complete, and legible.

1047 (2) This section does not apply to inspections of the
1048 following improvements:

1049 (a) The installation of temporary electrical service or
1050 other temporary utility service, land clearing, or other
1051 preliminary site work.

1052 (b) Improvements pursuant to a direct contract in an amount
1053 of \$5,000 or less.

1054 (c) The repair or replacement of a heating or air-
1055 conditioning system pursuant to a direct contract in an amount
1056 of \$7,500 or less.



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1057 (d) The installation of a solar hot water system pursuant
1058 to a direct contract of \$7,500 or less.

1059 Section 8. Section 713.16, Florida Statutes, is amended to
1060 read:

1061 713.16 Demand for copy of contract and statements of
1062 account; form.—

1063 (1) A copy of the contract of a lienor or owner and a
1064 statement of the amount due or to become due if fixed or
1065 ascertainable thereon must be furnished by any party thereto,
1066 upon written demand of an owner or a lienor contracting with or
1067 employed by the other party to such contract. If the owner or
1068 lienor refuses or neglects to furnish such copy of the contract
1069 or such statement, or willfully and falsely states the amount
1070 due or to become due if fixed or ascertainable under such
1071 contract, any person who suffers any detriment thereby has a
1072 cause of action against the person refusing or neglecting to
1073 furnish the same or willfully and falsely stating the amount due
1074 or to become due for his or her damages sustained thereby. The
1075 information contained in such copy or statement furnished
1076 pursuant to such written demand is binding upon the owner or
1077 lienor furnishing it unless actual notice of any modification is
1078 given to the person demanding the copy or statement before such
1079 person acts in good faith in reliance on it. The person
1080 demanding such documents must pay for the reproduction thereof;
1081 and, if such person fails or refuses to do so, he or she is
1082 entitled only to inspect such documents at reasonable times and
1083 places.

1084 (2) The owner may serve in writing a demand of any lienor
1085 for a written statement under oath of his or her account showing



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1086 the nature of the labor or services performed and to be
1087 performed, if any, the materials furnished, the materials to be
1088 furnished, if known, the amount paid on account to date, the
1089 amount due, and the amount to become due, if known, as of the
1090 date of the statement by the lienor. Any such demand to a lienor
1091 must be served on the lienor at the address and to the attention
1092 of any person who is designated to receive the demand in the
1093 notice to owner served by such lienor and must include a
1094 description of the project, including the names of the owner,
1095 the contractor, and the lienor's customer, sufficient for the
1096 lienor to properly identify the account in question. The failure
1097 or refusal to furnish the statement does not deprive the lienor
1098 of his or her lien if the demand is not served at the address of
1099 the lienor or directed to the attention of the person designated
1100 to receive the demand in the notice to owner. The failure or
1101 refusal to furnish the statement under oath within 30 days after
1102 the demand, or the furnishing of a false or fraudulent
1103 statement, deprives the person so failing or refusing to furnish
1104 such statement of his or her lien. If the owner serves more than
1105 one demand for statement of account on a lienor and none of the
1106 information regarding the account has changed since the lienor's
1107 last response to a demand, the failure or refusal to furnish
1108 such statement does not deprive the lienor of his or her lien.
1109 The negligent inclusion or omission of any information deprives
1110 the person of his or her lien to the extent the owner can
1111 demonstrate prejudice from such act or omission by the lienor.
1112 The failure to furnish a response to a demand for statement of
1113 account does not affect the validity of any claim of lien being
1114 enforced through a foreclosure case filed prior to the date the



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1115 demand for statement is received by the lienor.

1116 (3) A request for sworn statement of account must be in
1117 substantially the following form:

1118 REQUEST FOR SWORN STATEMENT OF ACCOUNT

1119

1120 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED
1121 UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE
1122 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

1123

1124 To: ...(Lienor's name and address)...

1125

1126 The undersigned hereby demands a written statement under oath of
1127 his or her account showing the nature of the labor or services
1128 performed and to be performed, if any, the materials furnished,
1129 the materials to be furnished, if known, the amount paid on
1130 account to date, the amount due, and the amount to become due,
1131 if known, as of the date of the statement for the improvement of
1132 real property identified as ...(property description)....

1133 Name of contractor:

1134 Name of the lienor's customer (as specified in the lienor's
1135 Notice to Owner, if such notice has been served):

1136 ...(signature and address of owner)...

1137 ...(date of request for sworn statement of account)...

1138 (4) When a contractor has furnished a payment bond pursuant
1139 to s. 713.23, he or she may, when an owner makes any payment to
1140 the contractor or directly to a lienor, serve a written demand
1141 on any other lienor for a written statement under oath of his or
1142 her account showing the nature of the labor or services
1143 performed and to be performed, if any, the materials furnished,



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1144 the materials to be furnished, if known, the amount paid on
1145 account to date, the amount due, and the amount to become due,
1146 if known, as of the date of the statement by the lienor. Any
1147 such demand to a lienor must be served on the lienor at the
1148 address and to the attention of any person who is designated to
1149 receive the demand in the notice to contractor served by such
1150 lienor. The failure or refusal to furnish the statement does not
1151 deprive the lienor of his or her rights under the bond if the
1152 demand is not served at the address of the lienor or directed to
1153 the attention of the person designated to receive the demand in
1154 the notice to contractor or if the demand does not include a
1155 description of the project, including the names of the owner,
1156 the contractor, and the lienor's customer as set forth in the
1157 lienor's notice to contractor, sufficient for the lienor to
1158 properly identify the account in question. The failure to
1159 furnish the statement within 30 days after the demand, or the
1160 furnishing of a false or fraudulent statement, deprives the
1161 person who fails to furnish the statement, or who furnishes the
1162 false or fraudulent statement, of his or her rights under the
1163 bond. If the contractor serves more than one demand for
1164 statement of account on a lienor and none of the information
1165 regarding the account has changed since the lienor's last
1166 response to a demand, the failure or refusal to furnish such
1167 statement does not deprive the lienor of his or her rights under
1168 the bond. The negligent inclusion or omission of any information
1169 deprives the person of his or her rights under the bond to the
1170 extent the contractor can demonstrate prejudice from such act or
1171 omission by the lienor. The failure to furnish a response to a
1172 demand for statement of account does not affect the validity of



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1173 any claim on the bond being enforced in a lawsuit filed prior to
1174 the date the demand for statement of account is received by the
1175 lienor.

1176 (5) (a) Any lienor who submits or mails ~~has recorded~~ a claim
1177 of lien to the clerk for recording may make written demand on
1178 the owner for a written statement under oath showing:

1179 1. The amount of the direct contract under which the lien
1180 was recorded;

1181 2. The dates and amounts paid or to be paid by or on behalf
1182 of the owner for all improvements described in the direct
1183 contract;

1184 3. The reasonable estimated costs of completing the direct
1185 contract under which the lien was claimed pursuant to the scope
1186 of the direct contract; and

1187 4. If known, the actual cost of completion.

1188 (b) Any owner who does not provide the statement within 30
1189 days after demand, or who provides a false or fraudulent
1190 statement, is not a prevailing party for purposes of an award of
1191 attorney's fees under s. 713.29. The written demand must include
1192 the following warning in conspicuous type in substantially the
1193 following form:

1194 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT
1195 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL
1196 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY
1197 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING
1198 THIS STATEMENT.

1199 (6) Any written demand served on the owner shall include a
1200 description of the project, including the names of the
1201 contractor and the lienor's customer as set forth in the



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1202 lienor's notice to owner, sufficient for the owner to properly
1203 identify the project in question.

1204 ~~(7)~~(6) For purposes of this section, the term "information"
1205 means the nature and quantity of the labor, services, and
1206 materials furnished or to be furnished by a lienor and the
1207 amount paid, the amount due, and the amount to become due on the
1208 lienor's account.

1209 Section 9. Section 713.18, Florida Statutes, is amended to
1210 read:

1211 713.18 Manner of serving notices and other instruments.—

1212 (1) Service of notices, claims of lien, affidavits,
1213 assignments, and other instruments permitted or required under
1214 this part, or copies thereof when so permitted or required,
1215 unless otherwise specifically provided in this part, must be
1216 made by one of the following methods:

1217 (a) By actual delivery to the person to be served; if a
1218 partnership, to one of the partners; if a corporation, to an
1219 officer, director, managing agent, or business agent; or, if a
1220 limited liability company, to a member or manager.

1221 (b) By sending the same by common carrier delivery service
1222 or registered, global express guaranteed, or certified mail,
1223 with postage prepaid, and ~~or by overnight or second-day delivery~~
1224 with evidence of delivery, which may be in an electronic format.

1225 ~~(c) If the method specified in paragraph (a) or paragraph~~
1226 ~~(b) cannot be accomplished,~~ By posting on the site of the
1227 improvement if service as provided by paragraph (a) or paragraph
1228 (b) cannot be accomplished premises.

1229 (2) Notwithstanding subsection (1), service of ~~if~~ a notice
1230 to owner, a notice to contractor under s. 713.23, or a



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1231 preliminary notice under s. 255.05 is ~~mailed by registered or~~
1232 ~~certified mail with postage prepaid to the person to be served~~
1233 ~~at any of the addresses set forth in subsection (3) within 40~~
1234 ~~days after the date the lienor first furnishes labor, services,~~
1235 ~~or materials, service of that notice is effective as of the date~~
1236 of mailing if:

1237 (a) The notice is mailed by registered, global express
1238 guaranteed, or certified mail, with postage prepaid, to the
1239 person to be served at any of the addresses set forth in
1240 subsection (3);

1241 (b) The notice is mailed within 40 days after the date the
1242 lienor first furnishes labor, services, or materials; and

1243 (c)1. The person who served the notice maintains a
1244 registered or certified mail log that shows the registered or
1245 certified mail number issued by the United States Postal
1246 Service, the name and address of the person served, and the date
1247 stamp of the United States Postal Service confirming the date of
1248 mailing; or ~~if~~

1249 2. The person who served the notice maintains electronic
1250 tracking records generated through use of the United States
1251 Postal Service Confirm service or a similar service containing
1252 the postal tracking number, the name and address of the person
1253 served, and verification of the date of receipt by the United
1254 States Postal Service.

1255 (3) (a) Service of ~~if~~ an instrument served pursuant to this
1256 section is effective on the date of mailing if the instrument:

1257 1. Was sent to the last address shown in the notice of
1258 commencement or any amendment thereto or, in the absence of a
1259 notice of commencement, to the last address shown in the



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1260 building permit application, or to the last known address of the
1261 person to be served; ~~and, is not received, but~~

1262 2. Is returned as being "refused," "moved, not
1263 forwardable," or "unclaimed," or is otherwise not delivered or
1264 deliverable through no fault of the person serving the item,
1265 ~~then service is effective on the date the instrument was sent.~~

1266 (b) If the address information shown in the notice of
1267 commencement or any amendment to the notice, or in the absence
1268 of a notice of commencement, in the building permit application,
1269 is incomplete for purposes of mailing or delivery, the person
1270 serving the item may complete the address and properly format it
1271 according to United States Postal Service addressing standards
1272 using information obtained from the property appraiser or
1273 another public record or directory without affecting the
1274 validity of service under this section.

1275 (4) A notice served by a lienor on one owner or one partner
1276 of a partnership owning the real property ~~If the real property~~
1277 ~~is owned by more than one person or a partnership, a lienor may~~
1278 ~~serve any notices or other papers under this part on any one of~~
1279 ~~such owners or partners, and such notice is deemed notice to all~~
1280 owners and partners.

1281 Section 10. Section 713.22, Florida Statutes, is amended to
1282 read:

1283 713.22 Duration of lien.—

1284 (1) A ~~No~~ lien provided by this part may not ~~shall~~ continue
1285 for a longer period than 1 year after the claim of lien has been
1286 recorded or 1 year after the recording of an amended claim of
1287 lien that shows a later date of final furnishing of labor,
1288 services, or materials, unless within that time an action to



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1289 enforce the lien is commenced in a court of competent
1290 jurisdiction. A lien that has been continued beyond the 1-year
1291 period ~~The continuation of the lien effected~~ by the commencement
1292 of an ~~the~~ action is ~~shall~~ not enforceable ~~be good~~ against
1293 creditors or subsequent purchasers for a valuable consideration
1294 and without notice, unless a notice of lis pendens is recorded.

1295 (2) An owner or the owner's agent or attorney may elect to
1296 shorten the time prescribed in subsection (1) within which to
1297 commence an action to enforce any claim of lien or claim against
1298 a bond or other security under s. 713.23 or s. 713.24 by
1299 recording in the clerk's office a notice in substantially the
1300 following form:

1301 NOTICE OF CONTEST OF LIEN

1302 To: ...(Name and address of lienor)...

1303 You are notified that the undersigned contests the claim of lien
1304 filed by you on, ...(year)...., and recorded in Book
1305, Page, of the public records of County, Florida,
1306 and that the time within which you may file suit to enforce your
1307 lien is limited to 60 days from the date of service of this
1308 notice. This day of, ...(year)....

1309 Signed: ...(Owner or Attorney)...

1310
1311 The lien of any lienor upon whom such notice is served and who
1312 fails to institute a suit to enforce his or her lien within 60
1313 days after service of such notice shall be extinguished
1314 automatically. The clerk shall serve ~~mail~~ a copy of the notice
1315 of contest to the lien claimant at the address shown in the
1316 claim of lien or most recent amendment thereto and shall certify
1317 to such service on the face of such notice and record the



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1318 notice. ~~Service shall be deemed complete upon mailing.~~

1319 Section 11. Paragraph (e) of subsection (1) and subsections
1320 (2) and (4) of section 713.23, Florida Statutes, are amended to
1321 read:

1322 713.23 Payment bond.—

1323 (1)

1324 (e) An ~~Ne~~ action for the labor or materials or supplies may
1325 not be instituted or prosecuted against the contractor or surety
1326 unless both notices have been given. An ~~Ne~~ action may not ~~shall~~
1327 be instituted or prosecuted against the contractor or against
1328 the surety on the bond under this section after 1 year from the
1329 performance of the labor or completion of delivery of the
1330 materials and supplies. The time period for bringing an action
1331 against the contractor or surety on the bond shall be measured
1332 from the last day of furnishing labor, services, or materials by
1333 the lienor. The time period may ~~and shall~~ not be measured by
1334 other standards, such as the issuance of a certificate of
1335 occupancy or the issuance of a certificate of substantial
1336 completion. A contractor or the contractor's agent or attorney
1337 may elect to shorten the ~~prescribed~~ time within which an action
1338 to enforce any claim against a payment bond ~~provided~~ under this
1339 section or s. 713.245 must ~~may~~ be commenced at any time after a
1340 notice of nonpayment, if required, has been served for the claim
1341 by recording in the clerk's office a notice in substantially the
1342 following form:

1343 NOTICE OF CONTEST OF CLAIM
1344 AGAINST PAYMENT BOND

1345
1346 To: ...(Name and address of lienor)...



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1347 You are notified that the undersigned contests your notice
1348 of nonpayment, dated,, and served on the undersigned
1349 on,, and that the time within which you may file suit
1350 to enforce your claim is limited to 60 days from the date of
1351 service of this notice.

1352
1353 DATED on,

1354
1355 Signed: ...(Contractor or Attorney)...

1356
1357 The claim of any lienor upon whom the notice is served and who
1358 fails to institute a suit to enforce his or her claim against
1359 the payment bond within 60 days after service of the notice
1360 shall be extinguished automatically. The clerk shall serve mail
1361 a copy of the notice of contest to the lienor at the address
1362 shown in the notice of nonpayment or most recent amendment
1363 thereto and shall certify to such service on the face of the
1364 notice and record the notice. ~~Service is complete upon mailing.~~

1365 (2) The bond shall secure every lien under the direct
1366 contract accruing subsequent to its execution and delivery,
1367 except that of the contractor. Every claim of lien, except that
1368 of the contractor, filed subsequent to execution and delivery of
1369 the bond shall be transferred to it with the same effect as
1370 liens transferred under s. 713.24. Record notice of the transfer
1371 shall be effected by the contractor, or any person having an
1372 interest in the property against which the claim of lien has
1373 been asserted, by recording in the clerk's office a notice in
1374 substantially the following form:

1375 NOTICE OF BOND



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1376
1377 To ... (Name and Address of Lienor) ...

1378
1379 You are notified that the claim of lien filed by you on,
1380, and recorded in Official Records Book at page of
1381 the public records of County, Florida, is secured by a
1382 bond, a copy being attached.

1383
1384 Signed: ... (Name of person recording notice) ...

1385
1386 The notice shall be verified. The clerk shall mail a copy of the
1387 notice to the lienor at the address shown in the claim of lien,
1388 or the most recent amendment to it; shall certify to the service
1389 on the face of the notice; and shall record the notice. The
1390 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~
1391 ~~713.24(1)~~ for certifying to a transfer of lien.

1392 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall apply
1393 to bonds under this section.

1394 Section 12. Section 713.24, Florida Statutes, is amended to
1395 read:

1396 713.24 Transfer of liens to security.—

1397 (1) A ~~Any~~ lien claimed under this part may be transferred,
1398 by a ~~any~~ person having an interest in the real property upon
1399 which the lien is imposed or the contract under which the lien
1400 is claimed, from such real property to other security by ~~either~~:

- 1401 (a) Depositing in the clerk's office a sum of money; 7 or
1402 (b) Filing in the clerk's office a bond executed as surety
1403 by a surety insurer licensed to do business in this state. 7

1404 (2) The security must either to be in an amount equal: to



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1405 (a) The amount demanded in the ~~such~~ claim of lien; ~~it~~ plus
1406 (b) Interest on the claim ~~thereon~~ at the legal rate for 3
1407 years, plus \$1,000 or 25 percent of the amount demanded in the
1408 claim of lien, whichever is greater, to apply on any attorney's
1409 fees and court costs that may be taxed in any proceeding to
1410 enforce the ~~said~~ lien.

1411 (3) The security ~~Such deposit or bond~~ shall be conditioned
1412 to pay any judgment or decree that ~~which~~ may be rendered for the
1413 satisfaction of the lien ~~for which such claim of lien was~~
1414 ~~recorded~~.

1415 (4) A ~~Upon making such deposit or filing such bond,~~ the
1416 clerk who receives other security for a lien:

1417 (a) Shall make and record a certificate showing the
1418 transfer of the lien from the real property to the security. The
1419 clerk ~~and~~ shall serve mail a copy of the certificate and a copy
1420 of the bond, if the lien was transferred to a bond, on thereof
1421 ~~by registered or certified mail to~~ the lienor named in the claim
1422 of lien ~~so transferred,~~ at the address stated in the claim
1423 ~~therein.~~ When ~~Upon filing~~ the certificate of transfer is
1424 recorded, the real property is ~~shall thereupon be~~ released from
1425 the lien claimed, and the ~~such~~ lien is ~~shall be~~ transferred to
1426 the other ~~said~~ security.

1427 (b) May collect a service charge of no more than \$20 for
1428 making and serving the certificate. The clerk may collect an
1429 additional charge of no more than \$10 for each additional lien
1430 transferred to the security. The clerk shall receive the
1431 statutory service charges as prescribed in s. 28.24 for
1432 recording the certificate and approving the bond.

1433 (5) In the absence of allegations of privity between the



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1434 lienor and the owner, and subject to any order of the court
1435 increasing the amount required for the lien transfer deposit or
1436 bond, no other judgment or decree to pay money may be entered by
1437 the court against the owner. ~~The clerk shall be entitled to a~~
1438 ~~service charge for making and serving the certificate, in the~~
1439 ~~amount of up to \$20. If the transaction involves the transfer of~~
1440 ~~multiple liens, an additional charge of up to \$10 for each~~
1441 ~~additional lien shall be charged. For recording the certificate~~
1442 ~~and approving the bond, the clerk shall receive her or his usual~~
1443 ~~statutory service charges as prescribed in s. 28.24. Any number~~
1444 ~~of liens may be transferred to one such security.~~

1445 (6)~~(2)~~ Any excess of the security over the aggregate amount
1446 of any judgments or decrees rendered plus costs actually taxed
1447 shall be repaid to the party filing the same or her or his
1448 successor in interest. Any deposit of money shall be considered
1449 as paid into court and is ~~shall be~~ subject to the provisions of
1450 law relative to payments of money into court and the disposition
1451 of same.

1452 (7)~~(3)~~ Any party having an interest in such security or the
1453 property from which the lien was transferred may at any time,
1454 and any number of times, file a complaint in chancery in the
1455 circuit court of the county where such security is deposited, or
1456 file a motion in a pending action to enforce a lien, for an
1457 order to require additional security, reduction of security,
1458 change or substitution of sureties, payment of discharge
1459 thereof, or any other matter affecting the ~~said~~ security. If the
1460 court finds that the amount of the deposit or bond in excess of
1461 the amount claimed in the claim of lien is insufficient to pay
1462 the lienor's attorney's fees and court costs incurred in the



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1463 action to enforce the lien, the court must increase the amount
1464 of the cash deposit or lien transfer bond. ~~Nothing in This~~
1465 section does not ~~shall be construed to~~ vest exclusive
1466 jurisdiction in the circuit courts over transfer bond claims for
1467 nonpayment of an amount within the monetary jurisdiction of the
1468 county courts.

1469 (8)-(4) If a proceeding to enforce a transferred lien is not
1470 commenced within the time specified in s. 713.22 or if it
1471 appears that the transferred lien has been satisfied of record,
1472 the clerk shall return the ~~said~~ security upon request of the
1473 person depositing or filing the same, or the insurer. If a
1474 proceeding to enforce a lien is commenced in a court of
1475 competent jurisdiction within the time specified in s. 713.22
1476 and, during such proceeding, the lien is transferred pursuant to
1477 this section or s. 713.13(1)(e), an action commenced within 1
1478 year after the transfer, unless otherwise shortened by operation
1479 of law, in the same county or circuit court to recover against
1480 the security shall be deemed to have been brought as of the date
1481 of filing the action to enforce the lien, and the court has
1482 ~~shall have~~ jurisdiction over the action.

1483 Section 13. Except as otherwise expressly provided in this
1484 act and except for this section, which shall take effect upon
1485 becoming a law, this act shall take effect October 1, 2010.

1486 ===== T I T L E A M E N D M E N T =====

1487 And the title is amended as follows:

1488 Delete everything before the enacting clause
1489 and insert:

1490 A bill to be entitled

1491 An act relating to construction bonds; amending s.



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1492 255.05, F.S.; requiring that a contractor record in
1493 the public records a payment bond for a public works
1494 construction project; requiring that the bond number
1495 be stated on the first page of a bond; prohibiting the
1496 issuing authority for a building permit or a private
1497 provider performing inspection services from
1498 inspecting the property being improved until certain
1499 documents are filed; providing that a payment and
1500 performance bond is not required for certain
1501 contracts; authorizing certain entities to exempt
1502 certain contracts from the requirement for a payment
1503 and performance bond; requiring that the clerk of
1504 court serve a notice of contest of lien; amending s.
1505 713.015, F.S.; requiring that a contractor provide an
1506 owner with a general statement of an owner's rights
1507 and responsibilities under Florida's Construction Lien
1508 Law; requiring that a signed copy of the statement be
1509 filed with the building permit application; specifying
1510 the form and content of the statement; deleting the
1511 requirement that notice be included in the direct
1512 contract between the contractor and the owner;
1513 amending s. 713.06, F.S.; revising the form of a
1514 notice for liens of persons not in privity with the
1515 owner; amending s. 713.09, F.S.; including units in
1516 provisions relating to a single claim of lien;
1517 deleting certain requirements relating to direct
1518 contracts; amending s. 713.13, F.S.; providing for the
1519 expiration of a notice of commencement; revising the
1520 form of the notice of commencement; requiring the



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1521 posting of a payment bond on a job site; amending s.
1522 713.135, F.S.; revising the warning to the owner
1523 printed on certain permit cards; deleting a
1524 requirement relating to filing a notice of
1525 commencement before certain inspections; revising the
1526 warning to the owner provided on a building permit
1527 form; deleting provisions requiring the authority
1528 issuing a building permit to provide certain
1529 statements and information; creating s. 713.137, F.S.;
1530 prohibiting the authority issuing a building permit or
1531 a private provider performing inspection services from
1532 inspecting an improvement until certain documents have
1533 been filed and the information in the notice of
1534 commencement meets certain standards; providing
1535 exceptions; amending s. 713.16, F.S.; revising
1536 requirements for demands for a copy of a construction
1537 contract and a statement of account; authorizing a
1538 lienor who submits or mails a claim of lien to the
1539 clerk for recording to make certain demands to an
1540 owner for certain written statements; providing
1541 requirements for such written demands; amending s.
1542 713.18, F.S.; providing additional methods by which
1543 certain items may be served by mail; specifying
1544 information required on certain written instruments
1545 under certain circumstances; amending s. 713.22, F.S.;
1546 requiring that the clerk of court serve a notice of
1547 contest of lien; amending s. 713.23, F.S.; requiring
1548 that the clerk of court serve a notice of contest of
1549 nonpayment; conforming cross-references; amending s.



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1550 713.24, F.S.; requiring that the clerk of court serve
1551 a copy of the certificate showing the transfer of a
1552 lien and a copy of the security if the lien is
1553 transferred to a security; authorizing a clerk to
1554 collect certain service charges under certain
1555 circumstances; providing effective dates.