



851630

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
	.	
	.	
	.	

---

---

The Committee on Judiciary (Baker) 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  
completion of a public work, or for repairs upon a public



851630

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 official records of the county in which the  
40 improvement will be located.

41 (e) 1. The issuing authority for the building permit, or a  
42 private provider performing inspection services, may not inspect



851630

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.~~

71 3. ~~When such work is done for the state,~~ The Secretary of



851630

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,  
100 materialmen, and subcontractors have no claims against the



851630

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  
129 AGAINST PAYMENT BOND



851630

130  
131 To: ...(Name and address of claimant)...

132  
133 You are notified that the undersigned contests your notice  
134 of nonpayment, dated ....., ....., and served on the  
135 undersigned on ....., ....., and that the time within  
136 which you may file suit to enforce your claim is limited to 60  
137 days after the date of service of this notice.

138  
139 DATED on ....., .....

140  
141 Signed:...(Contractor or Attorney)...

142  
143 The claim of any claimant upon whom such notice is served and  
144 who fails to institute a suit to enforce his or her claim  
145 against the payment bond within 60 days after service of such  
146 notice shall be extinguished automatically. The clerk shall mail  
147 a copy of the notice of contest to the claimant at the address  
148 shown in the notice of nonpayment or most recent amendment  
149 thereto by certified or registered mail, return receipt  
150 requested, and shall certify to such service on the face of such  
151 notice and record the notice. ~~Service is complete upon mailing.~~

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



851630

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  
187 by other standards, such as the issuance of a certificate of



851630

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~~  
216 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~





851630

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).

231  
232 GENERAL STATEMENT OF OWNER'S RIGHTS AND RESPONSIBILITIES  
233 UNDER FLORIDA'S CONSTRUCTION LIEN LAW  
234 (Required by Section 713.015, Florida Statutes)

235  
236 ABOUT THIS DOCUMENT.—Florida law requires your contractor  
237 to provide you with this document when you are contracting to  
238 make improvements to real property. It is critical that you have  
239 some understanding of Florida's construction lien and payment  
240 laws and take appropriate steps to protect your investment and  
241 fulfill your obligations to those who provide labor, services or  
242 materials for your project.

243  
244 You must acknowledge that you have received and read this  
245 document by signing on the signature page. The original signed



851630

246 document must be delivered to the building permit authority,  
247 along with the building permit application for your project.  
248 Your building permit application will not be processed unless  
249 this signed document is in the file. You need to retain a copy  
250 of this document so that you can follow the procedures described  
251 in the document and identify the proper statutory forms as you  
252 proceed with your construction project.

253  
254 IT IS ALWAYS RECOMMENDED THAT YOU CONSULT LEGAL ADVICE  
255 BEFORE UNDERTAKING REAL PROPERTY IMPROVEMENTS. IF YOU HAVE  
256 QUESTIONS REGARDING THE INFORMATION CONTAINED IN THIS DOCUMENT,  
257 SEEK THE ADVICE OF A FLORIDA CONSTRUCTION LAW ATTORNEY.

258  
259 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,  
260 Florida Statutes (F.S.), governs private construction projects  
261 in this state. The complete text of this law can be found at  
262 www.leg.state.fl.us. This statement is a guide and does not take  
263 precedence over the language of Florida's Construction Lien Law.

264  
265 Under this law, those who work on your property or provide  
266 materials and services and who are not paid in full have a right  
267 to enforce their claim for payment against your property. This  
268 claim is known as a construction lien. If your contractor or a  
269 subcontractor fails to pay subcontractors, sub-subcontractors,  
270 or material suppliers, those people who are owed money may look  
271 to your property for payment even if you have already paid your  
272 contractor in full. If you fail to pay your contractor, your  
273 contractor may also have a lien on your property. This means  
274 that if a valid lien is filed, your property could be sold



851630

275 against your will to pay for labor, services, or materials that  
276 your contractor or a subcontractor may have failed to pay.

277  
278 FLORIDA LAW ALSO PROVIDES PROCEDURES TO PROTECT OWNERS FROM  
279 PAYING MORE THAN THE AMOUNT OF THEIR CONTRACT. IF YOU FOLLOW THE  
280 FOUR STEPS SET FORTH BELOW, YOU WILL PROTECT YOURSELF FROM VALID  
281 LIENS AGAINST YOUR PROPERTY, AND FROM PAYING TWICE FOR LABOR,  
282 SERVICES, OR MATERIALS FURNISHED FOR YOUR PROJECT.

283  
284 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required  
285 by law to complete, sign, and record in the public records a  
286 Notice of Commencement for all direct contracts that exceed  
287 \$2,500. The information provided in the recorded Notice of  
288 Commencement is relied upon by all parties who provide labor,  
289 services or materials for your project. A copy of the statutory  
290 Notice of Commencement form required by s. 713.13, Florida  
291 Statutes, is attached to this document.

292  
293 If a lender is financing your project, the lender will  
294 assist you in completing the Notice of Commencement and is  
295 responsible for recording it in the public records. It is  
296 critical that your Notice of Commencement be recorded after any  
297 construction loan or mortgage documents are recorded. If you are  
298 not using a lender, preparing and recording the Notice of  
299 Commencement is your responsibility. The Notice of Commencement  
300 must be recorded before commencing construction and posted on  
301 your jobsite. For most projects, a copy of the recorded Notice  
302 of Commencement must be submitted to the building permit  
303 authority prior to the first building inspection.



851630

304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332

STEP 2 – MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.–  
Pick up your certified mail. Most lien notices are served by  
certified mail and you need to know who is providing labor,  
services, or materials for your project. The law provides that  
any properly addressed notices that are returned to the sender  
through no fault of the sender are considered served on the date  
sent, so failing to claim certified mail only hurts you.

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

STEP 3 – OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A  
PAYMENT TO YOUR CONTRACTOR.–Each time you pay your contractor  
you should obtain a Waiver and Release of Lien form from the  
contractor AND from anyone who has served you with a Notice to  
Owner. Make sure that each release waives lien rights against  
your project for work or materials furnished through the date of  
the work or materials that your payment covers. This date is  
probably not the date you are making the payment, but a date  
prior to the payment date through which labor, services, or  
materials have been billed.



851630

333           UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS  
334 OWED TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A  
335 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT OR A  
336 WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT SHOWING  
337 THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

338  
339           There are two statutory Waiver and Release of Lien forms.  
340 The signed Waiver and Release of Lien Upon Progress Payment  
341 should be provided to you by a contractor, subcontractor, or  
342 material supplier each time you make a progress payment to your  
343 contractor. The signed Waiver and Release of Lien Upon Final  
344 Payment should be submitted by your contractor, a subcontractor,  
345 or material supplier when they are finished furnishing all work  
346 or materials for your project and have received final payment.  
347 Once you receive a final waiver from a contractor,  
348 subcontractor, or material supplier, you should not need another  
349 waiver unless they are hired to do additional work.

350  
351           STEP 4 – OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT  
352 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.—In addition to  
353 obtaining Final Waiver and Release of Lien forms from the  
354 contractor and anyone who has served you with a Notice to Owner,  
355 you should obtain a Contractor's Final Payment Affidavit before  
356 you make final payment to your contractor. This sworn affidavit  
357 should reflect that everyone who supplied labor, services, or  
358 materials on your project has been paid in full or should list  
359 those subcontractors and suppliers who are still owed money.  
360 Make sure that anyone listed as not being paid in full is paid  
361 before making final payment to your contractor. You have a right



851630

362 to rely on the information contained in the sworn affidavit when  
363 you make final payment to your contractor with respect to any  
364 lienor who has not served a Notice to Owner. If a lienor has  
365 served you with a Notice to Owner, you should obtain a Waiver  
366 and Release of Lien Upon Final Payment from that lienor.

367  
368 OWNER'S ACKNOWLEDGMENT AND RECEIPT

369  
370 The undersigned owner(s) of Florida real property hereby  
371 acknowledge that they are preparing to enter into a contract  
372 with \_\_\_\_\_ for the  
373 construction of real property improvements to the following-  
374 described property (insert address or legal description):

375 \_\_\_\_\_  
376 \_\_\_\_\_  
377 ...(Signature of Property Owner).....(Date)...  
378 ...(Signature of Property Owner).....(Date)...

379  
380 Attached Statutory Form: Notice of Commencement  
381 Additional information regarding license and insurance  
382 requirements for contractors and copies of the statutory forms  
383 discussed in this document can be obtained online at  
384 [www.myflorida.com/dbpr/pro/cilb](http://www.myflorida.com/dbpr/pro/cilb).

385 ~~(2) (a) If the contract is written, the notice must be in~~  
386 ~~the contract document. If the contract is oral or implied, the~~  
387 ~~notice must be provided in a document referencing the contract.~~

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



851630

391           (4)~~(e)~~ This section may not be construed to adversely  
392 affect the lien and bond rights of lienors who are not in  
393 privity with the owner. This section does not apply when the  
394 owner is a contractor licensed under chapter 489 or is a person  
395 who created parcels or offers parcels for sale or lease in the  
396 ordinary course of business.

397           Section 3. Paragraph (c) of subsection (2) of section  
398 713.06, Florida Statutes, is amended to read:

399           713.06 Liens of persons not in privity; proper payments.—

400           (2)

401           (c) The notice may be in substantially the following form  
402 and must include the information and the warning contained in  
403 the following form:

404  
405           WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME  
406 UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL  
407 SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF  
408 YOU HAVE MADE PAYMENT IN FULL.

409  
410 UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID  
411 MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING  
412 TWICE.

413           TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE  
414 CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN  
415 WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,  
416 REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND  
417 RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT  
418 THE BEGINNING OF YOUR CONSTRUCTION PROJECT. AVOID A LIEN AND  
419 PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY



851630

420 ~~TIME YOU PAY YOUR CONTRACTOR.~~

421 NOTICE TO OWNER

422

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

424

425 The undersigned hereby informs you that he or she has furnished  
426 or is furnishing services or materials as follows:

427 ... (General description of services or materials) ... for the  
428 improvement of the real property identified as ... (property  
429 description) ... under an order given by.....

430

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

434 IMPORTANT INFORMATION FOR  
435 YOUR PROTECTION

436

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

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

445

446 PROTECT YOURSELF:

447 -RECOGNIZE that this Notice to Owner may result in a lien  
448 against your property unless all those supplying a Notice to







851630

478 the improvement and incorporation in the improvement. The single  
479 claim of lien may be limited to a part of multiple lots,  
480 parcels, or tracts of land and their improvements or may cover  
481 all of the lots, parcels, units, or tracts of land and  
482 improvements. ~~In each claim of lien under this section, the~~  
483 ~~owner under the direct contract must be the same person for all~~  
484 ~~lots, parcels, or tracts of land against which a single claim of~~  
485 ~~lien is recorded.~~

486 Section 5. Section 713.13, Florida Statutes, is amended to  
487 read:

488 713.13 Notice of commencement.—

489 (1) (a) Except for an improvement that is exempt pursuant to  
490 s. 713.02(5), an owner or the owner's authorized agent before  
491 actually commencing to improve any real property, or  
492 recommencing completion of any improvement after default or  
493 abandonment, whether or not a project has a payment bond  
494 complying with s. 713.23, shall record a notice of commencement  
495 in the clerk's office and forthwith post either a certified copy  
496 thereof or a notarized statement that the notice of commencement  
497 has been filed for recording along with a copy thereof. The  
498 notice of commencement shall contain the following information:

499 1. A description sufficient for identification of the real  
500 property to be improved. The description should include the  
501 legal description of the property and also should include the  
502 street address and tax folio number of the property if available  
503 or, if there is no street address available, such additional  
504 information as will describe the physical location of the real  
505 property to be improved.

506 2. A general description of the improvement.



851630

507           3. The name and address of the owner, the owner's interest  
508 in the site of the improvement, and the name and address of the  
509 fee simple titleholder, if other than such owner.

510           4. The name and address of the contractor.

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

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

515           7. The name and address within the state of a person other  
516 than himself or herself who may be designated by the owner as  
517 the person upon whom notices or other documents may be served  
518 under this part; and service upon the person so designated  
519 constitutes service upon the owner.

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

525           (c) If the contract between the owner and a contractor  
526 named in the notice of commencement expresses a period of time  
527 for completion for the construction of the improvement greater  
528 than 1 year, the notice of commencement must state that it is  
529 effective for a period of 1 year plus any additional period of  
530 time. Any payments made by the owner after the expiration of the  
531 notice of commencement are considered improper payments.

532           (d) A notice of commencement must be in substantially the  
533 following form:

534  
535 Permit No.....

Tax Folio No.....



851630

NOTICE OF COMMENCEMENT

536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564

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



851630

565           b. Phone numbers of designated persons:.....  
566           8.a. In addition to himself or herself, Owner designates  
567 ..... of ..... to receive a copy of the Lienor's  
568 Notice as provided in Section 713.13(1)(b), Florida Statutes.

569           b. Phone number of person or entity designated by  
570 owner:.....

571           9. Expiration date of notice of commencement (the  
572 expiration date is 1 year from the date of recording unless a  
573 later ~~different~~ date is specified).....

574  
575 WARNING TO OWNER: IF THIS NOTICE OF COMMENCEMENT WILL EXPIRE  
576 BEFORE ALL WORK IS COMPLETED AND FINAL PAYMENT IS MADE, THE  
577 EXPIRATION DATE MUST BE EXTENDED. ANY PAYMENTS MADE BY THE OWNER  
578 AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE  
579 CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION  
580 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE  
581 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST  
582 BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST  
583 INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR  
584 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR  
585 NOTICE OF COMMENCEMENT.

586  
587 Under penalty of perjury, I declare that I have read the  
588 foregoing notice of commencement and that the facts stated  
589 therein are true to the best of my knowledge and belief.

590  
591 ... (Signature of Owner or Owner's Authorized  
592 Officer/Director/Partner/Manager) ...

593



851630

594 ... (Signatory's Title/Office) ...

595  
596 The foregoing instrument was acknowledged before me this ....  
597 day of ....., ... (year) ..., by ... (name of person) ... as ... (type  
598 of authority, ... e.g. officer, trustee, attorney in fact) ... for  
599 ... (name of party on behalf of whom instrument was executed) ....

600  
601 ... (Signature of Notary Public - State of Florida) ...

602  
603 ..... (Print, Type, or Stamp Commissioned Name of Notary  
604 Public) .....

605  
606       Personally Known .... OR Produced Identification ....

607  
608       Type of Identification Produced .....

609  
610 ~~Verification pursuant to Section 92.525, Florida Statutes.~~

611  
612 ~~Under penalties of perjury, I declare that I have read the~~  
613 ~~foregoing and that the facts stated in it are true to the best~~  
614 ~~of my knowledge and belief.~~

615  
616 ~~... (Signature of Natural Person Signing Above) ...~~

617       (e) A copy of any payment bond must be attached at the time  
618 of recordation of the notice of commencement. The failure to  
619 attach a copy of the bond to the notice of commencement when the  
620 notice is recorded negates the exemption provided in s.  
621 713.02(6). However, if a payment bond under s. 713.23 exists but  
622 was not attached at the time of recordation of the notice of



851630

623 commencement, the bond may be used to transfer any recorded lien  
624 of a lienor except that of the contractor by the recordation and  
625 service of a notice of bond pursuant to s. 713.23(2). The notice  
626 requirements of s. 713.23 apply to any claim against the bond;  
627 however, the time limits for serving any required notices shall  
628 begin running from the later of the time specified in s. 713.23  
629 or the date the notice of bond is served on the lienor.

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

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

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

637 (3) The recording of a notice of commencement does not  
638 constitute a lien, cloud, or encumbrance on real property, but  
639 gives constructive notice that claims of lien under this part  
640 may be recorded and may take priority as provided in s. 713.07.  
641 The posting of a copy does not constitute a lien, cloud, or  
642 encumbrance on real property, nor actual or constructive notice  
643 of any of them.

644 (4) This section does not apply to an owner who is  
645 constructing improvements described in s. 713.04.

646 (5) (a) A notice of commencement that is recorded within the  
647 effective period may be amended to extend the effective period,  
648 change erroneous information in the original notice, or add  
649 information that was omitted from the original notice. However,  
650 in order to change contractors, a new notice of commencement or  
651 notice of recommencement must be executed and recorded.



851630

652 (b) The amended notice must identify the official records  
653 book and page where the original notice of commencement is  
654 recorded, and a copy of the amended notice must be served by the  
655 owner upon the contractor and each lienor who serves notice  
656 before or within 30 days after the date the amended notice is  
657 recorded.

658 (6) Unless otherwise provided in the notice of commencement  
659 or a new or amended notice of commencement, a notice of  
660 commencement is not effectual in law or equity against a  
661 conveyance, transfer, or mortgage of or lien on the real  
662 property described in the notice, or against creditors or  
663 subsequent purchasers for a valuable consideration, after 1 year  
664 after the date of recording the notice of commencement.

665 (7) A lender must, prior to the disbursement of any  
666 construction funds to the contractor, record the notice of  
667 commencement in the clerk's office as required by this section;  
668 however, the lender is not required to post a certified copy of  
669 the notice at the construction site. The posting of the notice  
670 at the construction site remains the owner's obligation. The  
671 failure of a lender to record the notice of commencement as  
672 required by this subsection renders the lender liable to the  
673 owner for all damages sustained by the owner as a result of the  
674 failure. Whenever a lender is required to record a notice of  
675 commencement, the lender shall designate the lender, in addition  
676 to others, to receive copies of notices to owner. This  
677 subsection does not give any person other than the owner a claim  
678 or right of action against a lender for failure to record a  
679 notice of commencement.

680 Section 6. Section 713.135, Florida Statutes, is amended to





851630

681 read:

682 713.135 Notice of commencement and applicability of lien.—

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

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

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

700 (c) ~~(b)~~ Make available to ~~Provide~~ the applicant and the  
701 owner of the real property upon which improvements are to be  
702 constructed copies of the general statement of an owner's rights  
703 and responsibilities under Florida's ~~with a printed statement~~  
704 ~~stating that the right, title, and interest of the person who~~  
705 ~~has contracted for the improvement may be subject to attachment~~  
706 ~~under the~~ Construction Lien Law, as described in s. 713.015,  
707 along with the attached statutory form. The issuing authority  
708 may make the general statement and form available in printed  
709 form or on the Internet or both. ~~The Department of Business and~~



851630

710 ~~Professional Regulation shall furnish, for distribution, the~~  
711 ~~statement described in this paragraph, and the statement must be~~  
712 ~~a summary of the Construction Lien Law and must include an~~  
713 ~~explanation of the provisions of the Construction Lien Law~~  
714 ~~relating to the recording, and the posting of copies, of notices~~  
715 ~~of commencement and a statement encouraging the owner to record~~  
716 ~~a notice of commencement and post a copy of the notice of~~  
717 ~~commencement in accordance with s. 713.13. The statement must~~  
718 ~~also contain an explanation of the owner's rights if a lienor~~  
719 ~~fails to furnish the owner with a notice as provided in s.~~  
720 ~~713.06(2) and an explanation of the owner's rights as provided~~  
721 ~~in s. 713.22. The authority that issues the building permit must~~  
722 ~~obtain from the Department of Business and Professional~~  
723 ~~Regulation the statement required by this paragraph and must~~  
724 ~~mail, deliver by electronic mail or other electronic format or~~  
725 ~~facsimile, or personally deliver that statement to the owner or,~~  
726 ~~in a case in which the owner is required to personally appear to~~  
727 ~~obtain the permit, provide that statement to any owner making~~  
728 ~~improvements to real property consisting of a single or multiple~~  
729 ~~family dwelling up to and including four units. However, the~~  
730 ~~failure by the authorities to provide the summary does not~~  
731 ~~subject the issuing authority to liability.~~

732 ~~(c) In addition to providing the owner with the statement~~  
733 ~~as required by paragraph (b), inform each applicant who is not~~  
734 ~~the person whose right, title, and interest is subject to~~  
735 ~~attachment that, as a condition to the issuance of a building~~  
736 ~~permit, the applicant must promise in good faith that the~~  
737 ~~statement will be delivered to the person whose property is~~  
738 ~~subject to attachment.~~



851630

739           ~~(d) Furnish to the applicant two or more copies of a form~~  
740 ~~of notice of commencement conforming with s. 713.13. If the~~  
741 ~~direct contract is greater than \$2,500, the applicant shall file~~  
742 ~~with the issuing authority prior to the first inspection either~~  
743 ~~a certified copy of the recorded notice of commencement or a~~  
744 ~~notarized statement that the notice of commencement has been~~  
745 ~~filed for recording, along with a copy thereof. In the absence~~  
746 ~~of the filing of a certified copy of the recorded notice of~~  
747 ~~commencement, the issuing authority or a private provider~~  
748 ~~performing inspection services may not perform or approve~~  
749 ~~subsequent inspections until the applicant files by mail,~~  
750 ~~facsimile, hand delivery, or any other means such certified copy~~  
751 ~~with the issuing authority. The certified copy of the notice of~~  
752 ~~commencement must contain the name and address of the owner, the~~  
753 ~~name and address of the contractor, and the location or address~~  
754 ~~of the property being improved. The issuing authority shall~~

755           (d) Verify that the name and address of the owner, the name  
756 of the contractor, and the location or address of the property  
757 being improved which is contained in the certified copy of the  
758 notice of commencement is consistent with the information in the  
759 building permit application.

760           (e) Provide the recording information from the official  
761 public records in which the notice of commencement and payment  
762 bond, if any, are recorded to any person upon request. The  
763 issuing authority shall provide the recording information on the  
764 certified copy of the recorded notice of commencement to any  
765 person upon request. This subsection does not require the  
766 recording of a notice of commencement prior to the issuance of a  
767 building permit. If a local government requires a separate



851630

768 ~~permit or inspection for installation of temporary electrical~~  
769 ~~service or other temporary utility service, land clearing, or~~  
770 ~~other preliminary site work, such permits may be issued and such~~  
771 ~~inspections may be conducted without providing the issuing~~  
772 ~~authority with a certified copy of a recorded notice of~~  
773 ~~commencement or a notarized statement regarding a recorded~~  
774 ~~notice of commencement. This subsection does not apply to a~~  
775 ~~direct contract to repair or replace an existing heating or air-~~  
776 ~~conditioning system in an amount less than \$7,500.~~

777 (f) ~~(e)~~ Not require that a notice of commencement be  
778 recorded as a condition of the application for, or processing or  
779 issuance of, a building permit. ~~However, this paragraph does not~~  
780 ~~modify or waive the inspection requirements set forth in this~~  
781 ~~subsection.~~

782 (g) Not require that a notice of commencement be recorded  
783 or provided for those projects described in s. 713.137(2).

784 (2) An issuing authority under subsection (1) is not liable  
785 in any civil action for the failure of the person whose property  
786 is subject to attachment to receive or to be delivered the  
787 general statement of an owner's rights and responsibilities  
788 under Florida's ~~a printed statement stating that the right,~~  
789 ~~title, and interest of the person who has contracted for the~~  
790 ~~improvement may be subject to attachment under the~~ Construction  
791 Lien Law as provided in s. 713.015.

792 (3) An issuing authority under subsection (1) is not liable  
793 in any civil action for the failure to verify that a certified  
794 copy of the recorded notice of commencement has been filed in  
795 accordance with this section.

796 (4) The several boards of county commissioners, municipal



851630

797 councils, or other similar bodies may by ordinance or resolution  
798 establish reasonable fees for furnishing, upon request, copies  
799 of the forms and the printed statement provided in paragraph  
800 (1) (a) ~~paragraphs (1) (b) and (d)~~ in an amount not to exceed \$5  
801 to be paid by the applicant for each permit in addition to all  
802 other costs of the permit; ~~however, no forms or statement need~~  
803 ~~be furnished, mailed, or otherwise provided to, nor may such~~  
804 ~~additional fee be obtained from, applicants for permits in those~~  
805 ~~cases in which the owner of a legal or equitable interest~~  
806 ~~(including that of ownership of stock of a corporate landowner)~~  
807 ~~of the real property to be improved is engaged in the business~~  
808 ~~of construction of buildings for sale to others and intends to~~  
809 ~~make the improvements authorized by the permit on the property~~  
810 ~~and upon completion will offer the improved real property for~~  
811 ~~sale.~~

812 (5) In addition to any other information required by the  
813 authority issuing the permit, each building permit application  
814 must contain:

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

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

817 (c) A description sufficient to identify the real property  
818 to be improved; and

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

822 (6) (a) In addition to any other information required by the  
823 authority issuing the permit, the building permit application  
824 must be in substantially the following form:

825



851630

826 Tax Folio No.....

827 BUILDING PERMIT APPLICATION

828

829 Owner's Name.....

830 Owner's Address.....

831 Fee Simple Titleholder's Name (If other than owner).....

832 Fee Simple Titleholder's Address (If other than owner).....

833 City.....

834 State..... Zip.....

835 Contractor's Name.....

836 Contractor's Address.....

837 City.....

838 State..... Zip.....

839 Job Name.....

840 Job Address.....

841 City..... County.....

842 Legal Description.....

843 Bonding Company.....

844 Bonding Company Address.....

845 City..... State.....

846 Architect/Engineer's Name.....

847 Architect/Engineer's Address.....

848 Mortgage Lender's Name.....

849 Mortgage Lender's Address.....

850

851 Application is hereby made to obtain a permit to do the  
852 work and installations as indicated. I certify that no work or  
853 installation has commenced prior to the issuance of a permit and  
854 that all work will be performed to meet the standards of all



851630

855 laws regulating construction in this jurisdiction. I understand  
856 that a separate permit must be secured for ELECTRICAL WORK,  
857 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,  
858 TANKS, and AIR CONDITIONERS, etc.

859

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

863

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

870

871 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR  
872 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR  
873 RECORDING YOUR NOTICE OF COMMENCEMENT.

874

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

876

877 ... (including contractor) ...

878 STATE OF FLORIDA

879 COUNTY OF ....

880

881 Sworn to (or affirmed) and subscribed before me this ....  
882 day of ....., ... (year) ..., by ... (name of person making  
883 statement) ....



851630

884  
885                   ...(Signature of Notary Public - State of Florida)...  
886   ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
887  
888           Personally Known .... OR Produced Identification ....  
889  
890           Type of Identification Produced.....  
891                                   ...(Signature of Contractor)...  
892  
893   STATE OF FLORIDA  
894   COUNTY OF ....  
895  
896           Sworn to (or affirmed) and subscribed before me this ....  
897   day of ....., ...(year)..., by ...(name of person making  
898   statement)....  
899                   ...(Signature of Notary Public - State of Florida)...  
900   ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
901  
902           Personally Known .... OR Produced Identification ....  
903  
904           Type of Identification Produced.....  
905                                   (Certificate of Competency Holder)  
906  
907   Contractor's State Certification or Registration No.....  
908  
909   Contractor's Certificate of Competency No.....  
910  
911   APPLICATION APPROVED BY  
912   .....Permit Officer





851630

913 (b) Consistent with the requirements of paragraph (a), an  
914 authority responsible for issuing building permits under this  
915 section may accept a building permit application in an  
916 electronic format, as prescribed by the authority. Building  
917 permit applications submitted to the authority electronically  
918 must contain the following additional statement in lieu of the  
919 requirement in paragraph (a) that a signed, sworn, and notarized  
920 signature of the owner or agent and the contractor be part of  
921 the owner's affidavit:  
922

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

926 (c) An authority responsible for issuing building permit  
927 applications which accepts building permit applications in an  
928 electronic format shall provide public Internet access to the  
929 electronic building permit applications in a searchable format.

930 (7) This section applies to every municipality and county  
931 in the state which now has or hereafter may have a system of  
932 issuing building permits for the construction of improvements or  
933 for the alteration or repair of improvements on or to real  
934 property located within the geographic limits of the issuing  
935 authority.

936 (8) The Department of Business and Professional Regulation  
937 shall furnish, in a consumer-friendly location on its website,  
938 the general statement of an owner's rights and responsibilities  
939 under Florida's Construction Lien Law, as described in s.  
940 713.015, and the statutory forms for a notice of commencement,  
941 waiver and release of lien upon progress payment, waiver and



851630

942 release of lien upon final payment, request for sworn statement  
943 of account, and contractor's final payment affidavit, in  
944 addition to any other consumer information relating to  
945 construction that the department believes is beneficial to  
946 consumers relating to licensing, insurance requirements, and  
947 unlicensed activity.

948 Section 7. Section 713.137, Florida Statutes, is created to  
949 read:

950 713.137 Prerequisites to inspection of improvements;  
951 exceptions.—

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

955 (a) The following documents have been filed with the  
956 issuing authority:

957 1.a. A certified copy of the recorded notice of  
958 commencement; or

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

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

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

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

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

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



851630

971           (2) This section does not apply to inspections of the  
972 following improvements:

973           (a) The installation of temporary electrical service or  
974 other temporary utility service, land clearing, or other  
975 preliminary site work.

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

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

981           Section 8. Section 713.16, Florida Statutes, is amended to  
982 read:

983           713.16 Demand for copy of contract and statements of  
984 account; form.—

985           (1) A copy of the contract of a lienor or owner and a  
986 statement of the amount due or to become due if fixed or  
987 ascertainable thereon must be furnished by any party thereto,  
988 upon written demand of an owner or a lienor contracting with or  
989 employed by the other party to such contract. If the owner or  
990 lienor refuses or neglects to furnish such copy of the contract  
991 or such statement, or willfully and falsely states the amount  
992 due or to become due if fixed or ascertainable under such  
993 contract, any person who suffers any detriment thereby has a  
994 cause of action against the person refusing or neglecting to  
995 furnish the same or willfully and falsely stating the amount due  
996 or to become due for his or her damages sustained thereby. The  
997 information contained in such copy or statement furnished  
998 pursuant to such written demand is binding upon the owner or  
999 lienor furnishing it unless actual notice of any modification is



851630

1000 given to the person demanding the copy or statement before such  
1001 person acts in good faith in reliance on it. The person  
1002 demanding such documents must pay for the reproduction thereof;  
1003 and, if such person fails or refuses to do so, he or she is  
1004 entitled only to inspect such documents at reasonable times and  
1005 places.

1006 (2) The owner may serve in writing a demand of any lienor  
1007 for a written statement under oath of his or her account showing  
1008 the nature of the labor or services performed and to be  
1009 performed, if any, the materials furnished, the materials to be  
1010 furnished, if known, the amount paid on account to date, the  
1011 amount due, and the amount to become due, if known, as of the  
1012 date of the statement by the lienor. Any such demand to a lienor  
1013 must be served on the lienor at the address and to the attention  
1014 of any person who is designated to receive the demand in the  
1015 notice to owner served by such lienor and must include a  
1016 description of the project, including the names of the owner,  
1017 the contractor, and the lienor's customer, sufficient for the  
1018 lienor to properly identify the account in question. The failure  
1019 or refusal to furnish the statement does not deprive the lienor  
1020 of his or her lien if the demand is not served at the address of  
1021 the lienor or directed to the attention of the person designated  
1022 to receive the demand in the notice to owner. The failure or  
1023 refusal to furnish the statement under oath within 30 days after  
1024 the demand, or the furnishing of a false or fraudulent  
1025 statement, deprives the person so failing or refusing to furnish  
1026 such statement of his or her lien. If the owner serves more than  
1027 one demand for statement of account on a lienor and none of the  
1028 information regarding the account has changed since the lienor's



851630

1029 last response to a demand, the failure or refusal to furnish  
1030 such statement does not deprive the lienor of his or her lien.  
1031 The negligent inclusion or omission of any information deprives  
1032 the person of his or her lien to the extent the owner can  
1033 demonstrate prejudice from such act or omission by the lienor.  
1034 The failure to furnish a response to a demand for statement of  
1035 account does not affect the validity of any claim of lien being  
1036 enforced through a foreclosure case filed prior to the date the  
1037 demand for statement is received by the lienor.

1038 (3) A request for sworn statement of account must be in  
1039 substantially the following form:

1040 REQUEST FOR SWORN STATEMENT OF ACCOUNT

1041  
1042 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED  
1043 UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE  
1044 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

1045  
1046 To: ...(Lienor's name and address)...

1047  
1048 The undersigned hereby demands a written statement under oath of  
1049 his or her account showing the nature of the labor or services  
1050 performed and to be performed, if any, the materials furnished,  
1051 the materials to be furnished, if known, the amount paid on  
1052 account to date, the amount due, and the amount to become due,  
1053 if known, as of the date of the statement for the improvement of  
1054 real property identified as ...(property description)....

1055 Name of contractor: .....

1056 Name of the lienor's customer (as specified in the lienor's

1057 Notice to Owner, if such notice has been served): .....



851630

1058                   ...(signature and address of owner)...

1059           .....(date of request for sworn statement of account).....

1060           (4) When a contractor has furnished a payment bond pursuant

1061 to s. 713.23, he or she may, when an owner makes any payment to

1062 the contractor or directly to a lienor, serve a written demand

1063 on any other lienor for a written statement under oath of his or

1064 her account showing the nature of the labor or services

1065 performed and to be performed, if any, the materials furnished,

1066 the materials to be furnished, if known, the amount paid on

1067 account to date, the amount due, and the amount to become due,

1068 if known, as of the date of the statement by the lienor. Any

1069 such demand to a lienor must be served on the lienor at the

1070 address and to the attention of any person who is designated to

1071 receive the demand in the notice to contractor served by such

1072 lienor. The failure or refusal to furnish the statement does not

1073 deprive the lienor of his or her rights under the bond if the

1074 demand is not served at the address of the lienor or directed to

1075 the attention of the person designated to receive the demand in

1076 the notice to contractor or if the demand does not include a

1077 description of the project, including the names of the owner,

1078 the contractor, and the lienor's customer as set forth in the

1079 lienor's notice to contractor, sufficient for the lienor to

1080 properly identify the account in question. The failure to

1081 furnish the statement within 30 days after the demand, or the

1082 furnishing of a false or fraudulent statement, deprives the

1083 person who fails to furnish the statement, or who furnishes the

1084 false or fraudulent statement, of his or her rights under the

1085 bond. If the contractor serves more than one demand for

1086 statement of account on a lienor and none of the information



851630

1087 regarding the account has changed since the lienor's last  
1088 response to a demand, the failure or refusal to furnish such  
1089 statement does not deprive the lienor of his or her rights under  
1090 the bond. The negligent inclusion or omission of any information  
1091 deprives the person of his or her rights under the bond to the  
1092 extent the contractor can demonstrate prejudice from such act or  
1093 omission by the lienor. The failure to furnish a response to a  
1094 demand for statement of account does not affect the validity of  
1095 any claim on the bond being enforced in a lawsuit filed prior to  
1096 the date the demand for statement of account is received by the  
1097 lienor.

1098 (5) (a) Any lienor who submits or mails ~~has recorded~~ a claim  
1099 of lien to the clerk for recording may make written demand on  
1100 the owner for a written statement under oath showing:

1101 1. The amount of the direct contract under which the lien  
1102 was recorded;

1103 2. The dates and amounts paid or to be paid by or on behalf  
1104 of the owner for all improvements described in the direct  
1105 contract;

1106 3. The reasonable estimated costs of completing the direct  
1107 contract under which the lien was claimed pursuant to the scope  
1108 of the direct contract; and

1109 4. If known, the actual cost of completion.

1110 (b) Any owner who does not provide the statement within 30  
1111 days after demand, or who provides a false or fraudulent  
1112 statement, is not a prevailing party for purposes of an award of  
1113 attorney's fees under s. 713.29. The written demand must include  
1114 the following warning in conspicuous type in substantially the  
1115 following form:



851630

1116           WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT  
1117 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL  
1118 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY  
1119 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING  
1120 THIS STATEMENT.

1121           (6) Any written demand served on the owner shall include a  
1122 description of the project, including the names of the  
1123 contractor and the lienor's customer as set forth in the  
1124 lienor's notice to owner, sufficient for the owner to properly  
1125 identify the project in question.

1126           (7)~~(6)~~ For purposes of this section, the term "information"  
1127 means the nature and quantity of the labor, services, and  
1128 materials furnished or to be furnished by a lienor and the  
1129 amount paid, the amount due, and the amount to become due on the  
1130 lienor's account.

1131           Section 9. Section 713.18, Florida Statutes, is amended to  
1132 read:

1133           713.18 Manner of serving notices and other instruments.—

1134           (1) Service of notices, claims of lien, affidavits,  
1135 assignments, and other instruments permitted or required under  
1136 this part, or copies thereof when so permitted or required,  
1137 unless otherwise specifically provided in this part, must be  
1138 made by one of the following methods:

1139           (a) By actual delivery to the person to be served; if a  
1140 partnership, to one of the partners; if a corporation, to an  
1141 officer, director, managing agent, or business agent; or, if a  
1142 limited liability company, to a member or manager.

1143           (b) By sending the same by common carrier delivery service  
1144 or registered, global express guaranteed, or certified mail,





851630

1145 with postage prepaid, and ~~or by overnight or second-day delivery~~  
1146 with evidence of delivery, which may be in an electronic format.

1147 (c) ~~If the method specified in paragraph (a) or paragraph~~  
1148 ~~(b) cannot be accomplished,~~ By posting on the site of the  
1149 improvement if service as provided by paragraph (a) or paragraph  
1150 (b) cannot be accomplished ~~premises.~~

1151 (2) Notwithstanding subsection (1), service of ~~if~~ a notice  
1152 to owner, a notice to contractor under s. 713.23, or a  
1153 preliminary notice under s. 255.05 is ~~mailed by registered or~~  
1154 ~~certified mail with postage prepaid to the person to be served~~  
1155 ~~at any of the addresses set forth in subsection (3) within 40~~  
1156 ~~days after the date the lienor first furnishes labor, services,~~  
1157 ~~or materials, service of that notice is~~ effective as of the date  
1158 of mailing if:

1159 (a) The notice is mailed by registered, global express  
1160 guaranteed, or certified mail, with postage prepaid, to the  
1161 person to be served at any of the addresses set forth in  
1162 subsection (3);

1163 (b) The notice is mailed within 40 days after the date the  
1164 lienor first furnishes labor, services, or materials; and

1165 (c)1. The person who served the notice maintains a  
1166 registered or certified mail log that shows the registered or  
1167 certified mail number issued by the United States Postal  
1168 Service, the name and address of the person served, and the date  
1169 stamp of the United States Postal Service confirming the date of  
1170 mailing; or ~~if~~

1171 2. The person who served the notice maintains electronic  
1172 tracking records generated through use of the United States  
1173 Postal Service Confirm service or a similar service containing



851630

1174 the postal tracking number, the name and address of the person  
1175 served, and verification of the date of receipt by the United  
1176 States Postal Service.

1177 (3) (a) Service of ~~If~~ an instrument served pursuant to this  
1178 section is effective on the date of mailing if the instrument:

1179 1. Was sent to the last address shown in the notice of  
1180 commencement or any amendment thereto or, in the absence of a  
1181 notice of commencement, to the last address shown in the  
1182 building permit application, or to the last known address of the  
1183 person to be served; ~~and, is not received, but~~

1184 2. Is returned as being "refused," "moved, not  
1185 forwardable," or "unclaimed," or is otherwise not delivered or  
1186 deliverable through no fault of the person serving the item,  
1187 ~~then service is effective on the date the instrument was sent.~~

1188 (b) If the address information shown in the notice of  
1189 commencement or any amendment to the notice, or in the absence  
1190 of a notice of commencement, in the building permit application,  
1191 is incomplete for purposes of mailing or delivery, the person  
1192 serving the item may complete the address and properly format it  
1193 according to United States Postal Service addressing standards  
1194 using information obtained from the property appraiser or  
1195 another public record or directory without affecting the  
1196 validity of service under this section.

1197 (4) A notice served by a lienor on one owner or one partner  
1198 of a partnership owning the real property ~~If the real property~~  
1199 ~~is owned by more than one person or a partnership, a lienor may~~  
1200 ~~serve any notices or other papers under this part on any one of~~  
1201 ~~such owners or partners, and such notice is deemed notice to all~~  
1202 owners and partners.



851630

1203 Section 10. Section 713.22, Florida Statutes, is amended to  
1204 read:

1205 713.22 Duration of lien.—

1206 (1) A ~~No~~ lien provided by this part may not ~~shall~~ continue  
1207 for a longer period than 1 year after the claim of lien has been  
1208 recorded or 1 year after the recording of an amended claim of  
1209 lien that shows a later date of final furnishing of labor,  
1210 services, or materials, unless within that time an action to  
1211 enforce the lien is commenced in a court of competent  
1212 jurisdiction. A lien that has been continued beyond the 1-year  
1213 period ~~The continuation of the lien effected~~ by the commencement  
1214 of an ~~the~~ action is ~~shall~~ not enforceable ~~be good~~ against  
1215 creditors or subsequent purchasers for a valuable consideration  
1216 and without notice, unless a notice of lis pendens is recorded.

1217 (2) An owner or the owner's agent or attorney may elect to  
1218 shorten the time prescribed in subsection (1) within which to  
1219 commence an action to enforce any claim of lien or claim against  
1220 a bond or other security under s. 713.23 or s. 713.24 by  
1221 recording in the clerk's office a notice in substantially the  
1222 following form:

1223 NOTICE OF CONTEST OF LIEN

1224 To: ...(Name and address of lienor)...

1225 You are notified that the undersigned contests the claim of lien  
1226 filed by you on ....., ...(year)...., and recorded in .... Book  
1227 ....., Page ....., of the public records of .... County, Florida,  
1228 and that the time within which you may file suit to enforce your  
1229 lien is limited to 60 days from the date of service of this  
1230 notice. This .... day of ....., ...(year)....

1231 Signed: ...(Owner or Attorney)...



851630

1232  
1233 The lien of any lienor upon whom such notice is served and who  
1234 fails to institute a suit to enforce his or her lien within 60  
1235 days after service of such notice shall be extinguished  
1236 automatically. The clerk shall mail a copy of the notice of  
1237 contest to the lien claimant at the address shown in the claim  
1238 of lien or most recent amendment thereto, by certified or  
1239 registered mail, return receipt requested, and shall certify to  
1240 such service on the face of such notice and record the notice.  
1241 ~~Service shall be deemed complete upon mailing.~~

1242 Section 11. Paragraph (e) of subsection (1) and subsections  
1243 (2) and (4) of section 713.23, Florida Statutes, are amended to  
1244 read:

1245 713.23 Payment bond.—

1246 (1)

1247 (e) An ~~Ne~~ action for the labor or materials or supplies may  
1248 not be instituted or prosecuted against the contractor or surety  
1249 unless both notices have been given. An ~~Ne~~ action may not ~~shall~~  
1250 be instituted or prosecuted against the contractor or against  
1251 the surety on the bond under this section after 1 year from the  
1252 performance of the labor or completion of delivery of the  
1253 materials and supplies. The time period for bringing an action  
1254 against the contractor or surety on the bond shall be measured  
1255 from the last day of furnishing labor, services, or materials by  
1256 the lienor. The time period may ~~and shall~~ not be measured by  
1257 other standards, such as the issuance of a certificate of  
1258 occupancy or the issuance of a certificate of substantial  
1259 completion. A contractor or the contractor's agent or attorney  
1260 may elect to shorten the ~~prescribed~~ time within which an action



851630

1261 to enforce any claim against a payment bond ~~provided~~ under this  
1262 section or s. 713.245 must ~~may~~ be commenced at any time after a  
1263 notice of nonpayment, if required, has been served for the claim  
1264 by recording in the clerk's office a notice in substantially the  
1265 following form:

1266 NOTICE OF CONTEST OF CLAIM

1267 AGAINST PAYMENT BOND

1268 To: ...(Name and address of lienor)...

1269 You are notified that the undersigned contests your notice  
1270 of nonpayment, dated ....., ....., and served on the undersigned  
1271 on ....., ....., and that the time within which you may file suit  
1272 to enforce your claim is limited to 60 days from the date of  
1273 service of this notice.

1274  
1275 DATED on ....., .....

1276  
1277 Signed: ...(Contractor or Attorney)...

1278  
1279 The claim of any lienor upon whom the notice is served and who  
1280 fails to institute a suit to enforce his or her claim against  
1281 the payment bond within 60 days after service of the notice  
1282 shall be extinguished automatically. The clerk shall mail a copy  
1283 of the notice of contest to the lienor at the address shown in  
1284 the notice of nonpayment or most recent amendment thereto, by  
1285 certified or registered mail, return receipt requested, and  
1286 shall certify to such service on the face of the notice and  
1287 record the notice. ~~Service is complete upon mailing.~~

1288 (2) The bond shall secure every lien under the direct  
1289 contract accruing subsequent to its execution and delivery,



851630

1290 except that of the contractor. Every claim of lien, except that  
1291 of the contractor, filed subsequent to execution and delivery of  
1292 the bond shall be transferred to it with the same effect as  
1293 liens transferred under s. 713.24. Record notice of the transfer  
1294 shall be effected by the contractor, or any person having an  
1295 interest in the property against which the claim of lien has  
1296 been asserted, by recording in the clerk's office a notice in  
1297 substantially the following form:

1298 NOTICE OF BOND

1299  
1300 To ... (Name and Address of Lienor) ...

1301  
1302 You are notified that the claim of lien filed by you on ....,  
1303 ...., and recorded in Official Records Book .... at page .... of  
1304 the public records of .... County, Florida, is secured by a  
1305 bond, a copy being attached.

1306  
1307 Signed: ... (Name of person recording notice) ...

1308  
1309 The notice shall be verified. The clerk shall mail a copy of the  
1310 notice to the lienor at the address shown in the claim of lien,  
1311 or the most recent amendment to it; shall certify to the service  
1312 on the face of the notice; and shall record the notice. The  
1313 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~  
1314 ~~713.24(1)~~ for certifying to a transfer of lien.

1315 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall apply  
1316 to bonds under this section.

1317 Section 12. Section 713.24, Florida Statutes, is amended to  
1318 read:



851630

1319           713.24 Transfer of liens to security.-  
1320           (1) ~~A~~ Any lien claimed under this part may be transferred,  
1321 by ~~a~~ any person having an interest in the real property upon  
1322 which the lien is imposed or the contract under which the lien  
1323 is claimed, from such real property to other security by ~~either~~:  
1324           (a) Depositing in the clerk's office a sum of money;~~;~~ or  
1325           (b) Filing in the clerk's office a bond executed as surety  
1326 by a surety insurer licensed to do business in this state.~~;~~ or  
1327           (2) ~~The security must either to be in an amount equal: to~~  
1328           (a) The amount demanded in the such claim of lien; ~~;~~ plus  
1329           (b) Interest on the claim thereon at the legal rate for 3  
1330 years, plus \$1,000 or 25 percent of the amount demanded in the  
1331 claim of lien, whichever is greater, to apply on any attorney's  
1332 fees and court costs that may be taxed in any proceeding to  
1333 enforce the said lien.  
1334           (3) ~~The security~~ Such deposit or bond shall be conditioned  
1335 to pay any judgment or decree that ~~which~~ may be rendered for the  
1336 satisfaction of the lien ~~for which such claim of lien was~~  
1337 ~~recorded.~~  
1338           (4) ~~A~~ Upon making such deposit or filing such bond, the  
1339 clerk who receives other security for a lien:  
1340           (a) Shall make and record a certificate showing the  
1341 transfer of the lien from the real property to the security. The  
1342 clerk and shall serve mail a copy of the certificate and a copy  
1343 of the bond, if the lien was transferred to a bond, on thereof  
1344 ~~by registered or certified mail to~~ the lienor named in the claim  
1345 of lien ~~so transferred,~~ at the address stated in the claim  
1346 therein. ~~When~~ Upon filing the certificate of transfer is  
1347 recorded, the real property is ~~shall thereupon be~~ released from



851630

1348 the lien claimed, and the ~~such~~ lien is ~~shall be~~ transferred to  
1349 the other ~~said~~ security.

1350 (b) May collect a service charge of no more than \$20 for  
1351 making and serving the certificate. The clerk may collect an  
1352 additional charge of no more than \$10 for each additional lien  
1353 transferred to the security. The clerk shall receive the  
1354 statutory service charges as prescribed in s. 28.24 for  
1355 recording the certificate and approving the bond.

1356 (5) In the absence of allegations of privity between the  
1357 lienor and the owner, and subject to any order of the court  
1358 increasing the amount required for the lien transfer deposit or  
1359 bond, no other judgment or decree to pay money may be entered by  
1360 the court against the owner. ~~The clerk shall be entitled to a~~  
1361 ~~service charge for making and serving the certificate, in the~~  
1362 ~~amount of up to \$20. If the transaction involves the transfer of~~  
1363 ~~multiple liens, an additional charge of up to \$10 for each~~  
1364 ~~additional lien shall be charged. For recording the certificate~~  
1365 ~~and approving the bond, the clerk shall receive her or his usual~~  
1366 ~~statutory service charges as prescribed in s. 28.24. Any number~~  
1367 ~~of liens may be transferred to one such security.~~

1368 (6)~~(2)~~ Any excess of the security over the aggregate amount  
1369 of any judgments or decrees rendered plus costs actually taxed  
1370 shall be repaid to the party filing the same or her or his  
1371 successor in interest. Any deposit of money shall be considered  
1372 as paid into court and is ~~shall be~~ subject to the provisions of  
1373 law relative to payments of money into court and the disposition  
1374 of same.

1375 (7)~~(3)~~ Any party having an interest in such security or the  
1376 property from which the lien was transferred may at any time,





851630

1377 and any number of times, file a complaint in chancery in the  
1378 circuit court of the county where such security is deposited, or  
1379 file a motion in a pending action to enforce a lien, for an  
1380 order to require additional security, reduction of security,  
1381 change or substitution of sureties, payment of discharge  
1382 thereof, or any other matter affecting the ~~said~~ security. If the  
1383 court finds that the amount of the deposit or bond in excess of  
1384 the amount claimed in the claim of lien is insufficient to pay  
1385 the lienor's attorney's fees and court costs incurred in the  
1386 action to enforce the lien, the court must increase the amount  
1387 of the cash deposit or lien transfer bond. ~~Nothing in~~ This  
1388 section does not ~~shall be construed to~~ vest exclusive  
1389 jurisdiction in the circuit courts over transfer bond claims for  
1390 nonpayment of an amount within the monetary jurisdiction of the  
1391 county courts.

1392 (8)~~(4)~~ If a proceeding to enforce a transferred lien is not  
1393 commenced within the time specified in s. 713.22 or if it  
1394 appears that the transferred lien has been satisfied of record,  
1395 the clerk shall return the ~~said~~ security upon request of the  
1396 person depositing or filing the same, or the insurer. If a  
1397 proceeding to enforce a lien is commenced in a court of  
1398 competent jurisdiction within the time specified in s. 713.22  
1399 and, during such proceeding, the lien is transferred pursuant to  
1400 this section or s. 713.13(1)(e), an action commenced within 1  
1401 year after the transfer, unless otherwise shortened by operation  
1402 of law, in the same county or circuit court to recover against  
1403 the security shall be deemed to have been brought as of the date  
1404 of filing the action to enforce the lien, and the court has  
1405 ~~shall have~~ jurisdiction over the action.



851630

1406 Section 13. This act shall take effect October 1, 2010.

1407

1408 ===== T I T L E A M E N D M E N T =====

1409 And the title is amended as follows:

1410 Delete everything before the enacting clause

1411 and insert:

1412 A bill to be entitled

1413 An act relating to construction bonds; amending s.

1414 255.05, F.S.; requiring that a contractor record in

1415 the official records a payment bond for a public works

1416 construction project; requiring that the bond number

1417 be stated on the first page of a bond; prohibiting the

1418 issuing authority for a building permit or a private

1419 provider performing inspection services from

1420 inspecting the property being improved until certain

1421 documents are filed; providing that a payment and

1422 performance bond is not required for certain

1423 contracts; authorizing certain entities to exempt

1424 certain contracts from the requirement for a payment

1425 and performance bond; requiring the clerk of court to

1426 mail a notice of contest of lien by certified or

1427 registered mail; amending s. 713.015, F.S.; requiring

1428 that a contractor provide an owner with a general

1429 statement of an owner's rights and responsibilities

1430 under Florida's Construction Lien Law; requiring that

1431 a signed copy of the statement be filed with the

1432 building permit application; specifying the form and

1433 content of the statement; deleting the requirement

1434 that notice be included in the direct contract between



851630

1435 the contractor and the owner; amending s. 713.06,  
1436 F.S.; revising the form of a notice for liens of  
1437 persons not in privity with the owner; amending s.  
1438 713.09, F.S.; including units in provisions relating  
1439 to a single claim of lien; deleting certain  
1440 requirements relating to direct contracts; amending s.  
1441 713.13, F.S.; revising the form of the notice of  
1442 commencement; requiring the posting of a payment bond  
1443 on a job site; amending s. 713.135, F.S.; revising the  
1444 warning to the owner printed on certain permit cards;  
1445 deleting a requirement relating to filing a notice of  
1446 commencement before certain inspections; revising the  
1447 warning to the owner provided on a building permit  
1448 form; deleting provisions requiring the authority  
1449 issuing a building permit to provide certain  
1450 statements and information; requiring the Department  
1451 of Business and Professional Regulation to include  
1452 forms and information relating to the construction  
1453 lien laws on its website; creating s. 713.137, F.S.;  
1454 prohibiting the authority issuing a building permit or  
1455 a private provider performing inspection services from  
1456 inspecting an improvement until certain documents have  
1457 been filed and the information in the notice of  
1458 commencement meets certain standards; providing  
1459 exceptions; amending s. 713.16, F.S.; revising  
1460 requirements for demands for a copy of a construction  
1461 contract and a statement of account; authorizing a  
1462 lienor who submits or mails a claim of lien to the  
1463 clerk for recording to make certain demands to an



851630

1464 owner for certain written statements; providing  
1465 requirements for such written demands; amending s.  
1466 713.18, F.S.; providing additional methods by which  
1467 certain items may be served by mail; specifying  
1468 information required on certain written instruments  
1469 under certain circumstances; amending s. 713.22, F.S.;  
1470 requiring that the clerk of court serve a notice of  
1471 contest of lien; amending s. 713.23, F.S.; requiring  
1472 that the clerk of court mail a notice of contest of  
1473 nonpayment by certified or registered mail; conforming  
1474 cross-references; amending s. 713.24, F.S.; requiring  
1475 that the clerk of court mail, by certified or  
1476 registered mail, a copy of the certificate showing the  
1477 transfer of a lien and a copy of the security if the  
1478 lien is transferred to a security; authorizing a clerk  
1479 to collect certain service charges under certain  
1480 circumstances; providing an effective date.