

By Senator Baker

20-00880A-10

20101048

1 A bill to be entitled
2 An act relating to construction bonds; amending s.
3 255.05, F.S.; requiring that a surety record in the
4 public records a payment bond for a public works
5 construction project; requiring that the bond number
6 be stated on the first page of a bond; prohibiting the
7 issuing authority for a building permit or a private
8 provider performing inspection services from
9 inspecting the property being improved until certain
10 documents are filed; providing that a payment and
11 performance bond is not required for certain
12 contracts; authorizing certain entities to exempt
13 certain contracts from the requirement for a payment
14 and performance bond; requiring that the clerk of
15 court serve a notice of contest of lien; amending s.
16 713.015, F.S.; requiring that a contractor provide an
17 owner with a general statement of an owner's rights
18 and responsibilities under Florida's Construction Lien
19 Law; requiring that a signed copy of the statement be
20 filed with the building permit application; specifying
21 the form and content of the statement; deleting the
22 requirement that notice be included in the direct
23 contract between the contractor and the owner;
24 amending s. 713.06, F.S.; revising the form of a
25 notice for liens of persons not in privity with the
26 owner; amending s. 713.09, F.S.; including units in
27 provisions relating to a single claim of lien;
28 deleting certain requirements relating to direct
29 contracts; amending s. 713.13, F.S.; providing for the

20-00880A-10

20101048

30 expiration of a notice of commencement; revising the
31 form of the notice of commencement; requiring the
32 posting of a payment bond on a job site; amending s.
33 713.135, F.S.; revising the warning to the owner
34 printed on certain permit cards; deleting a
35 requirement relating to filing a notice of
36 commencement before certain inspections; revising the
37 warning to the owner provided on a building permit
38 form; deleting provisions requiring the authority
39 issuing a building permit to provide certain
40 statements and information; creating s. 713.137, F.S.;
41 prohibiting the authority issuing a building permit or
42 a private provider performing inspection services from
43 inspecting an improvement until certain documents have
44 been filed and the information in the notice of
45 commencement meets certain standards; providing
46 exceptions; amending s. 713.16, F.S.; revising
47 requirements for demands for a copy of a construction
48 contract and a statement of account; authorizing a
49 lienor who submits or mails a claim of lien to the
50 clerk for recording to make certain demands to an
51 owner for certain written statements; providing
52 requirements for such written demands; amending s.
53 713.18, F.S.; providing additional methods by which
54 certain items may be served by mail; specifying
55 information required on certain written instruments
56 under certain circumstances; amending s. 713.22, F.S.;
57 requiring that the clerk of court serve a notice of
58 contest of lien; amending s. 713.23, F.S.; requiring

20-00880A-10

20101048

59 that the clerk of court serve a notice of contest of
 60 nonpayment; conforming cross-references; amending s.
 61 713.24, F.S.; requiring that the clerk of court serve
 62 a copy of the certificate showing the transfer of a
 63 lien and a copy of the security if the lien is
 64 transferred to a security; authorizing a clerk to
 65 collect certain service charges under certain
 66 circumstances; amending s. 713.29, F.S.; clarifying
 67 the determination of a prevailing party for the
 68 purpose of recovering attorney's fees; providing
 69 effective dates.

70
 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Subsection (1) and paragraph (a) of subsection
 74 (2) of section 255.05, Florida Statutes, are amended to read:

75 255.05 Bond of contractor constructing public buildings;
 76 form; action by materialmen.—

77 (1)~~(a)~~ Any person entering into a formal contract with the
 78 state or any county, municipality ~~city~~, or political subdivision
 79 thereof, or other public authority or private entity, for the
 80 construction of a public building, for the prosecution and
 81 completion of a public work, or for repairs upon a public
 82 building or public work shall ~~be required~~, before commencing the
 83 work or before recommencing the work after a default or
 84 abandonment, ~~to~~ execute and ~~7~~ deliver to the public owner, ~~and~~
 85 ~~record in the public records of the county where the improvement~~
 86 ~~is located~~, a payment and performance bond with a surety insurer
 87 authorized to do business in this state as surety.

20-00880A-10

20101048

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

91 (b) The bond must state on its front page: the name,
92 principal business address, and phone number of the contractor,
93 the surety, the owner of the property being improved, and, if
94 different from the owner, the contracting public entity; the
95 contract number assigned by the contracting public entity; the
96 bond number assigned by the surety; and a description of the
97 project sufficient to identify it, such as a legal description
98 or the street address of the property being improved, and a
99 general description of the improvement.

100 (c) Such bond shall be conditioned upon the contractor's
101 performance of the construction work in the time and manner
102 prescribed in the contract and promptly making payments to all
103 persons defined in s. 713.01 who furnish labor, services, or
104 materials for the prosecution of the work provided for in the
105 contract.

106 (d) The contractor shall record the payment bond upon
107 issuance in the public records of the county in which the
108 improvement will be located.

109 (e)1. The issuing authority for the building permit, or a
110 private provider performing inspection services, may not inspect
111 the property being improved until:

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

114 b. The contracting public entity has filed with the issuing
115 authority a notarized statement stating that the contract is
116 exempt from the requirement for a payment bond as provided in

20-00880A-10

20101048

117 this section.

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

121 (f) Any claimant may apply to the governmental entity
122 having charge of the work for copies of the contract and bond
123 and shall thereupon be furnished with a certified copy of the
124 contract and bond. The claimant has ~~shall have~~ a right of action
125 against the contractor and surety for the amount due him or her,
126 including unpaid finance charges due under the claimant's
127 contract. Such action shall not involve the public authority in
128 any expense.

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

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

139 ~~3. When such work is done for the state,~~ The Secretary of
140 Management Services may delegate to a state agency ~~agencies~~ the
141 authority to exempt ~~any person entering into such a contract for~~
142 ~~amounting to~~ more than \$100,000 but less than \$200,000 from the
143 requirement for a ~~executing the~~ payment and performance bond. If
144 ~~In the event~~ such exemption is granted, the officer or officials
145 are ~~shall~~ not be personally liable to persons suffering loss

20-00880A-10

20101048

146 because of granting such exemption. The Department of Management
147 Services shall maintain information on the number of requests by
148 state agencies for delegation of authority to waive the bond
149 requirements by agency and project number and whether any
150 request for delegation was denied and the justification for the
151 denial.

152 (h) Any provision in a payment bond furnished for public
153 work contracts as provided by this subsection which restricts
154 the classes of persons as defined in s. 713.01 protected by the
155 bond or the venue of any proceeding relating to such bond is
156 unenforceable.

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

160 1. Procedures for retaining up to 10 percent of each
161 request for payment submitted by a contractor and procedures for
162 determining disbursements from the amount retained on a pro rata
163 basis to laborers, materialmen, and subcontractors, as defined
164 in s. 713.01.

165 2. Procedures for requiring certification from laborers,
166 materialmen, and subcontractors, as defined in s. 713.01, prior
167 to final payment to the contractor that such laborers,
168 materialmen, and subcontractors have no claims against the
169 contractor resulting from the completion of the work provided
170 for in the contract.

171
172 The state is ~~shall~~ not ~~be held~~ liable to any laborer,
173 materialman, or subcontractor for any amounts greater than the
174 pro rata share as determined under this section.

20-00880A-10

20101048

175 (j)~~(e)~~1. The amount of the bond shall equal the contract
 176 price, except that for a contract in excess of \$250 million, if
 177 the state, county, municipality, political subdivision, or other
 178 public entity finds that a bond in the amount of the contract
 179 price is not reasonably available, the public owner shall set
 180 the amount of the bond at the largest amount reasonably
 181 available, but not less than \$250 million.

182 2. For construction-management or design-build contracts,
 183 if the public owner does not include in the bond amount the cost
 184 of design or other nonconstruction services, the bond may not be
 185 conditioned on performance of such services or payment to
 186 persons furnishing such services. Notwithstanding paragraph (h)
 187 ~~(a)~~, such a bond may exclude persons furnishing such services
 188 from the classes of persons protected by the bond.

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

NOTICE OF CONTEST OF CLAIM
 AGAINST PAYMENT BOND

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

201 You are notified that the undersigned contests your notice
 202 of nonpayment, dated,, and served on the
 203 undersigned on,, and that the time within

20-00880A-10

20101048

204 which you may file suit to enforce your claim is limited to 60
 205 days after the date of service of this notice.

206

207 DATED on,

208

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

210

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

220 2. A claimant, except a laborer, who is not in privity with
 221 the contractor shall, before commencing or not later than 45
 222 days after commencing to furnish labor, services, or materials
 223 for the prosecution of the work, furnish the contractor with a
 224 written notice that he or she intends to look to the bond for
 225 protection. A claimant who is not in privity with the contractor
 226 and who has not received payment for his or her labor, services,
 227 or materials shall deliver to the contractor and to the surety
 228 written notice of the performance of the labor or delivery of
 229 the materials or supplies and of the nonpayment. The notice of
 230 nonpayment may be served at any time during the progress of the
 231 work or thereafter but not before 45 days after the first
 232 furnishing of labor, services, or materials, and not later than

20-00880A-10

20101048

233 90 days after the final furnishing of the labor, services, or
234 materials by the claimant or, with respect to rental equipment,
235 not later than 90 days after the date that the rental equipment
236 was last on the job site available for use. Any notice of
237 nonpayment served by a claimant who is not in privity with the
238 contractor which includes sums for retainage must specify the
239 portion of the amount claimed for retainage. An ~~No~~ action for
240 ~~the~~ labor, materials, or supplies may not be instituted against
241 the contractor or the surety unless both notices have been
242 given. Notices required or permitted under this section may be
243 served in accordance with s. 713.18. A claimant may not waive in
244 advance his or her right to bring an action under the bond
245 against the surety. In any action brought to enforce a claim
246 against a payment bond under this section, the prevailing party
247 is entitled to recover a reasonable fee for the services of his
248 or her attorney for trial and appeal or for arbitration, in an
249 amount to be determined by the court, which fee must be taxed as
250 part of the prevailing party's costs, as allowed in equitable
251 actions. The time periods for service of a notice of nonpayment
252 or for bringing an action against a contractor or a surety shall
253 be measured from the last day of furnishing labor, services, or
254 materials by the claimant and shall not be measured by other
255 standards, such as the issuance of a certificate of occupancy or
256 the issuance of a certificate of substantial completion.

257 Section 2. Section 713.015, Florida Statutes, is amended to
258 read:

259 713.015 General statement of owner's rights and
260 responsibilities ~~Mandatory provisions for direct contracts.-~~

261 (1) For any direct contract ~~greater than \$2,500~~ between an

20-00880A-10

20101048

262 owner and a contractor, related to improvements to real property
263 consisting of single or multiple family dwellings up to and
264 including four units, the contractor must provide the owner with
265 a copy of the signed and dated general statement of an owner's
266 rights and responsibilities under Florida's Construction Lien
267 Law as described in subsection (2), which must be contain the
268 following notice provision printed in no less than 12-point,
269 capitalized, boldfaced type on the front page of the contract or
270 on a separate page, signed by the owner and dated, and submitted
271 with the original building permit application pursuant to s.
272 713.135. If the contractor applies for the building permit, the
273 contractor must provide to the owner a signed and dated copy of
274 the general statement of an owner's rights and
275 responsibilities.

276
277 ~~ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-~~
278 ~~713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR~~
279 ~~PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A~~
280 ~~RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.~~
281 ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR~~
282 ~~OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-~~
283 ~~SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED~~
284 ~~MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE~~
285 ~~ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR~~
286 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~
287 ~~PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE~~
288 ~~SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER~~
289 ~~SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED~~
290 ~~TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS~~

20-00880A-10

20101048

291 ~~CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS~~
 292 ~~REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY~~
 293 ~~PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~
 294 ~~FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS~~
 295 ~~RECOMMENDED THAT YOU CONSULT AN ATTORNEY.~~

296 (2) The general statement of an owner's rights and
 297 responsibilities under Florida's Construction Lien Law must be
 298 in substantially the following form, must include the
 299 information contained in the following form, and must include a
 300 copy of a notice of commencement as provided in s. 713.13(1), a
 301 waiver and release of lien upon progress payment as provided in
 302 s. 713.20(4), a waiver and release of lien upon final payment as
 303 provided in s. 713.20(5), a request for sworn statement of
 304 account as provided in s. 713.16, and a contractor's final
 305 payment affidavit as provided in s. 713.06(3):

306
 307 GENERAL STATEMENT OF
 308 OWNER'S RIGHTS AND RESPONSIBILITIES
 309 UNDER FLORIDA'S CONSTRUCTION LIEN LAW

310
 311 ABOUT THIS DOCUMENT.—Florida law requires your contractor
 312 to provide you with this document and the attached statutory
 313 forms when you are contracting to make improvements to real
 314 property. Therefore, it is critical that you have some
 315 understanding of Florida's construction lien and payment laws
 316 and take appropriate steps to protect your investment and
 317 fulfill your obligations to those who provide labor and
 318 materials for your project.

20-00880A-10

20101048

320 You must acknowledge that you have received and read this
321 document by signing on the signature page. The signed original
322 document must be delivered to the building permit authority,
323 along with the building permit application for your project.
324 Your building permit application will not be processed unless
325 this signed document is in the file. You need to retain a copy
326 of the filed document and the attached statutory forms so that
327 you can follow the procedures described in the document and
328 identify the proper statutory forms as you proceed with your
329 construction project. If your contractor applies for the
330 building permit, he or she must provide you with a copy of the
331 signed and dated general statement of an owner's rights and
332 responsibilities.

333
334 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
335 Florida Statutes (F.S.), governs private construction projects
336 in this state. The complete text of this law can be found at
337 www.leg.state.fl.us. This general statement is intended as a
338 guide and does not take precedence over the language of
339 Florida's Construction Lien Law.

340
341 Under this law, those who work on your property or provide
342 materials and services and who are not paid in full have a right
343 to enforce their claim for payment against your property. This
344 claim is known as a construction lien. If your contractor or a
345 subcontractor fails to pay subcontractors, sub-subcontractors,
346 or material suppliers, those people who are owed money may look
347 to your property for payment even if you have already paid your
348 contractor in full. If you fail to pay your contractor, your

20-00880A-10

20101048

349 contractor may also have a lien on your property. This means
350 that if a lien is filed, your property could be sold against
351 your will to pay for labor, materials, or other services that
352 your contractor or a subcontractor may have failed to pay.

353
354 The law also provides procedures to protect owners and
355 guarantee that you will never have to pay more than the amount
356 of your contract if you make proper payments. Although the
357 construction lien law has many complexities, the steps owners
358 can take to protect themselves and establish a "proper payment
359 defense" are simple, but very important.

360
361 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required
362 by law to complete, sign, and record in the public records an
363 accurate Notice of Commencement for all direct contracts that
364 exceed \$2,500, which notice provides certain specified
365 information. The information provided in the recorded Notice of
366 Commencement is relied upon by all parties who provide labor and
367 materials to your project. A copy of the statutory Notice of
368 Commencement form, s. 713.13, F.S., is attached to this
369 document.

370
371 If a lender is financing your project, the lender will
372 assist you in completing the Notice of Commencement and is
373 responsible for recording it in the public records. It is
374 critical that your Notice of Commencement be recorded after any
375 construction loan or mortgage documents are recorded. If you do
376 not have a lender, preparing and recording the Notice of
377 Commencement is your responsibility. The Notice of Commencement

20-00880A-10

20101048

378 must be recorded before commencing construction and posted on
379 your jobsite. For most projects, a copy of the recorded Notice
380 of Commencement must be submitted to the building permit
381 authority before the first building inspection.

382
383 STEP 2 - MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.-
384 Pick up your certified mail. Most lien notices are served by
385 certified mail and you need to know who is providing labor and
386 materials to your project. Section 713.18, F.S., provides that
387 any properly addressed notices that are returned to the sender
388 through no fault of the sender are considered served on the date
389 sent, so failing to claim certified mail only hurts you.

390
391 If you expect to be absent for periods of time during your
392 project, you should have an attorney or other agent in a
393 position of trust who understands the law handle these details
394 for you. Make sure someone is receiving your mail and taking
395 steps to obtain the necessary lien releases before making
396 payments to your contractor. If you receive anything that you do
397 not understand, seek the assistance of an experienced
398 construction law attorney.

399
400 STEP 3 - OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A
401 PAYMENT TO YOUR CONTRACTOR.-Each time you pay your contractor
402 you should obtain a Waiver and Release of Lien form from the
403 contractor and from anyone who serves you with a Notice to
404 Owner. Make sure that each release waives lien rights against
405 your project for work or materials furnished through the date of
406 the work or materials that your payment covers. This date is

20-00880A-10

20101048

407 probably not the date you are making the payment, but a date
408 before the payment date through which labor and materials have
409 been billed.

410
411 UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS
412 DUE TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A
413 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT FORM OR
414 A WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT FORM
415 SHOWING THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

416
417 There are two statutory Waiver and Release of Lien forms.
418 The signed Waiver and Release of Lien Upon Progress Payment
419 should be submitted by a contractor, subcontractor, or material
420 supplier each time you make a payment to your contractor. The
421 signed Waiver and Release of Lien Upon Final Payment should be
422 submitted by your contractor, a subcontractor, or material
423 supplier when they are finished furnishing all work or materials
424 for your project and have received final payment. For example,
425 when the plumber finishes all plumbing on your project and
426 receives final payment from the contractor, you should obtain a
427 Waiver and Release of Lien Upon Final Payment. Once you receive
428 a final waiver from a contractor, subcontractor, or material
429 supplier, you should not need another waiver unless they are
430 hired to do additional work. A copy of both statutory Waiver and
431 Release of Lien forms, s. 713.20, F.S., are attached to this
432 document.

433
434 STEP 4 - OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT
435 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.-In addition to

20-00880A-10

20101048

436 obtaining Final Waiver and Release of Lien forms from the
437 contractor and anyone who has served you with a Notice to Owner,
438 you should obtain a Contractor's Final Payment Affidavit before
439 you make final payment to your contractor. This sworn affidavit
440 should reflect that everyone who supplied labor and materials on
441 your project has been paid in full or should list those
442 subcontractors and suppliers who are still owed money. Make sure
443 that anyone listed as not being paid in full is paid before
444 making final payment to your contractor. You have a right to
445 rely on the information contained in the sworn affidavit when
446 you make final payment to your contractor with respect to any
447 lienor who has not served a Notice to Owner. A copy of the
448 statutory Contractor's Final Payment Affidavit form, s. 713.06,
449 F.S., is attached to this document.

450
451 IF YOU FOLLOW THESE FOUR SIMPLE STEPS, FLORIDA LAW WILL
452 PROTECT YOU AND YOU SHOULD NEVER HAVE TO PAY TWICE FOR THE SAME
453 LABOR OR MATERIALS.

454
455 ADDITIONAL INFORMATION FOR YOUR PROTECTION
456

457 1. Always hire a Florida-licensed contractor. You can
458 verify the license status of your contractor by accessing the
459 website of the Department of Business and Professional
460 Regulation at www.myflorida.com/dbpr and performing a licensee
461 search. You can check under an individual name or, if your
462 contractor is a company, under the business name and then check
463 to see who the qualifying licensee is for that company.
464

20-00880A-10

20101048

465 2. Make sure that your contractor has the proper workers'
466 compensation coverage, or an allowed workers' compensation
467 exemption, and carries sufficient builder's risk or commercial
468 liability insurance. The contractor should be able to provide
469 you with current, valid certificates of insurance from his or
470 her insurance agent.

471
472 3. Use caution before accepting an obviously low bid. If it
473 seems too good to be true, it probably is, and your construction
474 project may be in trouble before you even begin.

475
476 4. Some contractors require a reasonable deposit to cover
477 the cost of plans and permitting. This is an acceptable
478 practice. However, you should use caution before paying
479 substantial sums to a contractor in advance of the work being
480 performed.

481
482 5. At any time during the construction process if you need
483 contract or payment information from anyone providing labor,
484 services, or materials to your project, you have the right to
485 make a written request to them for a Sworn Statement of Account
486 to ascertain the nature of the work performed or to be
487 performed, the materials furnished or to be furnished, the
488 amounts paid or to be paid, or the amounts due or to become due
489 to them. The form for this written Request for Sworn Statement
490 of Account is attached to this statement. If you received a
491 Notice to Owner from the person to whom you wish to send such a
492 request, make sure you address the request to the person,
493 company, and address listed in the Notice to Owner. The request

20-00880A-10

20101048

494 must be served by you in accordance with lien law provisions
495 (usually by hand delivery, certified mail, or overnight
496 delivery) and you should make sure to request and keep the proof
497 of delivery.

498
499 6. If you receive documents or information that you do not
500 understand, consult an experienced construction law attorney.

501
502 7. Florida has a Homeowners' Construction Recovery Fund
503 that is funded through a portion of the building permit fees.
504 This fund helps consumers who have been harmed by a licensed
505 contractor. In order to be eligible to recover from this fund,
506 you must have complied with the proper payment procedures as
507 described in this document. For more information, contact the
508 Construction Industry Licensing Board at
509 www.myflorida.com/dbpr/pro/cilb.

510
511 8. You have the right to require that a contractor furnish
512 a payment bond so that the owner is exempt from the Construction
513 Lien Law. If there is a payment bond, a lienor must file a claim
514 on the payment bond for payment rather than file a lien on the
515 property. However, if you require a payment bond, understand
516 that the payment bond will likely increase the cost of your
517 construction.

518
519 OWNER'S ACKNOWLEDGMENT AND RECEIPT

520
521 The undersigned owner(s) of Florida real property hereby
522 acknowledge that they are preparing to enter into a contract

20-00880A-10

20101048__

523 with _____ for the
524 construction of real property improvements to the following-
525 described property (insert address or legal description):

526 _____

527 _____
528 _____

529
530 ... (Signature of Property Owner) (Date) ...

531
532 ... (Signature of Property Owner) (Date) ...

533
534 Attached Statutory Forms:

535 Notice of Commencement

536 Waiver and Release of Lien Upon Progress Payment

537 Waiver and Release of Lien Upon Final Payment

538 Request for Sworn Statement of Account

539 Contractor's Final Payment Affidavit

540 ~~(2) (a) If the contract is written, the notice must be in~~
541 ~~the contract document. If the contract is oral or implied, the~~
542 ~~notice must be provided in a document referencing the contract.~~

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

546 (4) (e) This section may not be construed to adversely
547 affect the lien and bond rights of lienors who are not in
548 privity with the owner. This section does not apply when the
549 owner is a contractor licensed under chapter 489 or is a person
550 who created parcels or offers parcels for sale or lease in the
551 ordinary course of business.

20-00880A-10

20101048

552 Section 3. Paragraph (c) of subsection (2) of section
553 713.06, Florida Statutes, is amended to read:

554 713.06 Liens of persons not in privity; proper payments.—

555 (2)

556 (c) The notice may be in substantially the following form
557 and must include the information and the warning contained in
558 the following form:

559

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

564

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

568 TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE
569 CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN
570 WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,
571 REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND
572 RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT
573 THE BEGINNING OF YOUR CONSTRUCTION PROJECT. AVOID A LIEN AND
574 PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY
575 TIME YOU PAY YOUR CONTRACTOR.

576

NOTICE TO OWNER

577

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

579

580 The undersigned hereby informs you that he or she has furnished

20-00880A-10

20101048

581 or is furnishing services or materials as follows:

582 ... (General description of services or materials)... for the
583 improvement of the real property identified as ... (property
584 description)... under an order given by.....

585
586 Florida law prescribes the serving of this notice and restricts
587 your right to make payments under your contract in accordance
588 with Section 713.06, Florida Statutes.

589 IMPORTANT INFORMATION FOR
590 YOUR PROTECTION

591
592 Under Florida's laws, those who work on your property or
593 provide materials and are not paid have a right to enforce their
594 claim for payment against your property. This claim is known as
595 a construction lien.

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

600
601 PROTECT YOURSELF:

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

605 -LEARN more about the Construction Lien Law, Chapter 713,
606 Part I, Florida Statutes, and the meaning of this notice by
607 contacting an attorney or the Florida Department of Business and
608 Professional Regulation.

609 ... (Lienor's Signature)...

20-00880A-10

20101048__

610 ... (Lienor's Name)...

611 ... (Lienor's Address)...

612

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

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

618 Section 4. Section 713.09, Florida Statutes, is amended to
619 read:

620 713.09 Single claim of lien.—A lienor may ~~is required to~~
621 record only one claim of lien covering his or her entire demand
622 against the real property when the amount demanded is for labor
623 or services or material furnished for more than one improvement
624 ~~under the same direct contract~~. The single claim of lien is
625 sufficient even though the improvement is for one or more
626 improvements located on separate lots, parcels, units, or tracts
627 of land. If materials to be used on one or more improvements on
628 separate lots, parcels, units, or tracts of land ~~under one~~
629 ~~direct contract~~ are delivered by a lienor to a place designated
630 by the person with whom the materialman contracted, other than
631 the site of the improvement, the delivery to the place
632 designated is prima facie evidence of delivery to the site of
633 the improvement and incorporation in the improvement. The single
634 claim of lien may be limited to a part of multiple lots,
635 parcels, or tracts of land and their improvements or may cover
636 all of the lots, parcels, units, or tracts of land and
637 improvements. ~~In each claim of lien under this section, the~~
638 ~~owner under the direct contract must be the same person for all~~

20-00880A-10

20101048

639 ~~lots, parcels, or tracts of land against which a single claim of~~
640 ~~lien is recorded.~~

641 Section 5. Section 713.13, Florida Statutes, is amended to
642 read:

643 713.13 Notice of commencement.—

644 (1) (a) Except for an improvement that is exempt pursuant to
645 s. 713.02(5), an owner or the owner's authorized agent before
646 actually commencing to improve any real property, or
647 recommencing completion of any improvement after default or
648 abandonment, whether or not a project has a payment bond
649 complying with s. 713.23, shall record a notice of commencement
650 in the clerk's office and forthwith post either a certified copy
651 thereof or a notarized statement that the notice of commencement
652 has been filed for recording along with a copy thereof. The
653 notice of commencement shall contain the following information:

654 1. A description sufficient for identification of the real
655 property to be improved. The description should include the
656 legal description of the property and also should include the
657 street address and tax folio number of the property if available
658 or, if there is no street address available, such additional
659 information as will describe the physical location of the real
660 property to be improved.

661 2. A general description of the improvement.

662 3. The name and address of the owner, the owner's interest
663 in the site of the improvement, and the name and address of the
664 fee simple titleholder, if other than such owner.

665 4. The name and address of the contractor.

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

20-00880A-10

20101048

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

670 7. The name and address within the state of a person other
671 than himself or herself who may be designated by the owner as
672 the person upon whom notices or other documents may be served
673 under this part; and service upon the person so designated
674 constitutes service upon the owner.

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

680 (c) A notice of commencement expires:

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

684 2. On the effective date of a notice of termination that
685 has been served and recorded. If the contract between the owner
686 and a contractor named in the notice of commencement expresses a
687 period of time for completion for the construction of the
688 improvement greater than 1 year, the notice of commencement must
689 state that it is effective for a period of 1 year plus any
690 additional period of time. Any payments made by the owner after
691 the expiration of the notice of commencement are considered
692 improper payments.

693 (d) A notice of commencement must be in substantially the
694 following form:

695
696 Permit No.....

Tax Folio No.....

20-00880A-10

20101048__

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

20-00880A-10

20101048

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

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

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

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

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

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

...(Signature of Owner or Owner's Authorized

20-00880A-10

20101048__

755 Officer/Director/Partner/Manager)...

756

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

758

759 The foregoing instrument was acknowledged before me this
760 day of, ... (year) ..., by ... (name of person) ... as ... (type
761 of authority, ... e.g. officer, trustee, attorney in fact) ... for
762 ... (name of party on behalf of whom instrument was executed)

763

764 ... (Signature of Notary Public - State of Florida)...

765

766 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

767

768 Personally Known OR Produced Identification

769

770 Type of Identification Produced.....

771

772 ~~Verification pursuant to Section 92.525, Florida Statutes.~~

773

774 ~~Under penalties of perjury, I declare that I have read the~~
775 ~~foregoing and that the facts stated in it are true to the best~~
776 ~~of my knowledge and belief.~~

777

778 ~~... (Signature of Natural Person Signing Above) ...~~

779

780 (e) A copy of any payment bond must be attached at the time
781 of recordation of the notice of commencement. The failure to
782 attach a copy of the bond to the notice of commencement when the
783 notice is recorded negates the exemption provided in s.
713.02(6). However, if a payment bond under s. 713.23 exists but

20-00880A-10

20101048

784 was not attached at the time of recordation of the notice of
785 commencement, the bond may be used to transfer any recorded lien
786 of a lienor except that of the contractor by the recordation and
787 service of a notice of bond pursuant to s. 713.23(2). The notice
788 requirements of s. 713.23 apply to any claim against the bond;
789 however, the time limits for serving any required notices shall
790 begin running from the later of the time specified in s. 713.23
791 or the date the notice of bond is served on the lienor.

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

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

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

799 (2)~~(3)~~ The recording of a notice of commencement does not
800 constitute a lien, cloud, or encumbrance on real property, but
801 gives constructive notice that claims of lien under this part
802 may be recorded and may take priority as provided in s. 713.07.
803 The posting of a copy does not constitute a lien, cloud, or
804 encumbrance on real property, nor actual or constructive notice
805 of any of them.

806 (3)~~(4)~~ This section does not apply to an owner who is
807 constructing improvements described in s. 713.04.

808 (4)~~(5)~~(a) A notice of commencement that is recorded within
809 the effective period may be amended to ~~extend the effective~~
810 ~~period~~, change erroneous information in the original notice, or
811 add information that was omitted from the original notice.
812 However, in order to change contractors, a new notice of

20-00880A-10

20101048

813 commencement or notice of recommencement must be executed and
814 recorded.

815 (b) The amended notice must identify the official records
816 book and page where the original notice of commencement is
817 recorded, and a copy of the amended notice must be served by the
818 owner upon the contractor and each lienor who serves notice
819 before or within 30 days after the date the amended notice is
820 recorded.

821 (5) ~~(6) Unless otherwise provided in the notice of~~
822 ~~commencement or a new or amended notice of commencement,~~ A
823 notice of commencement is not effectual in law or equity against
824 a conveyance, transfer, or mortgage of or lien on the real
825 property described in the notice, or against creditors or
826 subsequent purchasers for a valuable consideration, after the
827 expiration of 1 year after the date of recording the notice of
828 commencement.

829 (6) ~~(7)~~ A lender must, prior to the disbursement of any
830 construction funds to the contractor, record the notice of
831 commencement in the clerk's office as required by this section;
832 however, the lender is not required to post a certified copy of
833 the notice at the construction site. The posting of the notice
834 at the construction site remains the owner's obligation. The
835 failure of a lender to record the notice of commencement as
836 required by this subsection renders the lender liable to the
837 owner for all damages sustained by the owner as a result of the
838 failure. Whenever a lender is required to record a notice of
839 commencement, the lender shall designate the lender, in addition
840 to others, to receive copies of notices to owner. This
841 subsection does not give any person other than the owner a claim

20-00880A-10

20101048

842 or right of action against a lender for failure to record a
843 notice of commencement.

844 Section 6. Section 713.135, Florida Statutes, is amended to
845 read:

846 713.135 Notice of commencement and applicability of lien.—

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

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

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

864 (c)-(b) Make available to Provide the applicant and the
865 owner of the real property upon which improvements are to be
866 constructed copies of the general statement of an owner's rights
867 and responsibilities under Florida's ~~with a printed statement~~
868 ~~stating that the right, title, and interest of the person who~~
869 ~~has contracted for the improvement may be subject to attachment~~
870 under the Construction Lien Law, as described in s. 713.015,

20-00880A-10

20101048

871 along with the attached statutory forms. The issuing authority
872 may make the general statement and forms available in printed
873 form or on the Internet or both. The Department of Business and
874 Professional Regulation shall furnish, for distribution, the
875 statement described in this paragraph, and the statement must be
876 a summary of the Construction Lien Law and must include an
877 explanation of the provisions of the Construction Lien Law
878 relating to the recording, and the posting of copies, of notices
879 of commencement and a statement encouraging the owner to record
880 a notice of commencement and post a copy of the notice of
881 commencement in accordance with s. 713.13. The statement must
882 also contain an explanation of the owner's rights if a lienor
883 fails to furnish the owner with a notice as provided in s.
884 713.06(2) and an explanation of the owner's rights as provided
885 in s. 713.22. The authority that issues the building permit must
886 obtain from the Department of Business and Professional
887 Regulation the statement required by this paragraph and must
888 mail, deliver by electronic mail or other electronic format or
889 facsimile, or personally deliver that statement to the owner or,
890 in a case in which the owner is required to personally appear to
891 obtain the permit, provide that statement to any owner making
892 improvements to real property consisting of a single or multiple
893 family dwelling up to and including four units. However, the
894 failure by the authorities to provide the summary does not
895 subject the issuing authority to liability.

896 ~~(c) In addition to providing the owner with the statement~~
897 ~~as required by paragraph (b), inform each applicant who is not~~
898 ~~the person whose right, title, and interest is subject to~~
899 ~~attachment that, as a condition to the issuance of a building~~

20-00880A-10

20101048

900 ~~permit, the applicant must promise in good faith that the~~
901 ~~statement will be delivered to the person whose property is~~
902 ~~subject to attachment.~~

903 ~~(d) Furnish to the applicant two or more copies of a form~~
904 ~~of notice of commencement conforming with s. 713.13. If the~~
905 ~~direct contract is greater than \$2,500, the applicant shall file~~
906 ~~with the issuing authority prior to the first inspection either~~
907 ~~a certified copy of the recorded notice of commencement or a~~
908 ~~notarized statement that the notice of commencement has been~~
909 ~~filed for recording, along with a copy thereof. In the absence~~
910 ~~of the filing of a certified copy of the recorded notice of~~
911 ~~commencement, the issuing authority or a private provider~~
912 ~~performing inspection services may not perform or approve~~
913 ~~subsequent inspections until the applicant files by mail,~~
914 ~~facsimile, hand delivery, or any other means such certified copy~~
915 ~~with the issuing authority. The certified copy of the notice of~~
916 ~~commencement must contain the name and address of the owner, the~~
917 ~~name and address of the contractor, and the location or address~~
918 ~~of the property being improved. The issuing authority shall~~

919 (d) Verify that the name and address of the owner, the name
920 of the contractor, and the location or address of the property
921 being improved which is contained in the certified copy of the
922 notice of commencement is consistent with the information in the
923 building permit application.

924 (e) Provide the recording information from the official
925 public records in which the notice of commencement and payment
926 bond, if any, are recorded to any person upon request. The
927 issuing authority shall provide the recording information on the
928 certified copy of the recorded notice of commencement to any

20-00880A-10

20101048

929 ~~person upon request. This subsection does not require the~~
930 ~~recording of a notice of commencement prior to the issuance of a~~
931 ~~building permit. If a local government requires a separate~~
932 ~~permit or inspection for installation of temporary electrical~~
933 ~~service or other temporary utility service, land clearing, or~~
934 ~~other preliminary site work, such permits may be issued and such~~
935 ~~inspections may be conducted without providing the issuing~~
936 ~~authority with a certified copy of a recorded notice of~~
937 ~~commencement or a notarized statement regarding a recorded~~
938 ~~notice of commencement. This subsection does not apply to a~~
939 ~~direct contract to repair or replace an existing heating or air-~~
940 ~~conditioning system in an amount less than \$7,500.~~

941 ~~(f)(e) Not require that a notice of commencement be~~
942 ~~recorded as a condition of the application for, or processing or~~
943 ~~issuance of, a building permit. However, this paragraph does not~~
944 ~~modify or waive the inspection requirements set forth in this~~
945 ~~subsection.~~

946 (2) An issuing authority under subsection (1) is not liable
947 in any civil action for the failure of the person whose property
948 is subject to attachment to receive or to be delivered the
949 general statement of an owner's rights and responsibilities
950 under Florida's a printed statement stating that the right,
951 title, and interest of the person who has contracted for the
952 improvement may be subject to attachment under the Construction
953 Lien Law as provided in s. 713.015.

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

20-00880A-10

20101048

958 (4) The several boards of county commissioners, municipal
959 councils, or other similar bodies may by ordinance or resolution
960 establish reasonable fees for furnishing, upon request, copies
961 of the forms and the printed statement provided in paragraph
962 (1) (a) ~~paragraphs (1) (b) and (d)~~ in an amount not to exceed \$5
963 to be paid by the applicant for each permit in addition to all
964 other costs of the permit; ~~however, no forms or statement need~~
965 ~~be furnished, mailed, or otherwise provided to, nor may such~~
966 ~~additional fee be obtained from, applicants for permits in those~~
967 ~~eases in which the owner of a legal or equitable interest~~
968 ~~(including that of ownership of stock of a corporate landowner)~~
969 ~~of the real property to be improved is engaged in the business~~
970 ~~of construction of buildings for sale to others and intends to~~
971 ~~make the improvements authorized by the permit on the property~~
972 ~~and upon completion will offer the improved real property for~~
973 ~~sale.~~

974 (5) In addition to any other information required by the
975 authority issuing the permit, each building permit application
976 must contain:

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

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

979 (c) A description sufficient to identify the real property
980 to be improved; and

981 (d) The number or identifying symbol assigned to the
982 building permit by the issuing authority, which number or symbol
983 must be affixed to the application by the issuing authority.

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

20-00880A-10

20101048__

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Tax Folio No.....

BUILDING PERMIT APPLICATION

Owner's Name.....
Owner's Address.....
Fee Simple Titleholder's Name (If other than owner).....
Fee Simple Titleholder's Address (If other than owner).....
City.....
State..... Zip.....
Contractor's Name.....
Contractor's Address.....
City.....
State..... Zip.....
Job Name.....
Job Address.....
City..... County.....
Legal Description.....
Bonding Company.....
Bonding Company Address.....
City..... State.....
Architect/Engineer's Name.....
Architect/Engineer's Address.....
Mortgage Lender's Name.....
Mortgage Lender's Address.....

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and

20-00880A-10

20101048__

1016 that all work will be performed to meet the standards of all
 1017 laws regulating construction in this jurisdiction. I understand
 1018 that a separate permit must be secured for ELECTRICAL WORK,
 1019 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
 1020 TANKS, and AIR CONDITIONERS, etc.

1021
 1022 OWNER'S AFFIDAVIT: I certify that all the foregoing information
 1023 is accurate and that all work will be done in compliance with
 1024 all applicable laws regulating construction and zoning.

1025
 1026 WARNING TO OWNER: IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A
 1027 NOTICE OF COMMENCEMENT, YOU MAY PAY ~~RESULT IN YOUR PAYING TWICE~~
 1028 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT, AND
 1029 THE CONTRACTOR'S PAYMENT BOND IF THE PROJECT IS BONDED, MUST BE
 1030 RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

1031
 1032 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
 1033 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
 1034 RECORDING YOUR NOTICE OF COMMENCEMENT.

1035
 1036 ... (Signature of Owner or Agent) ...

1037
 1038 ... (including contractor) ...

1039 STATE OF FLORIDA

1040 COUNTY OF

1041
 1042 Sworn to (or affirmed) and subscribed before me this
 1043 day of, ... (year) ..., by ... (name of person making
 1044 statement)

20-00880A-10

20101048__

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...(Signature of Notary Public - State of Florida)...
...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification

Type of Identification Produced.....

...(Signature of Contractor)...

STATE OF FLORIDA

COUNTY OF

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

...(Signature of Notary Public - State of Florida)...
...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification

Type of Identification Produced.....

(Certificate of Competency Holder)

Contractor's State Certification or Registration No.....

Contractor's Certificate of Competency No.....

APPLICATION APPROVED BY
.....Permit Officer

20-00880A-10

20101048

1074 (b) Consistent with the requirements of paragraph (a), an
1075 authority responsible for issuing building permits under this
1076 section may accept a building permit application in an
1077 electronic format, as prescribed by the authority. Building
1078 permit applications submitted to the authority electronically
1079 must contain the following additional statement in lieu of the
1080 requirement in paragraph (a) that a signed, sworn, and notarized
1081 signature of the owner or agent and the contractor be part of
1082 the owner's affidavit:
1083

1084 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
1085 perjury, I declare that all the information contained in this
1086 building permit application is true and correct.

1087 (c) An authority responsible for issuing building permit
1088 applications which accepts building permit applications in an
1089 electronic format shall provide public Internet access to the
1090 electronic building permit applications in a searchable format.

1091 (7) This section applies to every municipality and county
1092 in the state which now has or hereafter may have a system of
1093 issuing building permits for the construction of improvements or
1094 for the alteration or repair of improvements on or to real
1095 property located within the geographic limits of the issuing
1096 authority.

1097 Section 7. Section 713.137, Florida Statutes, is created to
1098 read:

1099 713.137 Prerequisites to inspection of improvements;
1100 exceptions.-

1101 (1) The authority issuing a building permit or a private
1102 provider performing inspection services may not inspect the real

20-00880A-10

20101048

1103 property being improved unless:

1104 (a) The following documents have been filed with the
1105 issuing authority:

1106 1.a. A certified copy of the recorded notice of
1107 commencement; or

1108 b. A notarized statement that the notice of commencement
1109 has been filed for recording, along with a copy of the notice.

1110 2.a. A copy of the contractor's recorded payment bond; or

1111 b. A notarized statement of the contractor or owner stating
1112 that a payment bond was not required.

1113 3. A signed copy of the general statement of owner's rights
1114 and responsibilities under Florida's Construction Lien Law, if
1115 required by s. 713.015.

1116 (b) The information in the notice of commencement filed
1117 with the issuing authority is consistent with the building
1118 permit application, complete, and legible.

1119 (2) This section does not apply to inspections of the
1120 following improvements:

1121 (a) The installation of temporary electrical service or
1122 other temporary utility service, land clearing, or other
1123 preliminary site work.

1124 (b) Improvements pursuant to a direct contract in an amount
1125 of \$5,000 or less.

1126 (c) The repair or replacement of a heating or air-
1127 conditioning system pursuant to a direct contract in an amount
1128 of \$7,500 or less.

1129 (d) The installation of a solar hot water system pursuant
1130 to a direct contract of \$7,500 or less.

1131 Section 8. Section 713.16, Florida Statutes, is amended to

20-00880A-10

20101048

1132 read:

1133 713.16 Demand for copy of contract and statements of
1134 account; form.—

1135 (1) A copy of the contract of a lienor or owner and a
1136 statement of the amount due or to become due if fixed or
1137 ascertainable thereon must be furnished by any party thereto,
1138 upon written demand of an owner or a lienor contracting with or
1139 employed by the other party to such contract. If the owner or
1140 lienor refuses or neglects to furnish such copy of the contract
1141 or such statement, or willfully and falsely states the amount
1142 due or to become due if fixed or ascertainable under such
1143 contract, any person who suffers any detriment thereby has a
1144 cause of action against the person refusing or neglecting to
1145 furnish the same or willfully and falsely stating the amount due
1146 or to become due for his or her damages sustained thereby. The
1147 information contained in such copy or statement furnished
1148 pursuant to such written demand is binding upon the owner or
1149 lienor furnishing it unless actual notice of any modification is
1150 given to the person demanding the copy or statement before such
1151 person acts in good faith in reliance on it. The person
1152 demanding such documents must pay for the reproduction thereof;
1153 and, if such person fails or refuses to do so, he or she is
1154 entitled only to inspect such documents at reasonable times and
1155 places.

1156 (2) The owner may serve in writing a demand of any lienor
1157 for a written statement under oath of his or her account showing
1158 the nature of the labor or services performed and to be
1159 performed, if any, the materials furnished, the materials to be
1160 furnished, if known, the amount paid on account to date, the

20-00880A-10

20101048

1161 amount due, and the amount to become due, if known, as of the
1162 date of the statement by the lienor. Any such demand to a lienor
1163 must be served on the lienor at the address and to the attention
1164 of any person who is designated to receive the demand in the
1165 notice to owner served by such lienor and must include a
1166 description of the project, including the names of the owner,
1167 the contractor, and the lienor's customer, sufficient for the
1168 lienor to properly identify the account in question. The failure
1169 or refusal to furnish the statement does not deprive the lienor
1170 of his or her lien if the demand is not served at the address of
1171 the lienor or directed to the attention of the person designated
1172 to receive the demand in the notice to owner. The failure or
1173 refusal to furnish the statement under oath within 30 days after
1174 the demand, or the furnishing of a false or fraudulent
1175 statement, deprives the person so failing or refusing to furnish
1176 such statement of his or her lien. If the owner serves more than
1177 one demand for statement of account on a lienor and none of the
1178 information regarding the account has changed since the lienor's
1179 last response to a demand, the failure or refusal to furnish
1180 such statement does not deprive the lienor of his or her lien.
1181 The negligent inclusion or omission of any information deprives
1182 the person of his or her lien to the extent the owner can
1183 demonstrate prejudice from such act or omission by the lienor.
1184 The failure to furnish a response to a demand for statement of
1185 account does not affect the validity of any claim of lien being
1186 enforced through a foreclosure case filed prior to the date the
1187 demand for statement is received by the lienor.

1188 (3) A request for sworn statement of account must be in
1189 substantially the following form:

20-00880A-10

20101048__

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REQUEST FOR SWORN STATEMENT OF ACCOUNT

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

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

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

Name of contractor:

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

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

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

(4) When a contractor has furnished a payment bond pursuant to s. 713.23, he or she may, when an owner makes any payment to the contractor or directly to a lienor, serve a written demand on any other lienor for a written statement under oath of his or her account showing the nature of the labor or services performed and to be performed, if any, the materials furnished, the materials to be furnished, if known, the amount paid on account to date, the amount due, and the amount to become due, if known, as of the date of the statement by the lienor. Any

20-00880A-10

20101048

1219 such demand to a lienor must be served on the lienor at the
1220 address and to the attention of any person who is designated to
1221 receive the demand in the notice to contractor served by such
1222 lienor. The failure or refusal to furnish the statement does not
1223 deprive the lienor of his or her rights under the bond if the
1224 demand is not served at the address of the lienor or directed to
1225 the attention of the person designated to receive the demand in
1226 the notice to contractor or if the demand does not include a
1227 description of the project, including the names of the owner,
1228 the contractor, and the lienor's customer as set forth in the
1229 lienor's notice to contractor, sufficient for the lienor to
1230 properly identify the account in question. The failure to
1231 furnish the statement within 30 days after the demand, or the
1232 furnishing of a false or fraudulent statement, deprives the
1233 person who fails to furnish the statement, or who furnishes the
1234 false or fraudulent statement, of his or her rights under the
1235 bond. If the contractor serves more than one demand for
1236 statement of account on a lienor and none of the information
1237 regarding the account has changed since the lienor's last
1238 response to a demand, the failure or refusal to furnish such
1239 statement does not deprive the lienor of his or her rights under
1240 the bond. The negligent inclusion or omission of any information
1241 deprives the person of his or her rights under the bond to the
1242 extent the contractor can demonstrate prejudice from such act or
1243 omission by the lienor. The failure to furnish a response to a
1244 demand for statement of account does not affect the validity of
1245 any claim on the bond being enforced in a lawsuit filed prior to
1246 the date the demand for statement of account is received by the
1247 lienor.

20-00880A-10

20101048

1248 (5) (a) Any lienor who submits or mails ~~has recorded~~ a claim
1249 of lien to the clerk for recording may make written demand on
1250 the owner for a written statement under oath showing:

1251 1. The amount of the direct contract under which the lien
1252 was recorded;

1253 2. The dates and amounts paid or to be paid by or on behalf
1254 of the owner for all improvements described in the direct
1255 contract;

1256 3. The reasonable estimated costs of completing the direct
1257 contract under which the lien was claimed pursuant to the scope
1258 of the direct contract; and

1259 4. If known, the actual cost of completion.

1260 (b) Any owner who does not provide the statement within 30
1261 days after demand, or who provides a false or fraudulent
1262 statement, is not a prevailing party for purposes of an award of
1263 attorney's fees under s. 713.29. The written demand must include
1264 the following warning in conspicuous type in substantially the
1265 following form:

1266 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT
1267 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL
1268 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY
1269 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING
1270 THIS STATEMENT.

1271 (6) Any written demand served on the owner shall include a
1272 description of the project, including the names of the
1273 contractor and the lienor's customer as set forth in the
1274 lienor's notice to owner, sufficient for the owner to properly
1275 identify the project in question.

1276 (7)~~(6)~~ For purposes of this section, the term "information"

20-00880A-10

20101048

1277 means the nature and quantity of the labor, services, and
 1278 materials furnished or to be furnished by a lienor and the
 1279 amount paid, the amount due, and the amount to become due on the
 1280 lienor's account.

1281 Section 9. Section 713.18, Florida Statutes, is amended to
 1282 read:

1283 713.18 Manner of serving notices and other instruments.—

1284 (1) Service of notices, claims of lien, affidavits,
 1285 assignments, and other instruments permitted or required under
 1286 this part, or copies thereof when so permitted or required,
 1287 unless otherwise specifically provided in this part, must be
 1288 made by one of the following methods:

1289 (a) By actual delivery to the person to be served; if a
 1290 partnership, to one of the partners; if a corporation, to an
 1291 officer, director, managing agent, or business agent; or, if a
 1292 limited liability company, to a member or manager.

1293 (b) By sending the same by common carrier delivery service
 1294 or registered, global express guaranteed, or certified mail,
 1295 with postage prepaid, and ~~or by overnight or second-day delivery~~
 1296 with evidence of delivery, which may be in an electronic format.

1297 (c) ~~If the method specified in paragraph (a) or paragraph~~
 1298 ~~(b) cannot be accomplished,~~ By posting on the site of the
 1299 improvement if service as provided by paragraph (a) or paragraph
 1300 (b) cannot be accomplished premises.

1301 (2) Notwithstanding subsection (1), service of ~~if~~ a notice
 1302 to owner, a notice to contractor under s. 713.23, or a
 1303 preliminary notice under s. 255.05 is ~~mailed by registered or~~
 1304 ~~certified mail with postage prepaid to the person to be served~~
 1305 ~~at any of the addresses set forth in subsection (3) within 40~~

20-00880A-10

20101048

1306 ~~days after the date the lienor first furnishes labor, services,~~
1307 ~~or materials, service of that notice is~~ effective as of the date
1308 of mailing if:

1309 (a) The notice is mailed by registered, global express
1310 guaranteed, or certified mail, with postage prepaid, to the
1311 person to be served at any of the addresses set forth in
1312 subsection (3);

1313 (b) The notice is mailed within 40 days after the date the
1314 lienor first furnishes labor, services, or materials; and

1315 (c)1. The person who served the notice maintains a
1316 registered or certified mail log that shows the registered or
1317 certified mail number issued by the United States Postal
1318 Service, the name and address of the person served, and the date
1319 stamp of the United States Postal Service confirming the date of
1320 mailing; or ~~if~~

1321 2. The person who served the notice maintains electronic
1322 tracking records generated through use of the United States
1323 Postal Service Confirm service or a similar service containing
1324 the postal tracking number, the name and address of the person
1325 served, and verification of the date of receipt by the United
1326 States Postal Service.

1327 (3) (a) Service of ~~if~~ an instrument ~~served~~ pursuant to this
1328 section is effective on the date of mailing if the instrument:

1329 1. Was sent to the last address shown in the notice of
1330 commencement or any amendment thereto or, in the absence of a
1331 notice of commencement, to the last address shown in the
1332 building permit application, or to the last known address of the
1333 person to be served; ~~and, is not received, but~~

1334 2. Is returned as being "refused," "moved, not

20-00880A-10

20101048

1335 forwardable," or "unclaimed," or is otherwise not delivered or
 1336 deliverable through no fault of the person serving the item,
 1337 ~~then service is effective on the date the instrument was sent.~~

1338 (b) If the address information shown in the notice of
 1339 commencement or any amendment to the notice, or in the absence
 1340 of a notice of commencement, in the building permit application,
 1341 is incomplete for purposes of mailing or delivery, the person
 1342 serving the item may complete the address and properly format it
 1343 according to United States Postal Service addressing standards
 1344 using information obtained from the property appraiser or
 1345 another public record or directory without affecting the
 1346 validity of service under this section.

1347 (4) A notice served by a lienor on one owner or one partner
 1348 of a partnership owning the real property ~~If the real property~~
 1349 ~~is owned by more than one person or a partnership, a lienor may~~
 1350 ~~serve any notices or other papers under this part on any one of~~
 1351 ~~such owners or partners, and such notice is deemed notice to all~~
 1352 owners and partners.

1353 Section 10. Section 713.22, Florida Statutes, is amended to
 1354 read:

1355 713.22 Duration of lien.—

1356 (1) A ~~No~~ lien provided by this part may not shall continue
 1357 for a longer period than 1 year after the claim of lien has been
 1358 recorded or 1 year after the recording of an amended claim of
 1359 lien that shows a later date of final furnishing of labor,
 1360 services, or materials, unless within that time an action to
 1361 enforce the lien is commenced in a court of competent
 1362 jurisdiction. A lien that has been continued beyond the 1-year
 1363 period ~~The continuation of the lien effected by the commencement~~

20-00880A-10

20101048

1364 of ~~an the~~ action is shall not enforceable ~~be good~~ against
 1365 creditors or subsequent purchasers for a valuable consideration
 1366 and without notice, unless a notice of lis pendens is recorded.

1367 (2) An owner or the owner's agent or attorney may elect to
 1368 shorten the time prescribed in subsection (1) within which to
 1369 commence an action to enforce any claim of lien or claim against
 1370 a bond or other security under s. 713.23 or s. 713.24 by
 1371 recording in the clerk's office a notice in substantially the
 1372 following form:

1373 NOTICE OF CONTEST OF LIEN

1374 To: ...(Name and address of lienor)...

1375 You are notified that the undersigned contests the claim of lien
 1376 filed by you on, ...(year)..., and recorded in Book
 1377, Page, of the public records of County, Florida,
 1378 and that the time within which you may file suit to enforce your
 1379 lien is limited to 60 days from the date of service of this
 1380 notice. This day of, ...(year)....

1381 Signed: ...(Owner or Attorney)...

1382
 1383 The lien of any lienor upon whom such notice is served and who
 1384 fails to institute a suit to enforce his or her lien within 60
 1385 days after service of such notice shall be extinguished
 1386 automatically. The clerk shall serve ~~mail~~ a copy of the notice
 1387 of contest to the lien claimant at the address shown in the
 1388 claim of lien or most recent amendment thereto and shall certify
 1389 to such service on the face of such notice and record the
 1390 notice. ~~Service shall be deemed complete upon mailing.~~

1391 Section 11. Paragraph (e) of subsection (1) and subsections
 1392 (2) and (4) of section 713.23, Florida Statutes, are amended to

20-00880A-10

20101048__

1393 read:
 1394 713.23 Payment bond.—
 1395 (1)
 1396 (e) An ~~Ne~~ action for the labor or materials or supplies may
 1397 not be instituted or prosecuted against the contractor or surety
 1398 unless both notices have been given. An ~~Ne~~ action may not ~~shall~~
 1399 be instituted or prosecuted against the contractor or against
 1400 the surety on the bond under this section after 1 year from the
 1401 performance of the labor or completion of delivery of the
 1402 materials and supplies. The time period for bringing an action
 1403 against the contractor or surety on the bond shall be measured
 1404 from the last day of furnishing labor, services, or materials by
 1405 the lienor. The time period may ~~and shall~~ not be measured by
 1406 other standards, such as the issuance of a certificate of
 1407 occupancy or the issuance of a certificate of substantial
 1408 completion. A contractor or the contractor's agent or attorney
 1409 may elect to shorten the ~~prescribed~~ time within which an action
 1410 to enforce any claim against a payment bond ~~provided~~ under this
 1411 section or s. 713.245 must ~~may~~ be commenced at any time after a
 1412 notice of nonpayment, if required, has been served for the claim
 1413 by recording in the clerk's office a notice in substantially the
 1414 following form:

NOTICE OF CONTEST OF CLAIM
 AGAINST PAYMENT BOND

1418 To: ...(Name and address of lienor)..
 1419 You are notified that the undersigned contests your notice
 1420 of nonpayment, dated,, and served on the undersigned
 1421 on,, and that the time within which you may file suit

20-00880A-10

20101048

1422 to enforce your claim is limited to 60 days from the date of
1423 service of this notice.

1424

1425 DATED on,

1426

1427 Signed: ...(Contractor or Attorney)...

1428

1429 The claim of any lienor upon whom the notice is served and who
1430 fails to institute a suit to enforce his or her claim against
1431 the payment bond within 60 days after service of the notice
1432 shall be extinguished automatically. The clerk shall serve mail
1433 a copy of the notice of contest to the lienor at the address
1434 shown in the notice of nonpayment or most recent amendment
1435 thereto and shall certify to such service on the face of the
1436 notice and record the notice. ~~Service is complete upon mailing.~~

1437 (2) The bond shall secure every lien under the direct
1438 contract accruing subsequent to its execution and delivery,
1439 except that of the contractor. Every claim of lien, except that
1440 of the contractor, filed subsequent to execution and delivery of
1441 the bond shall be transferred to it with the same effect as
1442 liens transferred under s. 713.24. Record notice of the transfer
1443 shall be effected by the contractor, or any person having an
1444 interest in the property against which the claim of lien has
1445 been asserted, by recording in the clerk's office a notice in
1446 substantially the following form:

1447 NOTICE OF BOND

1448

1449 To ...(Name and Address of Lienor)...

1450

20-00880A-10

20101048__

1451 You are notified that the claim of lien filed by you on ,
 1452 , and recorded in Official Records Book at page of
 1453 the public records of County, Florida, is secured by a
 1454 bond, a copy being attached.

1455
 1456 Signed: . . . (Name of person recording notice) . . .
 1457

1458 The notice shall be verified. The clerk shall mail a copy of the
 1459 notice to the lienor at the address shown in the claim of lien,
 1460 or the most recent amendment to it; shall certify to the service
 1461 on the face of the notice; and shall record the notice. The
 1462 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~
 1463 ~~713.24(1)~~ for certifying to a transfer of lien.

1464 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall apply
 1465 to bonds under this section.

1466 Section 12. Section 713.24, Florida Statutes, is amended to
 1467 read:

1468 713.24 Transfer of liens to security.-

1469 (1) A ~~Any~~ lien claimed under this part may be transferred,
 1470 by a ~~any~~ person having an interest in the real property upon
 1471 which the lien is imposed or the contract under which the lien
 1472 is claimed, from such real property to other security by ~~either~~:

- 1473 (a) Depositing in the clerk's office a sum of money; or
- 1474 (b) Filing in the clerk's office a bond executed as surety
 1475 by a surety insurer licensed to do business in this state. or

1476 (2) The security must either to be in an amount equal: to
 1477 (a) The amount demanded in the ~~such~~ claim of lien; or
 1478 (b) Interest on the claim ~~thereon~~ at the legal rate for 3
 1479 years, plus \$1,000 or 25 percent of the amount demanded in the

20-00880A-10

20101048

1480 claim of lien, whichever is greater, to apply on any attorney's
1481 fees and court costs that may be taxed in any proceeding to
1482 enforce the ~~said~~ lien.

1483 (3) The security ~~Such deposit or bond~~ shall be conditioned
1484 to pay any judgment or decree that ~~which~~ may be rendered for the
1485 satisfaction of the lien ~~for which such claim of lien was~~
1486 ~~recorded~~.

1487 (4) ~~Upon making such deposit or filing such bond,~~ the
1488 clerk who receives other security for a lien:

1489 (a) Shall make and record a certificate showing the
1490 transfer of the lien from the real property to the security. The
1491 clerk and shall serve mail a copy of the certificate and a copy
1492 of the bond, if the lien was transferred to a bond, on thereof
1493 ~~by registered or certified mail to~~ the lienor named in the claim
1494 of lien ~~so transferred,~~ at the address stated in the claim
1495 ~~therein.~~ When ~~Upon filing~~ the certificate of transfer is
1496 recorded, the real property is ~~shall thereupon be~~ released from
1497 the lien claimed, and the such lien is ~~shall be~~ transferred to
1498 the other said security.

1499 (b) May collect a service charge of no more than \$20 for
1500 making and serving the certificate. The clerk may collect an
1501 additional charge of no more than \$10 for each additional lien
1502 transferred to the security. The clerk shall receive the
1503 statutory service charges as prescribed in s. 28.24 for
1504 recording the certificate and approving the bond.

1505 (5) In the absence of allegations of privity between the
1506 lienor and the owner, and subject to any order of the court
1507 increasing the amount required for the lien transfer deposit or
1508 bond, no other judgment or decree to pay money may be entered by

20-00880A-10

20101048

1509 the court against the owner. ~~The clerk shall be entitled to a~~
1510 ~~service charge for making and serving the certificate, in the~~
1511 ~~amount of up to \$20. If the transaction involves the transfer of~~
1512 ~~multiple liens, an additional charge of up to \$10 for each~~
1513 ~~additional lien shall be charged. For recording the certificate~~
1514 ~~and approving the bond, the clerk shall receive her or his usual~~
1515 ~~statutory service charges as prescribed in s. 28.24. Any number~~
1516 ~~of liens may be transferred to one such security.~~

1517 (6)~~(2)~~ Any excess of the security over the aggregate amount
1518 of any judgments or decrees rendered plus costs actually taxed
1519 shall be repaid to the party filing the same or her or his
1520 successor in interest. Any deposit of money shall be considered
1521 as paid into court and is ~~shall be~~ subject to the provisions of
1522 law relative to payments of money into court and the disposition
1523 of same.

1524 (7)~~(3)~~ Any party having an interest in such security or the
1525 property from which the lien was transferred may at any time,
1526 and any number of times, file a complaint in chancery in the
1527 circuit court of the county where such security is deposited, or
1528 file a motion in a pending action to enforce a lien, for an
1529 order to require additional security, reduction of security,
1530 change or substitution of sureties, payment of discharge
1531 thereof, or any other matter affecting the ~~said~~ security. If the
1532 court finds that the amount of the deposit or bond in excess of
1533 the amount claimed in the claim of lien is insufficient to pay
1534 the lienor's attorney's fees and court costs incurred in the
1535 action to enforce the lien, the court must increase the amount
1536 of the cash deposit or lien transfer bond. ~~Nothing in This~~
1537 section does not ~~shall be construed to~~ vest exclusive

20-00880A-10

20101048

1538 jurisdiction in the circuit courts over transfer bond claims for
1539 nonpayment of an amount within the monetary jurisdiction of the
1540 county courts.

1541 ~~(8)-(4)~~ If a proceeding to enforce a transferred lien is not
1542 commenced within the time specified in s. 713.22 or if it
1543 appears that the transferred lien has been satisfied of record,
1544 the clerk shall return the ~~said~~ security upon request of the
1545 person depositing or filing the same, or the insurer. If a
1546 proceeding to enforce a lien is commenced in a court of
1547 competent jurisdiction within the time specified in s. 713.22
1548 and, during such proceeding, the lien is transferred pursuant to
1549 this section or s. 713.13(1)(e), an action commenced within 1
1550 year after the transfer, unless otherwise shortened by operation
1551 of law, in the same county or circuit court to recover against
1552 the security shall be deemed to have been brought as of the date
1553 of filing the action to enforce the lien, and the court has
1554 ~~shall have~~ jurisdiction over the action.

1555 Section 13. Effective upon this act becoming a law, section
1556 713.29, Florida Statutes, is amended to read:

1557 713.29 Attorney's fees.—In any action brought to enforce a
1558 lien or to enforce a claim against a bond under this part, the
1559 prevailing party is entitled to recover a reasonable fee for the
1560 services of her or his attorney for trial and appeal or for
1561 arbitration, in an amount to be determined by the court, which
1562 fee must be taxed as part of the prevailing party's costs, ~~as~~
1563 ~~allowed in equitable actions.~~ A lienor is the prevailing party
1564 if the lienor obtains a net judgment in any action brought to
1565 enforce a lien or to enforce a claim against a bond after the
1566 deduction of any setoffs. A defendant is the prevailing party if

20-00880A-10

20101048__

1567 the lienor does not obtain a net judgment after the deduction of
1568 any setoffs.

1569 Section 14. Except as otherwise expressly provided in this
1570 act and except for this section, which shall take effect upon
1571 becoming a law, this act shall take effect July 1, 2010.