

By the Committee on Regulated Industries; and Senator Baker

580-02452-10

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1 A bill to be entitled
2 An act relating to construction bonds; amending s.
3 255.05, F.S.; requiring that a contractor record in
4 the official 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

580-02452-10

20101048c1

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

580-02452-10

20101048c1

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; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Subsection (1) and paragraph (a) of subsection
71 (2) of section 255.05, Florida Statutes, are amended to read:
72 255.05 Bond of contractor constructing public buildings;
73 form; action by materialmen.—

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

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

580-02452-10

20101048c1

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

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

103 (d) The contractor shall record the payment bond upon
104 issuance in the official records of the county in which the
105 improvement will be located.

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

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

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

115 2. This paragraph does not apply to inspections for the
116 installation of temporary electrical service or other temporary

580-02452-10

20101048c1

117 utility service, land clearing, or other preliminary site work.

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

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

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

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

580-02452-10

20101048c1

146 requirements by agency and project number and whether any
147 request for delegation was denied and the justification for the
148 denial.

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

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

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

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

168
169 The state is ~~shall~~ not ~~be held~~ liable to any laborer,
170 materialman, or subcontractor for any amounts greater than the
171 pro rata share as determined under this section.

172 (j) ~~(e)~~ 1. The amount of the bond shall equal the contract
173 price, except that for a contract in excess of \$250 million, if
174 the state, county, municipality, political subdivision, or other

580-02452-10

20101048c1

175 public entity finds that a bond in the amount of the contract
 176 price is not reasonably available, the public owner shall set
 177 the amount of the bond at the largest amount reasonably
 178 available, but not less than \$250 million.

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

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

193 NOTICE OF CONTEST OF CLAIM
 194 AGAINST PAYMENT BOND
 195

196 To: ... (Name and address of claimant) ...
 197

198 You are notified that the undersigned contests your notice
 199 of nonpayment, dated,, and served on the
 200 undersigned on,, and that the time within
 201 which you may file suit to enforce your claim is limited to 60
 202 days after the date of service of this notice.
 203

580-02452-10

20101048c1

204 DATED on,

205

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

207

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

217 2. A claimant, except a laborer, who is not in privity with
218 the contractor shall, before commencing or not later than 45
219 days after commencing to furnish labor, services, or materials
220 for the prosecution of the work, furnish the contractor with a
221 written notice that he or she intends to look to the bond for
222 protection. A claimant who is not in privity with the contractor
223 and who has not received payment for his or her labor, services,
224 or materials shall deliver to the contractor and to the surety
225 written notice of the performance of the labor or delivery of
226 the materials or supplies and of the nonpayment. The notice of
227 nonpayment may be served at any time during the progress of the
228 work or thereafter but not before 45 days after the first
229 furnishing of labor, services, or materials, and not later than
230 90 days after the final furnishing of the labor, services, or
231 materials by the claimant or, with respect to rental equipment,
232 not later than 90 days after the date that the rental equipment

580-02452-10

20101048c1

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

255 Section 2. Section 713.015, Florida Statutes, is amended to
256 read:

257 713.015 General statement of owner's rights and
258 responsibilities ~~Mandatory provisions for direct contracts.-~~

259 (1) For any direct contract ~~greater than \$2,500~~ between an
260 owner and a contractor, related to improvements to real property
261 consisting of single or multiple family dwellings up to and

580-02452-10

20101048c1

262 including four units, the contractor must provide the owner with
263 a copy of the general statement of owner's rights and
264 responsibilities under Florida's Construction Lien Law as set
265 forth in subsection (2), which must be contain the following
266 notice provision printed in no less than 12-point, capitalized,
267 boldfaced type on the front page of the contract or on a
268 separate page, signed by the owner and dated, and submitted with
269 the original building permit application pursuant to s.
270 713.135.÷

271
272 ~~ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-~~
273 ~~713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR~~
274 ~~PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A~~
275 ~~RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.~~
276 ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR~~
277 ~~OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-~~
278 ~~SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED~~
279 ~~MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE~~
280 ~~ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR~~
281 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~
282 ~~PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE~~
283 ~~SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER~~
284 ~~SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED~~
285 ~~TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS~~
286 ~~CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS~~
287 ~~REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY~~
288 ~~PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~
289 ~~FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS~~
290 ~~RECOMMENDED THAT YOU CONSULT AN ATTORNEY.~~

580-02452-10

20101048c1

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

301
302 GENERAL STATEMENT OF
303 OWNER'S RIGHTS AND RESPONSIBILITIES
304 UNDER FLORIDA'S CONSTRUCTION LIEN LAW
305

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

314
315 You must acknowledge that you have received and read this
316 document by signing on the signature page. The signed original
317 document must be delivered to the building permit authority,
318 along with the building permit application for your project.
319 Your building permit application will not be processed unless

580-02452-10

20101048c1

320 this signed document is in the file. You need to retain a copy
321 of the filed document and the attached statutory forms so that
322 you can follow the procedures described in the document and
323 identify the proper statutory forms as you proceed with your
324 construction project.

325
326 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
327 Florida Statutes (F.S.), governs private construction projects
328 in this state. The complete text of this law can be found at
329 www.leg.state.fl.us. This general statement is intended as a
330 guide and does not take precedence over the language of
331 Florida's Construction Lien Law.

332
333 Under this law, those who work on your property or provide
334 materials and services and who are not paid in full have a right
335 to enforce their claim for payment against your property. This
336 claim is known as a construction lien. If your contractor or a
337 subcontractor fails to pay subcontractors, sub-subcontractors,
338 or material suppliers, those people who are owed money may look
339 to your property for payment even if you have already paid your
340 contractor in full. If you fail to pay your contractor, your
341 contractor may also have a lien on your property. This means
342 that if a lien is filed, your property could be sold against
343 your will to pay for labor, materials, or other services that
344 your contractor or a subcontractor may have failed to pay.

345
346 The law also provides procedures to protect owners and
347 guarantee that you will never have to pay more than the amount
348 of your contract if you make proper payments. Although the

580-02452-10

20101048c1

349 construction lien law has many complexities, the steps owners
350 can take to protect themselves and establish a "proper payment
351 defense" are simple, but very important.

352
353 IF YOU FOLLOW THESE FOUR SIMPLE STEPS, FLORIDA LAW WILL
354 PROTECT YOU AND YOU SHOULD NEVER HAVE TO PAY TWICE FOR THE SAME
355 LABOR OR MATERIALS.

356
357 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required
358 by law to complete, sign, and record in the public records an
359 accurate Notice of Commencement for all direct contracts that
360 exceed \$2,500, and must provide certain specified information.
361 The information provided in the recorded Notice of Commencement
362 is relied upon by all parties who provide labor and materials to
363 your project. A copy of the statutory Notice of Commencement
364 form, s. 713.13, F.S., is attached to this document.

365
366 If a lender is financing your project, the lender will
367 assist you in completing the Notice of Commencement and is
368 responsible for recording it in the public records. It is
369 critical that your Notice of Commencement be recorded after any
370 construction loan or mortgage documents are recorded. If you do
371 not have a lender, preparing and recording the Notice of
372 Commencement is your responsibility. The Notice of Commencement
373 must be recorded before commencing construction and posted on
374 your jobsite. For most projects, a copy of the recorded Notice
375 of Commencement must be submitted to the building permit
376 authority before the first building inspection.

580-02452-10

20101048c1

378 STEP 2 – MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.–

379 Pick up your certified mail. Most lien notices are served by
380 certified mail and you need to know who is providing labor and
381 materials to your project. Section 713.18, F.S., provides that
382 any properly addressed notices that are returned to the sender
383 through no fault of the sender are considered served on the date
384 sent, so failing to claim certified mail only hurts you.

385
386 If you expect to be absent for periods of time during your
387 project, you should have an attorney or other agent in a
388 position of trust who understands the law handle these details
389 for you. Make sure someone is receiving your mail and taking
390 steps to obtain the necessary lien releases before making
391 payments to your contractor. If you receive anything that you do
392 not understand, seek the assistance of an experienced
393 construction law attorney.

394
395 STEP 3 – OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A
396 PAYMENT TO YOUR CONTRACTOR.–Each time you pay your contractor
397 you should obtain a Waiver and Release of Lien form from the
398 contractor and from anyone who serves you with a Notice to
399 Owner. Make sure that each release waives lien rights against
400 your project for work or materials furnished through the date of
401 the work or materials that your payment covers. This date is
402 probably not the date you are making the payment, but a date
403 before the payment date through which labor and materials have
404 been billed.

405
406 UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS

580-02452-10

20101048c1

407 DUE TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A
408 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT FORM OR
409 A WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT FORM
410 SHOWING THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

411
412 There are two statutory Waiver and Release of Lien forms.
413 The signed Waiver and Release of Lien Upon Progress Payment
414 should be submitted by a contractor, subcontractor, or material
415 supplier each time you make a payment to your contractor. The
416 signed Waiver and Release of Lien Upon Final Payment should be
417 submitted by your contractor, a subcontractor, or material
418 supplier when they are finished furnishing all work or materials
419 for your project and have received final payment. For example,
420 when the plumber finishes all plumbing on your project and
421 receives final payment from the contractor, you should obtain a
422 Waiver and Release of Lien Upon Final Payment. Once you receive
423 a final waiver from a contractor, subcontractor, or material
424 supplier, you should not need another waiver unless they are
425 hired to do additional work. A copy of both statutory Waiver and
426 Release of Lien forms, s. 713.20, F.S., are attached to this
427 document.

428
429 STEP 4 - OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT
430 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.-In addition to
431 obtaining Final Waiver and Release of Lien forms from the
432 contractor and anyone who has served you with a Notice to Owner,
433 you should obtain a Contractor's Final Payment Affidavit before
434 you make final payment to your contractor. This sworn affidavit
435 should reflect that everyone who supplied labor and materials on

580-02452-10

20101048c1

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

445
446 ADDITIONAL INFORMATION FOR YOUR PROTECTION

447
448 1. Always hire a Florida-licensed contractor. You can
449 verify the license status of your contractor by accessing the
450 website of the Department of Business and Professional
451 Regulation at www.myflorida.com/dbpr and performing a licensee
452 search. You can check under an individual name or, if your
453 contractor is a company, under the business name and then check
454 to see who the qualifying licensee is for that company.

455
456 2. Make sure that your contractor has the proper workers'
457 compensation coverage, or an allowed workers' compensation
458 exemption, and carries sufficient public liability and property
459 damage insurance. The contractor should be able to provide you
460 with current, valid certificates of insurance from his or her
461 insurance agent.

462
463 3. Use caution before accepting an obviously low bid. If it
464 seems too good to be true, it probably is, and your construction

580-02452-10

20101048c1

465 project may be in trouble before you even begin.

466

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

472

473 5. At any time during the construction process if you need
474 contract or payment information from anyone providing labor,
475 services, or materials to your project, you have the right to
476 make a written request to them for a Sworn Statement of Account
477 to ascertain the nature of the work performed or to be
478 performed, the materials furnished or to be furnished, the
479 amounts paid or to be paid, or the amounts due or to become due
480 to them. The form for this written Request for Sworn Statement
481 of Account is attached to this statement. If you received a
482 Notice to Owner from the person to whom you wish to send such a
483 request, make sure you address the request to the person,
484 company, and address listed in the Notice to Owner. The request
485 must be served by you in accordance with lien law provisions
486 (usually by hand delivery, certified mail, or overnight
487 delivery) and you should make sure to request and keep the proof
488 of delivery.

489

490 6. If you receive documents or information that you do not
491 understand, consult an experienced construction law attorney.

492

493 7. Florida has a Homeowners' Construction Recovery Fund

580-02452-10

20101048c1

494 that is funded through a portion of the building permit fees.
 495 This fund helps consumers who have been harmed by a licensed
 496 general contractor, building contractor, or residential
 497 contractor. In order to be eligible to recover from this fund,
 498 you must have complied with the proper payment procedures as
 499 described in this document. For more information, contact the
 500 Construction Industry Licensing Board at
 501 www.myflorida.com/dbpr/pro/cilb.

502
 503 8. You have the right to require in your contract that the
 504 contractor furnish a payment bond so that the owner is exempt
 505 from the Construction Lien Law. If there is a payment bond, a
 506 lienor must file a claim on the payment bond for payment rather
 507 than file a lien on the property. However, if you require a
 508 payment bond, understand that the payment bond will likely
 509 increase the cost of your construction.

510
 511 OWNER'S ACKNOWLEDGMENT AND RECEIPT

512
 513 The undersigned owner(s) of Florida real property hereby
 514 acknowledge that they are preparing to enter into a contract
 515 with _____ for the
 516 construction of real property improvements to the following-
 517 described property (insert address or legal description):

518 _____

519 _____

520
 521
 522 ...(Signature of Property Owner).....(Date).....

580-02452-10

20101048c1

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

Attached Statutory Forms:

Notice of Commencement

Waiver and Release of Lien Upon Progress Payment

Waiver and Release of Lien Upon Final Payment

Request for Sworn Statement of Account

Contractor's Final Payment Affidavit

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

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

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

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

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

(2)

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

580-02452-10

20101048c1

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

556
 557 UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID
 558 MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING
 559 TWICE.

560 TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE
 561 CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN
 562 WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,
 563 REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND
 564 RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT
 565 THE BEGINNING OF YOUR CONSTRUCTION PROJECT. ~~AVOID A LIEN AND~~
 566 ~~PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY~~
 567 ~~TIME YOU PAY YOUR CONTRACTOR.~~

568 NOTICE TO OWNER

569
 570 To ... (Owner's name and address) ...

571
 572 The undersigned hereby informs you that he or she has furnished
 573 or is furnishing services or materials as follows:

574 ... (General description of services or materials) ... for the
 575 improvement of the real property identified as ... (property
 576 description) ... under an order given by.....

577
 578 Florida law prescribes the serving of this notice and restricts
 579 your right to make payments under your contract in accordance
 580 with Section 713.06, Florida Statutes.

580-02452-10

20101048c1

581 IMPORTANT INFORMATION FOR
 582 YOUR PROTECTION

583
 584 Under Florida's laws, those who work on your property or
 585 provide materials and are not paid have a right to enforce their
 586 claim for payment against your property. This claim is known as
 587 a construction lien.

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

592
 593 PROTECT YOURSELF:

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

597 -LEARN more about the Construction Lien Law, Chapter 713,
 598 Part I, Florida Statutes, and the meaning of this notice by
 599 contacting an attorney or the Florida Department of Business and
 600 Professional Regulation.

601 ... (Lienor's Signature) ...

602 ... (Lienor's Name) ...

603 ... (Lienor's Address) ...

604

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

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

580-02452-10

20101048c1

610 Section 4. Section 713.09, Florida Statutes, is amended to
611 read:

612 713.09 Single claim of lien.—A lienor may ~~is required to~~
613 record only one claim of lien covering his or her entire demand
614 against the real property when the amount demanded is for labor
615 or services or material furnished for more than one improvement
616 ~~under the same direct contract~~. The single claim of lien is
617 sufficient even though the improvement is for one or more
618 improvements located on separate lots, parcels, units, or tracts
619 of land. If materials to be used on one or more improvements on
620 separate lots, parcels, units, or tracts of land ~~under one~~
621 ~~direct contract~~ are delivered by a lienor to a place designated
622 by the person with whom the materialman contracted, other than
623 the site of the improvement, the delivery to the place
624 designated is prima facie evidence of delivery to the site of
625 the improvement and incorporation in the improvement. The single
626 claim of lien may be limited to a part of multiple lots,
627 parcels, or tracts of land and their improvements or may cover
628 all of the lots, parcels, units, or tracts of land and
629 improvements. ~~In each claim of lien under this section, the~~
630 ~~owner under the direct contract must be the same person for all~~
631 ~~lots, parcels, or tracts of land against which a single claim of~~
632 ~~lien is recorded.~~

633 Section 5. Section 713.13, Florida Statutes, is amended to
634 read:

635 713.13 Notice of commencement.—

636 (1) (a) Except for an improvement that is exempt pursuant to
637 s. 713.02(5), an owner or the owner's authorized agent before
638 actually commencing to improve any real property, or

580-02452-10

20101048c1

639 recommencing completion of any improvement after default or
640 abandonment, whether or not a project has a payment bond
641 complying with s. 713.23, shall record a notice of commencement
642 in the clerk's office and forthwith post either a certified copy
643 thereof or a notarized statement that the notice of commencement
644 has been filed for recording along with a copy thereof. The
645 notice of commencement shall contain the following information:

646 1. A description sufficient for identification of the real
647 property to be improved. The description should include the
648 legal description of the property and also should include the
649 street address and tax folio number of the property if available
650 or, if there is no street address available, such additional
651 information as will describe the physical location of the real
652 property to be improved.

653 2. A general description of the improvement.

654 3. The name and address of the owner, the owner's interest
655 in the site of the improvement, and the name and address of the
656 fee simple titleholder, if other than such owner.

657 4. The name and address of the contractor.

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

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

662 7. The name and address within the state of a person other
663 than himself or herself who may be designated by the owner as
664 the person upon whom notices or other documents may be served
665 under this part; and service upon the person so designated
666 constitutes service upon the owner.

667 (b) The owner, ~~at his or her option,~~ may designate a person

580-02452-10

20101048c1

668 in addition to himself or herself to receive a copy of the
 669 lienor's notice as provided in s. 713.06(2)(b), and if he or she
 670 does so, the name and address of such person must be included in
 671 the notice of commencement.

672 (c) A notice of commencement expires:

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

676 2. On the effective date of a notice of termination that
 677 has been served and recorded. ~~If the contract between the owner~~
 678 ~~and a contractor named in the notice of commencement expresses a~~
 679 ~~period of time for completion for the construction of the~~
 680 ~~improvement greater than 1 year, the notice of commencement must~~
 681 ~~state that it is effective for a period of 1 year plus any~~
 682 ~~additional period of time. Any payments made by the owner after~~
 683 ~~the expiration of the notice of commencement are considered~~
 684 ~~improper payments.~~

685 (d) A notice of commencement must be in substantially the
 686 following form:

687
 688 Permit No..... Tax Folio No.....

689 NOTICE OF COMMENCEMENT

690 State of....

691 County of....

692

693 The undersigned hereby gives notice that improvement will be
 694 made to certain real property, and in accordance with Chapter
 695 713, Florida Statutes, the following information is provided in
 696 this Notice of Commencement.

580-02452-10

20101048c1

- 697 1. Description of property: ...(legal description of the
- 698 property, and street address if available)....
- 699 2. General description of improvement:.....
- 700 3. Owner information:.....
- 701 a. Name and address:.....
- 702 b. Interest in property:.....
- 703 c. Name and address of fee simple titleholder (if other
- 704 than Owner):.....
- 705 4.a. Contractor: ...(name and address)....
- 706 b. Contractor's phone number:.....
- 707 5. Surety ...(a copy of the payment bond is attached, if
- 708 the project is bonded)....
- 709 a. Name and address:.....
- 710 b. Phone number:.....
- 711 c. Amount of bond: \$.....
- 712 6.a. Lender:...(name and address)....
- 713 b. Lender's phone number:.....
- 714 7.a. Persons within the State of Florida designated by
- 715 Owner upon whom notices or other documents may be served as
- 716 provided by Section 713.13(1)(a)7., Florida Statutes: ...(name
- 717 and address)....
- 718 b. Phone numbers of designated persons:.....
- 719 8.a. In addition to himself or herself, Owner designates
- 720 of to receive a copy of the Lienor's
- 721 Notice as provided in Section 713.13(1)(b), Florida Statutes.
- 722 b. Phone number of person or entity designated by
- 723 owner:.....
- 724 9. This notice of commencement expires 90 days after the
- 725 day of the final furnishing of all labor, services, and

580-02452-10

20101048c1

726 materials required by the direct contract, including any change
 727 orders, or on the effective date of a notice of termination.
 728 ~~Expiration date of notice of commencement (the expiration date~~
 729 ~~is 1 year from the date of recording unless a different date is~~
 730 ~~specified).....~~

731
 732 WARNING TO OWNER: ~~ANY PAYMENTS MADE BY THE OWNER AFTER THE~~
 733 ~~EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER~~
 734 ~~PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA~~
 735 ~~STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS~~
 736 ~~TO YOUR PROPERTY.~~ A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
 737 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
 738 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
 739 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
 740 COMMENCEMENT.

741
 742 Under penalty of perjury, I declare that I have read the
 743 foregoing notice of commencement and that the facts stated
 744 therein are true to the best of my knowledge and belief.

745
 746 ... (Signature of Owner or Owner's Authorized
 747 Officer/Director/Partner/Manager) ...

748
 749 ... (Signatory's Title/Office) ...

750
 751 The foregoing instrument was acknowledged before me this
 752 day of, ... (year) ..., by ... (name of person) ... as ... (type
 753 of authority, ... e.g. officer, trustee, attorney in fact) ... for
 754 ... (name of party on behalf of whom instrument was executed)

580-02452-10

20101048c1

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783

...(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.....

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

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

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

(e) A copy of any payment bond must be attached at the time of recordation of the notice of commencement. The failure to attach a copy of the bond to the notice of commencement when the notice is recorded negates the exemption provided in s. 713.02(6). However, if a payment bond under s. 713.23 exists but was not attached at the time of recordation of the notice of commencement, the bond may be used to transfer any recorded lien of a lienor except that of the contractor by the recordation and service of a notice of bond pursuant to s. 713.23(2). The notice requirements of s. 713.23 apply to any claim against the bond; however, the time limits for serving any required notices shall begin running from the later of the time specified in s. 713.23

580-02452-10

20101048c1

784 or the date the notice of bond is served on the lienor.

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

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

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

792 (2)~~(3)~~ The recording of a notice of commencement does not
793 constitute a lien, cloud, or encumbrance on real property, but
794 gives constructive notice that claims of lien under this part
795 may be recorded and may take priority as provided in s. 713.07.
796 The posting of a copy does not constitute a lien, cloud, or
797 encumbrance on real property, nor actual or constructive notice
798 of any of them.

799 (3)~~(4)~~ This section does not apply to an owner who is
800 constructing improvements described in s. 713.04.

801 (4)~~(5)~~(a) A notice of commencement that is recorded within
802 the effective period may be amended to ~~extend the effective~~
803 ~~period,~~ change erroneous information in the original notice, or
804 add information that was omitted from the original notice.
805 However, in order to change contractors, a new notice of
806 commencement or notice of recommencement must be executed and
807 recorded.

808 (b) The amended notice must identify the official records
809 book and page where the original notice of commencement is
810 recorded, and a copy of the amended notice must be served by the
811 owner upon the contractor and each lienor who serves notice
812 before or within 30 days after the date the amended notice is

580-02452-10

20101048c1

813 recorded.

814 ~~(5)-(6) Unless otherwise provided in the notice of~~
815 ~~commencement or a new or amended notice of commencement,~~ A
816 notice of commencement is not effectual in law or equity against
817 a conveyance, transfer, or mortgage of or lien on the real
818 property described in the notice, or against creditors or
819 subsequent purchasers for a valuable consideration, after the
820 expiration of 1 year after the date of recording the notice of
821 commencement.

822 ~~(6)-(7)~~ A lender must, prior to the disbursement of any
823 construction funds to the contractor, record the notice of
824 commencement in the clerk's office as required by this section;
825 however, the lender is not required to post a certified copy of
826 the notice at the construction site. The posting of the notice
827 at the construction site remains the owner's obligation. The
828 failure of a lender to record the notice of commencement as
829 required by this subsection renders the lender liable to the
830 owner for all damages sustained by the owner as a result of the
831 failure. Whenever a lender is required to record a notice of
832 commencement, the lender shall designate the lender, in addition
833 to others, to receive copies of notices to owner. This
834 subsection does not give any person other than the owner a claim
835 or right of action against a lender for failure to record a
836 notice of commencement.

837 Section 6. Section 713.135, Florida Statutes, is amended to
838 read:

839 713.135 Notice of commencement and applicability of lien.—

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

580-02452-10

20101048c1

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

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

857 (c)~~(b)~~ Make available to ~~Provide~~ the applicant and the
858 owner of the real property upon which improvements are to be
859 constructed copies of the general statement of an owner's rights
860 and responsibilities under Florida's ~~with a printed statement~~
861 ~~stating that the right, title, and interest of the person who~~
862 ~~has contracted for the improvement may be subject to attachment~~
863 ~~under the Construction Lien Law, as described in s. 713.015,~~
864 along with the attached statutory forms. The issuing authority
865 may make the general statement and forms available in printed
866 form or on the Internet or both. The Department of Business and
867 ~~Professional Regulation shall furnish, for distribution, the~~
868 ~~statement described in this paragraph, and the statement must be~~
869 ~~a summary of the Construction Lien Law and must include an~~
870 ~~explanation of the provisions of the Construction Lien Law~~

580-02452-10

20101048c1

871 ~~relating to the recording, and the posting of copies, of notices~~
872 ~~of commencement and a statement encouraging the owner to record~~
873 ~~a notice of commencement and post a copy of the notice of~~
874 ~~commencement in accordance with s. 713.13. The statement must~~
875 ~~also contain an explanation of the owner's rights if a licnor~~
876 ~~fails to furnish the owner with a notice as provided in s.~~
877 ~~713.06(2) and an explanation of the owner's rights as provided~~
878 ~~in s. 713.22. The authority that issues the building permit must~~
879 ~~obtain from the Department of Business and Professional~~
880 ~~Regulation the statement required by this paragraph and must~~
881 ~~mail, deliver by electronic mail or other electronic format or~~
882 ~~facsimile, or personally deliver that statement to the owner or,~~
883 ~~in a case in which the owner is required to personally appear to~~
884 ~~obtain the permit, provide that statement to any owner making~~
885 ~~improvements to real property consisting of a single or multiple~~
886 ~~family dwelling up to and including four units. However, the~~
887 ~~failure by the authorities to provide the summary does not~~
888 ~~subject the issuing authority to liability.~~

889 ~~(c) In addition to providing the owner with the statement~~
890 ~~as required by paragraph (b), inform each applicant who is not~~
891 ~~the person whose right, title, and interest is subject to~~
892 ~~attachment that, as a condition to the issuance of a building~~
893 ~~permit, the applicant must promise in good faith that the~~
894 ~~statement will be delivered to the person whose property is~~
895 ~~subject to attachment.~~

896 ~~(d) Furnish to the applicant two or more copies of a form~~
897 ~~of notice of commencement conforming with s. 713.13. If the~~
898 ~~direct contract is greater than \$2,500, the applicant shall file~~
899 ~~with the issuing authority prior to the first inspection either~~

580-02452-10

20101048c1

900 ~~a certified copy of the recorded notice of commencement or a~~
901 ~~notarized statement that the notice of commencement has been~~
902 ~~filed for recording, along with a copy thereof. In the absence~~
903 ~~of the filing of a certified copy of the recorded notice of~~
904 ~~commencement, the issuing authority or a private provider~~
905 ~~performing inspection services may not perform or approve~~
906 ~~subsequent inspections until the applicant files by mail,~~
907 ~~facsimile, hand delivery, or any other means such certified copy~~
908 ~~with the issuing authority. The certified copy of the notice of~~
909 ~~commencement must contain the name and address of the owner, the~~
910 ~~name and address of the contractor, and the location or address~~
911 ~~of the property being improved. The issuing authority shall~~

912 (d) Verify that the name and address of the owner, the name
913 of the contractor, and the location or address of the property
914 being improved which is contained in the certified copy of the
915 notice of commencement is consistent with the information in the
916 building permit application.

917 (e) Provide the recording information from the official
918 public records in which the notice of commencement and payment
919 bond, if any, are recorded to any person upon request. The
920 issuing authority shall provide the recording information on the
921 certified copy of the recorded notice of commencement to any
922 person upon request. This subsection does not require the
923 recording of a notice of commencement prior to the issuance of a
924 building permit. If a local government requires a separate
925 permit or inspection for installation of temporary electrical
926 service or other temporary utility service, land clearing, or
927 other preliminary site work, such permits may be issued and such
928 inspections may be conducted without providing the issuing

580-02452-10

20101048c1

929 ~~authority with a certified copy of a recorded notice of~~
930 ~~commencement or a notarized statement regarding a recorded~~
931 ~~notice of commencement. This subsection does not apply to a~~
932 ~~direct contract to repair or replace an existing heating or air-~~
933 ~~conditioning system in an amount less than \$7,500.~~

934 (f) ~~(e)~~ Not require that a notice of commencement be
935 recorded as a condition of the application for, or processing or
936 issuance of, a building permit. ~~However, this paragraph does not~~
937 ~~modify or waive the inspection requirements set forth in this~~
938 ~~subsection.~~

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

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

951 (4) The several boards of county commissioners, municipal
952 councils, or other similar bodies may by ordinance or resolution
953 establish reasonable fees for furnishing, upon request, copies
954 of the forms and the printed statement provided in paragraph
955 (1) (a) ~~paragraphs (1) (b) and (d)~~ in an amount not to exceed \$5
956 to be paid by the applicant for each permit in addition to all
957 other costs of the permit; ~~however, no forms or statement need~~

580-02452-10

20101048c1

958 ~~be furnished, mailed, or otherwise provided to, nor may such~~
 959 ~~additional fee be obtained from, applicants for permits in those~~
 960 ~~cases in which the owner of a legal or equitable interest~~
 961 ~~(including that of ownership of stock of a corporate landowner)~~
 962 ~~of the real property to be improved is engaged in the business~~
 963 ~~of construction of buildings for sale to others and intends to~~
 964 ~~make the improvements authorized by the permit on the property~~
 965 ~~and upon completion will offer the improved real property for~~
 966 ~~sale.~~

967 (5) In addition to any other information required by the
 968 authority issuing the permit, each building permit application
 969 must contain:

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

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

972 (c) A description sufficient to identify the real property
 973 to be improved; and

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

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

980
 981 Tax Folio No.....

982 BUILDING PERMIT APPLICATION

983

984 Owner's Name.....

985 Owner's Address.....

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

580-02452-10

20101048c1

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

988 City.....

989 State..... Zip.....

990 Contractor's Name.....

991 Contractor's Address.....

992 City.....

993 State..... Zip.....

994 Job Name.....

995 Job Address.....

996 City..... County.....

997 Legal Description.....

998 Bonding Company.....

999 Bonding Company Address.....

1000 City..... State.....

1001 Architect/Engineer's Name.....

1002 Architect/Engineer's Address.....

1003 Mortgage Lender's Name.....

1004 Mortgage Lender's Address.....

1006 Application is hereby made to obtain a permit to do the

1007 work and installations as indicated. I certify that no work or

1008 installation has commenced prior to the issuance of a permit and

1009 that all work will be performed to meet the standards of all

1010 laws regulating construction in this jurisdiction. I understand

1011 that a separate permit must be secured for ELECTRICAL WORK,

1012 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,

1013 TANKS, and AIR CONDITIONERS, etc.

1014

1015 OWNER'S AFFIDAVIT: I certify that all the foregoing information

580-02452-10

20101048c1

1016 is accurate and that all work will be done in compliance with
1017 all applicable laws regulating construction and zoning.

1018
1019 WARNING TO OWNER: IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A
1020 NOTICE OF COMMENCEMENT, YOU MAY PAY ~~RESULT IN YOUR~~
1021 ~~PAYING~~ TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A
1022 NOTICE OF COMMENCEMENT, AND THE CONTRACTOR'S PAYMENT
1023 BOND IF THE PROJECT IS BONDED, MUST BE RECORDED AND
1024 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

1025
1026 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
1027 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
1028 RECORDING YOUR NOTICE OF COMMENCEMENT.

1029
1030 ... (Signature of Owner or Agent) ...

1031
1032 ... (including contractor) ...

1033 STATE OF FLORIDA

1034 COUNTY OF

1035
1036 Sworn to (or affirmed) and subscribed before me this
1037 day of, ... (year) ..., by ... (name of person making
1038 statement)

1039
1040 ... (Signature of Notary Public - State of Florida) ...

1041 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...

1042
1043 Personally Known OR Produced Identification

1044

580-02452-10

20101048c1

1045 Type of Identification Produced.....
1046 ... (Signature of Contractor)...

1047
1048 STATE OF FLORIDA
1049 COUNTY OF

1050
1051 Sworn to (or affirmed) and subscribed before me this
1052 day of, ... (year) ..., by ... (name of person making
1053 statement)
1054 ... (Signature of Notary Public - State of Florida) ...
1055 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...

1056
1057 Personally Known OR Produced Identification

1058
1059 Type of Identification Produced.....
1060 (Certificate of Competency Holder)

1061
1062 Contractor's State Certification or Registration No.....

1063
1064 Contractor's Certificate of Competency No.....

1065
1066 APPLICATION APPROVED BY
1067Permit Officer

1068 (b) Consistent with the requirements of paragraph (a), an
1069 authority responsible for issuing building permits under this
1070 section may accept a building permit application in an
1071 electronic format, as prescribed by the authority. Building
1072 permit applications submitted to the authority electronically
1073 must contain the following additional statement in lieu of the

580-02452-10

20101048c1

1074 requirement in paragraph (a) that a signed, sworn, and notarized
1075 signature of the owner or agent and the contractor be part of
1076 the owner's affidavit:

1077
1078 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
1079 perjury, I declare that all the information contained in this
1080 building permit application is true and correct.

1081 (c) An authority responsible for issuing building permit
1082 applications which accepts building permit applications in an
1083 electronic format shall provide public Internet access to the
1084 electronic building permit applications in a searchable format.

1085 (7) This section applies to every municipality and county
1086 in the state which now has or hereafter may have a system of
1087 issuing building permits for the construction of improvements or
1088 for the alteration or repair of improvements on or to real
1089 property located within the geographic limits of the issuing
1090 authority.

1091 Section 7. Section 713.137, Florida Statutes, is created to
1092 read:

1093 713.137 Prerequisites to inspection of improvements;
1094 exceptions.-

1095 (1) The authority issuing a building permit or a private
1096 provider performing inspection services may not inspect the real
1097 property being improved unless:

1098 (a) The following documents have been filed with the
1099 issuing authority:

1100 1.a. A certified copy of the recorded notice of
1101 commencement; or

1102 b. A notarized statement that the notice of commencement

580-02452-10

20101048c1

1103 has been filed for recording, along with a copy of the notice.

1104 2. If the permit is for a commercial project:

1105 a. A copy of the contractor's recorded payment bond; or

1106 b. A notarized statement of the contractor or owner stating
1107 that a payment bond was not required.

1108 3. A signed copy of the general statement of owner's rights
1109 and responsibilities under Florida's Construction Lien Law, if
1110 required by s. 713.015.

1111 (b) The information in the notice of commencement filed
1112 with the issuing authority is consistent with the building
1113 permit application, complete, and legible.

1114 (2) This section does not apply to inspections of the
1115 following improvements:

1116 (a) The installation of temporary electrical service or
1117 other temporary utility service, land clearing, or other
1118 preliminary site work.

1119 (b) Improvements pursuant to a direct contract in an amount
1120 of \$5,000 or less.

1121 (c) The repair or replacement of a heating or air-
1122 conditioning system pursuant to a direct contract in an amount
1123 of \$7,500 or less.

1124 (d) The installation of a solar hot water system pursuant
1125 to a direct contract of \$7,500 or less.

1126 Section 8. Section 713.16, Florida Statutes, is amended to
1127 read:

1128 713.16 Demand for copy of contract and statements of
1129 account; form.—

1130 (1) A copy of the contract of a lienor or owner and a
1131 statement of the amount due or to become due if fixed or

580-02452-10

20101048c1

1132 ascertainable thereon must be furnished by any party thereto,
1133 upon written demand of an owner or a lienor contracting with or
1134 employed by the other party to such contract. If the owner or
1135 lienor refuses or neglects to furnish such copy of the contract
1136 or such statement, or willfully and falsely states the amount
1137 due or to become due if fixed or ascertainable under such
1138 contract, any person who suffers any detriment thereby has a
1139 cause of action against the person refusing or neglecting to
1140 furnish the same or willfully and falsely stating the amount due
1141 or to become due for his or her damages sustained thereby. The
1142 information contained in such copy or statement furnished
1143 pursuant to such written demand is binding upon the owner or
1144 lienor furnishing it unless actual notice of any modification is
1145 given to the person demanding the copy or statement before such
1146 person acts in good faith in reliance on it. The person
1147 demanding such documents must pay for the reproduction thereof;
1148 and, if such person fails or refuses to do so, he or she is
1149 entitled only to inspect such documents at reasonable times and
1150 places.

1151 (2) The owner may serve in writing a demand of any lienor
1152 for a written statement under oath of his or her account showing
1153 the nature of the labor or services performed and to be
1154 performed, if any, the materials furnished, the materials to be
1155 furnished, if known, the amount paid on account to date, the
1156 amount due, and the amount to become due, if known, as of the
1157 date of the statement by the lienor. Any such demand to a lienor
1158 must be served on the lienor at the address and to the attention
1159 of any person who is designated to receive the demand in the
1160 notice to owner served by such lienor and must include a

580-02452-10

20101048c1

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

1183 (3) A request for sworn statement of account must be in
1184 substantially the following form:

1185 REQUEST FOR SWORN STATEMENT OF ACCOUNT
1186

1187 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED
1188 UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE
1189 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

580-02452-10

20101048c1

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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 such demand to a lienor must be served on the lienor at the address and to the attention of any person who is designated to receive the demand in the notice to contractor served by such lienor. The failure or refusal to furnish the statement does not deprive the lienor of his or her rights under the bond if the

580-02452-10

20101048c1

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

1243 (5) (a) Any lienor who submits or mails ~~has recorded~~ a claim
1244 of lien to the clerk for recording may make written demand on
1245 the owner for a written statement under oath showing:

1246 1. The amount of the direct contract under which the lien
1247 was recorded;

580-02452-10

20101048c1

1248 2. The dates and amounts paid or to be paid by or on behalf
1249 of the owner for all improvements described in the direct
1250 contract;

1251 3. The reasonable estimated costs of completing the direct
1252 contract under which the lien was claimed pursuant to the scope
1253 of the direct contract; and

1254 4. If known, the actual cost of completion.

1255 (b) Any owner who does not provide the statement within 30
1256 days after demand, or who provides a false or fraudulent
1257 statement, is not a prevailing party for purposes of an award of
1258 attorney's fees under s. 713.29. The written demand must include
1259 the following warning in conspicuous type in substantially the
1260 following form:

1261 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT
1262 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL
1263 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY
1264 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING
1265 THIS STATEMENT.

1266 (6) Any written demand served on the owner shall include a
1267 description of the project, including the names of the
1268 contractor and the lienor's customer as set forth in the
1269 lienor's notice to owner, sufficient for the owner to properly
1270 identify the project in question.

1271 (7)~~(6)~~ For purposes of this section, the term "information"
1272 means the nature and quantity of the labor, services, and
1273 materials furnished or to be furnished by a lienor and the
1274 amount paid, the amount due, and the amount to become due on the
1275 lienor's account.

1276 Section 9. Section 713.18, Florida Statutes, is amended to

580-02452-10

20101048c1

1277 read:

1278 713.18 Manner of serving notices and other instruments.—

1279 (1) Service of notices, claims of lien, affidavits,
1280 assignments, and other instruments permitted or required under
1281 this part, or copies thereof when so permitted or required,
1282 unless otherwise specifically provided in this part, must be
1283 made by one of the following methods:

1284 (a) By actual delivery to the person to be served; if a
1285 partnership, to one of the partners; if a corporation, to an
1286 officer, director, managing agent, or business agent; or, if a
1287 limited liability company, to a member or manager.

1288 (b) By sending the same by common carrier delivery service
1289 or registered, global express guaranteed, or certified mail,
1290 with postage prepaid, and ~~or by overnight or second-day delivery~~
1291 with evidence of delivery, which may be in an electronic format.

1292 (c) ~~If the method specified in paragraph (a) or paragraph~~
1293 ~~(b) cannot be accomplished,~~ By posting on the site of the
1294 improvement if service as provided by paragraph (a) or paragraph
1295 (b) cannot be accomplished premises.

1296 (2) Notwithstanding subsection (1), service of ~~if~~ a notice
1297 to owner, a notice to contractor under s. 713.23, or a
1298 preliminary notice under s. 255.05 is ~~mailed by registered or~~
1299 ~~certified mail with postage prepaid to the person to be served~~
1300 ~~at any of the addresses set forth in subsection (3) within 40~~
1301 ~~days after the date the lienor first furnishes labor, services,~~
1302 ~~or materials, service of that notice is~~ effective as of the date
1303 of mailing if:

1304 (a) The notice is mailed by registered, global express
1305 guaranteed, or certified mail, with postage prepaid, to the

580-02452-10

20101048c1

1306 person to be served at any of the addresses set forth in
1307 subsection (3);

1308 (b) The notice is mailed within 40 days after the date the
1309 lienor first furnishes labor, services, or materials; and

1310 (c)1. The person who served the notice maintains a
1311 registered or certified mail log that shows the registered or
1312 certified mail number issued by the United States Postal
1313 Service, the name and address of the person served, and the date
1314 stamp of the United States Postal Service confirming the date of
1315 mailing; or if

1316 2. The person who served the notice maintains electronic
1317 tracking records generated through use of the United States
1318 Postal Service Confirm service or a similar service containing
1319 the postal tracking number, the name and address of the person
1320 served, and verification of the date of receipt by the United
1321 States Postal Service.

1322 (3) (a) Service of If an instrument served pursuant to this
1323 section is effective on the date of mailing if the instrument:

1324 1. Was sent to the last address shown in the notice of
1325 commencement or any amendment thereto or, in the absence of a
1326 notice of commencement, to the last address shown in the
1327 building permit application, or to the last known address of the
1328 person to be served; ~~and, is not received, but~~

1329 2. Is returned as being "refused," "moved, not
1330 forwardable," or "unclaimed," or is otherwise not delivered or
1331 deliverable through no fault of the person serving the item,
1332 ~~then service is effective on the date the instrument was sent.~~

1333 (b) If the address information shown in the notice of
1334 commencement or any amendment to the notice, or in the absence

580-02452-10

20101048c1

1335 of a notice of commencement, in the building permit application,
1336 is incomplete for purposes of mailing or delivery, the person
1337 -serving the item may complete the address and properly format it
1338 according to United States Postal Service addressing standards
1339 using information obtained from the property appraiser or
1340 another public record or directory without affecting the
1341 validity of service under this section.

1342 (4) A notice served by a lienor on one owner or one partner
1343 of a partnership owning the real property ~~If the real property~~
1344 ~~is owned by more than one person or a partnership, a lienor may~~
1345 ~~serve any notices or other papers under this part on any one of~~
1346 ~~such owners or partners, and such notice is deemed notice to all~~
1347 owners and partners.

1348 Section 10. Section 713.22, Florida Statutes, is amended to
1349 read:

1350 713.22 Duration of lien.—

1351 (1) A ~~No~~ lien provided by this part may not shall continue
1352 for a longer period than 1 year after the claim of lien has been
1353 recorded or 1 year after the recording of an amended claim of
1354 lien that shows a later date of final furnishing of labor,
1355 services, or materials, unless within that time an action to
1356 enforce the lien is commenced in a court of competent
1357 jurisdiction. A lien that has been continued beyond the 1-year
1358 period ~~The continuation of the lien effected by the commencement~~
1359 ~~of an the action is shall not enforceable be good~~ against
1360 creditors or subsequent purchasers for a valuable consideration
1361 and without notice, unless a notice of lis pendens is recorded.

1362 (2) An owner or the owner's agent or attorney may elect to
1363 shorten the time prescribed in subsection (1) within which to

580-02452-10

20101048c1

1364 commence an action to enforce any claim of lien or claim against
 1365 a bond or other security under s. 713.23 or s. 713.24 by
 1366 recording in the clerk's office a notice in substantially the
 1367 following form:

1368 NOTICE OF CONTEST OF LIEN

1369 To: ...(Name and address of lienor)...

1370 You are notified that the undersigned contests the claim of lien
 1371 filed by you on, ...(year)..., and recorded in Book
 1372, Page, of the public records of County, Florida,
 1373 and that the time within which you may file suit to enforce your
 1374 lien is limited to 60 days from the date of service of this
 1375 notice. This day of, ...(year)....

1376 Signed: ...(Owner or Attorney)...

1377
 1378 The lien of any lienor upon whom such notice is served and who
 1379 fails to institute a suit to enforce his or her lien within 60
 1380 days after service of such notice shall be extinguished
 1381 automatically. The clerk shall serve ~~mail~~ a copy of the notice
 1382 of contest to the lien claimant at the address shown in the
 1383 claim of lien or most recent amendment thereto and shall certify
 1384 to such service on the face of such notice and record the
 1385 notice. ~~Service shall be deemed complete upon mailing.~~

1386 Section 11. Paragraph (e) of subsection (1) and subsections
 1387 (2) and (4) of section 713.23, Florida Statutes, are amended to
 1388 read:

1389 713.23 Payment bond.—

1390 (1)

1391 (e) An ~~No~~ action for the labor or materials or supplies may
 1392 not be instituted or prosecuted against the contractor or surety

580-02452-10

20101048c1

1393 unless both notices have been given. An ~~No~~ action may not ~~shall~~
 1394 be instituted or prosecuted against the contractor or against
 1395 the surety on the bond under this section after 1 year from the
 1396 performance of the labor or completion of delivery of the
 1397 materials and supplies. The time period for bringing an action
 1398 against the contractor or surety on the bond shall be measured
 1399 from the last day of furnishing labor, services, or materials by
 1400 the lienor. The time period may ~~and shall~~ not be measured by
 1401 other standards, such as the issuance of a certificate of
 1402 occupancy or the issuance of a certificate of substantial
 1403 completion. A contractor or the contractor's agent or attorney
 1404 may elect to shorten the ~~prescribed~~ time within which an action
 1405 to enforce any claim against a payment bond ~~provided~~
 1406 section or s. 713.245 must ~~may~~ be commenced at any time after a
 1407 notice of nonpayment, if required, has been served for the claim
 1408 by recording in the clerk's office a notice in substantially the
 1409 following form:

1410 NOTICE OF CONTEST OF CLAIM
 1411 AGAINST PAYMENT BOND

1412 To: ...(Name and address of lienor)...

1413 You are notified that the undersigned contests your notice
 1414 of nonpayment, dated,, and served on the undersigned
 1415 on,, and that the time within which you may file suit
 1416 to enforce your claim is limited to 60 days from the date of
 1417 service of this notice.

1418
 1419 DATED on,

1420
 1421 Signed: ...(Contractor or Attorney)...

580-02452-10

20101048c1

1422

1423 The claim of any lienor upon whom the notice is served and who
1424 fails to institute a suit to enforce his or her claim against
1425 the payment bond within 60 days after service of the notice
1426 shall be extinguished automatically. The clerk shall serve mail
1427 a copy of the notice of contest to the lienor at the address
1428 shown in the notice of nonpayment or most recent amendment
1429 thereto and shall certify to such service on the face of the
1430 notice and record the notice. ~~Service is complete upon mailing.~~

1431

1432 (2) The bond shall secure every lien under the direct
1433 contract accruing subsequent to its execution and delivery,
1434 except that of the contractor. Every claim of lien, except that
1435 of the contractor, filed subsequent to execution and delivery of
1436 the bond shall be transferred to it with the same effect as
1437 liens transferred under s. 713.24. Record notice of the transfer
1438 shall be effected by the contractor, or any person having an
1439 interest in the property against which the claim of lien has
1440 been asserted, by recording in the clerk's office a notice in
substantially the following form:

1441

NOTICE OF BOND

1442

1443 To ... (Name and Address of Lienor) ...

1444

1445 You are notified that the claim of lien filed by you on,
1446, and recorded in Official Records Book at page of
1447 the public records of County, Florida, is secured by a
1448 bond, a copy being attached.

1449

1450 Signed: ... (Name of person recording notice) ...

580-02452-10

20101048c1

1451
 1452 The notice shall be verified. The clerk shall mail a copy of the
 1453 notice to the lienor at the address shown in the claim of lien,
 1454 or the most recent amendment to it; shall certify to the service
 1455 on the face of the notice; and shall record the notice. The
 1456 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~
 1457 ~~713.24(1)~~ for certifying to a transfer of lien.

1458 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall apply
 1459 to bonds under this section.

1460 Section 12. Section 713.24, Florida Statutes, is amended to
 1461 read:

1462 713.24 Transfer of liens to security.—

1463 (1) A ~~Any~~ lien claimed under this part may be transferred,
 1464 by a ~~any~~ person having an interest in the real property upon
 1465 which the lien is imposed or the contract under which the lien
 1466 is claimed, from such real property to other security by ~~either~~:

1467 (a) Depositing in the clerk's office a sum of money; or
 1468 (b) Filing in the clerk's office a bond executed as surety
 1469 by a surety insurer licensed to do business in this state. or

1470 (2) The security must either to be in an amount equal: to

1471 (a) The amount demanded in the ~~such~~ claim of lien; or plus
 1472 (b) Interest on the claim thereon at the legal rate for 3
 1473 years, plus \$1,000 or 25 percent of the amount demanded in the
 1474 claim of lien, whichever is greater, to apply on any attorney's
 1475 fees and court costs that may be taxed in any proceeding to
 1476 enforce the said lien.

1477 (3) The security ~~Such deposit or bond~~ shall be conditioned
 1478 to pay any judgment or decree that ~~which~~ may be rendered for the
 1479 satisfaction of the lien ~~for which such claim of lien was~~

580-02452-10

20101048c1

1480 recorded.

1481 (4) A ~~Upon making such deposit or filing such bond,~~ the
1482 clerk who receives other security for a lien:

1483 (a) Shall make and record a certificate showing the
1484 transfer of the lien from the real property to the security. The
1485 clerk ~~and~~ shall serve ~~mail~~ a copy of the certificate and a copy
1486 of the bond, if the lien was transferred to a bond, on thereof
1487 ~~by registered or certified mail to~~ the lienor named in the claim
1488 of lien ~~so transferred,~~ at the address stated in the claim
1489 ~~therein.~~ When ~~Upon filing~~ the certificate of transfer is
1490 recorded, the real property is ~~shall thereupon be~~ released from
1491 the lien claimed, and the ~~such~~ lien is ~~shall be~~ transferred to
1492 the other ~~said~~ security.

1493 (b) May collect a service charge of no more than \$20 for
1494 making and serving the certificate. The clerk may collect an
1495 additional charge of no more than \$10 for each additional lien
1496 transferred to the security. The clerk shall receive the
1497 statutory service charges as prescribed in s. 28.24 for
1498 recording the certificate and approving the bond.

1499 (5) In the absence of allegations of privity between the
1500 lienor and the owner, and subject to any order of the court
1501 increasing the amount required for the lien transfer deposit or
1502 bond, no other judgment or decree to pay money may be entered by
1503 the court against the owner. ~~The clerk shall be entitled to a~~
1504 ~~service charge for making and serving the certificate, in the~~
1505 ~~amount of up to \$20. If the transaction involves the transfer of~~
1506 ~~multiple liens, an additional charge of up to \$10 for each~~
1507 ~~additional lien shall be charged. For recording the certificate~~
1508 ~~and approving the bond, the clerk shall receive her or his usual~~

580-02452-10

20101048c1

1509 ~~statutory service charges as prescribed in s. 28.24. Any number~~
1510 ~~of liens may be transferred to one such security.~~

1511 (6)~~(2)~~ Any excess of the security over the aggregate amount
1512 of any judgments or decrees rendered plus costs actually taxed
1513 shall be repaid to the party filing the same or her or his
1514 successor in interest. Any deposit of money shall be considered
1515 as paid into court and is ~~shall be~~ subject to the provisions of
1516 law relative to payments of money into court and the disposition
1517 of same.

1518 (7)~~(3)~~ Any party having an interest in such security or the
1519 property from which the lien was transferred may at any time,
1520 and any number of times, file a complaint in chancery in the
1521 circuit court of the county where such security is deposited, or
1522 file a motion in a pending action to enforce a lien, for an
1523 order to require additional security, reduction of security,
1524 change or substitution of sureties, payment of discharge
1525 thereof, or any other matter affecting the ~~said~~ security. If the
1526 court finds that the amount of the deposit or bond in excess of
1527 the amount claimed in the claim of lien is insufficient to pay
1528 the lienor's attorney's fees and court costs incurred in the
1529 action to enforce the lien, the court must increase the amount
1530 of the cash deposit or lien transfer bond. ~~Nothing in~~ This
1531 section does not ~~shall be construed to~~ vest exclusive
1532 jurisdiction in the circuit courts over transfer bond claims for
1533 nonpayment of an amount within the monetary jurisdiction of the
1534 county courts.

1535 (8)~~(4)~~ If a proceeding to enforce a transferred lien is not
1536 commenced within the time specified in s. 713.22 or if it
1537 appears that the transferred lien has been satisfied of record,

580-02452-10

20101048c1

1538 the clerk shall return the ~~said~~ security upon request of the
1539 person depositing or filing the same, or the insurer. If a
1540 proceeding to enforce a lien is commenced in a court of
1541 competent jurisdiction within the time specified in s. 713.22
1542 and, during such proceeding, the lien is transferred pursuant to
1543 this section or s. 713.13(1)(e), an action commenced within 1
1544 year after the transfer, unless otherwise shortened by operation
1545 of law, in the same county or circuit court to recover against
1546 the security shall be deemed to have been brought as of the date
1547 of filing the action to enforce the lien, and the court has
1548 ~~shall have~~ jurisdiction over the action.

1549 Section 13. This act shall take effect October 1, 2010.