

By the Committees on Judiciary; and Regulated Industries; and  
Senator Baker

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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 the bond; prohibiting  
7           the issuing authority for a building permit or a  
8           private 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 the clerk of court to  
15          mail a notice of contest of lien by certified or  
16          registered mail; amending s. 713.015, F.S.; requiring  
17          that a contractor provide an owner with a general  
18          statement of an owner's rights and responsibilities  
19          under Florida's Construction Lien Law; requiring that  
20          a signed copy of the statement be filed with the  
21          building permit application; specifying the form and  
22          content of the statement; deleting the requirement  
23          that notice be included in the direct contract between  
24          the contractor and the owner; amending s. 713.06,  
25          F.S.; revising the form of a notice for liens of  
26          persons not in privity with the owner; amending s.  
27          713.09, F.S.; including improvements to units in  
28          provisions relating to a single claim of lien;  
29          deleting certain requirements relating to direct

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30 contracts; amending s. 713.13, F.S.; revising the form  
31 of the notice of commencement; requiring the posting  
32 of a payment bond on a job site; amending s. 713.135,  
33 F.S.; revising the warning to the owner printed on  
34 certain permit cards; deleting a requirement relating  
35 to filing a notice of commencement before certain  
36 inspections; revising the warning to the owner  
37 provided on a building permit form; deleting  
38 provisions requiring the authority issuing a building  
39 permit to provide certain statements and information;  
40 requiring the Department of Business and Professional  
41 Regulation to include forms and information relating  
42 to the construction lien laws on its website; creating  
43 s. 713.137, F.S.; prohibiting the authority issuing a  
44 building permit or a private provider performing  
45 inspection services from inspecting an improvement  
46 until certain documents have been filed and the  
47 information in the notice of commencement meets  
48 certain standards; providing exceptions; amending s.  
49 713.16, F.S.; revising requirements for demands for a  
50 copy of a construction contract and a statement of  
51 account; authorizing a lienor who submits or mails a  
52 claim of lien to the clerk for recording to make  
53 certain demands to an owner for certain written  
54 statements; providing requirements for such written  
55 demands; amending s. 713.18, F.S.; providing  
56 additional methods by which certain items may be  
57 served by mail; specifying the information required on  
58 certain written instruments under certain

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59 circumstances; amending s. 713.22, F.S.; requiring  
60 that the clerk of court serve a notice of contest of  
61 lien; amending s. 713.23, F.S.; requiring that the  
62 clerk of court mail a notice of contest of nonpayment  
63 by certified or registered mail; conforming cross-  
64 references; amending s. 713.24, F.S.; requiring that  
65 the clerk of court mail, by certified or registered  
66 mail, a copy of the certificate showing the transfer  
67 of a lien and a copy of the security if the lien is  
68 transferred to a security; authorizing a clerk to  
69 collect certain service charges under certain  
70 circumstances; providing an effective date.

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

73  
74 Section 1. Subsection (1) and paragraph (a) of subsection  
75 (2) of section 255.05, Florida Statutes, are amended to read:  
76 255.05 Bond of contractor constructing public buildings;  
77 form; action by materialmen.—

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

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88 authorized to do business in this state as surety.

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

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

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

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

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

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

115 b. The contracting public entity has filed with the issuing  
116 authority a notarized statement stating that the contract is

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117 exempt from the requirement for a payment bond as provided in  
118 this section.

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

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

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

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

140 3. When such work is done for the state, The Secretary of  
141 Management Services may delegate to a state agency ~~agencies~~ the  
142 authority to exempt ~~any person entering into such a contract for~~  
143 ~~amounting to~~ more than \$100,000 but less than \$200,000 from the  
144 requirement for a ~~executing the~~ payment and performance bond. If  
145 ~~In the event~~ such exemption is granted, the officer or officials

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146 are ~~shall~~ not ~~be~~ personally liable to persons suffering loss  
147 because of granting such exemption. The Department of Management  
148 Services shall maintain information on the number of requests by  
149 state agencies for delegation of authority to waive the bond  
150 requirements by agency and project number and whether any  
151 request for delegation was denied and the justification for the  
152 denial.

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

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

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

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

172  
173 The state is ~~shall~~ not ~~be held~~ liable to any laborer,  
174 materialman, or subcontractor for any amounts greater than the

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175 pro rata share as determined under this section.

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

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

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

197 NOTICE OF CONTEST OF CLAIM  
198 AGAINST PAYMENT BOND

199  
200 To: ...(Name and address of claimant)...

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

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204 undersigned on ....., ....., and that the time within  
 205 which you may file suit to enforce your claim is limited to 60  
 206 days after the date of service of this notice.

207  
 208 DATED on ....., .....

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

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

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



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

259 Section 2. Section 713.015, Florida Statutes, is amended to  
260 read:

261 713.015 General statement of owner's rights and

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262 responsibilities ~~Mandatory provisions for direct contracts.-~~

263 (1) For any direct contract greater than \$2,500 between an  
 264 owner and a contractor, related to improvements to real property  
 265 consisting of single or multiple family dwellings up to and  
 266 including four units, the contractor must provide the owner with  
 267 a copy of the general statement of owner's rights and  
 268 responsibilities under Florida's Construction Lien Law as set  
 269 forth in subsection (2), which must ~~be~~ contain the following  
 270 ~~notice provision~~ printed in no less than 12-point, ~~capitalized,~~  
 271 ~~boldfaced~~ type on the front page of the contract or on a  
 272 separate page, signed by the owner and dated, and submitted with  
 273 the original building permit application pursuant to s.  
 274 713.135.÷

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

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

295 (2) The general statement of an owner's rights and  
 296 responsibilities under Florida's Construction Lien Law must be  
 297 in substantially the following form, must include the  
 298 information contained in the following form, and must include a  
 299 copy of a notice of commencement as provided in s. 713.13(1).

300  
 301 GENERAL STATEMENT OF OWNER'S RIGHTS AND RESPONSIBILITIES  
 302 UNDER FLORIDA'S CONSTRUCTION LIEN LAW  
 303 (Required by Section 713.015, Florida Statutes)  
 304

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

312  
 313 You must acknowledge that you have received and read this  
 314 document by signing on the signature page. The original signed  
 315 document must be delivered to the building permit authority,  
 316 along with the building permit application for your project.  
 317 Your building permit application will not be processed unless  
 318 this signed document is in the file. You need to retain a copy  
 319 of this document so that you can follow the procedures described

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320 in the document and identify the proper statutory forms as you  
321 proceed with your construction project.

322  
323 IT IS ALWAYS RECOMMENDED THAT YOU CONSULT LEGAL ADVICE  
324 BEFORE UNDERTAKING REAL PROPERTY IMPROVEMENTS. IF YOU HAVE  
325 QUESTIONS REGARDING THE INFORMATION CONTAINED IN THIS DOCUMENT,  
326 SEEK THE ADVICE OF A FLORIDA CONSTRUCTION LAW ATTORNEY.

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

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

346  
347 FLORIDA LAW ALSO PROVIDES PROCEDURES TO PROTECT OWNERS FROM  
348 PAYING MORE THAN THE AMOUNT OF THEIR CONTRACT. IF YOU FOLLOW THE

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349 FOUR STEPS SET FORTH BELOW, YOU WILL PROTECT YOURSELF FROM VALID  
350 LIENS AGAINST YOUR PROPERTY, AND FROM PAYING TWICE FOR LABOR,  
351 SERVICES, OR MATERIALS FURNISHED FOR YOUR PROJECT.

352  
353 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required  
354 by law to complete, sign, and record in the public records a  
355 Notice of Commencement for all direct contracts that exceed  
356 \$2,500. The information provided in the recorded Notice of  
357 Commencement is relied upon by all parties who provide labor,  
358 services or materials for your project. A copy of the statutory  
359 Notice of Commencement form required by s. 713.13, Florida  
360 Statutes, is attached to this document.

361  
362 If a lender is financing your project, the lender will  
363 assist you in completing the Notice of Commencement and is  
364 responsible for recording it in the public records. It is  
365 critical that your Notice of Commencement be recorded after any  
366 construction loan or mortgage documents are recorded. If you are  
367 not using a lender, preparing and recording the Notice of  
368 Commencement is your responsibility. The Notice of Commencement  
369 must be recorded before commencing construction and posted on  
370 your jobsite. For most projects, a copy of the recorded Notice  
371 of Commencement must be submitted to the building permit  
372 authority prior to the first building inspection.

373  
374 STEP 2 - MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.-  
375 Pick up your certified mail. Most lien notices are served by  
376 certified mail and you need to know who is providing labor,  
377 services, or materials for your project. The law provides that

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378 any properly addressed notices that are returned to the sender  
379 through no fault of the sender are considered served on the date  
380 sent, so failing to claim certified mail only hurts you.

381  
382 If you expect to be absent for periods of time during your  
383 project, you should have an attorney or other agent in a  
384 position of trust who understands the law handle these details  
385 for you. Make sure someone is receiving your mail and taking  
386 steps to obtain the necessary lien releases before making  
387 payments to your contractor. If you receive anything that you do  
388 not understand, seek the assistance of an experienced  
389 construction law attorney.

390  
391 STEP 3 - OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A  
392 PAYMENT TO YOUR CONTRACTOR.-Each time you pay your contractor  
393 you should obtain a Waiver and Release of Lien form from the  
394 contractor AND from anyone who has served you with a Notice to  
395 Owner. Make sure that each release waives lien rights against  
396 your project for work or materials furnished through the date of  
397 the work or materials that your payment covers. This date is  
398 probably not the date you are making the payment, but a date  
399 prior to the payment date through which labor, services, or  
400 materials have been billed.

401  
402 UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS  
403 OWED TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A  
404 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT OR A  
405 WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT SHOWING  
406 THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

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407

408 There are two statutory Waiver and Release of Lien forms.  
409 The signed Waiver and Release of Lien Upon Progress Payment  
410 should be provided to you by a contractor, subcontractor, or  
411 material supplier each time you make a progress payment to your  
412 contractor. The signed Waiver and Release of Lien Upon Final  
413 Payment should be submitted by your contractor, a subcontractor,  
414 or material supplier when they are finished furnishing all work  
415 or materials for your project and have received final payment.  
416 Once you receive a final waiver from a contractor,  
417 subcontractor, or material supplier, you should not need another  
418 waiver unless they are hired to do additional work.

419

420 STEP 4 - OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT  
421 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.-In addition to  
422 obtaining Final Waiver and Release of Lien forms from the  
423 contractor and anyone who has served you with a Notice to Owner,  
424 you should obtain a Contractor's Final Payment Affidavit before  
425 you make final payment to your contractor. This sworn affidavit  
426 should reflect that everyone who supplied labor, services, or  
427 materials on your project has been paid in full or should list  
428 those subcontractors and suppliers who are still owed money.  
429 Make sure that anyone listed as not being paid in full is paid  
430 before making final payment to your contractor. You have a right  
431 to rely on the information contained in the sworn affidavit when  
432 you make final payment to your contractor with respect to any  
433 lienor who has not served a Notice to Owner. If a lienor has  
434 served you with a Notice to Owner, you should obtain a Waiver  
435 and Release of Lien Upon Final Payment from that lienor.

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OWNER'S ACKNOWLEDGMENT AND RECEIPT

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

\_\_\_\_\_  
\_\_\_\_\_

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

Attached Statutory Form: Notice of Commencement

Additional information regarding license and insurance  
requirements for contractors and copies of the statutory forms  
discussed in this document can be obtained online at  
[www.myflorida.com/dbpr/pro/cilb](http://www.myflorida.com/dbpr/pro/cilb).

~~(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



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465 ordinary course of business.

466 Section 3. Paragraph (c) of subsection (2) of section  
467 713.06, Florida Statutes, is amended to read:

468 713.06 Liens of persons not in privity; proper payments.-  
469 (2)

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

473  
474 WARNING! FLORIDA'S CONSTRUCTION LIEN LAW ALLOWS SOME  
475 UNPAID CONTRACTORS, SUBCONTRACTORS, AND MATERIAL  
476 SUPPLIERS TO FILE LIENS AGAINST YOUR PROPERTY EVEN IF  
477 YOU HAVE MADE PAYMENT IN FULL.

478  
479 UNDER FLORIDA LAW, YOUR FAILURE TO MAKE SURE THAT WE ARE PAID  
480 MAY RESULT IN A LIEN AGAINST YOUR PROPERTY AND YOUR PAYING  
481 TWICE.

482 TO PROTECT YOURSELF, EACH TIME YOU MAKE A PAYMENT TO THE  
483 CONTRACTOR ASK YOUR CONTRACTOR TO PROVIDE YOU WITH A WRITTEN  
484 WAIVER AND RELEASE OF LIEN FROM US. FOR ADDITIONAL INFORMATION,  
485 REFER TO THE GENERAL STATEMENT OF OWNER'S RIGHTS AND  
486 RESPONSIBILITIES WHICH WAS PROVIDED TO YOU BY OUR CONTRACTOR AT  
487 THE BEGINNING OF YOUR CONSTRUCTION PROJECT. AVOID A LIEN AND  
488 PAYING TWICE, YOU MUST OBTAIN A WRITTEN RELEASE FROM US EVERY  
489 TIME YOU PAY YOUR CONTRACTOR.

490 NOTICE TO OWNER

491  
492 To ... (Owner's name and address) ...  
493

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

499  
 500 Florida law prescribes the serving of this notice and restricts  
 501 your right to make payments under your contract in accordance  
 502 with Section 713.06, Florida Statutes.

503                                   IMPORTANT INFORMATION FOR  
 504                                   YOUR PROTECTION

505  
 506           Under Florida's laws, those who work on your property or  
 507 provide materials and are not paid have a right to enforce their  
 508 claim for payment against your property. This claim is known as  
 509 a construction lien.

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

514  
 515 PROTECT YOURSELF:

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

519           -LEARN more about the Construction Lien Law, Chapter 713,  
 520 Part I, Florida Statutes, and the meaning of this notice by  
 521 contacting an attorney or the Florida Department of Business and  
 522 Professional Regulation.



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552 ~~owner under the direct contract must be the same person for all~~  
553 ~~lots, parcels, or tracts of land against which a single claim of~~  
554 ~~lien is recorded.~~

555 Section 5. Section 713.13, Florida Statutes, is amended to  
556 read:

557 713.13 Notice of commencement.—

558 (1) (a) Except for an improvement that is exempt pursuant to  
559 s. 713.02(5), an owner or the owner's authorized agent before  
560 actually commencing to improve any real property, or  
561 recommencing completion of any improvement after default or  
562 abandonment, whether or not a project has a payment bond  
563 complying with s. 713.23, shall record a notice of commencement  
564 in the clerk's office and forthwith post either a certified copy  
565 thereof or a notarized statement that the notice of commencement  
566 has been filed for recording along with a copy thereof. The  
567 notice of commencement shall contain the following information:

568 1. A description sufficient for identification of the real  
569 property to be improved. The description should include the  
570 legal description of the property and also should include the  
571 street address and tax folio number of the property if available  
572 or, if there is no street address available, such additional  
573 information as will describe the physical location of the real  
574 property to be improved.

575 2. A general description of the improvement.

576 3. The name and address of the owner, the owner's interest  
577 in the site of the improvement, and the name and address of the  
578 fee simple titleholder, if other than such owner.

579 4. The name and address of the contractor.

580 5. The name and address of the surety on the payment bond

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581 under s. 713.23, if any, and the amount of such bond.

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

584 7. The name and address within the state of a person other  
585 than himself or herself who may be designated by the owner as  
586 the person upon whom notices or other documents may be served  
587 under this part; and service upon the person so designated  
588 constitutes service upon the owner.

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

594 (c) If the contract between the owner and a contractor  
595 named in the notice of commencement expresses a period of time  
596 for completion for the construction of the improvement greater  
597 than 1 year, the notice of commencement must state that it is  
598 effective for a period of 1 year plus any additional period of  
599 time. Any payments made by the owner after the expiration of the  
600 notice of commencement are considered improper payments.

601 (d) A notice of commencement must be in substantially the  
602 following form:

603  
604 Permit No..... Tax Folio No.....

605 NOTICE OF COMMENCEMENT

606 State of....

607 County of....

608  
609 The undersigned hereby gives notice that improvement will be

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610 made to certain real property, and in accordance with Chapter  
 611 713, Florida Statutes, the following information is provided in  
 612 this Notice of Commencement.

613 1. Description of property: ...(legal description of the  
 614 property, and street address if available)....

615 2. General description of improvement:.....

616 3. Owner information:.....

617 a. Name and address:.....

618 b. Interest in property:.....

619 c. Name and address of fee simple titleholder (if other  
 620 than Owner):.....

621 4.a. Contractor: ...(name and address)....

622 b. Contractor's phone number:.....

623 5. Surety...(a copy of the payment bond is attached, if the  
 624 project is bonded)....

625 a. Name and address:.....

626 b. Phone number:.....

627 c. Amount of bond: \$.....

628 6.a. Lender:.....(name and address).....

629 b. Lender's phone number:.....

630 7.a. Persons within the State of Florida designated by  
 631 Owner upon whom notices or other documents may be served as  
 632 provided by Section 713.13(1)(a)7., Florida Statutes:

633 .....(name and address).....

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

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

638 b. Phone number of person or entity designated by

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639 owner:.....

640 9. Expiration date of notice of commencement (the  
 641 expiration date is 1 year from the date of recording unless a  
 642 later ~~different~~ date is specified).....

643  
 644 WARNING TO OWNER: IF THIS NOTICE OF COMMENCEMENT WILL EXPIRE  
 645 BEFORE ALL WORK IS COMPLETED AND FINAL PAYMENT IS MADE, THE  
 646 EXPIRATION DATE MUST BE EXTENDED. ANY PAYMENTS MADE BY THE OWNER  
 647 AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE  
 648 CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION  
 649 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE  
 650 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST  
 651 BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST  
 652 INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR  
 653 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR  
 654 NOTICE OF COMMENCEMENT.

655  
 656 Under penalty of perjury, I declare that I have read the  
 657 foregoing notice of commencement and that the facts stated  
 658 therein are true to the best of my knowledge and belief.

659  
 660 .....(Signature of Owner or Owner's Authorized  
 661 Officer/Director/Partner/Manager).....

662  
 663 .....(Signatory's Title/Office).....

664  
 665 The foregoing instrument was acknowledged before me this ....  
 666 day of ....., ...(year)..., by ...(name of person)... as ...(type  
 667 of authority,...e.g. officer, trustee, attorney in fact)... for

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668 ... (name of party on behalf of whom instrument was executed)....

669

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

671

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

674

675        Personally Known .... OR Produced Identification ....

676

677        Type of Identification Produced.....

678

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

680

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

684

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

686        (e) A copy of any payment bond must be attached at the time

687 of recordation of the notice of commencement. The failure to

688 attach a copy of the bond to the notice of commencement when the

689 notice is recorded negates the exemption provided in s.

690 713.02(6). However, if a payment bond under s. 713.23 exists but

691 was not attached at the time of recordation of the notice of

692 commencement, the bond may be used to transfer any recorded lien

693 of a lienor except that of the contractor by the recordation and

694 service of a notice of bond pursuant to s. 713.23(2). The notice

695 requirements of s. 713.23 apply to any claim against the bond;

696 however, the time limits for serving any required notices shall



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697 begin running from the later of the time specified in s. 713.23  
698 or the date the notice of bond is served on the lienor.

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

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

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

706 (3) The recording of a notice of commencement does not  
707 constitute a lien, cloud, or encumbrance on real property, but  
708 gives constructive notice that claims of lien under this part  
709 may be recorded and may take priority as provided in s. 713.07.  
710 The posting of a copy does not constitute a lien, cloud, or  
711 encumbrance on real property, nor actual or constructive notice  
712 of any of them.

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

715 (5) (a) A notice of commencement that is recorded within the  
716 effective period may be amended to extend the effective period,  
717 change erroneous information in the original notice~~7~~ or add  
718 information that was omitted from the original notice. However,  
719 in order to change contractors, a new notice of commencement or  
720 notice of recommencement must be executed and recorded.

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

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726 recorded.

727 (6) Unless otherwise provided in the notice of commencement  
728 or a new or amended notice of commencement, a notice of  
729 commencement is not effectual in law or equity against a  
730 conveyance, transfer, or mortgage of or lien on the real  
731 property described in the notice, or against creditors or  
732 subsequent purchasers for a valuable consideration, after 1 year  
733 after the date of recording the notice of commencement.

734 (7) A lender must, prior to the disbursement of any  
735 construction funds to the contractor, record the notice of  
736 commencement in the clerk's office as required by this section;  
737 however, the lender is not required to post a certified copy of  
738 the notice at the construction site. The posting of the notice  
739 at the construction site remains the owner's obligation. The  
740 failure of a lender to record the notice of commencement as  
741 required by this subsection renders the lender liable to the  
742 owner for all damages sustained by the owner as a result of the  
743 failure. Whenever a lender is required to record a notice of  
744 commencement, the lender shall designate the lender, in addition  
745 to others, to receive copies of notices to owner. This  
746 subsection does not give any person other than the owner a claim  
747 or right of action against a lender for failure to record a  
748 notice of commencement.

749 Section 6. Section 713.135, Florida Statutes, is amended to  
750 read:

751 713.135 Notice of commencement and applicability of lien.-

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

754 (a) Require the applicant to submit the signed and dated

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755 general statement of an owner's rights and responsibilities  
756 under Florida's Construction Lien Law provided in s. 713.015 for  
757 any single-family or multifamily dwelling up to and including  
758 four units. A building permit application may not be processed  
759 unless the signed document is in the file.

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

769 (c) ~~(b)~~ Make available to Provide the applicant and the  
770 owner of the real property upon which improvements are to be  
771 constructed copies of the general statement of an owner's rights  
772 and responsibilities under Florida's with a printed statement  
773 stating that the right, title, and interest of the person who  
774 has contracted for the improvement may be subject to attachment  
775 under the Construction Lien Law, as described in s. 713.015,  
776 along with the attached statutory form. The issuing authority  
777 may make the general statement and form available in printed  
778 form or on the Internet or both. The Department of Business and  
779 Professional Regulation shall furnish, for distribution, the  
780 statement described in this paragraph, and the statement must be  
781 a summary of the Construction Lien Law and must include an  
782 explanation of the provisions of the Construction Lien Law  
783 relating to the recording, and the posting of copies, of notices

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784 ~~of commencement and a statement encouraging the owner to record~~  
785 ~~a notice of commencement and post a copy of the notice of~~  
786 ~~commencement in accordance with s. 713.13. The statement must~~  
787 ~~also contain an explanation of the owner's rights if a lienor~~  
788 ~~fails to furnish the owner with a notice as provided in s.~~  
789 ~~713.06(2) and an explanation of the owner's rights as provided~~  
790 ~~in s. 713.22. The authority that issues the building permit must~~  
791 ~~obtain from the Department of Business and Professional~~  
792 ~~Regulation the statement required by this paragraph and must~~  
793 ~~mail, deliver by electronic mail or other electronic format or~~  
794 ~~facsimile, or personally deliver that statement to the owner or,~~  
795 ~~in a case in which the owner is required to personally appear to~~  
796 ~~obtain the permit, provide that statement to any owner making~~  
797 ~~improvements to real property consisting of a single or multiple~~  
798 ~~family dwelling up to and including four units. However, the~~  
799 ~~failure by the authorities to provide the summary does not~~  
800 ~~subject the issuing authority to liability.~~

801 ~~(c) In addition to providing the owner with the statement~~  
802 ~~as required by paragraph (b), inform each applicant who is not~~  
803 ~~the person whose right, title, and interest is subject to~~  
804 ~~attachment that, as a condition to the issuance of a building~~  
805 ~~permit, the applicant must promise in good faith that the~~  
806 ~~statement will be delivered to the person whose property is~~  
807 ~~subject to attachment.~~

808 ~~(d) Furnish to the applicant two or more copies of a form~~  
809 ~~of notice of commencement conforming with s. 713.13. If the~~  
810 ~~direct contract is greater than \$2,500, the applicant shall file~~  
811 ~~with the issuing authority prior to the first inspection either~~  
812 ~~a certified copy of the recorded notice of commencement or a~~

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813 ~~notarized statement that the notice of commencement has been~~  
814 ~~filed for recording, along with a copy thereof. In the absence~~  
815 ~~of the filing of a certified copy of the recorded notice of~~  
816 ~~commencement, the issuing authority or a private provider~~  
817 ~~performing inspection services may not perform or approve~~  
818 ~~subsequent inspections until the applicant files by mail,~~  
819 ~~faecsimile, hand delivery, or any other means such certified copy~~  
820 ~~with the issuing authority. The certified copy of the notice of~~  
821 ~~commencement must contain the name and address of the owner, the~~  
822 ~~name and address of the contractor, and the location or address~~  
823 ~~of the property being improved. The issuing authority shall~~

824 (d) Verify that the name and address of the owner, the name  
825 of the contractor, and the location or address of the property  
826 being improved which is contained in the certified copy of the  
827 notice of commencement is consistent with the information in the  
828 building permit application.

829 (e) Provide the recording information from the official  
830 public records in which the notice of commencement and payment  
831 bond, if any, are recorded to any person upon request. The  
832 ~~issuing authority shall provide the recording information on the~~  
833 ~~certified copy of the recorded notice of commencement to any~~  
834 ~~person upon request. This subsection does not require the~~  
835 ~~recording of a notice of commencement prior to the issuance of a~~  
836 ~~building permit. If a local government requires a separate~~  
837 ~~permit or inspection for installation of temporary electrical~~  
838 ~~service or other temporary utility service, land clearing, or~~  
839 ~~other preliminary site work, such permits may be issued and such~~  
840 ~~inspections may be conducted without providing the issuing~~  
841 ~~authority with a certified copy of a recorded notice of~~

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842 ~~commencement or a notarized statement regarding a recorded~~  
843 ~~notice of commencement. This subsection does not apply to a~~  
844 ~~direct contract to repair or replace an existing heating or air-~~  
845 ~~conditioning system in an amount less than \$7,500.~~

846 (f) ~~(e)~~ Not require that a notice of commencement be  
847 recorded as a condition of the application for, or processing or  
848 issuance of, a building permit. ~~However, this paragraph does not~~  
849 ~~modify or waive the inspection requirements set forth in this~~  
850 ~~subsection.~~

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

853 (2) An issuing authority under subsection (1) is not liable  
854 in any civil action for the failure of the person whose property  
855 is subject to attachment to receive or to be delivered the  
856 general statement of an owner's rights and responsibilities  
857 under Florida's ~~a printed statement stating that the right,~~  
858 ~~title, and interest of the person who has contracted for the~~  
859 ~~improvement may be subject to attachment under the Construction~~  
860 ~~Lien Law~~ as provided in s. 713.015.

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

865 (4) The several boards of county commissioners, municipal  
866 councils, or other similar bodies may by ordinance or resolution  
867 establish reasonable fees for furnishing, upon request, copies  
868 of the forms and the printed statement provided in paragraph  
869 (1) (a) ~~paragraphs (1) (b) and (d)~~ in an amount not to exceed \$5  
870 to be paid by the applicant for each permit in addition to all

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871 other costs of the permit; ~~however, no forms or statement need~~  
 872 ~~be furnished, mailed, or otherwise provided to, nor may such~~  
 873 ~~additional fee be obtained from, applicants for permits in those~~  
 874 ~~eases in which the owner of a legal or equitable interest~~  
 875 ~~(including that of ownership of stock of a corporate landowner)~~  
 876 ~~of the real property to be improved is engaged in the business~~  
 877 ~~of construction of buildings for sale to others and intends to~~  
 878 ~~make the improvements authorized by the permit on the property~~  
 879 ~~and upon completion will offer the improved real property for~~  
 880 ~~sale.~~

881 (5) In addition to any other information required by the  
 882 authority issuing the permit, each building permit application  
 883 must contain:

- 884 (a) The name and address of the owner of the real property;
- 885 (b) The name and address of the contractor;
- 886 (c) A description sufficient to identify the real property  
 887 to be improved; and
- 888 (d) The number or identifying symbol assigned to the  
 889 building permit by the issuing authority, which ~~number or symbol~~  
 890 must be affixed to the application by the issuing authority.

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

894  
 895 Tax Folio No.....  
 896 BUILDING PERMIT APPLICATION  
 897  
 898 Owner's Name.....  
 899 Owner's Address.....

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

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

902 City.....

903 State..... Zip.....

904 Contractor's Name.....

905 Contractor's Address.....

906 City.....

907 State..... Zip.....

908 Job Name.....

909 Job Address.....

910 City..... County.....

911 Legal Description.....

912 Bonding Company.....

913 Bonding Company Address.....

914 City..... State.....

915 Architect/Engineer's Name.....

916 Architect/Engineer's Address.....

917 Mortgage Lender's Name.....

918 Mortgage Lender's Address.....

919

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

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

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

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

924 laws regulating construction in this jurisdiction. I understand

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

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

927 TANKS, and AIR CONDITIONERS, etc.

928



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

932  
 933 WARNING TO OWNER: IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A  
 934 NOTICE OF COMMENCEMENT, YOU MAY PAY ~~RESULT IN YOUR~~  
 935 ~~PAYING~~ TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A  
 936 NOTICE OF COMMENCEMENT, AND THE CONTRACTOR'S PAYMENT  
 937 BOND IF THE PROJECT IS BONDED, MUST BE RECORDED AND  
 938 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

939  
 940 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR  
 941 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR  
 942 RECORDING YOUR NOTICE OF COMMENCEMENT.

943  
 944 ... (Signature of Owner or Agent) ...

945  
 946 ... (including contractor) ...

947 STATE OF FLORIDA  
 948 COUNTY OF ....

949  
 950 Sworn to (or affirmed) and subscribed before me this ....  
 951 day of ....., ... (year) ..., by ... (name of person making  
 952 statement) ....

953  
 954 ... (Signature of Notary Public - State of Florida) ...

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

956  
 957 Personally Known .... OR Produced Identification ....

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958  
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983  
984  
985  
986

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

(b) Consistent with the requirements of paragraph (a), an  
authority responsible for issuing building permits under this  
section may accept a building permit application in an  
electronic format, as prescribed by the authority. Building  
permit applications submitted to the authority electronically

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987 must contain the following additional statement in lieu of the  
988 requirement in paragraph (a) that a signed, sworn, and notarized  
989 signature of the owner or agent and the contractor be part of  
990 the owner's affidavit:

991  
992 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of  
993 perjury, I declare that all the information contained in this  
994 building permit application is true and correct.

995 (c) An authority responsible for issuing building permit  
996 applications which accepts building permit applications in an  
997 electronic format shall provide public Internet access to the  
998 electronic building permit applications in a searchable format.

999 (7) This section applies to every municipality and county  
1000 in the state which now has or hereafter may have a system of  
1001 issuing building permits for the construction of improvements or  
1002 for the alteration or repair of improvements on or to real  
1003 property located within the geographic limits of the issuing  
1004 authority.

1005 (8) The Department of Business and Professional Regulation  
1006 shall furnish, in a consumer-friendly location on its website,  
1007 the general statement of an owner's rights and responsibilities  
1008 under Florida's Construction Lien Law, as described in s.  
1009 713.015, and the statutory forms for a notice of commencement,  
1010 waiver and release of lien upon progress payment, waiver and  
1011 release of lien upon final payment, request for sworn statement  
1012 of account, and contractor's final payment affidavit, in  
1013 addition to any other consumer information relating to  
1014 construction that the department believes is beneficial to  
1015 consumers relating to licensing, insurance requirements, and

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1016 unlicensed activity.

1017 Section 7. Section 713.137, Florida Statutes, is created to  
1018 read:

1019 713.137 Prerequisites to inspection of improvements;  
1020 exceptions.-

1021 (1) The authority issuing a building permit or a private  
1022 provider performing inspection services may not inspect the real  
1023 property being improved unless:

1024 (a) The following documents have been filed with the  
1025 issuing authority:

1026 1.a. A certified copy of the recorded notice of  
1027 commencement; or

1028 b. A notarized statement that the notice of commencement  
1029 has been filed for recording, along with a copy of the notice.

1030 2. If the permit is for a commercial project:

1031 a. A copy of the contractor's recorded payment bond; or

1032 b. A notarized statement of the contractor or owner stating  
1033 that a payment bond was not required.

1034 3. A signed copy of the general statement of owner's rights  
1035 and responsibilities under Florida's Construction Lien Law, if  
1036 required by s. 713.015.

1037 (b) The information in the notice of commencement filed  
1038 with the issuing authority is consistent with the building  
1039 permit application, complete, and legible.

1040 (2) This section does not apply to inspections of the  
1041 following improvements:

1042 (a) The installation of temporary electrical service or  
1043 other temporary utility service, land clearing, or other  
1044 preliminary site work.

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1045       (b) Improvements pursuant to a direct contract in an amount  
1046 of \$5,000 or less.

1047       (c) The repair or replacement of a heating or air-  
1048 conditioning system pursuant to a direct contract in an amount  
1049 of \$7,500 or less.

1050       Section 8. Section 713.16, Florida Statutes, is amended to  
1051 read:

1052       713.16 Demand for copy of contract and statements of  
1053 account; form.—

1054       (1) A copy of the contract of a lienor or owner and a  
1055 statement of the amount due or to become due if fixed or  
1056 ascertainable thereon must be furnished by any party thereto,  
1057 upon written demand of an owner or a lienor contracting with or  
1058 employed by the other party to such contract. If the owner or  
1059 lienor refuses or neglects to furnish such copy of the contract  
1060 or such statement, or willfully and falsely states the amount  
1061 due or to become due if fixed or ascertainable under such  
1062 contract, any person who suffers any detriment thereby has a  
1063 cause of action against the person refusing or neglecting to  
1064 furnish the same or willfully and falsely stating the amount due  
1065 or to become due for his or her damages sustained thereby. The  
1066 information contained in such copy or statement furnished  
1067 pursuant to such written demand is binding upon the owner or  
1068 lienor furnishing it unless actual notice of any modification is  
1069 given to the person demanding the copy or statement before such  
1070 person acts in good faith in reliance on it. The person  
1071 demanding such documents must pay for the reproduction thereof;  
1072 and, if such person fails or refuses to do so, he or she is  
1073 entitled only to inspect such documents at reasonable times and

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1074 places.

1075 (2) The owner may serve in writing a demand of any lienor  
1076 for a written statement under oath of his or her account showing  
1077 the nature of the labor or services performed and to be  
1078 performed, if any, the materials furnished, the materials to be  
1079 furnished, if known, the amount paid on account to date, the  
1080 amount due, and the amount to become due, if known, as of the  
1081 date of the statement by the lienor. Any such demand to a lienor  
1082 must be served on the lienor at the address and to the attention  
1083 of any person who is designated to receive the demand in the  
1084 notice to owner served by such lienor and must include a  
1085 description of the project, including the names of the owner,  
1086 the contractor, and the lienor's customer, sufficient for the  
1087 lienor to properly identify the account in question. The failure  
1088 or refusal to furnish the statement does not deprive the lienor  
1089 of his or her lien if the demand is not served at the address of  
1090 the lienor or directed to the attention of the person designated  
1091 to receive the demand in the notice to owner. The failure or  
1092 refusal to furnish the statement under oath within 30 days after  
1093 the demand, or the furnishing of a false or fraudulent  
1094 statement, deprives the person so failing or refusing to furnish  
1095 such statement of his or her lien. If the owner serves more than  
1096 one demand for statement of account on a lienor and none of the  
1097 information regarding the account has changed since the lienor's  
1098 last response to a demand, the failure or refusal to furnish  
1099 such statement does not deprive the lienor of his or her lien.  
1100 The negligent inclusion or omission of any information deprives  
1101 the person of his or her lien to the extent the owner can  
1102 demonstrate prejudice from such act or omission by the lienor.

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1103 The failure to furnish a response to a demand for statement of  
1104 account does not affect the validity of any claim of lien being  
1105 enforced through a foreclosure case filed prior to the date the  
1106 demand for statement is received by the lienor.

1107 (3) A request for sworn statement of account must be in  
1108 substantially the following form:

1109 REQUEST FOR SWORN STATEMENT OF ACCOUNT

1110  
1111 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED  
1112 UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE  
1113 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

1114  
1115 To: ...(Lienor's name and address)...

1116  
1117 The undersigned hereby demands a written statement under oath of  
1118 his or her account showing the nature of the labor or services  
1119 performed and to be performed, if any, the materials furnished,  
1120 the materials to be furnished, if known, the amount paid on  
1121 account to date, the amount due, and the amount to become due,  
1122 if known, as of the date of the statement for the improvement of  
1123 real property identified as .....(property description).....

1124 Name of contractor: .....

1125 Name of the lienor's customer (as specified in the lienor's  
1126 Notice to Owner, if such notice has been served): .....

1127 ...(signature and address of owner)...

1128 .....(date of request for sworn statement of account).....

1129 (4) When a contractor has furnished a payment bond pursuant  
1130 to s. 713.23, he or she may, when an owner makes any payment to  
1131 the contractor or directly to a lienor, serve a written demand

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1132 on any other lienor for a written statement under oath of his or  
1133 her account showing the nature of the labor or services  
1134 performed and to be performed, if any, the materials furnished,  
1135 the materials to be furnished, if known, the amount paid on  
1136 account to date, the amount due, and the amount to become due,  
1137 if known, as of the date of the statement by the lienor. Any  
1138 such demand to a lienor must be served on the lienor at the  
1139 address and to the attention of any person who is designated to  
1140 receive the demand in the notice to contractor served by such  
1141 lienor. The failure or refusal to furnish the statement does not  
1142 deprive the lienor of his or her rights under the bond if the  
1143 demand is not served at the address of the lienor or directed to  
1144 the attention of the person designated to receive the demand in  
1145 the notice to contractor or if the demand does not include a  
1146 description of the project, including the names of the owner,  
1147 the contractor, and the lienor's customer as set forth in the  
1148 lienor's notice to contractor, sufficient for the lienor to  
1149 properly identify the account in question. The failure to  
1150 furnish the statement within 30 days after the demand, or the  
1151 furnishing of a false or fraudulent statement, deprives the  
1152 person who fails to furnish the statement, or who furnishes the  
1153 false or fraudulent statement, of his or her rights under the  
1154 bond. If the contractor serves more than one demand for  
1155 statement of account on a lienor and none of the information  
1156 regarding the account has changed since the lienor's last  
1157 response to a demand, the failure or refusal to furnish such  
1158 statement does not deprive the lienor of his or her rights under  
1159 the bond. The negligent inclusion or omission of any information  
1160 deprives the person of his or her rights under the bond to the



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1161 extent the contractor can demonstrate prejudice from such act or  
1162 omission by the lienor. The failure to furnish a response to a  
1163 demand for statement of account does not affect the validity of  
1164 any claim on the bond being enforced in a lawsuit filed prior to  
1165 the date the demand for statement of account is received by the  
1166 lienor.

1167 (5) (a) Any lienor who submits or mails ~~has recorded~~ a claim  
1168 of lien to the clerk for recording may make written demand on  
1169 the owner for a written statement under oath showing:

1170 1. The amount of the direct contract under which the lien  
1171 was recorded;

1172 2. The dates and amounts paid or to be paid by or on behalf  
1173 of the owner for all improvements described in the direct  
1174 contract;

1175 3. The reasonable estimated costs of completing the direct  
1176 contract under which the lien was claimed pursuant to the scope  
1177 of the direct contract; and

1178 4. If known, the actual cost of completion.

1179 (b) Any owner who does not provide the statement within 30  
1180 days after demand, or who provides a false or fraudulent  
1181 statement, is not a prevailing party for purposes of an award of  
1182 attorney's fees under s. 713.29. The written demand must include  
1183 the following warning in conspicuous type in substantially the  
1184 following form:

1185 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT  
1186 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL  
1187 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY  
1188 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING  
1189 THIS STATEMENT.

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1190       (6) Any written demand served on the owner shall include a  
1191 description of the project, including the names of the  
1192 contractor and the lienor's customer as set forth in the  
1193 lienor's notice to owner, sufficient for the owner to properly  
1194 identify the project in question.

1195       ~~(7)~~~~(6)~~ For purposes of this section, the term "information"  
1196 means the nature and quantity of the labor, services, and  
1197 materials furnished or to be furnished by a lienor and the  
1198 amount paid, the amount due, and the amount to become due on the  
1199 lienor's account.

1200       Section 9. Section 713.18, Florida Statutes, is amended to  
1201 read:

1202       713.18 Manner of serving notices and other instruments.—

1203       (1) Service of notices, claims of lien, affidavits,  
1204 assignments, and other instruments permitted or required under  
1205 this part, or copies thereof when so permitted or required,  
1206 unless otherwise specifically provided in this part, must be  
1207 made by one of the following methods:

1208       (a) By actual delivery to the person to be served; if a  
1209 partnership, to one of the partners; if a corporation, to an  
1210 officer, director, managing agent, or business agent; or, if a  
1211 limited liability company, to a member or manager.

1212       (b) By sending the same by common carrier delivery service  
1213 or registered, global express guaranteed, or certified mail,  
1214 with postage prepaid, and ~~or by overnight or second-day delivery~~  
1215 with evidence of delivery, which may be in an electronic format.

1216       ~~(c) If the method specified in paragraph (a) or paragraph~~  
1217 ~~(b) cannot be accomplished,~~ By posting on the site of the  
1218 improvement if service as provided by paragraph (a) or paragraph

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1219 (b) cannot be accomplished ~~premises.~~

1220 (2) Notwithstanding subsection (1), service of ~~if~~ a notice  
1221 to owner, a notice to contractor under s. 713.23, or a  
1222 preliminary notice under s. 255.05 is ~~mailed by registered or~~  
1223 ~~certified mail with postage prepaid to the person to be served~~  
1224 ~~at any of the addresses set forth in subsection (3) within 40~~  
1225 ~~days after the date the lienor first furnishes labor, services,~~  
1226 ~~or materials, service of that notice is~~ effective as of the date  
1227 of mailing if:

1228 (a) The notice is mailed by registered, global express  
1229 guaranteed, or certified mail, with postage prepaid, to the  
1230 person to be served at any of the addresses set forth in  
1231 subsection (3);

1232 (b) The notice is mailed within 40 days after the date the  
1233 lienor first furnishes labor, services, or materials; and

1234 (c)1. The person who served the notice maintains a  
1235 registered or certified mail log that shows the registered or  
1236 certified mail number issued by the United States Postal  
1237 Service, the name and address of the person served, and the date  
1238 stamp of the United States Postal Service confirming the date of  
1239 mailing; or ~~if~~

1240 2. The person who served the notice maintains electronic  
1241 tracking records generated through use of the United States  
1242 Postal Service Confirm service or a similar service containing  
1243 the postal tracking number, the name and address of the person  
1244 served, and verification of the date of receipt by the United  
1245 States Postal Service.

1246 (3) (a) Service of ~~if~~ an instrument ~~served~~ pursuant to this  
1247 section is effective on the date of mailing if the instrument:

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1248 1. Was sent to the last address shown in the notice of  
1249 commencement or any amendment thereto or, in the absence of a  
1250 notice of commencement, to the last address shown in the  
1251 building permit application, or to the last known address of the  
1252 person to be served; ~~and, is not received, but~~

1253 2. Is returned as being "refused," "moved, not  
1254 forwardable," or "unclaimed," or is otherwise not delivered or  
1255 deliverable through no fault of the person serving the item,  
1256 ~~then service is effective on the date the instrument was sent.~~

1257 (b) If the address information shown in the notice of  
1258 commencement or any amendment to the notice, or in the absence  
1259 of a notice of commencement, in the building permit application,  
1260 is incomplete for purposes of mailing or delivery, the person  
1261 serving the item may complete the address and properly format it  
1262 according to United States Postal Service addressing standards  
1263 using information obtained from the property appraiser or  
1264 another public record or directory without affecting the  
1265 validity of service under this section.

1266 (4) A notice served by a lienor on one owner or one partner  
1267 of a partnership owning the real property ~~If the real property~~  
1268 ~~is owned by more than one person or a partnership, a lienor may~~  
1269 ~~serve any notices or other papers under this part on any one of~~  
1270 ~~such owners or partners, and such notice is deemed notice to all~~  
1271 owners and partners.

1272 Section 10. Section 713.22, Florida Statutes, is amended to  
1273 read:

1274 713.22 Duration of lien.—

1275 (1) A ~~No~~ lien provided by this part may not ~~shall~~ continue  
1276 for a longer period than 1 year after the claim of lien has been

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1277 recorded or 1 year after the recording of an amended claim of  
 1278 lien that shows a later date of final furnishing of labor,  
 1279 services, or materials, unless within that time an action to  
 1280 enforce the lien is commenced in a court of competent  
 1281 jurisdiction. A lien that has been continued beyond the 1-year  
 1282 period ~~The continuation of the lien effected~~ by the commencement  
 1283 of an ~~the~~ action is ~~shall~~ not enforceable ~~be good~~ against  
 1284 creditors or subsequent purchasers for a valuable consideration  
 1285 and without notice, unless a notice of lis pendens is recorded.

1286 (2) An owner or the owner's agent or attorney may elect to  
 1287 shorten the time prescribed in subsection (1) within which to  
 1288 commence an action to enforce any claim of lien or claim against  
 1289 a bond or other security under s. 713.23 or s. 713.24 by  
 1290 recording in the clerk's office a notice in substantially the  
 1291 following form:

1292 NOTICE OF CONTEST OF LIEN

1293 To: ...(Name and address of lienor)...

1294 You are notified that the undersigned contests the claim of lien  
 1295 filed by you on ....., ...(year)..., and recorded in .... Book  
 1296 ....., Page ....., of the public records of .... County, Florida,  
 1297 and that the time within which you may file suit to enforce your  
 1298 lien is limited to 60 days from the date of service of this  
 1299 notice. This .... day of ....., ...(year).....

1300 Signed: ...(Owner or Attorney)...

1301  
 1302 The lien of any lienor upon whom such notice is served and who  
 1303 fails to institute a suit to enforce his or her lien within 60  
 1304 days after service of such notice shall be extinguished  
 1305 automatically. The clerk shall mail a copy of the notice of

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1306 contest to the lien claimant at the address shown in the claim  
1307 of lien or most recent amendment thereto, by certified or  
1308 registered mail, return receipt requested, and shall certify to  
1309 such service on the face of such notice and record the notice.  
1310 ~~Service shall be deemed complete upon mailing.~~

1311 Section 11. Paragraph (e) of subsection (1) and subsections  
1312 (2) and (4) of section 713.23, Florida Statutes, are amended to  
1313 read:

1314 713.23 Payment bond.—

1315 (1)

1316 (e) An ~~No~~ action for the labor or materials or supplies may  
1317 not be instituted or prosecuted against the contractor or surety  
1318 unless both notices have been given. An ~~No~~ action may not ~~shall~~  
1319 be instituted or prosecuted against the contractor or against  
1320 the surety on the bond under this section after 1 year from the  
1321 performance of the labor or completion of delivery of the  
1322 materials and supplies. The time period for bringing an action  
1323 against the contractor or surety on the bond shall be measured  
1324 from the last day of furnishing labor, services, or materials by  
1325 the lienor. The time period may ~~and shall~~ not be measured by  
1326 other standards, such as the issuance of a certificate of  
1327 occupancy or the issuance of a certificate of substantial  
1328 completion. A contractor or the contractor's agent or attorney  
1329 may elect to shorten the ~~prescribed~~ time within which an action  
1330 to enforce any claim against a payment bond ~~provided~~  
1331 section or s. 713.245 must ~~may~~ be commenced at any time after a  
1332 notice of nonpayment, if required, has been served for the claim  
1333 by recording in the clerk's office a notice in substantially the  
1334 following form:

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## NOTICE OF CONTEST OF CLAIM

## AGAINST PAYMENT BOND

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

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

DATED on ....., .....

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

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

(2) The bond shall secure every lien under the direct contract accruing subsequent to its execution and delivery, except that of the contractor. Every claim of lien, except that of the contractor, filed subsequent to execution and delivery of the bond shall be transferred to it with the same effect as liens transferred under s. 713.24. Record notice of the transfer shall be effected by the contractor, or any person having an

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1364 interest in the property against which the claim of lien has  
1365 been asserted, by recording in the clerk's office a notice in  
1366 substantially the following form:

1367 NOTICE OF BOND

1368  
1369 To ... (Name and Address of Lienor) ...

1370  
1371 You are notified that the claim of lien filed by you on ....,  
1372 ...., and recorded in Official Records Book .... at page .... of  
1373 the public records of .... County, Florida, is secured by a  
1374 bond, a copy being attached.

1375  
1376 Signed: ... (Name of person recording notice) ...

1377  
1378 The notice shall be verified. The clerk shall mail a copy of the  
1379 notice to the lienor at the address shown in the claim of lien,  
1380 or the most recent amendment to it; shall certify to the service  
1381 on the face of the notice; and shall record the notice. The  
1382 clerk shall receive the same fee as prescribed in s. 713.24 ~~s.~~  
1383 ~~713.24(1)~~ for certifying to a transfer of lien.

1384 (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall apply  
1385 to bonds under this section.

1386 Section 12. Section 713.24, Florida Statutes, is amended to  
1387 read:

1388 713.24 Transfer of liens to security.-

1389 (1) A ~~Any~~ lien claimed under this part may be transferred,  
1390 by a ~~any~~ person having an interest in the real property upon  
1391 which the lien is imposed or the contract under which the lien  
1392 is claimed, from such real property to other security by ~~either~~:



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1393 (a) Depositing in the clerk's office a sum of money;; or  
 1394 (b) Filing in the clerk's office a bond executed as surety  
 1395 by a surety insurer licensed to do business in this state.;

1396 (2) The security must either to be in an amount equal: to

1397 (a) The amount demanded in the such claim of lien; plus

1398 (b) Interest on the claim thereon at the legal rate for 3  
 1399 years, plus \$1,000 or 25 percent of the amount demanded in the  
 1400 claim of lien, whichever is greater, to apply on any attorney's  
 1401 fees and court costs that may be taxed in any proceeding to  
 1402 enforce the said lien.

1403 (3) The security ~~Such deposit or bond~~ shall be conditioned  
 1404 to pay any judgment or decree that ~~which~~ may be rendered for the  
 1405 satisfaction of the lien ~~for which such claim of lien was~~  
 1406 ~~recorded~~.

1407 (4) A ~~Upon making such deposit or filing such bond,~~ the  
 1408 clerk who receives other security for a lien:

1409 (a) Shall make and record a certificate showing the  
 1410 transfer of the lien from the real property to the security. The  
 1411 clerk and shall serve mail a copy of the certificate and a copy  
 1412 of the bond, if the lien was transferred to a bond, on thereof  
 1413 ~~by registered or certified mail to~~ the lienor named in the claim  
 1414 of lien ~~so transferred,~~ at the address stated in the claim  
 1415 ~~therein. When~~ Upon filing the certificate of transfer is  
 1416 recorded, the real property is ~~shall thereupon be~~ released from  
 1417 the lien claimed, and the such lien is ~~shall be~~ transferred to  
 1418 the other said security.

1419 (b) May collect a service charge of no more than \$20 for  
 1420 making and serving the certificate. The clerk may collect an  
 1421 additional charge of no more than \$10 for each additional lien

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1422 transferred to the security. The clerk shall receive the  
1423 statutory service charges as prescribed in s. 28.24 for  
1424 recording the certificate and approving the bond.

1425 (5) In the absence of allegations of privity between the  
1426 lienor and the owner, and subject to any order of the court  
1427 increasing the amount required for the lien transfer deposit or  
1428 bond, no other judgment or decree to pay money may be entered by  
1429 the court against the owner. ~~The clerk shall be entitled to a~~  
1430 ~~service charge for making and serving the certificate, in the~~  
1431 ~~amount of up to \$20. If the transaction involves the transfer of~~  
1432 ~~multiple liens, an additional charge of up to \$10 for each~~  
1433 ~~additional lien shall be charged. For recording the certificate~~  
1434 ~~and approving the bond, the clerk shall receive her or his usual~~  
1435 ~~statutory service charges as prescribed in s. 28.24. Any number~~  
1436 ~~of liens may be transferred to one such security.~~

1437 (6)~~(2)~~ Any excess of the security over the aggregate amount  
1438 of any judgments or decrees rendered plus costs actually taxed  
1439 shall be repaid to the party filing the same or her or his  
1440 successor in interest. Any deposit of money shall be considered  
1441 as paid into court and is ~~shall be~~ subject to the provisions of  
1442 law relative to payments of money into court and the disposition  
1443 of same.

1444 (7)~~(3)~~ Any party having an interest in such security or the  
1445 property from which the lien was transferred may at any time,  
1446 and any number of times, file a complaint in chancery in the  
1447 circuit court of the county where such security is deposited, or  
1448 file a motion in a pending action to enforce a lien, for an  
1449 order to require additional security, reduction of security,  
1450 change or substitution of sureties, payment of discharge

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1451 thereof, or any other matter affecting the ~~said~~ security. If the  
1452 court finds that the amount of the deposit or bond in excess of  
1453 the amount claimed in the claim of lien is insufficient to pay  
1454 the lienor's attorney's fees and court costs incurred in the  
1455 action to enforce the lien, the court must increase the amount  
1456 of the cash deposit or lien transfer bond. ~~Nothing in~~ This  
1457 section does not ~~shall be construed to~~ vest exclusive  
1458 jurisdiction in the circuit courts over transfer bond claims for  
1459 nonpayment of an amount within the monetary jurisdiction of the  
1460 county courts.

1461 (8) ~~(4)~~ If a proceeding to enforce a transferred lien is not  
1462 commenced within the time specified in s. 713.22 or if it  
1463 appears that the transferred lien has been satisfied of record,  
1464 the clerk shall return the ~~said~~ security upon request of the  
1465 person depositing or filing the same, or the insurer. If a  
1466 proceeding to enforce a lien is commenced in a court of  
1467 competent jurisdiction within the time specified in s. 713.22  
1468 and, during such proceeding, the lien is transferred pursuant to  
1469 this section or s. 713.13(1)(e), an action commenced within 1  
1470 year after the transfer, unless otherwise shortened by operation  
1471 of law, in the same county or circuit court to recover against  
1472 the security shall be deemed to have been brought as of the date  
1473 of filing the action to enforce the lien, and the court has  
1474 ~~shall have~~ jurisdiction over the action.

1475 Section 13. This act shall take effect October 1, 2010.