

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

29 commencement; requiring the posting of a payment bond on a
30 job site; amending s. 713.135, F.S.; revising the warning
31 to the owner printed on certain permit cards; deleting a
32 requirement relating to the filing of a notice of
33 commencement before certain inspections; revising the
34 warning to the owner provided on a building permit form;
35 deleting provisions requiring the authority issuing a
36 building permit to provide certain statements and
37 information; creating s. 713.137, F.S.; prohibiting the
38 authority issuing a building permit or a private provider
39 providing inspection services from inspecting an
40 improvement until certain documents have been filed and
41 the information in the notice of commencement meets
42 certain standards; providing exceptions; amending s.
43 713.16, F.S.; revising requirements for demands for a copy
44 of a construction contract and a statement of account;
45 authorizing a lienor who submits or mails a claim of lien
46 to the clerk for recording to make certain demands to an
47 owner for certain written statements; providing
48 requirements for such written demands; amending s. 713.18,
49 F.S.; providing additional methods by which certain items
50 may be served by mail; specifying information required on
51 certain written instruments under certain circumstances;
52 amending s. 713.22, F.S.; requiring that the clerk of
53 court serve a notice of contest of lien; amending s.
54 713.23, F.S.; requiring that the clerk of court serve a
55 notice of contest of nonpayment; conforming cross-
56 references; amending s. 713.24, F.S.; requiring that the

57 clerk of court serve a copy of the certificate showing the
 58 transfer of a lien and a copy of the security if the lien
 59 is transferred to a security; providing an effective date.
 60

61 Be It Enacted by the Legislature of the State of Florida:
 62

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

65 255.05 Bond of contractor constructing public buildings;
 66 form; action by materialmen.—

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

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

81 (b) The bond must state on its front page: the name,
 82 principal business address, and phone number of the contractor,
 83 the surety, the owner of the property being improved, and, if
 84 different from the owner, the contracting public entity; the

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85 contract number assigned by the contracting public entity; the
86 bond number assigned by the surety; and a description of the
87 project sufficient to identify it, such as a legal description
88 or the street address of the property being improved, and a
89 general description of the improvement.

90 (c) Such bond shall be conditioned upon the contractor's
91 performance of the construction work in the time and manner
92 prescribed in the contract and promptly making payments to all
93 persons defined in s. 713.01 who furnish labor, services, or
94 materials for the prosecution of the work provided for in the
95 contract.

96 (d) The contractor shall, upon issuance, record the
97 payment bond in the public records of the county in which the
98 improvement will be located.

99 (e)1. The issuing authority for the building permit, or a
100 private provider providing inspection services, may not inspect
101 the property being improved until:

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

104 b. The contracting public entity has filed with the
105 issuing authority a notarized statement stating that the
106 contract is exempt from the requirement for a payment bond as
107 provided in this section.

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

111 (f) Any claimant may apply to the governmental entity
112 having charge of the work for copies of the contract and bond

113 and shall thereupon be furnished with a certified copy of the
 114 contract and bond. The claimant has ~~shall have~~ a right of action
 115 against the contractor and surety for the amount due him or her,
 116 including unpaid finance charges due under the claimant's
 117 contract. Such action shall not involve the public authority in
 118 any expense.

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

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

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

141 denial.

142 (h) Any provision in a payment bond furnished for public
 143 work contracts as provided by this subsection which restricts
 144 the classes of persons as defined in s. 713.01 protected by the
 145 bond or the venue of any proceeding relating to such bond is
 146 unenforceable.

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

150 1. Procedures for retaining up to 10 percent of each
 151 request for payment submitted by a contractor and procedures for
 152 determining disbursements from the amount retained on a pro rata
 153 basis to laborers, materialmen, and subcontractors, as defined
 154 in s. 713.01.

155 2. Procedures for requiring certification from laborers,
 156 materialmen, and subcontractors, as defined in s. 713.01, prior
 157 to final payment to the contractor that such laborers,
 158 materialmen, and subcontractors have no claims against the
 159 contractor resulting from the completion of the work provided
 160 for in the contract.

161
 162 The state is ~~shall~~ not ~~be held~~ liable to any laborer,
 163 materialman, or subcontractor for any amounts greater than the
 164 pro rata share as determined under this section.

165 (j)~~(e)~~1. The amount of the bond shall equal the contract
 166 price, except that for a contract in excess of \$250 million, if
 167 the state, county, municipality, political subdivision, or other
 168 public entity finds that a bond in the amount of the contract

169 price is not reasonably available, the public owner shall set
 170 the amount of the bond at the largest amount reasonably
 171 available, but not less than \$250 million.

172 2. For construction-management or design-build contracts,
 173 if the public owner does not include in the bond amount the cost
 174 of design or other nonconstruction services, the bond may not be
 175 conditioned on performance of such services or payment to
 176 persons furnishing such services. Notwithstanding paragraph (h)
 177 ~~(a)~~, such a bond may exclude persons furnishing such services
 178 from the classes of persons protected by the bond.

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

186
 187 NOTICE OF CONTEST OF CLAIM
 188 AGAINST PAYMENT BOND
 189

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

191
 192 You are notified that the undersigned contests your notice
 193 of nonpayment, dated _____, _____, and served on
 194 the undersigned on _____, _____, and that the
 195 time within which you may file suit to enforce your claim is
 196 limited to 60 days after the date of service of this notice.

197 DATED on _____, _____.

198

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

200

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

210 2. A claimant, except a laborer, who is not in privity
 211 with the contractor shall, before commencing or not later than
 212 45 days after commencing to furnish labor, services, or
 213 materials for the prosecution of the work, furnish the
 214 contractor with a written notice that he or she intends to look
 215 to the bond for protection. A claimant who is not in privity
 216 with the contractor and who has not received payment for his or
 217 her labor, services, or materials shall deliver to the
 218 contractor and to the surety written notice of the performance
 219 of the labor or delivery of the materials or supplies and of the
 220 nonpayment. The notice of nonpayment may be served at any time
 221 during the progress of the work or thereafter but not before 45
 222 days after the first furnishing of labor, services, or
 223 materials, and not later than 90 days after the final furnishing
 224 of the labor, services, or materials by the claimant or, with

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

248 | Section 2. Section 713.015, Florida Statutes, is amended
 249 | to read:

250 | 713.015 General statement of owner's rights and
 251 | responsibilities ~~Mandatory provisions for direct contracts.~~

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

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

267 (2) The general statement of an owner's rights and
 268 responsibilities under Florida's Construction Lien Law must be
 269 in substantially the following form, must include the
 270 information contained in the following form, and must include a
 271 copy of a notice of commencement as provided in s. 713.13(1), a
 272 waiver and release of lien upon progress payment as provided in
 273 s. 713.20(4), a waiver and release of lien upon final payment as
 274 provided in s. 713.20(5), a request for sworn statement of
 275 account as provided in s. 713.16, and a contractor's final
 276 payment affidavit as provided in s. 713.06(3):

277
 278 GENERAL STATEMENT OF
 279 OWNER'S RIGHTS AND RESPONSIBILITIES
 280 UNDER FLORIDA'S CONSTRUCTION LIEN LAW

281
282 ABOUT THIS DOCUMENT.—Florida law requires your contractor
283 to provide you with this document and the attached statutory
284 forms when you are contracting to make improvements to real
285 property. Therefore, it is critical that you have some
286 understanding of Florida's construction lien and payment laws
287 and take appropriate steps to protect your investment and
288 fulfill your obligations to those who provide labor and
289 materials for your project.

290
291 You must acknowledge that you have received and read this
292 document by signing on the signature page. The signed original
293 document must be delivered to the building permit authority,
294 along with the building permit application for your project.
295 Your building permit application will not be processed unless
296 this signed document is in the file. You need to retain a copy
297 of the filed document and the attached statutory forms so that
298 you can follow the procedures described in the document and
299 identify the proper statutory forms as you proceed with your
300 construction project. If your contractor applies for the
301 building permit, he or she must provide you with a copy of the
302 signed and dated general statement of an owner's rights and
303 responsibilities.

304
305 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
306 Florida Statutes (F.S.), governs private construction projects
307 in this state. The complete text of this law can be found at
308 www.leg.state.fl.us. This general statement is intended as a

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309 guide and does not take precedence over the language of
310 Florida's Construction Lien Law.

311
312 Under this law, those who work on your property or provide
313 materials and services and who are not paid in full have a right
314 to enforce their claim for payment against your property. This
315 claim is known as a construction lien. If your contractor or a
316 subcontractor fails to pay subcontractors, sub-subcontractors,
317 or material suppliers, those people who are owed money may look
318 to your property for payment even if you have already paid your
319 contractor in full. If you fail to pay your contractor, your
320 contractor may also have a lien on your property. This means
321 that if a lien is filed, your property could be sold against
322 your will to pay for labor, materials, or other services that
323 your contractor or a subcontractor may have failed to pay.

324
325 The law also provides procedures to protect owners and
326 guarantee that you will never have to pay more than the amount
327 of your contract if you make proper payments. Although the
328 construction lien law has many complexities, the steps owners
329 can take to protect themselves and establish a "proper payment
330 defense" are simple, but very important.

331
332 STEP 1 – THE NOTICE OF COMMENCEMENT.—An owner is required
333 by law to complete, sign, and record in the public records an
334 accurate Notice of Commencement for all direct contracts that
335 exceed \$2,500, which notice provides certain specified
336 information. The information provided in the recorded Notice of

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337 Commencement is relied upon by all parties who provide labor and
338 materials to your project. A copy of the statutory Notice of
339 Commencement form, s. 713.13, F.S., is attached to this
340 document.

341
342 If a lender is financing your project, the lender will
343 assist you in completing the Notice of Commencement and is
344 responsible for recording it in the public records. It is
345 critical that your Notice of Commencement be recorded after any
346 construction loan or mortgage documents are recorded. If you do
347 not have a lender, preparing and recording the Notice of
348 Commencement is your responsibility. The Notice of Commencement
349 must be recorded before commencing construction and posted on
350 your jobsite. For most projects, a copy of the recorded Notice
351 of Commencement must be submitted to the building permit
352 authority before the first building inspection.

353
354 STEP 2 – MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.—
355 Pick up your certified mail. Most lien notices are served by
356 certified mail and you need to know who is providing labor and
357 materials to your project. Section 713.18, F.S., provides that
358 any properly addressed notices that are returned to the sender
359 through no fault of the sender are considered served on the date
360 sent, so failing to claim certified mail only hurts you.

361
362 If you expect to be absent for periods of time during your
363 project, you should have an attorney or other agent in a
364 position of trust who understands the law handle these details

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365 for you. Make sure someone is receiving your mail and taking
366 steps to obtain the necessary lien releases before making
367 payments to your contractor. If you receive anything that you do
368 not understand, seek the assistance of an experienced
369 construction law attorney.

370

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

381

382 UNDER FLORIDA LAW, YOU HAVE THE RIGHT TO WITHHOLD PAYMENTS
383 DUE TO THE CONTRACTOR UNTIL YOU HAVE BEEN PROVIDED WITH A
384 WRITTEN WAIVER AND RELEASE OF LIEN UPON PROGRESS PAYMENT FORM OR
385 A WRITTEN WAIVER AND RELEASE OF LIEN UPON FINAL PAYMENT FORM
386 SHOWING THAT THE LIENOR'S CLAIM FOR PAYMENT HAS BEEN PAID.

387

388 There are two statutory Waiver and Release of Lien forms.
389 The signed Waiver and Release of Lien Upon Progress Payment
390 should be submitted by a contractor, subcontractor, or material
391 supplier each time you make a payment to your contractor. The
392 signed Waiver and Release of Lien Upon Final Payment should be

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393 submitted by your contractor, a subcontractor, or material
394 supplier when they are finished furnishing all work or materials
395 for your project and have received final payment. For example,
396 when the plumber finishes all plumbing on your project and
397 receives final payment from the contractor, you should obtain a
398 Waiver and Release of Lien Upon Final Payment. Once you receive
399 a final waiver from a contractor, subcontractor, or material
400 supplier, you should not need another waiver unless they are
401 hired to do additional work. A copy of both statutory Waiver and
402 Release of Lien forms, s. 713.20, F.S., is attached to this
403 document.

404
405 STEP 4 – OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT
406 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.—In addition to
407 obtaining Final Waiver and Release of Lien forms from the
408 contractor and anyone who has served you with a Notice to Owner,
409 you should obtain a Contractor's Final Payment Affidavit before
410 you make final payment to your contractor. This sworn affidavit
411 should reflect that everyone who supplied labor and materials on
412 your project has been paid in full or should list those
413 subcontractors and suppliers who are still owed money. Make sure
414 that anyone listed as not being paid in full is paid before
415 making final payment to your contractor. You have a right to
416 rely on the information contained in the sworn affidavit when
417 you make final payment to your contractor with respect to any
418 lienor who has not served a Notice to Owner. A copy of the
419 statutory Contractor's Final Payment Affidavit form, s. 713.06,
420 F.S., is attached to this document.

421
422 IF YOU FOLLOW THESE FOUR SIMPLE STEPS, FLORIDA LAW WILL
423 PROTECT YOU AND YOU SHOULD NEVER HAVE TO PAY TWICE FOR THE SAME
424 LABOR OR MATERIALS.

425
426 ADDITIONAL INFORMATION FOR YOUR PROTECTION

427
428 1. Always hire a Florida-licensed contractor. You can
429 verify the license status of your contractor by accessing the
430 website of the Department of Business and Professional
431 Regulation at www.myflorida.com/dbpr and performing a licensee
432 search. You can check under an individual name or, if your
433 contractor is a company, under the business name and then check
434 to see who the qualifying licensee is for that company.

435
436 2. Make sure that your contractor has the proper workers'
437 compensation coverage, or an allowed workers' compensation
438 exemption, and carries sufficient builder's risk or commercial
439 liability insurance. The contractor should be able to provide
440 you with current, valid certificates of insurance from his or
441 her insurance agent.

442
443 3. Use caution before accepting an obviously low bid. If
444 it seems too good to be true, it probably is, and your
445 construction project may be in trouble before you even begin.

446
447 4. Some contractors require a reasonable deposit to cover
448 the cost of plans and permitting. This is an acceptable

449 practice. However, you should use caution before paying
450 substantial sums to a contractor in advance of the work being
451 performed.

452
453 5. At any time during the construction process if you need
454 contract or payment information from anyone providing labor,
455 services, or materials to your project, you have the right to
456 make a written request to them for a Sworn Statement of Account
457 to ascertain the nature of the work performed or to be
458 performed, the materials furnished or to be furnished, the
459 amounts paid or to be paid, or the amounts due or to become due
460 to them. The form for this written Request for Sworn Statement
461 of Account is attached to this statement. If you received a
462 Notice to Owner from the person to whom you wish to send such a
463 request, make sure you address the request to the person,
464 company, and address listed in the Notice to Owner. The request
465 must be served by you in accordance with lien law provisions
466 (usually by hand delivery, certified mail, or overnight
467 delivery) and you should make sure to request and keep the proof
468 of delivery.

469
470 6. If you receive documents or information that you do not
471 understand, consult an experienced construction law attorney.

472
473 7. Florida has a Homeowners' Construction Recovery Fund
474 that is funded through a portion of the building permit fees.
475 This fund helps consumers who have been harmed by a licensed
476 contractor. In order to be eligible to recover from this fund,

477 you must have complied with the proper payment procedures as
 478 described in this document. For more information, contact the
 479 Construction Industry Licensing Board at
 480 www.myflorida.com/dbpr/pro/cilb.

481
 482 8. You have the right to require that a contractor furnish
 483 a payment bond so that the owner is exempt from the Construction
 484 Lien Law. If there is a payment bond, a lienor must file a claim
 485 on the payment bond for payment rather than file a lien on the
 486 property. However, if you require a payment bond, understand
 487 that the payment bond will likely increase the cost of your
 488 construction.

489
 490 OWNER'S ACKNOWLEDGMENT AND RECEIPT

491
 492 The undersigned owner(s) of Florida real property hereby
 493 acknowledge that they are preparing to enter into a contract
 494 with _____ for the
 495 construction of real property improvements to the following-
 496 described property ...(insert address or legal description)...:

497
 498 _____

499
 500 _____

501
 502 ...(Signature of Property Owner).....(Date)...

503
 504 ...(Signature of Property Owner).....(Date)...

505
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- 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

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

~~(2) (a) If the contract is written, the notice must be in~~

533 ~~the contract document. If the contract is oral or implied, the~~
 534 ~~notice must be provided in a document referencing the contract.~~

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

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

544 Section 3. Paragraph (c) of subsection (2) of section
 545 713.06, Florida Statutes, is amended to read:

546 713.06 Liens of persons not in privity; proper payments.—
 547 (2)

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

551
 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.

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

NOTICE TO OWNER

570
571
572 To ... (Owner's name and address) ...

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

576
577 ... (General description of services or materials) ... for the
578 improvement of the real property identified as ... (property
579 description) ... under an order given by _____.

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

584
585 IMPORTANT INFORMATION FOR
586 YOUR PROTECTION

587
588 Under Florida's laws, those who work on your property or

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589 provide materials and are not paid have a right to enforce their
 590 claim for payment against your property. This claim is known as
 591 a construction lien.

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

596

597 PROTECT YOURSELF:

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

601 -LEARN more about the Construction Lien Law, Chapter 713,
 602 Part I, Florida Statutes, and the meaning of this notice by
 603 contacting an attorney or the Florida Department of Business and
 604 Professional Regulation.

605 ... (Lienor's Signature) ...

606 ... (Lienor's Name) ...

607 ... (Lienor's Address) ...

608

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

611

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

615 Section 4. Section 713.09, Florida Statutes, is amended to
 616 read:

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

638 Section 5. Section 713.13, Florida Statutes, is amended to
 639 read:

640 713.13 Notice of commencement.—

641 (1) (a) Except for an improvement that is exempt pursuant
 642 to s. 713.02(5), an owner or the owner's authorized agent before
 643 actually commencing to improve any real property, or
 644 recommencing completion of any improvement after default or

645 abandonment, whether or not a project has a payment bond
 646 complying with s. 713.23, shall record a notice of commencement
 647 in the clerk's office and forthwith post either a certified copy
 648 thereof or a notarized statement that the notice of commencement
 649 has been filed for recording along with a copy thereof. The
 650 notice of commencement shall contain the following information:

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

658 2. A general description of the improvement.

659 3. The name and address of the owner, the owner's interest
 660 in the site of the improvement, and the name and address of the
 661 fee simple titleholder, if other than such owner.

662 4. The name and address of the contractor.

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

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

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

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

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

677 (c) A notice of commencement expires:

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

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

690 (d) A notice of commencement must be in substantially the
 691 following form:

692
 693 Permit No. _____ Tax Folio No. _____
 694 NOTICE OF COMMENCEMENT
 695 State of _____
 696 County of _____
 697

698 The undersigned hereby gives notice that improvement will be
 699 made to certain real property, and in accordance with Chapter
 700 713, Florida Statutes, the following information is provided in

701 this Notice of Commencement.

702 1. Description of property: ...(legal description of the

703 property, and street address if available)....

704 2. General description of improvement:_____.

705 3. Owner information:_____.

706 a. Name and address:_____.

707 b. Interest in property:_____.

708 c. Name and address of fee simple titleholder (if other

709 than Owner):_____.

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

711 b. Contractor's phone number:_____.

712 5. Surety ...(a copy of the payment bond is attached, if

713 the project is bonded)....

714 a. Name and address:_____.

715 b. Phone number:_____.

716 c. Amount of bond: \$_____.

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

718 b. Lender's phone number:_____.

719 7.a. Persons within the State of Florida designated by

720 Owner upon whom notices or other documents may be served as

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

722 and address)....

723 b. Phone numbers of designated persons:_____.

724 8.a. In addition to himself or herself, Owner designates

725 _____ of _____ to receive a copy of the

726 Lienor's Notice as provided in Section 713.13(1)(b), Florida

727 Statutes.

728 b. Phone number of person or entity designated by

729 owner:_____.

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

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

747
 748 Under penalty of perjury, I declare that I have read the
 749 foregoing notice of commencement and that the facts stated
 750 therein are true to the best of my knowledge and belief.

751
 752 ... (Signature of Owner or Owner's Authorized
 753 Officer/Director/Partner/Manager) ...

754
 755 ... (Signatory's Title/Office) ...

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

762
 763 ... (Signature of Notary Public - State of Florida) ...

764
 765 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...

766
 767 Personally Known _____ OR Produced Identification _____

768
 769 Type of Identification Produced _____

770
 771 ~~Verification pursuant to Section 92.525, Florida Statutes.~~

772
 773 ~~Under penalties of perjury, I declare that I have read the~~
 774 ~~foregoing and that the facts stated in it are true to the best~~
 775 ~~of my knowledge and belief.~~

776
 777 ~~... (Signature of Natural Person Signing Above) ...~~

778 (e) A copy of any payment bond must be attached at the
 779 time of recordation of the notice of commencement. The failure
 780 to attach a copy of the bond to the notice of commencement when
 781 the notice is recorded negates the exemption provided in s.
 782 713.02(6). However, if a payment bond under s. 713.23 exists but
 783 was not attached at the time of recordation of the notice of
 784 commencement, the bond may be used to transfer any recorded lien

785 of a lienor except that of the contractor by the recordation and
 786 service of a notice of bond pursuant to s. 713.23(2). The notice
 787 requirements of s. 713.23 apply to any claim against the bond;
 788 however, the time limits for serving any required notices shall
 789 begin running from the later of the time specified in s. 713.23
 790 or the date the notice of bond is served on the lienor.

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

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

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

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

805 (3)~~(4)~~ This section does not apply to an owner who is
 806 constructing improvements described in s. 713.04.

807 (4)~~(5)~~(a) A notice of commencement that is recorded within
 808 the effective period may be amended to ~~extend the effective~~
 809 ~~period~~, change erroneous information in the original notice, or
 810 add information that was omitted from the original notice.
 811 However, in order to change contractors, a new notice of
 812 commencement or notice of recommencement must be executed and

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813 recorded.

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

820 ~~(5)(6) Unless otherwise provided in the notice of~~
821 ~~commencement or a new or amended notice of commencement,~~ A
822 notice of commencement is not effectual in law or equity against
823 a conveyance, transfer, or mortgage of or lien on the real
824 property described in the notice, or against creditors or
825 subsequent purchasers for a valuable consideration, after the
826 expiration of 1 year after the date of recording the notice of
827 commencement.

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

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

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

845 713.135 Notice of commencement and applicability of lien.—

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

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

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

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

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869 ~~under the Construction Lien Law~~ as described in s. 713.015 with
870 the attached statutory forms. The issuing authority may make the
871 general statement and forms available in printed form, on the
872 Internet, or both. ~~The Department of Business and Professional~~
873 ~~Regulation shall furnish, for distribution, the statement~~
874 ~~described in this paragraph, and the statement must be a summary~~
875 ~~of the Construction Lien Law and must include an explanation of~~
876 ~~the provisions of the Construction Lien Law relating to the~~
877 ~~recording, and the posting of copies, of notices of commencement~~
878 ~~and a statement encouraging the owner to record a notice of~~
879 ~~commencement and post a copy of the notice of commencement in~~
880 ~~accordance with s. 713.13. The statement must also contain an~~
881 ~~explanation of the owner's rights if a lienor fails to furnish~~
882 ~~the owner with a notice as provided in s. 713.06(2) and an~~
883 ~~explanation of the owner's rights as provided in s. 713.22. The~~
884 ~~authority that issues the building permit must obtain from the~~
885 ~~Department of Business and Professional Regulation the statement~~
886 ~~required by this paragraph and must mail, deliver by electronic~~
887 ~~mail or other electronic format or facsimile, or personally~~
888 ~~deliver that statement to the owner or, in a case in which the~~
889 ~~owner is required to personally appear to obtain the permit,~~
890 ~~provide that statement to any owner making improvements to real~~
891 ~~property consisting of a single or multiple family dwelling up~~
892 ~~to and including four units. However, the failure by the~~
893 ~~authorities to provide the summary does not subject the issuing~~
894 ~~authority to liability.~~

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

897 ~~the person whose right, title, and interest is subject to~~
 898 ~~attachment that, as a condition to the issuance of a building~~
 899 ~~permit, the applicant must promise in good faith that the~~
 900 ~~statement will be delivered to the person whose property is~~
 901 ~~subject to attachment.~~

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

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

923 (e) Provide the recording information from the official
 924 public records in which the notice of commencement and payment

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

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

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

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

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

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

- 976 (a) The name and address of the owner of the real
 977 property;
- 978 (b) The name and address of the contractor;
- 979 (c) A description sufficient to identify the real property
 980 to be improved; and

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

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

987
 988 Tax Folio No. _____

989 BUILDING PERMIT APPLICATION

990
 991 Owner's Name _____

992 Owner's Address _____

993 Fee Simple Titleholder's Name (If other than
 994 owner) _____

995 Fee Simple Titleholder's Address (If other than
 996 owner) _____

997 City _____

998 State _____ Zip _____

999 Contractor's Name _____

1000 Contractor's Address _____

1001 City _____

1002 State _____ Zip _____

1003 Job Name _____

1004 Job Address _____

1005 City _____ County _____

1006 Legal Description _____

1007 Bonding Company _____

1008 Bonding Company Address _____

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1009 City _____ State _____
 1010 Architect/Engineer's Name _____
 1011 Architect/Engineer's Address _____
 1012 Mortgage Lender's Name _____
 1013 Mortgage Lender's Address _____

1014
 1015 Application is hereby made to obtain a permit to do the
 1016 work and installations as indicated. I certify that no work or
 1017 installation has commenced prior to the issuance of a permit and
 1018 that all work will be performed to meet the standards of all
 1019 laws regulating construction in this jurisdiction. I understand
 1020 that a separate permit must be secured for ELECTRICAL WORK,
 1021 PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,
 1022 TANKS, and AIR CONDITIONERS, etc.

1023
 1024 OWNER'S AFFIDAVIT: I certify that all the foregoing
 1025 information is accurate and that all work will be done in
 1026 compliance with all applicable laws regulating construction and
 1027 zoning.

1028
 1029 WARNING TO OWNER: IF YOU FAIL ~~YOUR FAILURE~~ TO RECORD A
 1030 NOTICE OF COMMENCEMENT, YOU MAY PAY ~~RESULT IN YOUR PAYING TWICE~~
 1031 FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT, AND
 1032 THE CONTRACTOR'S PAYMENT BOND IF THE PROJECT IS BONDED, MUST BE
 1033 RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

1034
 1035 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER
 1036 OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE

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1037 OF COMMENCEMENT.

1038

1039 ... (Signature of Owner or Agent)...

1040 ... (including contractor)...

1041 STATE OF FLORIDA

1042 COUNTY OF _____

1043

1044 Sworn to (or affirmed) and subscribed before me this _____

1045 day of _____, ... (year) ..., by ... (name of person making

1046 statement)....

1047

1048 ... (Signature of Notary Public - State of Florida)...

1049

1050 ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

1051

1052 Personally Known _____ OR Produced Identification _____

1053

1054 Type of Identification Produced _____

1055

1056 ... (Signature of Contractor)...

1057

1058 STATE OF FLORIDA

1059 COUNTY OF _____

1060

1061 Sworn to (or affirmed) and subscribed before me this _____

1062 day of _____, ... (year) ..., by ... (name of person making

1063 statement)....

1064

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1065 | ... (Signature of Notary Public - State of Florida)...

1066 |

1067 | ... (Print, Type, or Stamp Commissioned Name of Notary Public)...

1068 |

1069 | Personally Known _____ OR Produced Identification _____

1070 |

1071 | Type of Identification Produced _____

1072 |

1073 | (Certificate of Competency Holder)

1074 |

1075 | Contractor's State Certification or Registration No. _____

1076 |

1077 | Contractor's Certificate of Competency No. _____

1078 |

1079 | APPLICATION APPROVED BY

1080 | _____ Permit Officer

1081 | (b) Consistent with the requirements of paragraph (a), an
 1082 | authority responsible for issuing building permits under this
 1083 | section may accept a building permit application in an
 1084 | electronic format, as prescribed by the authority. Building
 1085 | permit applications submitted to the authority electronically
 1086 | must contain the following additional statement in lieu of the
 1087 | requirement in paragraph (a) that a signed, sworn, and notarized
 1088 | signature of the owner or agent and the contractor be part of
 1089 | the owner's affidavit:

1090 |

1091 | OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
 1092 | perjury, I declare that all the information contained in this

1093 building permit application is true and correct.

1094 (c) An authority responsible for issuing building permit
 1095 applications which accepts building permit applications in an
 1096 electronic format shall provide public Internet access to the
 1097 electronic building permit applications in a searchable format.

1098 (7) This section applies to every municipality and county
 1099 in the state which now has or hereafter may have a system of
 1100 issuing building permits for the construction of improvements or
 1101 for the alteration or repair of improvements on or to real
 1102 property located within the geographic limits of the issuing
 1103 authority.

1104 Section 7. Section 713.137, Florida Statutes, is created
 1105 to read:

1106 713.137 Prerequisites to inspection of improvements;
 1107 exceptions.-

1108 (1) The authority issuing a building permit or a private
 1109 provider providing inspection services may not inspect the real
 1110 property being improved unless:

1111 (a) The following documents have been filed with the
 1112 issuing authority:

1113 1.a. A certified copy of the recorded notice of
 1114 commencement; or

1115 b. A notarized statement that the notice of commencement
 1116 has been filed for recording, along with a copy of the notice.

1117 2.a. A copy of the contractor's recorded payment bond; or

1118 b. A notarized statement of the contractor or owner
 1119 stating that a payment bond was not required.

1120 3. A signed copy of the general statement of owner's

1121 rights and responsibilities under Florida's Construction Lien
 1122 Law, if required by s. 713.015.

1123 (b) The information in the notice of commencement filed
 1124 with the issuing authority is consistent with the building
 1125 permit application, complete, and legible.

1126 (2) This section does not apply to inspections of the
 1127 following improvements:

1128 (a) The installation of temporary electrical service or
 1129 other temporary utility service, land clearing, or other
 1130 preliminary site work.

1131 (b) Improvements pursuant to a direct contract in an
 1132 amount of \$5,000 or less.

1133 (c) The repair or replacement of a heating or air-
 1134 conditioning system pursuant to a direct contract in an amount
 1135 of \$7,500 or less.

1136 (d) The installation of a solar hot water system pursuant
 1137 to a direct contract of \$7,500 or less.

1138 Section 8. Section 713.16, Florida Statutes, is amended to
 1139 read:

1140 713.16 Demand for copy of contract and statements of
 1141 account; form.—

1142 (1) A copy of the contract of a lienor or owner and a
 1143 statement of the amount due or to become due if fixed or
 1144 ascertainable thereon must be furnished by any party thereto,
 1145 upon written demand of an owner or a lienor contracting with or
 1146 employed by the other party to such contract. If the owner or
 1147 lienor refuses or neglects to furnish such copy of the contract
 1148 or such statement, or willfully and falsely states the amount

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1149 | due or to become due if fixed or ascertainable under such
1150 | contract, any person who suffers any detriment thereby has a
1151 | cause of action against the person refusing or neglecting to
1152 | furnish the same or willfully and falsely stating the amount due
1153 | or to become due for his or her damages sustained thereby. The
1154 | information contained in such copy or statement furnished
1155 | pursuant to such written demand is binding upon the owner or
1156 | lienor furnishing it unless actual notice of any modification is
1157 | given to the person demanding the copy or statement before such
1158 | person acts in good faith in reliance on it. The person
1159 | demanding such documents must pay for the reproduction thereof;
1160 | and, if such person fails or refuses to do so, he or she is
1161 | entitled only to inspect such documents at reasonable times and
1162 | places.

1163 | (2) The owner may serve in writing a demand of any lienor
1164 | for a written statement under oath of his or her account showing
1165 | the nature of the labor or services performed and to be
1166 | performed, if any, the materials furnished, the materials to be
1167 | furnished, if known, the amount paid on account to date, the
1168 | amount due, and the amount to become due, if known, as of the
1169 | date of the statement by the lienor. Any such demand to a lienor
1170 | must be served on the lienor at the address and to the attention
1171 | of any person who is designated to receive the demand in the
1172 | notice to owner served by such lienor and must include a
1173 | description of the project, including the names of the owner,
1174 | the contractor, and the lienor's customer, sufficient for the
1175 | lienor to properly identify the account in question. The failure
1176 | or refusal to furnish the statement does not deprive the lienor

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1177 of his or her lien if the demand is not served at the address of
 1178 the lienor or directed to the attention of the person designated
 1179 to receive the demand in the notice to owner. The failure or
 1180 refusal to furnish the statement under oath within 30 days after
 1181 the demand, or the furnishing of a false or fraudulent
 1182 statement, deprives the person so failing or refusing to furnish
 1183 such statement of his or her lien. If the owner serves more than
 1184 one demand for statement of account on a lienor and none of the
 1185 information regarding the account has changed since the lienor's
 1186 last response to a demand, the failure or refusal to furnish
 1187 such statement does not deprive the lienor of his or her lien.
 1188 The negligent inclusion or omission of any information deprives
 1189 the person of his or her lien to the extent the owner can
 1190 demonstrate prejudice from such act or omission by the lienor.
 1191 The failure to furnish a response to a demand for statement of
 1192 account does not affect the validity of any claim of lien being
 1193 enforced through a foreclosure case filed prior to the date the
 1194 demand for statement is received by the lienor.

1195 (3) A request for sworn statement of account must be in
 1196 substantially the following form:

1197
 1198 REQUEST FOR SWORN STATEMENT OF ACCOUNT
 1199

1200 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT,
 1201 SIGNED UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE
 1202 STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.
 1203

1204 To: ...(Lienor's name and address)...

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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

1233 designated to receive the demand in the notice to contractor
 1234 served by such lienor. The failure or refusal to furnish the
 1235 statement does not deprive the lienor of his or her rights under
 1236 the bond if the demand is not served at the address of the
 1237 lienor or directed to the attention of the person designated to
 1238 receive the demand in the notice to contractor or does not
 1239 include a description of the project, including the names of the
 1240 owner, the contractor, and the lienor's customer as set forth in
 1241 the lienor's notice to contractor, sufficient for the lienor to
 1242 properly identify the account in question. The failure to
 1243 furnish the statement within 30 days after the demand, or the
 1244 furnishing of a false or fraudulent statement, deprives the
 1245 person who fails to furnish the statement, or who furnishes the
 1246 false or fraudulent statement, of his or her rights under the
 1247 bond. If the contractor serves more than one demand for
 1248 statement of account on a lienor and none of the information
 1249 regarding the account has changed since the lienor's last
 1250 response to a demand, the failure or refusal to furnish such
 1251 statement does not deprive the lienor of his or her rights under
 1252 the bond. The negligent inclusion or omission of any information
 1253 deprives the person of his or her rights under the bond to the
 1254 extent the contractor can demonstrate prejudice from such act or
 1255 omission by the lienor. The failure to furnish a response to a
 1256 demand for statement of account does not affect the validity of
 1257 any claim on the bond being enforced in a lawsuit filed prior to
 1258 the date the demand for statement of account is received by the
 1259 lienor.

1260 (5) (a) Any lienor who submits or mails ~~has recorded~~ a

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1261 claim of lien to the clerk for recording may make written demand
 1262 on the owner for a written statement under oath showing:

1263 1. The amount of the direct contract under which the lien
 1264 was recorded;

1265 2. The dates and amounts paid or to be paid by or on
 1266 behalf of the owner for all improvements described in the direct
 1267 contract;

1268 3. The reasonable estimated costs of completing the direct
 1269 contract under which the lien was claimed pursuant to the scope
 1270 of the direct contract; and

1271 4. If known, the actual cost of completion.

1272 (b) Any owner who does not provide the statement within 30
 1273 days after demand, or who provides a false or fraudulent
 1274 statement, is not a prevailing party for purposes of an award of
 1275 attorney's fees under s. 713.29. The written demand must include
 1276 the following warning in conspicuous type in substantially the
 1277 following form:

1278 WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT
 1279 WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL
 1280 RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY
 1281 ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING
 1282 THIS STATEMENT.

1283 (6) Any written demand served on the owner shall include a
 1284 description of the project, including the names of the
 1285 contractor and the lienor's customer as set forth in the
 1286 lienor's notice to owner, sufficient for the owner to properly
 1287 identify the project in question.

1288 (7)~~(6)~~ For purposes of this section, the term

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1289 "information" means the nature and quantity of the labor,
 1290 services, and materials furnished or to be furnished by a lienor
 1291 and the amount paid, the amount due, and the amount to become
 1292 due on the lienor's account.

1293 Section 9. Section 713.18, Florida Statutes, is amended to
 1294 read:

1295 713.18 Manner of serving notices and other instruments.—

1296 (1) Service of notices, claims of lien, affidavits,
 1297 assignments, and other instruments permitted or required under
 1298 this part, or copies thereof when so permitted or required,
 1299 unless otherwise specifically provided in this part, must be
 1300 made by one of the following methods:

1301 (a) By actual delivery to the person to be served; if a
 1302 partnership, to one of the partners; if a corporation, to an
 1303 officer, director, managing agent, or business agent; or, if a
 1304 limited liability company, to a member or manager.

1305 (b) By sending the same by common carrier delivery service
 1306 or registered, global express guaranteed, or certified mail,
 1307 with postage prepaid, and ~~or by overnight or second-day delivery~~
 1308 with evidence of delivery, which may be in an electronic format.

1309 ~~(c) If the method specified in paragraph (a) or paragraph~~
 1310 ~~(b) cannot be accomplished,~~ By posting on the site of the
 1311 improvement if service as provided by paragraph (a) or paragraph
 1312 (b) cannot be accomplished ~~premises.~~

1313 (2) Notwithstanding subsection (1), service of ~~if~~ a notice
 1314 to owner, a notice to contractor under s. 713.23, or a
 1315 preliminary notice under s. 255.05 is ~~mailed by registered or~~
 1316 ~~certified mail with postage prepaid to the person to be served~~

1317 ~~at any of the addresses set forth in subsection (3) within 40~~
 1318 ~~days after the date the lienor first furnishes labor, services,~~
 1319 ~~or materials, service of that notice is effective as of the date~~
 1320 of mailing if:

1321 (a) The notice is mailed by registered, global express
 1322 guaranteed, or certified mail, with postage prepaid, to the
 1323 person to be served at any of the addresses set forth in
 1324 subsection (3).

1325 (b) The notice is mailed within 40 days after the date the
 1326 lienor first furnishes labor, services, or materials.

1327 (c)1. The person who served the notice maintains a
 1328 registered or certified mail log that shows the registered or
 1329 certified mail number issued by the United States Postal
 1330 Service, the name and address of the person served, and the date
 1331 stamp of the United States Postal Service confirming the date of
 1332 mailing; or ~~if~~

1333 2. The person who served the notice maintains electronic
 1334 tracking records generated through use of the United States
 1335 Postal Service Confirm service or a similar service containing
 1336 the postal tracking number, the name and address of the person
 1337 served, and verification of the date of receipt by the United
 1338 States Postal Service.

1339 (3) (a) Service of ~~If~~ an instrument ~~served~~ pursuant to this
 1340 section is effective on the date of mailing if the instrument:

1341 1. Was sent to the last address shown in the notice of
 1342 commencement or any amendment thereto or, in the absence of a
 1343 notice of commencement, to the last address shown in the
 1344 building permit application, or to the last known address of the

1345 person to be served; ~~and, is not received, but~~
 1346 2. Is returned as being "refused," "moved, not
 1347 forwardable," or "unclaimed," or is otherwise not delivered or
 1348 deliverable through no fault of the person serving the item,
 1349 ~~then service is effective on the date the instrument was sent.~~

1350 (b) If the address information shown in the notice of
 1351 commencement or any amendment to the notice, or in the absence
 1352 of a notice of commencement, in the building permit application,
 1353 is incomplete for purposes of mailing or delivery, the person
 1354 serving the item may complete the address and properly format it
 1355 according to United States Postal Service addressing standards
 1356 using information obtained from the property appraiser or
 1357 another public record or directory without affecting the
 1358 validity of service under this section.

1359 (4) A notice served by a lienor on one owner or one
 1360 partner of a partnership owning the real property ~~If the real~~
 1361 ~~property is owned by more than one person or a partnership, a~~
 1362 ~~lienor may serve any notices or other papers under this part on~~
 1363 ~~any one of such owners or partners, and such notice is deemed~~
 1364 notice to all owners and partners.

1365 Section 10. Section 713.22, Florida Statutes, is amended
 1366 to read:

1367 713.22 Duration of lien.—

1368 (1) A ~~No~~ lien provided by this part may not ~~shall~~ continue
 1369 for a longer period than 1 year after the claim of lien has been
 1370 recorded or 1 year after the recording of an amended claim of
 1371 lien that shows a later date of final furnishing of labor,
 1372 services, or materials, unless within that time an action to

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1373 enforce the lien is commenced in a court of competent
 1374 jurisdiction. A lien that has been continued beyond the 1-year
 1375 period ~~The continuation of the lien effected~~ by the commencement
 1376 of an ~~the~~ action is ~~shall~~ not enforceable ~~be good~~ against
 1377 creditors or subsequent purchasers for a valuable consideration
 1378 and without notice, unless a notice of lis pendens is recorded.

1379 (2) An owner or the owner's agent or attorney may elect to
 1380 shorten the time prescribed in subsection (1) within which to
 1381 commence an action to enforce any claim of lien or claim against
 1382 a bond or other security under s. 713.23 or s. 713.24 by
 1383 recording in the clerk's office a notice in substantially the
 1384 following form:

1385
 1386 NOTICE OF CONTEST OF LIEN

1387
 1388 To: ...(Name and address of lienor)...

1389
 1390 You are notified that the undersigned contests the claim of lien
 1391 filed by you on _____, ...(year)..., and recorded in _____ Book
 1392 _____, Page _____, of the public records of _____ County,
 1393 Florida, and that the time within which you may file suit to
 1394 enforce your lien is limited to 60 days from the date of service
 1395 of this notice. This _____ day of _____, ...(year)....

1396
 1397 Signed: ...(Owner or Attorney)...

1398
 1399 The lien of any lienor upon whom such notice is served and
 1400 who fails to institute a suit to enforce his or her lien within

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1401 60 days after service of such notice shall be extinguished
 1402 automatically. The clerk shall serve ~~mail~~ a copy of the notice
 1403 of contest to the lien claimant at the address shown in the
 1404 claim of lien or most recent amendment thereto and shall certify
 1405 to such service on the face of such notice and record the
 1406 notice. ~~Service shall be deemed complete upon mailing.~~

1407 Section 11. Paragraph (e) of subsection (1) and
 1408 subsections (2) and (4) of section 713.23, Florida Statutes, are
 1409 amended to read:

1410 713.23 Payment bond.—

1411 (1)

1412 (e) An ~~No~~ action for the labor or materials or supplies
 1413 may not be instituted or prosecuted against the contractor or
 1414 surety unless both notices have been given. An ~~No~~ action may not
 1415 ~~shall~~ be instituted or prosecuted against the contractor or
 1416 against the surety on the bond under this section after 1 year
 1417 from the performance of the labor or completion of delivery of
 1418 the materials and supplies. The time period for bringing an
 1419 action against the contractor or surety on the bond shall be
 1420 measured from the last day of furnishing labor, services, or
 1421 materials by the lienor. The time period may ~~and shall~~ not be
 1422 measured by other standards, such as the issuance of a
 1423 certificate of occupancy or the issuance of a certificate of
 1424 substantial completion. A contractor or the contractor's agent
 1425 or attorney may elect to shorten the ~~prescribed~~ time within
 1426 which an action to enforce any claim against a payment bond
 1427 ~~provided~~ under this section or s. 713.245 must ~~may~~ be commenced
 1428 at any time after a notice of nonpayment, if required, has been

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1429 served for the claim by recording in the clerk's office a notice
 1430 in substantially the following form:

1431
 1432 NOTICE OF CONTEST OF CLAIM
 1433 AGAINST PAYMENT BOND

1434
 1435 To: ...(Name and address of lienor)...

1436
 1437 You are notified that the undersigned contests your notice
 1438 of nonpayment, dated _____, _____, and served on the undersigned
 1439 on _____, _____, and that the time within which you may file
 1440 suit to enforce your claim is limited to 60 days from the date
 1441 of service of this notice.

1442 DATED on _____, _____.

1443
 1444 Signed: ...(Contractor or Attorney)...

1445
 1446 The claim of any lienor upon whom the notice is served and
 1447 who fails to institute a suit to enforce his or her claim
 1448 against the payment bond within 60 days after service of the
 1449 notice shall be extinguished automatically. The clerk shall
 1450 serve ~~mail~~ a copy of the notice of contest to the lienor at the
 1451 address shown in the notice of nonpayment or most recent
 1452 amendment thereto and shall certify to such service on the face
 1453 of the notice and record the notice. ~~Service is complete upon~~
 1454 ~~mailing.~~

1455 (2) The bond shall secure every lien under the direct
 1456 contract accruing subsequent to its execution and delivery,

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1457 | except that of the contractor. Every claim of lien, except that
 1458 | of the contractor, filed subsequent to execution and delivery of
 1459 | the bond shall be transferred to it with the same effect as
 1460 | liens transferred under s. 713.24. Record notice of the transfer
 1461 | shall be effected by the contractor, or any person having an
 1462 | interest in the property against which the claim of lien has
 1463 | been asserted, by recording in the clerk's office a notice in
 1464 | substantially the following form:

1465 |
 1466 | NOTICE OF BOND
 1467 |

1468 | To ... (Name and Address of Lienor) ...
 1469 |

1470 | You are notified that the claim of lien filed by you on _____,
 1471 | _____, and recorded in Official Records Book _____ at page _____
 1472 | of the public records of _____ County, Florida, is secured by a
 1473 | bond, a copy being attached.
 1474 |

1475 | Signed: ... (Name of person recording notice) ...
 1476 |

1477 | The notice shall be verified. The clerk shall mail a copy
 1478 | of the notice to the lienor at the address shown in the claim of
 1479 | lien, or the most recent amendment to it; shall certify to the
 1480 | service on the face of the notice; and shall record the notice.
 1481 | The clerk shall receive the same fee as prescribed in s. 713.24
 1482 | ~~s. 713.24(1)~~ for certifying to a transfer of lien.

1483 | (4) The provisions of s. 713.24(7) ~~s. 713.24(3)~~ shall
 1484 | apply to bonds under this section.

1485 Section 12. Section 713.24, Florida Statutes, is amended
 1486 to read:

1487 713.24 Transfer of liens to security.—

1488 (1) A ~~Any~~ lien claimed under this part may be transferred,
 1489 by a ~~any~~ person having an interest in the real property upon
 1490 which the lien is imposed or the contract under which the lien
 1491 is claimed, from such real property to other security by ~~either:~~

1492 (a) Depositing in the clerk's office a sum of money;or ~~or~~

1493 (b) Filing in the clerk's office a bond executed as surety
 1494 by a surety insurer licensed to do business in this state.or ~~or~~

1495 (2) The security must ~~either to be in an amount equal to~~
 1496 the amount demanded in the ~~such~~ claim of lien, plus interest on
 1497 the claim thereon ~~thereon~~ at the legal rate for 3 years, plus \$1,000 or
 1498 25 percent of the amount demanded in the claim of lien,
 1499 whichever is greater, to apply on any attorney's fees and court
 1500 costs that may be taxed in any proceeding to enforce the said
 1501 lien.

1502 (3) The security ~~Such deposit or bond~~ shall be conditioned
 1503 to pay any judgment or decree that ~~which~~ may be rendered for the
 1504 satisfaction of the lien ~~for which such claim of lien was~~
 1505 ~~recorded~~.

1506 (4) A ~~Upon making such deposit or filing such bond, the~~
 1507 clerk who receives other security for a lien:

1508 (a) Shall make and record a certificate showing the
 1509 transfer of the lien from the real property to the security. The
 1510 clerk and shall serve mail a copy of the certificate and a copy
 1511 of the bond, if the lien was transferred to a bond, on thereof
 1512 ~~by registered or certified mail to the lienor named in the claim~~

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1513 of lien ~~so transferred~~, at the address stated in the claim
1514 ~~therein.~~ When ~~Upon filing~~ the certificate of transfer is
1515 recorded, the real property is ~~shall thereupon be~~ released from
1516 the lien claimed, and the ~~such~~ lien is ~~shall be~~ transferred to
1517 the other ~~said~~ security.

1518 (b) May collect a service charge of no more than \$20 for
1519 making and serving the certificate. The clerk may collect an
1520 additional charge of no more than \$10 for each additional lien
1521 transferred to the security. The clerk shall receive the
1522 statutory service charges as prescribed in s. 28.24 for
1523 recording the certificate and approving the bond.

1524 (5) In the absence of allegations of privity between the
1525 lienor and the owner, and subject to any order of the court
1526 increasing the amount required for the lien transfer deposit or
1527 bond, no other judgment or decree to pay money may be entered by
1528 the court against the owner. ~~The clerk shall be entitled to a~~
1529 ~~service charge for making and serving the certificate, in the~~
1530 ~~amount of up to \$20. If the transaction involves the transfer of~~
1531 ~~multiple liens, an additional charge of up to \$10 for each~~
1532 ~~additional lien shall be charged. For recording the certificate~~
1533 ~~and approving the bond, the clerk shall receive her or his usual~~
1534 ~~statutory service charges as prescribed in s. 28.24. Any number~~
1535 ~~of liens may be transferred to one such security.~~

1536 (6) ~~(2)~~ Any excess of the security over the aggregate
1537 amount of any judgments or decrees rendered plus costs actually
1538 taxed shall be repaid to the party filing the same or her or his
1539 successor in interest. Any deposit of money shall be considered
1540 as paid into court and is ~~shall be~~ subject to the provisions of

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1541 law relative to payments of money into court and the disposition
 1542 of same.

1543 (7)~~(3)~~ Any party having an interest in such security or
 1544 the property from which the lien was transferred may at any
 1545 time, and any number of times, file a complaint in chancery in
 1546 the circuit court of the county where such security is
 1547 deposited, or file a motion in a pending action to enforce a
 1548 lien, for an order to require additional security, reduction of
 1549 security, change or substitution of sureties, payment of
 1550 discharge thereof, or any other matter affecting the ~~said~~
 1551 security. If the court finds that the amount of the deposit or
 1552 bond in excess of the amount claimed in the claim of lien is
 1553 insufficient to pay the lienor's attorney's fees and court costs
 1554 incurred in the action to enforce the lien, the court must
 1555 increase the amount of the cash deposit or lien transfer bond.
 1556 ~~Nothing in~~ This section does not ~~shall be construed to~~ vest
 1557 exclusive jurisdiction in the circuit courts over transfer bond
 1558 claims for nonpayment of an amount within the monetary
 1559 jurisdiction of the county courts.

1560 (8)~~(4)~~ If a proceeding to enforce a transferred lien is
 1561 not commenced within the time specified in s. 713.22 or if it
 1562 appears that the transferred lien has been satisfied of record,
 1563 the clerk shall return the ~~said~~ security upon request of the
 1564 person depositing or filing the same, or the insurer. If a
 1565 proceeding to enforce a lien is commenced in a court of
 1566 competent jurisdiction within the time specified in s. 713.22
 1567 and, during such proceeding, the lien is transferred pursuant to
 1568 this section or s. 713.13(1)(e), an action commenced within 1

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1569 | year after the transfer, unless otherwise shortened by operation
1570 | of law, in the same county or circuit court to recover against
1571 | the security shall be deemed to have been brought as of the date
1572 | of filing the action to enforce the lien, and the court has
1573 | ~~shall have~~ jurisdiction over the action.

1574 | Section 13. This act shall take effect July 1, 2010.