

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Steube offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 594 and 595, insert:

5 Section 15. Subsection (26) of section 713.01, Florida
6 Statutes, is amended to read:

7 713.01 Definitions.—As used in this part, the term:

8 (26) "Real property" means the land that is improved and
9 the improvements thereon, including fixtures, except:

10 (a) Any such property owned by the state or any county,
11 municipality, school board, or governmental agency, commission,
12 or political subdivision; or

13 (b) Any single-family residential property that is owner-
14 occupied or that the owner intends to occupy.

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15 Section 16. Subsection (1) of section 713.015, Florida
16 Statutes, is amended to read:

17 713.015 Mandatory provisions for direct contracts.—

18 (1) Any direct contract greater than \$2,500 between an
19 owner and a contractor, related to improvements to real property
20 consisting of multifamily ~~single or multiple family~~ dwellings up
21 to and including four units, must contain the following notice
22 provision printed in no less than 12-point, capitalized,
23 boldfaced type on the front page of the contract or on a
24 separate page, signed by the owner and dated:

25 ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-
26 713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR
27 PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A
28 RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.
29 THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR
30 OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-
31 SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED
32 MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE
33 ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR
34 CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR
35 PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE
36 SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER
37 SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED
38 TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS
39 CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS
40 REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY

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41 PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."
42 FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS
43 RECOMMENDED THAT YOU CONSULT AN ATTORNEY.

44 Section 17. Subsection (5) of section 713.08, Florida
45 Statutes, is amended, and subsection (6) is added to that
46 section, to read:

47 713.08 Claim of lien.—

48 (5) The claim of lien may be recorded at any time during
49 the progress of the work or thereafter but not later than 90
50 days after the final furnishing of the labor, ~~or~~ services, or
51 materials by the lienor. However, if the original contract is
52 terminated under s. 713.07(4), a claim for a lien attaching
53 before ~~prior to~~ such termination may not be recorded more than
54 after 90 days after ~~following~~ the date of such termination or 90
55 days after the final furnishing of labor, services, or materials
56 by the lienor, whichever occurs first. Recording a claim of lien
57 after the 90-day period is an act of fraud, punishable as
58 provided in s. 713.31.

59 (a) The claim of lien shall be recorded in the clerk's
60 office. If the ~~such~~ real property is situated in two or more
61 counties, the claim of lien shall be recorded in the clerk's
62 office in each of such counties. The recording of the claim of
63 lien shall be constructive notice to all persons of the contents
64 and effect of such claim.

65 (b) The validity of the lien and the right to record a
66 claim of lien is ~~therefor shall~~ not ~~be~~ affected by the

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67 insolvency, bankruptcy, or death of the owner before the claim
68 of lien is recorded.

69 (6) (a) A claim of lien may not be recorded until the
70 lienor provides the clerk with a copy of one of the following:

71 1. The notice of commencement.

72 2. The building permit for the real property at issue.

73 3. An affidavit or contract signed under penalty of
74 perjury which attests that the labor or materials were furnished
75 for the real property at issue.

76 (b) The clerk of court shall attach the copy provided
77 pursuant to paragraph (a) to the claim of lien before recording
78 the claim.

79 Section 18. Paragraph (b) of subsection (1) of section
80 713.135, Florida Statutes, is amended to read:

81 713.135 Notice of commencement and applicability of lien.—

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

84 (b) Provide the applicant and the owner of the real
85 property upon which improvements are to be constructed with a
86 printed statement stating that the right, title, and interest of
87 the person who has contracted for the improvement may be subject
88 to attachment under the Construction Lien Law. The Department of
89 Business and Professional Regulation shall furnish, for
90 distribution, the statement described in this paragraph, and the
91 statement must be a summary of the Construction Lien Law and
92 must include an explanation of the provisions of the

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93 Construction Lien Law relating to the recording, and the posting
94 of copies, of notices of commencement and a statement
95 encouraging the owner to record a notice of commencement and
96 post a copy of the notice of commencement in accordance with s.
97 713.13. The statement must also contain an explanation of the
98 owner's rights if a lienor fails to furnish the owner with a
99 notice as provided in s. 713.06(2) and an explanation of the
100 owner's rights as provided in s. 713.22. The authority that
101 issues the building permit must obtain from the Department of
102 Business and Professional Regulation the statement required by
103 this paragraph and must mail, deliver by electronic mail or
104 other electronic format or facsimile, or personally deliver that
105 statement to the owner or, in a case in which the owner is
106 required to personally appear to obtain the permit, provide that
107 statement to any owner making improvements to real property
108 consisting of a multifamily ~~single or multiple family~~ dwelling
109 up to and including four units. However, the failure by the
110 authorities to provide the summary does not subject the issuing
111 authority to liability.

112 Section 19. Paragraph (f) is added to subsection (12) of
113 section 28.24, Florida Statutes, to read:

114 28.24 Service charges.—The clerk of the circuit court
115 shall charge for services rendered manually or electronically by
116 the clerk's office in recording documents and instruments and in
117 performing other specified duties. These charges may not exceed

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118 those specified in this section, except as provided in s.
119 28.345.

Charges

121 (12) For recording, indexing, and filing any instrument
122 not more than 14 inches by 8 1/2 inches, including required
123 notice to property appraiser where applicable:

124 (f) Notwithstanding paragraphs (a) and (b), to record a
125 claim of lien pursuant to part I of chapter 713.....50.00

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

129 Remove line 51 and insert:

130 alternate member may respond; amending s. 713.01,
131 F.S.; revising the definition of the term "real
132 property" for purposes of the Construction Lien Law;
133 amending ss. 713.015 and 713.135, F.S.; revising
134 notification provisions for certain direct contracts
135 and notice of commencement and applicability of liens,
136 respectively, to conform; amending s. 713.08, F.S.;
137 providing that recording a claim of lien after a
138 specified time is an act of fraud; requiring certain
139 documents to be provided before a claim of lien is
140 recorded; requiring the clerk of court to attach such
141 document to the claim of lien before recording the
142 claim; amending s. 28.24, F.S.; providing a fee for

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143 | recording a claim of lien under the Construction Lien
144 | Law; providing an effective

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