

By Senator Powell

30-00891-17

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1                   A bill to be entitled  
2           An act relating to construction liens; amending s.  
3           713.132, F.S.; revising requirements relating to the  
4           recording of a notice of termination of an improvement  
5           to real property; providing an effective date.  
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7 Be It Enacted by the Legislature of the State of Florida:  
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9           Section 1. Subsection (3) of section 713.132, Florida  
10 Statutes, is amended to read:

11           713.132 Notice of termination.—

12           (3) An owner may ~~not~~ record a notice of termination at any  
13 time whether or not ~~except after completion of construction, or~~  
14 ~~after construction~~ ceases before completion. However, if the  
15 notice is recorded before completion of construction, the notice  
16 may be recorded only after the owner has served notice pursuant  
17 to paragraph (1)(f) on the contractor and all lienors and the  
18 contractor and all lienors giving notice have been paid in full  
19 or pro rata in accordance with s. 713.06(4) for all labor,  
20 services, and materials provided through the effective date of  
21 the notice of termination as provided in subsection (4). If an  
22 owner or a contractor, by fraud or collusion, knowingly makes  
23 any fraudulent statement or affidavit in a notice of termination  
24 or any accompanying affidavit, the owner and the contractor, or  
25 either of them, as the case may be, is liable to any lienor who  
26 suffers damages as a result of the filing of the fraudulent  
27 notice of termination; and any such lienor has a cause ~~right~~ of  
28 action for damages ~~occasioned thereby~~.

29           Section 2. This act shall take effect July 1, 2017.