



200554

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/16/2021	.	
	.	
	.	
	.	

The Committee on Judiciary (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 376 - 537
and insert:
time. Any payments made by the owner after the expiration of the
notice of commencement are considered improper payments.

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

Permit No..... Tax Folio No.....

NOTICE OF COMMENCEMENT



200554

12 State of....

13 County of....

14

15 The undersigned hereby gives notice that improvement will be
16 made to certain real property, and in accordance with Chapter
17 713, Florida Statutes, the following information is provided in
18 this Notice of Commencement.

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

21 2. General description of improvement:.....

22 3.a. Owner: ...name and address....

23 b. Owner's phone number:.... ~~Owner information or Lessee~~
24 ~~information if the Lessee contracted for the improvement:~~

25 a. ~~Name and address:.....~~

26 ~~c.b.~~ Interest in property:.....

27 ~~d.e.~~ Name and address of fee simple titleholder (if
28 different from Owner listed above):.....

29 4.a. Lessee, if the lessee contracted for the improvement:
30 ...(name and address)....

31 b. Lessee's phone number:..... ~~a-~~

32 5.a. Contractor: ...(name and address)....

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

34 6.5- Surety (if applicable, a copy of the payment bond is
35 attached):

36 a. Name and address:.....

37 b. Phone number:.....

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

39 7.a.6-a- Lender: ...(name and address)....

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



41 ~~8.7.~~ Persons within the State of Florida designated by
42 Owner upon whom notices or other documents may be served as
43 provided by Section 713.13(1)(a)8. ~~713.13(1)(a)7.~~, Florida
44 Statutes:

45 a. Name and address:.....

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

47 ~~9.a.8.a.~~ In addition to himself or herself, Owner
48 designates of to receive a copy of the
49 Lienor's Notice as provided in Section 713.13(1)(b), Florida
50 Statutes.

51 b. Phone number of person or entity designated by
52 owner:.....

53 ~~10.9.~~ Expiration date of notice of commencement (the
54 expiration date will be 1 year after ~~from~~ the date of recording
55 unless a different date is specified).....

56
57 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
58 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
59 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
60 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
61 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
62 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
63 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
64 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
65 COMMENCEMENT.

66
67 ... (Signature of Owner or Lessee, or Owner's or Lessee's
68 Authorized Officer/Director/Partner/Manager) ...

69



70 ... (Signatory's Title/Office)...

71

72 The foregoing instrument was acknowledged before me by means of
73 physical presence or acknowledged before me by means of
74 online notarization, this day of, ... (year) ..., by
75 ... (name of person) ... as ... (type of authority, . . . e.g.
76 officer, trustee, attorney in fact) ... for ... (name of party on
77 behalf of whom instrument was executed)

78

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

80

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

82

83 Personally Known OR Produced Identification

84

85 Type of Identification Produced.....

86 Section 7. Subsections (1), (3), and (4) of section

87 713.132, Florida Statutes, are amended to read:

88 713.132 Notice of termination.-

89 (1) An owner may terminate the period of effectiveness of a
90 notice of commencement by executing, swearing to, and recording
91 a notice of termination that contains:

92 (a) The same information as the notice of commencement;

93 (b) The official records' ~~recording office document book~~
94 ~~and page~~ reference numbers and recording date affixed by the
95 recording office on ~~of~~ the recorded notice of commencement;

96 (c) A statement of the date as of which the notice of
97 commencement is terminated, which date may not be earlier than
98 30 days after the notice of termination is recorded;



200554

99 (d) A statement specifying that the notice applies to all
100 the real property subject to the notice of commencement or
101 specifying the portion of such real property to which it
102 applies;

103 (e) A statement that all lienors have been paid in full;
104 and

105 (f) A statement that the owner has, before recording the
106 notice of termination, served a copy of the notice of
107 termination ~~on the contractor and~~ on each lienor who has a
108 direct contract with the owner or who has timely served a notice
109 to owner, and a statement that the owner will serve a copy of
110 the notice of termination on each lienor who timely serves a
111 notice to owner after the notice of termination has been
112 recorded. The owner is not required to serve a copy of the
113 notice of termination on any lienor who has executed a waiver
114 and release of lien upon final payment in accordance with s.
115 713.20.

116 (3) An owner may ~~not~~ record a notice of termination at any
117 time after ~~except after completion of construction, or after~~
118 ~~construction ceases before completion and~~ all lienors have been
119 paid in full or pro rata in accordance with s. 713.06(4).

120 (4) If an owner or a contractor, by fraud or collusion,
121 knowingly makes any fraudulent statement or affidavit in a
122 notice of termination or any accompanying affidavit, the owner
123 and the contractor, or either of them, ~~as the case may be,~~ is
124 liable to any lienor who suffers damages as a result of the
125 filing of the fraudulent notice of termination, ~~and~~ and any such
126 lienor has a right of action for damages ~~occasioned thereby.~~

127 (5) ~~(4)~~ A notice of termination must be served before



200554

128 recording on each lienor who has a direct contract with the
129 owner and on each lienor who has timely and properly served a
130 notice to owner in accordance with this part before the
131 recording of the notice of termination. A notice of termination
132 must be recorded in the official records of the county in which
133 the improvement is located. If properly served before recording
134 in accordance with this subsection, the notice of termination
135 terminates the period of effectiveness of the notice of
136 commencement 30 days after the notice of termination is recorded
137 in the official records ~~is effective to terminate the notice of~~
138 ~~commencement at the later of 30 days after recording of the~~
139 ~~notice of termination or a later~~ the date stated in the notice
140 of termination as the date on which the notice of commencement
141 is terminated. However, if a lienor who began work under the
142 notice of commencement before its termination lacks a direct
143 contract with the owner and timely serves his or her notice to
144 owner after the notice of termination has been recorded, the
145 owner must serve a copy of the notice of termination upon such
146 lienor, and the termination of the notice of commencement as to
147 that lienor is effective 30 days after service of the notice of
148 termination ~~if the notice of termination has been served~~
149 ~~pursuant to paragraph (1) (f) on the contractor and on each~~
150 ~~lienor who has a direct contract with the owner or who has~~
151 ~~served a notice to owner.~~

152 Section 8. Section 713.18, Florida Statutes, is amended to
153 read:

154 713.18 Manner of serving documents ~~notices and other~~
155 ~~instruments.~~-

156 (1) Unless otherwise specifically provided by law, service



200554

157 of any document notices, claims of lien, affidavits,
158 assignments, and other instruments permitted or required under
159 this part, s. 255.05, or s. 337.18, or copies thereof when so
160 permitted or required, ~~unless otherwise specifically provided in~~
161 ~~this part,~~ must be made by one of the following methods:

162 (a) By hand actual delivery to the person to be served; if
163 a partnership, to one of the partners; if a corporation, to an
164 officer, director, managing agent, or business agent; or, if a
165 limited liability company, to a member or manager.

166

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

168 And the title is amended as follows:

169 Delete lines 20 - 22

170 and insert:

171 notice of commencement;