

1 A bill to be entitled
 2 An act relating to notices of termination and
 3 commencement; amending s. 713.132, F.S.; revising
 4 requirements for a notice of termination; providing an
 5 effective date.

6
 7 Be It Enacted by the Legislature of the State of Florida:

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 9 Section 1. Subsections (1), (3), and (4) of section
 10 713.132, Florida Statutes, are amended to read:

11 713.132 Notice of termination.—

12 (1) An owner may terminate the period of effectiveness of
 13 a notice of commencement by executing, swearing to, and
 14 recording a notice of termination that contains all of the
 15 following:

16 (a) The same information as the notice of commencement.~~†~~

17 (b) The official records' ~~recording office document book~~
 18 ~~and page~~ reference numbers and recording date affixed by the
 19 recording office on ~~of~~ the recorded notice of commencement.~~†~~

20 (c) A statement of the date as of which the notice of
 21 commencement is terminated, which date may not be earlier than
 22 30 days after the notice of termination is recorded.~~†~~

23 (d) A statement specifying that the notice applies to all
 24 the real property subject to the notice of commencement or
 25 specifying the portion of such real property to which it

26 | applies.~~†~~

27 | (e) A statement that all lienors have been paid in full.~~†~~
 28 | and

29 | (f) A statement that the owner has, before recording the
 30 | notice of termination, served a copy of the notice of
 31 | termination ~~on the contractor and~~ on each lienor who has a
 32 | direct contract with the owner or who has timely served a notice
 33 | to owner, and a statement that the owner will serve a copy of
 34 | the notice of termination on each lienor who timely serves a
 35 | notice to owner after the notice of termination has been
 36 | recorded. The owner is not required to serve a copy of the
 37 | notice of termination on any lienor who has executed a waiver
 38 | and release of lien upon final payment in accordance with s.
 39 | 713.20.

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

44 | (4) If an owner or a contractor, by fraud or collusion,
 45 | knowingly makes any fraudulent statement or affidavit in a
 46 | notice of termination or any accompanying affidavit, the owner
 47 | and the contractor, or either of them, ~~as the case may be,~~ is
 48 | liable to any lienor who suffers damages as a result of the
 49 | filing of the fraudulent notice of termination,~~†~~ and any such
 50 | lienor has a right of action for damages ~~occasioned thereby~~.

51 ~~(5)-(4)~~ A notice of termination must be served before
52 recording on each lienor who has a direct contract with the
53 owner and on each lienor who has timely and properly served a
54 notice to owner in accordance with this part before the
55 recording of the notice of termination. A notice of termination
56 must be recorded in the official records of the county in which
57 the improvement is located. If properly served before recording
58 in accordance with this subsection, the notice of termination
59 terminates the period of effectiveness of the notice of
60 commencement 30 days after the notice of termination is recorded
61 in the official records ~~is effective to terminate the notice of~~
62 ~~commencement at the later of 30 days after recording of the~~
63 ~~notice of termination or a later~~ the date stated in the notice
64 of termination as the date on which the notice of commencement
65 is terminated. However, if a lienor who began work under the
66 notice of commencement before its termination lacks a direct
67 contract with the owner and timely serves his or her notice to
68 owner after the notice of termination has been recorded, the
69 owner must serve a copy of the notice of termination upon such
70 lienor, and the termination of the notice of commencement as to
71 that lienor is effective 30 days after service of the notice of
72 termination ~~if the notice of termination has been served~~
73 ~~pursuant to paragraph (1)(f) on the contractor and on each~~
74 ~~lienor who has a direct contract with the owner or who has~~
75 ~~served a notice to owner.~~

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76 | Section 2. This act shall take effect July 1, 2022. |