

1                   A bill to be entitled  
2           An act relating to liens and bonds; amending s.  
3           255.05, F.S.; revising when a notice of claim against  
4           a payment bond and a notice of nonpayment must be  
5           served; requiring that a copy of a notice of  
6           nonpayment be served on the surety; revising when a  
7           notice of nonpayment must be served; revising the  
8           process for notarizing a notice of nonpayment;  
9           removing the authority for a contractor to file an  
10          alternative form of security rather than a bond;  
11          requiring service of documents to be made in a  
12          specified manner; conforming provisions to changes  
13          made by the act; making technical changes; amending s.  
14          337.18, F.S.; revising when a notice of nonpayment  
15          must be served; providing that certain waivers apply  
16          to certain contracts; requiring service of documents  
17          to be made in a specified manner; conforming  
18          provisions to changes made by the act; amending s.  
19          713.01, F.S.; revising and providing definitions;  
20          creating s. 713.011, F.S.; providing for the  
21          computation of time when certain time periods fall on  
22          specified days or during a declared state of  
23          emergency; providing that certain orders constitute a  
24          state of emergency; amending s. 713.09, F.S.;  
25          authorizing a lienor to record one claim of lien for

26 multiple direct contracts; amending s. 713.10, F.S.;  
27 revising the extent of certain liens; amending s.  
28 713.13, F.S.; revising information to be included in a  
29 notice of commencement; conforming a cross-reference;  
30 revising the process for notarizing a notice of  
31 commencement; amending s. 713.132, F.S.; revising  
32 requirements for a notice of termination; amending s.  
33 713.135, F.S.; providing a definition; making  
34 technical changes; providing that an issuing authority  
35 is not liable for failing to verify that specified  
36 information has been filed; amending s. 713.18, F.S.;  
37 requiring service of documents relating to  
38 construction bonds to be made in a specified manner;  
39 making technical changes; amending s. 713.21, F.S.;  
40 authorizing the full or partial release of a lien  
41 under specified conditions; amending s. 713.22, F.S.;  
42 revising the information required in the notice of  
43 contest of lien; amending s. 713.23, F.S.; requiring  
44 that a copy of a notice of nonpayment be served on the  
45 surety; revising the process for notarizing a notice  
46 of nonpayment under a payment bond; conforming  
47 provisions to changes made by the act; amending s.  
48 713.235, F.S.; conforming cross-references and making  
49 technical changes; amending s. 713.24, F.S.; revising  
50 the amount required in addition to the deposit or bond

51 that applies toward attorney fees and costs; requiring  
 52 the clerk to make a copy of the deposit or bond used  
 53 to transfer a lien to other security and mail it to  
 54 the lienor; repealing s. 713.245, F.S., relating to  
 55 conditional payment bonds; repealing s. 713.25, F.S.,  
 56 relating to applicability of ch. 65-456; amending s.  
 57 713.29, F.S.; authorizing attorney fees in actions to  
 58 enforce a lien that has been transferred to security;  
 59 amending s. 95.11, F.S.; conforming a cross-reference;  
 60 providing an effective date.

61

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

63

64 Section 1. Subsections (8) through (11) of section 255.05,  
 65 Florida Statutes, are renumbered as subsections (7) through  
 66 (10), respectively, paragraph (a) of subsection (2) and present  
 67 subsections (6) and (7) are amended, and a new subsection (11)  
 68 is added to that section, to read:

69 255.05 Bond of contractor constructing public buildings;  
 70 form; action by claimants.—

71 (2)(a)1. If a claimant is no longer furnishing labor,  
 72 services, or materials on a project, a contractor or the  
 73 contractor's agent or attorney may elect to shorten the time  
 74 within which an action to enforce any claim against a payment  
 75 bond must be commenced by recording in the clerk's office a

76 | notice in substantially the following form:

77 |

78 | NOTICE OF CONTEST OF CLAIM

79 | AGAINST PAYMENT BOND

80 |

81 | To: ... (Name and address of claimant) ...

82 |

83 | You are notified that the undersigned contests your notice  
84 | of nonpayment, dated ....., ....., and served on the  
85 | undersigned on ....., ....., and that the time within  
86 | which you may file suit to enforce your claim is limited to 60  
87 | days after the date of service of this notice.

88 |

89 | DATED on ....., .....

90 |

91 | Signed: ... (Contractor or Attorney) ...

92 |

93 | The claim of a claimant upon whom such notice is served and who  
94 | fails to institute a suit to enforce his or her claim against  
95 | the payment bond within 60 days after service of such notice is  
96 | extinguished automatically. The contractor or the contractor's  
97 | attorney shall serve a copy of the notice of contest on ~~to~~ the  
98 | claimant at the address shown in the notice of nonpayment or  
99 | most recent amendment thereto and shall certify to such service  
100 | on the face of the notice and record the notice.

101           2. A claimant, except a laborer, who is not in privity  
 102 with the contractor shall, before commencing or not later than  
 103 45 days after commencing to furnish labor, services, or  
 104 materials for the prosecution of the work, serve the contractor  
 105 with a written notice that he or she intends to look to the bond  
 106 for protection. If the payment bond is not recorded with the  
 107 notice of commencement, then the claimant may serve the  
 108 contractor with such written notice up to 45 days after the date  
 109 that the claimant is served with a copy of the bond. A claimant  
 110 who is not in privity with the contractor and who has not  
 111 received payment for furnishing his or her labor, services, or  
 112 materials shall serve a written notice of nonpayment on the  
 113 contractor and a copy of the notice on the surety. The notice of  
 114 nonpayment must ~~shall~~ be under oath and served during the  
 115 progress of the work or thereafter but ~~may not be served earlier~~  
 116 ~~than 45 days after the first furnishing of labor, services, or~~  
 117 ~~materials by the claimant or~~ later than 90 days after the final  
 118 furnishing of the labor, services, or materials by the claimant  
 119 or, with respect to rental equipment, later than 90 days after  
 120 the date that the rental equipment was last on the ~~job~~ site of  
 121 the improvement available for use. Any notice of nonpayment  
 122 served by a claimant who is not in privity with the contractor  
 123 which includes sums for retainage must specify the portion of  
 124 the amount claimed for retainage. An action for the labor,  
 125 services, or materials may not be instituted against the

126 contractor or the surety unless the notice to the contractor and  
127 notice of nonpayment have been served, if required by this  
128 section. Notices required or permitted under this section must  
129 be served in accordance with s. 713.18. A claimant may not waive  
130 in advance his or her right to bring an action under the bond  
131 against the surety. In any action brought to enforce a claim  
132 against a payment bond under this section, the prevailing party  
133 is entitled to recover a reasonable fee for the services of his  
134 or her attorney for trial and appeal or for arbitration, in an  
135 amount to be determined by the court or arbitrator, which fee  
136 must be taxed as part of the prevailing party's costs, as  
137 allowed in equitable actions. The time periods for service of a  
138 notice of nonpayment or for bringing an action against a  
139 contractor or a surety are ~~shall be~~ measured from the last day  
140 of furnishing labor, services, or materials by the claimant and  
141 may not be measured by other standards, such as the issuance of  
142 a certificate of occupancy or the issuance of a certificate of  
143 substantial completion. The negligent inclusion or omission of  
144 any information in the notice of nonpayment that has not  
145 prejudiced the contractor or surety does not constitute a  
146 default that operates to defeat an otherwise valid bond claim. A  
147 claimant who serves a fraudulent notice of nonpayment forfeits  
148 his or her rights under the bond. A notice of nonpayment is  
149 fraudulent if the claimant has willfully exaggerated the amount  
150 unpaid, willfully included a claim for work not performed or

151 materials not furnished for the subject improvement, or prepared  
 152 the notice with such willful and gross negligence as to amount  
 153 to a willful exaggeration. However, a minor mistake or error in  
 154 a notice of nonpayment, or a good faith dispute as to the amount  
 155 unpaid, does not constitute a willful exaggeration that operates  
 156 to defeat an otherwise valid claim against the bond. The service  
 157 of a fraudulent notice of nonpayment is a complete defense to  
 158 the claimant's claim against the bond. The notice of nonpayment  
 159 under this subparagraph must include the following information,  
 160 current as of the date of the notice, and must be in  
 161 substantially the following form:

162  
 163 NOTICE OF NONPAYMENT

164  
 165 To: ... (name of contractor and address)...

166  
 167 ... (name of surety and address)...

168  
 169 The undersigned claimant notifies you that:

170 1. Claimant has furnished ... (describe labor, services, or  
 171 materials) ... for the improvement of the real property  
 172 identified as ... (property description) .... The corresponding  
 173 amount unpaid to date is \$...., of which \$.... is unpaid  
 174 retainage.

175 2. Claimant has been paid to date the amount of \$.... for

176 | previously furnishing ... (describe labor, services, or  
177 | materials)... for this improvement.

178 |         3. Claimant expects to furnish ... (describe labor,  
179 | services, or materials)... for this improvement in the future  
180 | (if known), and the corresponding amount expected to become due  
181 | is \$.... (if known).

182 |  
183 | I declare that I have read the foregoing Notice of Nonpayment  
184 | and that the facts stated in it are true to the best of my  
185 | knowledge and belief.

186 |  
187 | DATED on ....., .....

188 |  
189 |                                         ...(signature and address of claimant)...

190 |  
191 | STATE OF FLORIDA  
192 | COUNTY OF .....

193 |  
194 | The foregoing instrument was sworn to (or affirmed) and  
195 | subscribed before me by means of  physical presence or sworn to  
196 | (or affirmed) by  online notarization this .... day of .....,  
197 | ...(year)...., by ...(name of signatory)....

198 |  
199 |         ...(Signature of Notary Public - State of Florida)...

200 |         ...(Print, Type, or Stamp Commissioned Name of Notary



201 Public)...

202

203 Personally Known ..... OR Produced Identification .....

204

205 Type of Identification Produced

206 (6) All payment bond forms used by a public owner and all  
 207 payment bonds executed pursuant to this section by a surety  
 208 shall make reference to this section by number, shall contain  
 209 reference to the notice and time limitation provisions in  
 210 subsections (2) and (9)~~(10)~~, and shall comply with the  
 211 requirements of paragraph (1)(a).

212 ~~(7) In lieu of the bond required by this section, a~~  
 213 ~~contractor may file with the state, county, city, or other~~  
 214 ~~political authority an alternative form of security in the form~~  
 215 ~~of cash, a money order, a certified check, a cashier's check, an~~  
 216 ~~irrevocable letter of credit, or a security of a type listed in~~  
 217 ~~part II of chapter 625. Any such alternative form of security~~  
 218 ~~shall be for the same purpose and be subject to the same~~  
 219 ~~conditions as those applicable to the bond required by this~~  
 220 ~~section. The determination of the value of an alternative form~~  
 221 ~~of security shall be made by the appropriate state, county,~~  
 222 ~~city, or other political subdivision.~~

223 (11) Unless otherwise provided in this section, service of  
 224 any document must be made in accordance with s. 713.18.

225 Section 2. Paragraph (c) of subsection (1) of section

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2022

226 337.18, Florida Statutes, is amended, and subsection (6) is  
227 added to that section, to read:

228 337.18 Surety bonds for construction or maintenance  
229 contracts; requirement with respect to contract award; bond  
230 requirements; defaults; damage assessments.—

231 (1)

232 (c) A claimant, except a laborer, who is not in privity  
233 with the contractor shall, before commencing or not later than  
234 90 days after commencing to furnish labor, materials, or  
235 supplies for the prosecution of the work, furnish the contractor  
236 with a notice that he or she intends to look to the bond for  
237 protection. A claimant who is not in privity with the contractor  
238 and who has not received payment for his or her labor,  
239 materials, or supplies shall deliver to the contractor and to  
240 the surety written notice of the performance of the labor or  
241 delivery of the materials or supplies and of the nonpayment. The  
242 notice of nonpayment may be served at any time during the  
243 progress of the work or thereafter but not ~~before 45 days after~~  
244 ~~the first furnishing of labor, services, or materials, and not~~  
245 later than 90 days after the final furnishing of the labor,  
246 services, or materials by the claimant or, with respect to  
247 rental equipment, not later than 90 days after the date that the  
248 rental equipment was last on the ~~job~~ site of the improvement  
249 available for use. An action by a claimant, except a laborer,  
250 who is not in privity with the contractor for the labor,

251 materials, or supplies may not be instituted against the  
 252 contractor or the surety unless both notices have been given.  
 253 Written notices required or permitted under this section must  
 254 ~~may~~ be served in accordance with ~~any manner provided in~~ s.  
 255 713.18, and provisions for the waiver of a claim or a right to  
 256 claim against a payment bond as described in s. 713.235 apply to  
 257 all contracts under this section.

258 (6) Unless otherwise provided in this section, service of  
 259 any document must be made in accordance with s. 713.18.

260 Section 3. Subsections (13) through (29) of section  
 261 713.01, Florida Statutes, are renumbered as subsections (14)  
 262 through (30), respectively, subsections (4), (8), and (12) of  
 263 that section are amended, and a new subsection (13) is added to  
 264 that section, to read:

265 713.01 Definitions.—As used in this part, the term:

266 (4) "Clerk's office" means the office of the clerk of the  
 267 circuit court of the county, or another office serving as the  
 268 county recorder as provided by law, in which the real property  
 269 is located.

270 (8) "Contractor" means a person other than a materialman  
 271 or laborer who enters into a contract with the owner of real  
 272 property for improving it, or who takes over from a contractor  
 273 as so defined the entire remaining work under such contract. The  
 274 term "contractor" includes an architect, landscape architect, or  
 275 engineer who improves real property pursuant to a design-build

276 contract authorized by s. 489.103(16). The term also includes a  
277 licensed general contractor or building contractor, as those  
278 terms are defined in s. 489.105(3)(a) and (b), respectively, who  
279 provides construction management services, which include  
280 scheduling and coordinating both preconstruction and  
281 construction phases for the successful, timely, and economical  
282 completion of the construction project or who provides program  
283 management services, which include schedule control, cost  
284 control, and coordination in providing or procuring planning,  
285 design, and construction.

286 (12) "Final furnishing" means the last date that the  
287 lienor furnishes labor, services, or materials. Such date may  
288 not be measured by other standards, such as the issuance of a  
289 certificate of occupancy or the issuance of a certificate of  
290 final completion, and does not include the correction of  
291 deficiencies in the lienor's previously performed work or  
292 materials supplied. With respect to rental equipment, the term  
293 means the date that the rental equipment was last on the ~~job~~  
294 site of the improvement and available for use. With respect to  
295 specially fabricated materials, the term means the date that the  
296 last portion of the specially fabricated materials is delivered  
297 to the site of the improvement, or if any portion of the  
298 specially fabricated materials is not delivered to the site of  
299 the improvement by no fault of the lienor, the term means 9  
300 months after the date the lienor completes the fabrication, 9

301 months after the date the lienor receives the last portion of  
 302 the specially fabricated materials needed to complete the order,  
 303 or the date the notice of commencement expires, whichever is  
 304 later.

305 (13) "Finance charge" means a contractually specified  
 306 additional amount to be paid by the obligor on any unpaid  
 307 balance if the obligor fails to pay the entire principal amount  
 308 to the obligee by the due date set forth in the credit agreement  
 309 or other contract.

310 Section 4. Section 713.011, Florida Statutes, is created  
 311 to read:

312 713.011 Computation of time.—

313 (1) In computing any time period under this part, if the  
 314 last day of the time period is a Saturday, Sunday, legal  
 315 holiday, or any day observed as a holiday by the clerk's office,  
 316 the time period is extended to the end of the next business day.

317 (2) During a state of emergency declared under chapter 252  
 318 in which the clerk's office is closed or not accessible because  
 319 of the state of emergency, any time periods imposed under this  
 320 part are tolled. Upon the expiration of the declared state of  
 321 emergency, the number of days that were remaining for any  
 322 specified time period under this part on the first day of the  
 323 declared state of emergency shall commence on the first business  
 324 day after the end of the declared state of emergency.

325 (3) A federal, state, or local governmental order closing

326 or directing the closure of the clerk's office for any reason  
327 constitutes a state of emergency for purposes of this section.

328 Section 5. Section 713.09, Florida Statutes, is amended to  
329 read:

330 713.09 Single claim of lien.—A lienor may ~~is required to~~  
331 record only one claim of lien covering his or her entire demand  
332 against the real property when the amount demanded is for labor  
333 or services or material furnished for more than one improvement  
334 under the same direct contract or multiple direct contracts. The  
335 single claim of lien is sufficient even though the improvement  
336 is for one or more improvements located on separate lots,  
337 parcels, or tracts of land. If materials to be used on one or  
338 more improvements on separate lots, parcels, or tracts of land  
339 ~~under one direct contract~~ are delivered by a lienor to a place  
340 designated by the person with whom the materialman contracted,  
341 other than the site of the improvement, the delivery to the  
342 place designated is prima facie evidence of delivery to the site  
343 of the improvement and incorporation in the improvement. The  
344 single claim of lien may be limited to a part of multiple lots,  
345 parcels, or tracts of land and their improvements or may cover  
346 all of the lots, parcels, or tracts of land and improvements. If  
347 a ~~In each~~ claim of lien under this section is for multiple  
348 direct contracts, the owner under the direct contracts ~~contract~~  
349 must be the same person for all lots, parcels, or tracts of land  
350 against which a single claim of lien is recorded.

351 Section 6. Paragraph (b) of subsection (2) of section  
 352 713.10, Florida Statutes, is amended, and subsection (4) is  
 353 added to that section, to read:

354 713.10 Extent of liens.—

355 (2)

356 (b) The interest of the lessor is not subject to liens for  
 357 improvements made by the lessee when:

358 1. The lease, or a short form or a memorandum of the lease  
 359 that contains the specific language in the lease prohibiting  
 360 such liability, is recorded in the official records of the  
 361 county where the premises are located before the recording of a  
 362 notice of commencement for improvements to the premises and the  
 363 terms of the lease expressly prohibit such liability; or

364 2. The terms of the lease expressly prohibit such  
 365 liability, and a notice advising that leases for the rental of  
 366 premises on a parcel of land prohibit such liability has been  
 367 recorded in the official records of the county in which the  
 368 parcel of land is located before the recording of a notice of  
 369 commencement for improvements to the premises, and the notice  
 370 includes the following:

371 a. The name of the lessor.

372 b. The legal description of the parcel of land to which  
 373 the notice applies.

374 c. The specific language contained in the various leases  
 375 prohibiting such liability.

376 d. A statement that all or a majority of the leases  
 377 entered into for premises on the parcel of land expressly  
 378 prohibit such liability.

379 ~~3. The lessee is a mobile home owner who is leasing a~~  
 380 ~~mobile home lot in a mobile home park from the lessor.~~

381  
 382 A notice that is consistent with subparagraph 2. effectively  
 383 prohibits liens for improvements made by a lessee even if other  
 384 leases for premises on the parcel do not expressly prohibit  
 385 liens or if provisions of each lease restricting the application  
 386 of liens are not identical.

387 (4) The interest of the lessor is not subject to liens for  
 388 improvements made by the lessee when the lessee is a mobile home  
 389 owner who is leasing a mobile home lot in a mobile home park  
 390 from the lessor.

391 Section 7. Paragraphs (a) and (d) of subsection (1) of  
 392 section 713.13, Florida Statutes, are amended to read:

393 713.13 Notice of commencement.—

394 (1)(a) Except for an improvement that is exempt under  
 395 ~~pursuant to~~ s. 713.02(5), an owner or the owner's authorized  
 396 agent before actually commencing to improve any real property,  
 397 or recommencing completion of any improvement after default or  
 398 abandonment, whether or not a project has a payment bond  
 399 complying with s. 713.23, shall record a notice of commencement  
 400 in the clerk's office and ~~forthwith~~ post either a certified copy



401 |       thereof or a notarized statement that the notice of commencement  
 402 |       has been filed for recording along with a copy thereof. The  
 403 |       notice of commencement shall contain all of the following  
 404 |       information:

405 |             1. A description sufficient for identification of the real  
 406 |       property to be improved. The description should include the  
 407 |       legal description of the property and also should include the  
 408 |       street address and tax folio number of the property if available  
 409 |       or, if there is no street address available, such additional  
 410 |       information as will describe the physical location of the real  
 411 |       property to be improved.

412 |             2. A general description of the improvement.

413 |             3. The name and address of the owner, the owner's interest  
 414 |       in the site of the improvement, and the name and address of the  
 415 |       fee simple titleholder, if other than such owner.

416 |             4. The name and address of the lessee, if the A lessee ~~who~~  
 417 |       contracts for the improvements as is an owner as defined in s.  
 418 |       713.01 ~~under s. 713.01(23) and must be listed as the owner~~  
 419 |       ~~together with a statement that the ownership interest is a~~  
 420 |       ~~leasehold interest.~~

421 |             5.4. The name and address of the contractor.

422 |             6.5. The name and address of the surety on the payment  
 423 |       bond under s. 713.23, if any, and the amount of such bond.

424 |             7.6. The name and address of any person making a loan for  
 425 |       the construction of the improvements.



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

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

455 b. Lessee's phone number:..... ~~a.~~

456 5.a. Contractor: ...(name and address)....  
 457 b. Contractor's phone number:.....

458 ~~6.5.~~ Surety (if applicable, a copy of the payment bond is  
 459 attached):

460 a. Name and address:.....  
 461 b. Phone number:.....  
 462 c. Amount of bond: \$.....

463 ~~7.a.6.a.~~ Lender: ...(name and address)....  
 464 b. Lender's phone number:.....

465 ~~8.7.~~ Persons within the State of Florida designated by  
 466 Owner upon whom notices or other documents may be served as  
 467 provided by Section 713.13(1)(a)8. ~~713.13(1)(a)7.~~, Florida  
 468 Statutes:

469 a. Name and address:.....  
 470 b. Phone numbers of designated persons:.....

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

475 b. Phone number of person or entity designated by

476 owner:.....

477 10.9. Expiration date of notice of commencement (the  
 478 expiration date will be 1 year after ~~from~~ the date of recording  
 479 unless a different date is specified).....

480  
 481 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE  
 482 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER  
 483 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA  
 484 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS  
 485 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND  
 486 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU  
 487 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN  
 488 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF  
 489 COMMENCEMENT.

490  
 491 ...(Signature of Owner or Lessee, or Owner's or Lessee's  
 492 Authorized Officer/Director/Partner/Manager)...

493  
 494 ...(Signatory's Title/Office)...

495  
 496 The foregoing instrument was acknowledged before me by means of  
 497  physical presence or acknowledged before me by means of   
 498 online notarization, this .... day of ....., ...(year)..., by  
 499 ...(name of person)... as ...(type of authority, . . . e.g.  
 500 officer, trustee, attorney in fact)... for ...(name of party on

501 | behalf of whom instrument was executed)....  
 502 |  
 503 | ...(Signature of Notary Public - State of Florida)...  
 504 |  
 505 | ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
 506 |  
 507 |       Personally Known .... OR Produced Identification ....  
 508 |  
 509 |       Type of Identification Produced.....  
 510 |       Section 8. Subsections (1), (3), and (4) of section  
 511 | 713.132, Florida Statutes, are amended to read:  
 512 |       713.132 Notice of termination.—  
 513 |       (1) An owner may terminate the period of effectiveness of  
 514 | a notice of commencement by executing, swearing to, and  
 515 | recording a notice of termination that contains all of the  
 516 | following:  
 517 |       (a) The same information as the notice of commencement. ~~.~~  
 518 |       (b) The official records' ~~recording office document book~~  
 519 | ~~and page~~ reference numbers and recording date affixed by the  
 520 | recording office on ~~of~~ the recorded notice of commencement. ~~.~~  
 521 |       (c) A statement of the date as of which the notice of  
 522 | commencement is terminated, which date may not be earlier than  
 523 | 30 days after the notice of termination is recorded. ~~.~~  
 524 |       (d) A statement specifying that the notice applies to all  
 525 | the real property subject to the notice of commencement or

526 specifying the portion of such real property to which it  
 527 applies.~~†~~

528 (e) A statement that all lienors have been paid in full.~~†~~  
 529 ~~and~~

530 (f) A statement that the owner has, before recording the  
 531 notice of termination, served a copy of the notice of  
 532 termination ~~on the contractor and~~ on each lienor who has a  
 533 direct contract with the owner or who has timely served a notice  
 534 to owner, and a statement that the owner will serve a copy of  
 535 the notice of termination on each lienor who timely serves a  
 536 notice to owner after the notice of termination has been  
 537 recorded. The owner is not required to serve a copy of the  
 538 notice of termination on any lienor who has executed a waiver  
 539 and release of lien upon final payment in accordance with s.  
 540 713.20.

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

545 (4) If an owner or a contractor, by fraud or collusion,  
 546 knowingly makes any fraudulent statement or affidavit in a  
 547 notice of termination or any accompanying affidavit, the owner  
 548 and the contractor, or either of them, ~~as the case may be,~~ is  
 549 liable to any lienor who suffers damages as a result of the  
 550 filing of the fraudulent notice of termination,~~†~~ and any such

551 | lienor has a right of action for damages ~~occasioned thereby~~.  
552 |       (5)-(4) A notice of termination must be served before  
553 | recording on each lienor who has a direct contract with the  
554 | owner and on each lienor who has timely and properly served a  
555 | notice to owner in accordance with this part before the  
556 | recording of the notice of termination. A notice of termination  
557 | must be recorded in the official records of the county in which  
558 | the improvement is located. If properly served before recording  
559 | in accordance with this subsection, the notice of termination  
560 | terminates the period of effectiveness of the notice of  
561 | commencement 30 days after the notice of termination is recorded  
562 | in the official records ~~is effective to terminate the notice of~~  
563 | ~~commencement at the later of 30 days after recording of the~~  
564 | ~~notice of termination~~ or a later the date stated in the notice  
565 | of termination as the date on which the notice of commencement  
566 | is terminated. However, if a lienor who began work under the  
567 | notice of commencement before its termination lacks a direct  
568 | contract with the owner and timely serves his or her notice to  
569 | owner after the notice of termination has been recorded, the  
570 | owner must serve a copy of the notice of termination upon such  
571 | lienor, and the termination of the notice of commencement as to  
572 | that lienor is effective 30 days after service of the notice of  
573 | termination ~~if the notice of termination has been served~~  
574 | ~~pursuant to paragraph (1) (f) on the contractor and on each~~  
575 | ~~lienor who has a direct contract with the owner or who has~~

576 | ~~served a notice to owner.~~

577 | Section 9. Subsections (1) and (3) of section 713.135,  
578 | Florida Statutes, are amended to read:

579 | 713.135 Notice of commencement and applicability of lien.—

580 | (1) When a ~~any~~ person applies for a building permit, the  
581 | authority issuing such permit shall:

582 | (a) Print on the face of each permit card in no less than  
583 | 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR  
584 | FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR  
585 | PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF  
586 | COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE  
587 | THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT  
588 | WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF  
589 | COMMENCEMENT."

590 | (b) Provide the applicant and the owner of the real  
591 | property upon which improvements are to be constructed with a  
592 | printed statement stating that the right, title, and interest of  
593 | the person who has contracted for the improvement may be subject  
594 | to attachment under the Construction Lien Law. The Department of  
595 | Business and Professional Regulation shall furnish, for  
596 | distribution, the statement described in this paragraph, and the  
597 | statement must be a summary of the Construction Lien Law and  
598 | must include an explanation of the provisions of the  
599 | Construction Lien Law relating to the recording, and the posting  
600 | of copies, of notices of commencement and a statement



601 encouraging the owner to record a notice of commencement and  
602 post a copy of the notice of commencement in accordance with s.  
603 713.13. The statement must also contain an explanation of the  
604 owner's rights if a lienor fails to furnish the owner with a  
605 notice as provided in s. 713.06(2) and an explanation of the  
606 owner's rights as provided in s. 713.22. The authority that  
607 issues the building permit must obtain from the Department of  
608 Business and Professional Regulation the statement required by  
609 this paragraph and must mail, deliver by electronic mail or  
610 other electronic format or facsimile, or personally deliver that  
611 statement to the owner or, in a case in which the owner is  
612 required to personally appear to obtain the permit, provide that  
613 statement to any owner making improvements to real property  
614 consisting of a single or multiple family dwelling up to and  
615 including four units. However, the failure by the authorities to  
616 provide the summary does not subject the issuing authority to  
617 liability.

618 (c) In addition to providing the owner with the statement  
619 as required by paragraph (b), inform each applicant who is not  
620 the person whose right, title, and interest is subject to  
621 attachment that, as a condition to the issuance of a building  
622 permit, the applicant must promise in good faith that the  
623 statement will be delivered to the person whose property is  
624 subject to attachment.

625 (d) Furnish to the applicant two or more copies of a form

626 of notice of commencement conforming with s. 713.13.

627 (e) Require ~~If the direct contract is greater than \$2,500,~~  
628 the applicant ~~to shall~~ file with the issuing authority before  
629 ~~prior to~~ the first inspection ~~either a certified~~ copy of the  
630 ~~recorded~~ notice of commencement if the direct contract is  
631 greater than \$2,500. For purposes of this paragraph, the term  
632 "copy of the notice of commencement" means a certified copy of  
633 the recorded notice of commencement, or a notarized statement  
634 that the notice of commencement has been filed for recording,  
635 along with a copy thereof, or the clerk's office official  
636 records identifying information that includes the instrument  
637 number for the notice of commencement or the number and page of  
638 book where the notice of commencement is recorded, as identified  
639 by the clerk.

640 1. In the absence of the filing of a ~~certified~~ copy of the  
641 ~~recorded~~ notice of commencement, the issuing authority or a  
642 private provider performing inspection services may not perform  
643 or approve subsequent inspections until the applicant files by  
644 mail, facsimile, hand delivery, or any other means such  
645 ~~certified~~ copy with the issuing authority.

646 2. The ~~certified~~ copy of the notice of commencement must  
647 contain the name and address of the owner, the name and address  
648 of the contractor, and the location or address of the property  
649 being improved. The issuing authority shall verify that the name  
650 and address of the owner, the name of the contractor, and the

651 location or address of the property being improved which is  
652 contained in the ~~certified~~ copy of the notice of commencement is  
653 consistent with the information in the building permit  
654 application.

655 3. The issuing authority shall provide the recording  
656 information on the ~~certified~~ copy of the ~~recorded~~ notice of  
657 commencement to any person upon request.

658 4. This subsection does not require the recording of a  
659 notice of commencement before ~~prior to~~ the issuance of a  
660 building permit. If a local government requires a separate  
661 permit or inspection for installation of temporary electrical  
662 service or other temporary utility service, land clearing, or  
663 other preliminary site work, such permits may be issued and such  
664 inspections may be conducted without providing the issuing  
665 authority with a ~~certified~~ copy of the ~~a recorded~~ notice of  
666 commencement ~~or a notarized statement regarding a recorded~~  
667 ~~notice of commencement. This subsection does not apply to a~~  
668 ~~direct contract to repair or replace an existing heating or air-~~  
669 ~~conditioning system in an amount less than \$7,500.~~

670 (f)-(e) Not require that a notice of commencement be  
671 recorded as a condition of the application for, or processing or  
672 issuance of, a building permit. However, this paragraph does not  
673 modify or waive the inspection requirements set forth in this  
674 subsection.

675

676 This subsection does not apply to a direct contract to repair or  
 677 replace an existing heating or air-conditioning system in an  
 678 amount less than \$7,500.

679 (3) An issuing authority under subsection (1) is not  
 680 liable in any civil action for the failure to verify that a  
 681 certified copy of the recorded notice of commencement, a  
 682 notarized statement that the notice of commencement has been  
 683 filed for recording along with a copy thereof, or the clerk's  
 684 office official records identifying information that includes  
 685 the instrument number for the notice of commencement or the  
 686 number and page of book where the notice of commencement is  
 687 recorded, as identified by the clerk, has been filed in  
 688 accordance with this section.

689 Section 10. Section 713.18, Florida Statutes, is amended  
 690 to read:

691 713.18 Manner of serving documents ~~notices and other~~  
 692 ~~instruments.~~

693 (1) Unless otherwise specifically provided by law, service  
 694 of any document ~~notices, claims of lien, affidavits,~~  
 695 ~~assignments, and other instruments~~ permitted or required under  
 696 this part, s. 255.05, or s. 337.18, or copies thereof when so  
 697 permitted or required, ~~unless otherwise specifically provided in~~  
 698 ~~this part,~~ must be made by one of the following methods:

699 (a) By hand ~~actual~~ delivery to the person to be served; if  
 700 a partnership, to one of the partners; if a corporation, to an

701 officer, director, managing agent, or business agent; or, if a  
 702 limited liability company, to a member or manager.

703 (b) By common carrier delivery service or by registered,  
 704 Global Express Guaranteed, or certified mail to the person to be  
 705 served, with postage or shipping paid by the sender and with  
 706 evidence of delivery, which may be in an electronic format.

707 (c) By posting on the site of the improvement if service  
 708 as provided by paragraph (a) or paragraph (b) cannot be  
 709 accomplished.

710 (2) Notwithstanding subsection (1), service of a notice to  
 711 owner or a preliminary notice to contractor under this part, s.  
 712 255.05, or s. 337.18, ~~or s. 713.23~~ is effective as of the date  
 713 of mailing and the requirements for service under this section  
 714 have been satisfied if all of the following requirements have  
 715 been met:

716 (a) The notice is mailed by registered, Global Express  
 717 Guaranteed, or certified mail, with postage prepaid, to the  
 718 person to be served and addressed as prescribed ~~at any of the~~  
 719 ~~addresses set forth~~ in subsection (3) ~~.~~

720 (b) The notice is mailed within 40 days after the date the  
 721 lienor first furnishes labor, services, or materials. ~~;~~ ~~and~~

722 (c)1. The person who served the notice maintains a  
 723 registered or certified mail log that shows the registered or  
 724 certified mail number issued by the United States Postal  
 725 Service, the name and address of the person served, and the date

726 stamp of the United States Postal Service confirming the date of  
 727 mailing; or

728 2. The person who served the notice maintains ~~electronic~~  
 729 tracking records approved or generated by the United States  
 730 Postal Service containing the postal tracking number, ~~the name~~  
 731 ~~and address of the person served,~~ and verification of the date  
 732 of receipt by the United States Postal Service.

733 (3) (a) Notwithstanding subsection (1), service of a  
 734 document under ~~an instrument pursuant to~~ this section is  
 735 effective on the date of mailing or shipping, and the  
 736 requirements for service under this section have been satisfied,  
 737 ~~the instrument~~ if the document ~~it~~:

738 1. Is sent to the last address shown in the notice of  
 739 commencement or any amendment thereto or, in the absence of a  
 740 notice of commencement, to the last address shown in the  
 741 building permit application, or to the last known address of the  
 742 person to be served. ~~;~~ and

743 2. Is returned as being "refused," "moved, not  
 744 forwardable," or "unclaimed," or is otherwise not delivered or  
 745 deliverable through no fault of the person serving the document  
 746 ~~item.~~

747 (b) If the address shown in the notice of commencement or  
 748 any amendment thereto ~~to the notice of commencement,~~ or, in the  
 749 absence of a notice of commencement, in the building permit  
 750 application, is incomplete for purposes of mailing or delivery,

751 the person serving the document ~~item~~ may complete the address  
 752 and properly format it according to United States Postal Service  
 753 addressing standards using information obtained from the  
 754 property appraiser or another public record without affecting  
 755 the validity of service under this section.

756 (4) A document ~~notice~~ served by a lienor on one owner or  
 757 one partner of a partnership owning the real property is deemed  
 758 served on ~~notice to~~ all owners and partners.

759 Section 11. Section 713.21, Florida Statutes, is amended  
 760 to read:

761 713.21 Discharge of lien.—A lien properly perfected under  
 762 this chapter may be discharged, or released in whole or in part,  
 763 by any of the following methods:

764 (1) By entering satisfaction of the lien upon the margin  
 765 of the record thereof in the clerk's office when not otherwise  
 766 prohibited by law. This satisfaction shall be signed by the  
 767 lienor, the lienor's agent or attorney and attested by said  
 768 clerk. Any person who executes a claim of lien has ~~shall have~~  
 769 authority to execute a satisfaction in the absence of actual  
 770 notice of lack of authority to any person relying on the same.

771 (2) By the satisfaction or release of the lienor, duly  
 772 acknowledged and recorded in the clerk's office. The  
 773 satisfaction or release must include the lienor's notarized  
 774 signature and set forth the official records' reference numbers  
 775 and recording date affixed by the recording office on the

776 | subject lien. Any person who executes a claim of lien ~~has shall~~  
 777 | ~~have~~ authority to execute a satisfaction or release in the  
 778 | absence of actual notice of lack of authority to any person  
 779 | relying on the same.

780 | (3) By failure to begin an action to enforce the lien  
 781 | within the time prescribed in this part.

782 | (4) By an order of the circuit court of the county where  
 783 | the property is located, as provided in this subsection. Upon  
 784 | filing a complaint therefor by any interested party the clerk  
 785 | shall issue a summons to the lienor to show cause within 20 days  
 786 | why his or her lien should not be enforced by action or vacated  
 787 | and canceled of record. Upon failure of the lienor to show cause  
 788 | why his or her lien should not be enforced or the lienor's  
 789 | failure to commence such action before the return date of the  
 790 | summons the court shall forthwith order cancellation of the  
 791 | lien.

792 | (5) By recording in the clerk's office the original or a  
 793 | certified copy of a judgment or decree of a court of competent  
 794 | jurisdiction showing a final determination of the action.

795 | Section 12. Subsection (2) of section 713.22, Florida  
 796 | Statutes, is amended to read:

797 | 713.22 Duration of lien.—

798 | (2) An owner or the owner's attorney may elect to shorten  
 799 | the time prescribed in subsection (1) within which to commence  
 800 | an action to enforce any claim of lien or claim against a bond



801 or other security under s. 713.23 or s. 713.24 by recording in  
 802 the clerk's office a notice in substantially the following form:

803 NOTICE OF CONTEST OF LIEN

804 To: ...(Name and address of lienor)...

805 You are notified that the undersigned contests the claim of lien  
 806 filed by you on ....., ...(year)..., and recorded in .... Book  
 807 ....., Page ....., of the public records of .... County, Florida,  
 808 and that the time within which you may file suit to enforce your  
 809 lien is limited to 60 days from the date of service of this  
 810 notice. This .... day of ....., ...(year)....

811 Signed: ...(Owner or Attorney)...

812 The lien of any lienor upon whom such recorded notice is served  
 813 and who fails to institute a suit to enforce his or her lien  
 814 within 60 days after service of such recorded notice shall be  
 815 extinguished automatically. The clerk shall serve, in accordance  
 816 with s. 713.18, a copy of the recorded notice of contest to the  
 817 lien claimant at the address shown in the claim of lien or most  
 818 recent amendment thereto and shall certify to such service and  
 819 the date of service on the face of the notice and record the  
 820 notice.

821 Section 13. Paragraphs (d) and (e) of subsection (1) of  
 822 section 713.23, Florida Statutes, are amended to read:

823 713.23 Payment bond.—

824 (1)

825 (d) In addition, a lienor who has not received payment for

826 | furnishing his or her labor, services, or materials must, as a  
827 | condition precedent to recovery under the bond, serve a written  
828 | notice of nonpayment on ~~to~~ the contractor and a copy of the  
829 | notice on the surety. The notice must be under oath and served  
830 | during the progress of the work or thereafter, but may not be  
831 | served later than 90 days after the final furnishing of labor,  
832 | services, or materials by the lienor, or, with respect to rental  
833 | equipment, later than 90 days after the date the rental  
834 | equipment was on the ~~job~~ site of the improvement and available  
835 | for use. A notice of nonpayment that includes sums for retainage  
836 | must specify the portion of the amount claimed for retainage.  
837 | The required notice satisfies this condition precedent with  
838 | respect to the payment described in the notice of nonpayment,  
839 | including unpaid finance charges due under the lienor's  
840 | contract, and with respect to any other payments which become  
841 | due to the lienor after the date of the notice of nonpayment.  
842 | The time period for serving a notice of nonpayment is ~~shall be~~  
843 | measured from the last day of furnishing labor, services, or  
844 | materials by the lienor and may not be measured by other  
845 | standards, such as the issuance of a certificate of occupancy or  
846 | the issuance of a certificate of substantial completion. The  
847 | failure of a lienor to receive retainage sums not in excess of  
848 | 10 percent of the value of labor, services, or materials  
849 | furnished by the lienor is not considered a nonpayment requiring  
850 | the service of the notice provided under this paragraph. If the

851 payment bond is not recorded before commencement of  
852 construction, the time period for the lienor to serve a notice  
853 of nonpayment may, at the option of the lienor, be calculated  
854 from the date specified in this section or the date the lienor  
855 is served a copy of the bond. However, the limitation period for  
856 commencement of an action on the payment bond as established in  
857 paragraph (e) may not be expanded. The negligent inclusion or  
858 omission of any information in the notice of nonpayment that has  
859 not prejudiced the contractor or surety does not constitute a  
860 default that operates to defeat an otherwise valid bond claim. A  
861 lienor who serves a fraudulent notice of nonpayment forfeits his  
862 or her rights under the bond. A notice of nonpayment is  
863 fraudulent if the lienor has willfully exaggerated the amount  
864 unpaid, willfully included a claim for work not performed or  
865 materials not furnished for the subject improvement, or prepared  
866 the notice with such willful and gross negligence as to amount  
867 to a willful exaggeration. However, a minor mistake or error in  
868 a notice of nonpayment, or a good faith dispute as to the amount  
869 unpaid, does not constitute a willful exaggeration that operates  
870 to defeat an otherwise valid claim against the bond. The service  
871 of a fraudulent notice of nonpayment is a complete defense to  
872 the lienor's claim against the bond. The notice under this  
873 paragraph must include the following information, current as of  
874 the date of the notice, and must be in substantially the  
875 following form:

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NOTICE OF NONPAYMENT

To ...(name of contractor and address)...

...(name of surety and address)...

The undersigned lienor notifies you that:

1. The lienor has furnished ...(describe labor, services, or materials)... for the improvement of the real property identified as ...(property description).... The corresponding amount unpaid to date is \$...., of which \$.... is unpaid retainage.

2. The lienor has been paid to date the amount of \$.... for previously furnishing ...(describe labor, services, or materials)... for this improvement.

3. The lienor expects to furnish ...(describe labor, services, or materials)... for this improvement in the future (if known), and the corresponding amount expected to become due is \$.... (if known).

I declare that I have read the foregoing Notice of Nonpayment and that the facts stated in it are true to the best of my knowledge and belief.

901 DATED on ....., .....

902

903 ... (signature and address of lienor)...

904

905 STATE OF FLORIDA

906 COUNTY OF.....

907

908 The foregoing instrument was sworn to (or affirmed) and  
909 subscribed before me by means of  physical presence or sworn to  
910 (or affirmed) by  online notarization, this .... day of .....,  
911 ... (year) ..., by ... (name of signatory)....

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

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

915

916 Personally Known ..... OR Produced Identification .....

917

918 Type of Identification Produced

919 (e) An action for the labor, or ~~or~~ materials, or supplies may  
920 not be instituted or prosecuted against the contractor or surety  
921 unless both notices have been given, if required by this  
922 section. An action may not be instituted or prosecuted against  
923 the contractor or against the surety on the bond under this  
924 section after 1 year from the performance of the labor or  
925 completion of delivery of the materials and supplies. The time

926 | period for bringing an action against the contractor or surety  
 927 | on the bond is ~~shall be~~ measured from the last day of furnishing  
 928 | labor, services, or materials by the lienor. The time period may  
 929 | not be measured by other standards, such as the issuance of a  
 930 | certificate of occupancy or the issuance of a certificate of  
 931 | substantial completion. A contractor or the contractor's  
 932 | attorney may elect to shorten the time within which an action to  
 933 | enforce any claim against a payment bond provided under this  
 934 | section ~~or s. 713.245~~ must be commenced at any time after a  
 935 | notice of nonpayment, if required, has been served for the claim  
 936 | by recording in the clerk's office a notice in substantially the  
 937 | following form:

938 |                                           NOTICE OF CONTEST OF CLAIM  
 939 |                                           AGAINST PAYMENT BOND

940 | To: ... (Name and address of lienor) ...

941 |         You are notified that the undersigned contests your notice  
 942 | of nonpayment, dated ....., ....., and served on the undersigned  
 943 | on ....., ....., and that the time within which you may file suit  
 944 | to enforce your claim is limited to 60 days after ~~from~~ the date  
 945 | of service of this notice.

946 | DATED on ....., .....

947 | Signed: ... (Contractor or Attorney) ...

948 | The claim of any lienor upon whom the notice is served and who  
 949 | fails to institute a suit to enforce his or her claim against  
 950 | the payment bond within 60 days after service of the notice

951 shall be extinguished automatically. The contractor or the  
 952 contractor's attorney shall serve a copy of the notice of  
 953 contest to the lienor at the address shown in the notice of  
 954 nonpayment or most recent amendment thereto and shall certify to  
 955 such service on the face of the notice and record the notice.

956 Section 14. Subsections (1) and (2) of section 713.235,  
 957 Florida Statutes, are amended to read:

958 713.235 Waivers of right to claim against payment bond;  
 959 forms.—

960 (1) When a person is required to execute a waiver of his  
 961 or her right to make a claim against a payment bond provided  
 962 under ~~pursuant to s. 713.23 or s. 713.245~~, in exchange for, or  
 963 to induce payment of, a progress payment, the waiver may be in  
 964 substantially the following form:

965 WAIVER OF RIGHT TO CLAIM  
 966 AGAINST THE PAYMENT BOND  
 967 (PROGRESS PAYMENT)

968 The undersigned, in consideration of the sum of \$....  
 969 hereby waives its right to claim against the payment bond for  
 970 labor, services, or materials furnished through ...(insert  
 971 date)..., to ...(insert the name of your customer)... on the job  
 972 of ...(insert the name of the owner)..., for improvements to the  
 973 following described project:

974 (description of project)

975 This waiver does not cover any retention or any labor, services,

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2022

976 or materials furnished after the date specified.

977 DATED on ....

978 ... (Lienor) ...

979 By: .....

980 (2) When a person is required to execute a waiver of his  
 981 or her right to make a claim against a payment bond provided  
 982 under ~~pursuant to s. 713.23 or s. 713.245~~, in exchange for, or  
 983 to induce payment of, the final payment, the waiver may be in  
 984 substantially the following form:

985 WAIVER OF RIGHT TO CLAIM  
 986 AGAINST THE PAYMENT BOND  
 987 (FINAL PAYMENT)

988 The undersigned, in consideration of the final payment in  
 989 the amount of \$...., hereby waives its right to claim against  
 990 the payment bond for labor, services, or materials furnished to  
 991 ...(insert the name of your customer)... on the job of  
 992 ...(insert the name of the owner)..., for improvements to the  
 993 following described project:

994 (description of project)

995 DATED on ....

996 ... (Lienor) ...

997 By: .....

998 Section 15. Subsections (1) and (3) of section 713.24,  
 999 Florida Statutes, are amended to read:

1000 713.24 Transfer of liens to security.—



1001 (1) Any lien claimed under this part may be transferred,  
 1002 by any person having an interest in the real property upon which  
 1003 the lien is imposed or the contract under which the lien is  
 1004 claimed, from such real property to other security by either:  
 1005 (a) Depositing in the clerk's office a sum of money, or  
 1006 (b) Filing in the clerk's office a bond executed as surety  
 1007 by a surety insurer licensed to do business in this state,  
 1008  
 1009 either to be in an amount equal to the amount demanded in such  
 1010 claim of lien, plus interest thereon at the legal rate for 3  
 1011 years, plus 50 ~~\$1,000 or 25~~ percent of the amount demanded in  
 1012 the claim of lien, ~~whichever is greater,~~ to apply on any  
 1013 attorney ~~attorney's~~ fees and court costs that may be taxed in  
 1014 any proceeding to enforce said lien. Such deposit or bond shall  
 1015 be conditioned to pay any judgment or decree which may be  
 1016 rendered for the satisfaction of the lien for which such claim  
 1017 of lien was recorded. Upon making such deposit or filing such  
 1018 bond, the clerk shall make and record a certificate which must  
 1019 include a copy of the deposit or bond used to transfer, showing  
 1020 the transfer of the lien from the real property to the security  
 1021 and shall mail a copy thereof together with a copy of the  
 1022 deposit or bond used to transfer by registered or certified mail  
 1023 to the lienor named in the claim of lien so transferred, at the  
 1024 address stated therein. Upon filing the certificate of transfer,  
 1025 the real property shall thereupon be released from the lien

1026 | claimed, and such lien shall be transferred to said security. In  
1027 | the absence of allegations of privity between the lienor and the  
1028 | owner, and subject to any order of the court increasing the  
1029 | amount required for the lien transfer deposit or bond, no other  
1030 | judgment or decree to pay money may be entered by the court  
1031 | against the owner. The clerk is ~~shall be~~ entitled to a service  
1032 | charge for making and serving the certificate, in the amount of  
1033 | up to \$20, from which the clerk shall remit \$5 to the Department  
1034 | of Revenue for deposit into the General Revenue Fund. If the  
1035 | transaction involves the transfer of multiple liens, an  
1036 | additional charge of up to \$10 for each additional lien shall be  
1037 | charged, from which the clerk shall remit \$2.50 to the  
1038 | Department of Revenue for deposit into the General Revenue Fund.  
1039 | For recording the certificate and approving the bond, the clerk  
1040 | shall receive her or his usual statutory service charges as  
1041 | prescribed in s. 28.24. Any number of liens may be transferred  
1042 | to one such security.

1043 |       (3) Any party having an interest in such security or the  
1044 | property from which the lien was transferred may at any time,  
1045 | and any number of times, file a complaint in chancery in the  
1046 | circuit court of the county where such security is deposited, or  
1047 | file a motion in a pending action to enforce a lien, for an  
1048 | order to require additional security, reduction of security,  
1049 | change or substitution of sureties, payment of discharge  
1050 | thereof, or any other matter affecting said security. If the

1051 court finds that the amount of the deposit or bond in excess of  
 1052 the amount claimed in the claim of lien is insufficient to pay  
 1053 the lienor's attorney ~~attorney's~~ fees and court costs incurred  
 1054 in the action to enforce the lien, the court must increase the  
 1055 amount of the cash deposit or lien transfer bond. Nothing in  
 1056 this section shall be construed to vest exclusive jurisdiction  
 1057 in the circuit courts over transfer bond claims for nonpayment  
 1058 of an amount within the monetary jurisdiction of the county  
 1059 courts.

1060 Section 16. Section 713.245, Florida Statutes, is  
 1061 repealed.

1062 Section 17. Section 713.25, Florida Statutes, is repealed.

1063 Section 18. Section 713.29, Florida Statutes, is amended  
 1064 to read:

1065 713.29 Attorney ~~Attorney's~~ fees.—In any action brought to  
 1066 enforce a lien, including a lien that has been transferred to  
 1067 security, or to enforce a claim against a bond under this part,  
 1068 the prevailing party is entitled to recover a reasonable fee for  
 1069 the services of her or his attorney for trial and appeal or for  
 1070 arbitration, in an amount to be determined by the court, which  
 1071 fee must be taxed as part of the prevailing party's costs, as  
 1072 allowed in equitable actions.

1073 Section 19. Paragraph (b) of subsection (2) and paragraph  
 1074 (e) of subsection (5) of section 95.11, Florida Statutes, are  
 1075 amended to read:

1076 95.11 Limitations other than for the recovery of real  
 1077 property.—Actions other than for recovery of real property shall  
 1078 be commenced as follows:

1079 (2) WITHIN FIVE YEARS.—

1080 (b) A legal or equitable action on a contract, obligation,  
 1081 or liability founded on a written instrument, except for an  
 1082 action to enforce a claim against a payment bond, which shall be  
 1083 governed by the applicable provisions of paragraph (5)(e), s.  
 1084 255.05(9) ~~s. 255.05(10)~~, s. 337.18(1), or s. 713.23(1)(e), and  
 1085 except for an action for a deficiency judgment governed by  
 1086 paragraph (5)(h).

1087 (5) WITHIN ONE YEAR.—

1088 (e) Except for actions governed by s. 255.05(9) ~~s.~~  
 1089 ~~255.05(10)~~, s. 337.18(1), or s. 713.23(1)(e), an action to  
 1090 enforce any claim against a payment bond on which the principal  
 1091 is a contractor, subcontractor, or sub-subcontractor as defined  
 1092 in s. 713.01, for private work as well as public work, from the  
 1093 last furnishing of labor, services, or materials or from the  
 1094 last furnishing of labor, services, or materials by the  
 1095 contractor if the contractor is the principal on a bond on the  
 1096 same construction project, whichever is later.

1097 Section 20. This act shall take effect July 1, 2022.