

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Overdorf offered the following:

Amendment

Remove lines 97-740 and insert:

6 shall serve, in accordance with s. 713.18, a copy of such
 7 recorded notice on the claimant and the contractor or the
 8 contractor's attorney.

9 2. A claimant, except a laborer, who is not in privity
 10 with the contractor shall, before commencing or not later than
 11 45 days after commencing to furnish labor, services, or
 12 materials for the prosecution of the work, serve the contractor
 13 with a written notice that he or she intends to look to the bond
 14 for protection. If the payment bond is not recorded before the
 15 commencement of work or before the recommencement of work after
 16 a default or abandonment as required by subsection (1), the

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17 claimant may serve the contractor with such written notice up to
18 45 days after the date that the claimant is served with a copy
19 of the bond. A claimant who is not in privity with the
20 contractor and who has not received payment for furnishing his
21 or her labor, services, or materials shall serve a written
22 notice of nonpayment on the contractor and a copy of the notice
23 of nonpayment on the surety. The notice of nonpayment must ~~shall~~
24 be under oath and served during the progress of the work or
25 thereafter but may not be served earlier than 45 days after the
26 first furnishing of labor, services, or materials by the
27 claimant or later than 90 days after the final furnishing of the
28 labor, services, or materials by the claimant or, with respect
29 to rental equipment, later than 90 days after the date that the
30 rental equipment was last on the ~~job~~ site of the improvement and
31 available for use. Any notice of nonpayment served by a claimant
32 who is not in privity with the contractor which includes sums
33 for retainage must specify the portion of the amount claimed for
34 retainage. An action for the labor, services, or materials may
35 not be instituted against the contractor or the surety unless
36 the notice to the contractor and notice of nonpayment have been
37 served, if required by this section. Notices required or
38 permitted under this section must be served in accordance with
39 s. 713.18. A claimant may not waive in advance his or her right
40 to bring an action under the bond against the surety. In any
41 action brought to enforce a claim against a payment bond under

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42 | this section, the prevailing party is entitled to recover a
43 | reasonable fee for the services of his or her attorney for trial
44 | and appeal or for arbitration, in an amount to be determined by
45 | the court or arbitrator, which fee must be taxed as part of the
46 | prevailing party's costs, as allowed in equitable actions. The
47 | time periods for service of a notice of nonpayment or for
48 | bringing an action against a contractor or a surety are ~~shall be~~
49 | measured from the last day of furnishing labor, services, or
50 | materials by the claimant and may not be measured by other
51 | standards, such as the issuance of a certificate of occupancy or
52 | the issuance of a certificate of substantial completion. The
53 | negligent inclusion or omission of any information in the notice
54 | of nonpayment that has not prejudiced the contractor or surety
55 | does not constitute a default that operates to defeat an
56 | otherwise valid bond claim. A claimant who serves a fraudulent
57 | notice of nonpayment forfeits his or her rights under the bond.
58 | A notice of nonpayment is fraudulent if the claimant has
59 | willfully exaggerated the amount unpaid, willfully included a
60 | claim for work not performed or materials not furnished for the
61 | subject improvement, or prepared the notice with such willful
62 | and gross negligence as to amount to a willful exaggeration.
63 | However, a minor mistake or error in a notice of nonpayment, or
64 | a good faith dispute as to the amount unpaid, does not
65 | constitute a willful exaggeration that operates to defeat an
66 | otherwise valid claim against the bond. The service of a

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67 fraudulent notice of nonpayment is a complete defense to the
68 claimant's claim against the bond. The notice of nonpayment
69 under this subparagraph must include the following information,
70 current as of the date of the notice, and must be in
71 substantially the following form:

72
73 NOTICE OF NONPAYMENT

74

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

76

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

78

79 The undersigned claimant notifies you that:

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

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

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

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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.

DATED on,

...(signature and address of claimant)...

STATE OF FLORIDA
COUNTY OF

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

...(Signature of Notary Public - State of Florida)...
...(Print, Type, or Stamp Commissioned Name of Notary Public)...

Personally Known OR Produced Identification
Type of Identification Produced

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116 (7) In lieu of the bond required by this section, a
117 contractor may file with the state, county, city, or other
118 political authority an alternative form of security in the form
119 of cash;~~;~~ a money order;~~;~~ a certified check;~~;~~ a cashier's
120 check;~~;~~ ~~an irrevocable letter of credit,~~ or a domestic corporate
121 bond, note, or debenture as authorized in s. 625.317 security of
122 a type listed in part II of chapter 625. Any such alternative
123 form of security is ~~shall be~~ for the same purpose and ~~be~~ subject
124 to the same conditions as those applicable to the bond required
125 by this section. ~~The determination of the value of an~~
126 ~~alternative form of security shall be made by the~~ appropriate
127 state, county, city, or other political subdivision shall
128 determine the required value of an alternative form of security.

129 (12) Unless otherwise provided in this section, service of
130 any document must be made in accordance with s. 713.18.

131 Section 2. Paragraph (c) of subsection (1) of section
132 337.18, Florida Statutes, is amended, and subsection (6) is
133 added to that section, to read:

134 337.18 Surety bonds for construction or maintenance
135 contracts; requirement with respect to contract award; bond
136 requirements; defaults; damage assessments.-

137 (1)

138 (c) A claimant, except a laborer, who is not in privity
139 with the contractor shall, before commencing or not later than
140 90 days after commencing to furnish labor, materials, or

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141 supplies for the prosecution of the work, furnish the contractor
142 with a notice that he or she intends to look to the bond for
143 protection. A claimant who is not in privity with the contractor
144 and who has not received payment for his or her labor,
145 materials, or supplies shall deliver to the contractor and to
146 the surety written notice of the performance of the labor or
147 delivery of the materials or supplies and of the nonpayment. The
148 notice of nonpayment may be served at any time during the
149 progress of the work or thereafter but not before 45 days after
150 the first furnishing of labor, services, or materials, and not
151 later than 90 days after the final furnishing of the labor,
152 services, or materials by the claimant or, with respect to
153 rental equipment, not later than 90 days after the date that the
154 rental equipment was last on the ~~job~~ site of the improvement and
155 available for use. An action by a claimant, except a laborer,
156 who is not in privity with the contractor for the labor,
157 materials, or supplies may not be instituted against the
158 contractor or the surety unless both notices have been given.
159 Written notices required or permitted under this section must
160 may be served in accordance with any manner provided in s.
161 713.18.

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

164 Section 3. Subsections (13) through (29) of section
165 713.01, Florida Statutes, are renumbered as subsections (14)

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166 through (30), respectively, subsections (4), (8), and (12) are
167 amended, and a new subsection (13) is added to that section, to
168 read:

169 713.01 Definitions.—As used in this part, the term:

170 (4) "Clerk's office" means the office of the clerk of the
171 circuit court of the county, or another office serving as the
172 county recorder as provided by law, in which the real property
173 is located.

174 (8) "Contractor" means a person other than a materialman
175 or laborer who enters into a contract with the owner of real
176 property for improving it, or who takes over from a contractor
177 as so defined the entire remaining work under such contract. The
178 term "contractor" includes an architect, landscape architect, or
179 engineer who improves real property pursuant to a design-build
180 contract authorized by s. 489.103(16). The term also includes a
181 licensed general contractor or building contractor, as those
182 terms are defined in s. 489.105(3)(a) and (b), respectively, who
183 provides construction management services, which include
184 scheduling and coordinating preconstruction and construction
185 phases for the construction project, or who provides program
186 management services, which include schedule control, cost
187 control, and coordinating the provision or procurement of
188 planning, design, and construction for the construction project.

189 (12) "Final furnishing" means the last date that the
190 lienor furnishes labor, services, or materials. Such date may

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191 not be measured by other standards, such as the issuance of a
192 certificate of occupancy or the issuance of a certificate of
193 final completion, and does not include the correction of
194 deficiencies in the lienor's previously performed work or
195 materials supplied. With respect to rental equipment, the term
196 means the date that the rental equipment was last on the ~~job~~
197 site of the improvement and available for use.

198 (13) "Finance charge" means a contractually specified
199 additional amount to be paid by the obligor on any balance that
200 remains unpaid by the due date set forth in the credit agreement
201 or other contract.

202 Section 4. Section 713.011, Florida Statutes, is created
203 to read:

204 713.011 Computation of time.-

205 (1) In computing any time period under this part, if the
206 last day of the time period is a Saturday, Sunday, or holiday
207 specified in s. 110.117(1), or any day observed as a holiday by
208 the clerk's office or designated as a holiday by the chief judge
209 of the circuit, the time period is extended to the end of the
210 next business day.

211 (2) If the clerk's office is closed in response to an
212 emergency for 1 or more days so that a person may not present a
213 document for recording or an action for filing in person to the
214 clerk's staff, the time period for recording a document or
215 filing an action with the clerk's office under this part is

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216 tolled. When the clerk's office reopens, the time period is
217 extended by the number of days the clerk's office was closed.

218 Section 5. Paragraph (b) of subsection (2) of section
219 713.10, Florida Statutes, is amended, and subsection (4) is
220 added to that section, to read:

221 713.10 Extent of liens.—

222 (2)

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

225 1. The lease, or a short form or a memorandum of the lease
226 that contains the specific language in the lease prohibiting
227 such liability, is recorded in the official records of the
228 county where the premises are located before the recording of a
229 notice of commencement for improvements to the premises and the
230 terms of the lease expressly prohibit such liability; or

231 2. The terms of the lease expressly prohibit such
232 liability, and a notice advising that leases for the rental of
233 premises on a parcel of land prohibit such liability has been
234 recorded in the official records of the county in which the
235 parcel of land is located before the recording of a notice of
236 commencement for improvements to the premises, and the notice
237 includes the following:

238 a. The name of the lessor.

239 b. The legal description of the parcel of land to which
240 the notice applies.

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241 c. The specific language contained in the various leases
242 prohibiting such liability.

243 d. A statement that all or a majority of the leases
244 entered into for premises on the parcel of land expressly
245 prohibit such liability.

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

248
249 A notice that is consistent with subparagraph 2. effectively
250 prohibits liens for improvements made by a lessee even if other
251 leases for premises on the parcel do not expressly prohibit
252 liens or if provisions of each lease restricting the application
253 of liens are not identical.

254 (4) The interest of the lessor is not subject to liens for
255 improvements made by the lessee when the lessee is a mobile home
256 owner who is leasing a mobile home lot in a mobile home park
257 from the lessor.

258 Section 6. Paragraphs (a) and (d) of subsection (1) of
259 section 713.13, Florida Statutes, are amended to read:

260 713.13 Notice of commencement.—

261 (1)(a) Except for an improvement that is exempt under
262 ~~pursuant to~~ s. 713.02(5), an owner or the owner's authorized
263 agent before actually commencing to improve any real property,
264 or recommencing completion of any improvement after default or
265 abandonment, whether or not a project has a payment bond

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266 complying with s. 713.23, shall record a notice of commencement
267 in the clerk's office and ~~forthwith~~ post either a certified copy
268 thereof or a notarized statement that the notice of commencement
269 has been filed for recording along with a copy thereof. The
270 notice of commencement must ~~shall~~ contain all of the following
271 information:

272 1. A description sufficient for identification of the real
273 property to be improved. The description must ~~should~~ include the
274 legal description of the property and ~~also should include~~ the
275 street address and tax folio number of the property if available
276 or, if the ~~there is no~~ street address is not available, such
277 additional information as will describe the physical location of
278 the real property to be improved.

279 2. A general description of the improvement.

280 3. The name and address of the owner, the owner's interest
281 in the site of the improvement, and the name and address of the
282 fee simple titleholder, if other than such owner. A lessee who
283 contracts for the improvements is an owner as defined in s.
284 713.01 ~~under s. 713.01(23)~~ and must be listed as the owner
285 together with a statement that the ownership interest is a
286 leasehold interest.

287 4. The name and address of the contractor.

288 5. The name and address of the surety on the payment bond
289 under s. 713.23, if any, and the amount of such bond.

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- 315 b. Interest in property:.....
- 316 c. Name and address of fee simple titleholder (if
317 different from Owner listed above):.....
- 318 4.a. Contractor: ...(name and address)....
- 319 b. Contractor's phone number:.....
- 320 5. Surety (if applicable, a copy of the payment bond is
321 attached):
- 322 a. Name and address:.....
- 323 b. Phone number:.....
- 324 c. Amount of bond: \$.....
- 325 6.a. Lender: ...(name and address)....
- 326 b. Lender's phone number:.....
- 327 7. Persons within the State of Florida designated by Owner
328 upon whom notices or other documents may be served as provided
329 by Section 713.13(1)(a)7., Florida Statutes:
- 330 a. Name and address:.....
- 331 b. Phone numbers of designated persons:.....
- 332 8.a. In addition to himself or herself, Owner designates
333 of to receive a copy of the Lienor's
334 Notice as provided in Section 713.13(1)(b), Florida Statutes.
- 335 b. Phone number of person or entity designated by
336 owner:.....
- 337 9. Expiration date of notice of commencement (the
338 expiration date will be 1 year after ~~from~~ the date of recording
339 unless a different date is specified).....

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340
341 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
342 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
343 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
344 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
345 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
346 POSTED ON THE ~~JOB~~ SITE OF THE IMPROVEMENT BEFORE THE FIRST
347 INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
348 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR
349 NOTICE OF COMMENCEMENT.

350
351 ... (Signature of Owner or Lessee, or Owner's or Lessee's
352 Authorized Officer/Director/Partner/Manager)...

353
354 ... (Signatory's Title/Office)...

355
356 The foregoing instrument was acknowledged before me by means of
357 physical presence or sworn to (or affirmed) by online
358 notarization this day of, ... (year) ..., by ... (name of
359 person) ... as ... (type of authority, . . . e.g. officer,
360 trustee, attorney in fact) ... for ... (name of party on behalf of
361 whom instrument was executed)

362
363 ... (Signature of Notary Public - State of Florida) ...
364

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

366

367 | Personally Known OR Produced Identification

368

369 | Type of Identification Produced.....

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

371 | 713.132, Florida Statutes, are amended to read:

372 | 713.132 Notice of termination.-

373 | (1) An owner may terminate the period of effectiveness of
374 | a notice of commencement by executing, swearing to, and
375 | recording a notice of termination that contains all of the
376 | following:

377 | (a) The same information that is in ~~as~~ the notice of
378 | commencement. ~~;~~

379 | (b) The official records' ~~recording office document book~~
380 | ~~and page~~ reference numbers and recording date affixed by the
381 | recording office on ~~of~~ the recorded notice of commencement. ~~;~~

382 | (c) A statement of the date as of which the notice of
383 | commencement is terminated, which date may not be earlier than
384 | 30 days after the notice of termination is recorded. ~~;~~

385 | (d) A statement specifying that the notice applies to all
386 | the real property subject to the notice of commencement or
387 | specifying the portion of such real property to which it
388 | applies. ~~;~~

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

391 (f) A statement that the owner has, before recording the
392 notice of termination, served a copy of the notice of
393 termination ~~on the contractor and~~ on each lienor who has a
394 direct contract with the owner or who has timely served a notice
395 to owner, and a statement that the owner will serve a copy of
396 the notice of termination on each lienor who timely serves a
397 notice to owner after the notice of termination has been
398 recorded. The owner is not required to serve a copy of the
399 notice of termination on any lienor who has executed a waiver
400 and release of lien upon final payment in accordance with s.
401 713.20.

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

406 (4) If an owner or a contractor, by fraud or collusion,
407 knowingly makes any fraudulent statement or affidavit in a
408 notice of termination or any accompanying affidavit, the owner
409 and the contractor, or either of them, ~~as the case may be,~~ is
410 liable to any lienor who suffers damages as a result of the
411 filing of the fraudulent notice of termination,† and any such
412 lienor has a right of action for damages ~~occasioned thereby.~~

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413 ~~(5)-(4)~~ A notice of termination must be served before
414 recording on each lienor who has a direct contract with the
415 owner and on each lienor who has timely and properly served a
416 notice to owner in accordance with this part before the
417 recording of the notice of termination. A notice of termination
418 must be recorded in the official records of the county in which
419 the improvement is located. If properly served before recording
420 in accordance with this subsection, the notice of termination
421 terminates the period of effectiveness of the notice of
422 commencement 30 days after the notice of termination is recorded
423 in the official records ~~is effective to terminate the notice of~~
424 ~~commencement at the later of 30 days after recording of the~~
425 ~~notice of termination or a later~~ the date stated in the notice
426 of termination as the date on which the notice of commencement
427 is terminated. However, if a lienor who began work under the
428 notice of commencement before its termination lacks a direct
429 contract with the owner and timely serves his or her notice to
430 owner after the notice of termination has been recorded, the
431 owner must serve a copy of the notice of termination upon such
432 lienor, and the termination of the notice of commencement as to
433 that lienor is effective 30 days after service of the notice of
434 termination, ~~if the notice of termination has been served~~
435 ~~pursuant to paragraph (1) (f) on the contractor and on each~~
436 ~~lienor who has a direct contract with the owner or who has~~
437 ~~served a notice to owner.~~

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438 Section 8. Subsections (1) and (3) of section 713.135,
439 Florida Statutes, are amended to read:

440 713.135 Notice of commencement and applicability of lien.—

441 (1) When a ~~any~~ person applies for a building permit, the
442 authority issuing such permit shall:

443 (a) Print on the face of each permit card in no less than
444 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR
445 FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR
446 PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF
447 COMMENCEMENT MUST BE RECORDED AND POSTED ON THE ~~JOB~~ SITE OF THE
448 IMPROVEMENT BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN
449 FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE
450 RECORDING YOUR NOTICE OF COMMENCEMENT."

451 (b) Provide the applicant and the owner of the real
452 property upon which improvements are to be constructed with a
453 printed statement stating that the right, title, and interest of
454 the person who has contracted for the improvement may be subject
455 to attachment under the Construction Lien Law. The Department of
456 Business and Professional Regulation shall furnish, for
457 distribution, the statement described in this paragraph, and the
458 statement must be a summary of the Construction Lien Law and
459 must include an explanation of the provisions of the
460 Construction Lien Law relating to the recording, and the posting
461 of copies, of notices of commencement and a statement
462 encouraging the owner to record a notice of commencement and

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463 post a copy of the notice of commencement in accordance with s.
464 713.13. The statement must also contain an explanation of the
465 owner's rights if a lienor fails to furnish the owner with a
466 notice as provided in s. 713.06(2) and an explanation of the
467 owner's rights as provided in s. 713.22. The authority that
468 issues the building permit must obtain from the Department of
469 Business and Professional Regulation the statement required by
470 this paragraph and must mail, deliver by electronic mail or
471 other electronic format or facsimile, or personally deliver that
472 statement to the owner or, in a case in which the owner is
473 required to personally appear to obtain the permit, provide that
474 statement to any owner making improvements to real property
475 consisting of a single or multiple family dwelling up to and
476 including four units. However, the failure by the authorities to
477 provide the summary does not subject the issuing authority to
478 liability.

479 (c) In addition to providing the owner with the statement
480 as required by paragraph (b), inform each applicant who is not
481 the person whose right, title, and interest is subject to
482 attachment that, as a condition to the issuance of a building
483 permit, the applicant must promise in good faith that the
484 statement will be delivered to the person whose property is
485 subject to attachment.

486 (d) Furnish to the applicant two or more copies of a form
487 of notice of commencement conforming with s. 713.13.

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488 (e) Require ~~If the direct contract is greater than \$2,500,~~
489 the applicant to ~~shall~~ file with the issuing authority before
490 ~~prior to~~ the first inspection ~~either a certified copy of the~~
491 ~~recorded~~ notice of commencement if the direct contract is
492 greater than \$7,500. For purposes of this paragraph, the term
493 "copy of the notice of commencement" means a certified copy of
494 the recorded notice of commencement, ~~or~~ a notarized statement
495 that the notice of commencement has been filed for recording,
496 along with a copy thereof, or the clerk's office's official
497 records identifying information that includes the instrument
498 number for the notice of commencement or the number and page of
499 book where the notice of commencement is recorded, as identified
500 by the clerk.

501 1. In the absence of the filing of a ~~certified~~ copy of the
502 ~~recorded~~ notice of commencement, the issuing authority or a
503 private provider performing inspection services may not perform
504 or approve subsequent inspections until the applicant files by
505 mail, facsimile, hand delivery, or any other means such
506 ~~certified~~ copy with the issuing authority.

507 2. The ~~certified~~ copy of the notice of commencement must
508 contain the name and address of the owner, the name and address
509 of the contractor, and the location or address of the property
510 being improved. The issuing authority shall verify that the name
511 and address of the owner, the name of the contractor, and the
512 location or address of the property being improved which is

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513 contained in the ~~certified~~ copy of the notice of commencement is
514 consistent with the information in the building permit
515 application.

516 3. The issuing authority shall provide the recording
517 information on the ~~certified~~ copy of the ~~recorded~~ notice of
518 commencement to any person upon request.

519 4. This paragraph ~~subsection~~ does not require the
520 recording of a notice of commencement before ~~prior to~~ the
521 issuance of a building permit. If a local government requires a
522 separate permit or inspection for installation of temporary
523 electrical service or other temporary utility service, land
524 clearing, or other preliminary site work, such permits may be
525 issued and such inspections may be conducted without providing
526 the issuing authority with a ~~certified~~ copy of the ~~a recorded~~
527 notice of commencement ~~or a notarized statement regarding a~~
528 ~~recorded notice of commencement. This subsection does not apply~~
529 ~~to a direct contract to repair or replace an existing heating or~~
530 ~~air-conditioning system in an amount less than \$15,000.~~

531 (f) ~~(e)~~ Not require that a notice of commencement be
532 recorded as a condition of the application for, or processing or
533 issuance of, a building permit. However, this paragraph does not
534 modify or waive the inspection requirements set forth in this
535 subsection.

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537 This subsection does not apply to a direct contract to repair or
538 replace an existing heating or air-conditioning system in an
539 amount less than \$15,000.

540 (3) An issuing authority under subsection (1) is not
541 liable in any civil action for the failure to verify that a
542 certified copy of the recorded notice of commencement, a
543 notarized statement that the notice of commencement has been
544 filed for recording along with a copy thereof, or the clerk's
545 office's official records identifying information that includes
546 the instrument number for the notice of commencement or the
547 number and page of book where the notice of commencement is
548 recorded, as identified by the clerk, has been filed in
549 accordance with this section.

550 Section 9. Section 713.18, Florida Statutes, is amended to
551 read:

552 713.18 Manner of serving documents ~~notices and other~~
553 ~~instruments.~~

554 (1) Unless otherwise specifically provided by law, service
555 of any document ~~notices, claims of lien, affidavits,~~
556 ~~assignments, and other instruments~~ permitted or required under
557 this part, s. 255.05, or s. 337.18, or copies thereof when so
558 permitted or required, ~~unless otherwise specifically provided in~~
559 ~~this part,~~ must be made by one of the following methods:

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

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562 officer ~~or~~, director, ~~managing agent, or business agent; or~~, if
563 a limited liability company, to a member or manager; or to an
564 employee or agent authorized by the partnership, corporation, or
565 limited liability company to receive service of such document.

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

570 (c) By posting on the site of the improvement if service
571 as provided by paragraph (a) or paragraph (b) cannot be
572 accomplished.

573 (2) Notwithstanding subsection (1), service of a notice to
574 owner or a preliminary notice to contractor under this part, s.
575 255.05, or s. 337.18, or s. 713.23 is effective as of the date
576 of mailing and the requirements for service under this section
577 have been satisfied if all of the following requirements have
578 been met:

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

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

585 (c)1. The person who served the notice maintains a
586 ~~registered or certified~~ mail log that shows the registered or

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587 certified mail number issued by the United States Postal
588 Service, the name and address of the person served, and the date
589 stamp of the United States Postal Service confirming the date of
590 mailing; or

591 2. The person who served the notice maintains ~~electronic~~
592 tracking records approved or generated by the United States
593 Postal Service containing the postal tracking number, ~~the name~~
594 ~~and address of the person served,~~ and verification of the date
595 of receipt by the United States Postal Service.

596 (3)(a) Notwithstanding subsection (1), service of a
597 document under an instrument pursuant to this section is
598 effective on the date of mailing or shipping, and the
599 requirements for service under this section have been satisfied,
600 ~~the instrument~~ if the document meets both of the following
601 requirements ~~it:~~

602 1. It is sent to the last address shown in the notice of
603 commencement or any amendment thereto or, in the absence of a
604 notice of commencement, to the last address shown in the
605 building permit application, or to the last known address of the
606 person to be served. ~~;~~ ~~and~~

607 2. It is returned as being "refused," "moved, not
608 forwardable," or "unclaimed," or is otherwise not delivered or
609 deliverable through no fault of the person serving the document
610 ~~item.~~

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611 (b) If the address shown in the notice of commencement or
612 any amendment thereto ~~to the notice of commencement~~, or, in the
613 absence of a notice of commencement, in the building permit
614 application, is incomplete for purposes of mailing or delivery,
615 the person serving the document ~~item~~ may complete the address
616 and properly format it according to United States Postal Service
617 addressing standards using information obtained from the
618 property appraiser or another public record without affecting
619 the validity of service under this section.

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

623 Section 10. Section 713.21, Florida Statutes, is amended
624 to read:

625 713.21 Discharge of lien.—A lien properly perfected under
626 this chapter may be discharged, or released in whole or in part,
627 by any of the following methods:

628 (1) By entering satisfaction of the lien upon the margin
629 of the record thereof in the clerk's office when not otherwise
630 prohibited by law. This satisfaction must ~~shall~~ be signed by the
631 lienor or, the lienor's agent or attorney and attested by said
632 clerk. Any person who executes a claim of lien has ~~shall have~~
633 authority to execute a satisfaction in the absence of actual
634 notice of lack of authority to any person relying on the same.

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635 (2) By the satisfaction or release of the lienor, duly
636 acknowledged and recorded in the clerk's office. The
637 satisfaction or release must include the lienor's notarized
638 signature and set forth the official records' reference number
639 and recording date affixed by the recording office on the
640 subject lien. Any person who executes a claim of lien has ~~shall~~
641 ~~have~~ authority to execute a satisfaction or release in the
642 absence of actual notice of lack of authority to any person
643 relying on the same.

644 (3) By failure to begin an action to enforce the lien
645 within the time prescribed in this part.

646 (4) By an order of the circuit court of the county where
647 the property is located, as provided in this subsection. Upon
648 filing a complaint ~~therefor~~ by any interested party the clerk
649 shall issue a summons to the lienor to show cause within 20 days
650 after service of the summons why his or her lien should not be