

By Senator Truenow

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1 A bill to be entitled
 2 An act relating to waiver or release of liens;
 3 amending s. 713.20, F.S.; requiring that waiver and
 4 release of lien forms include specific language;
 5 authorizing a lienor who executes such lien and
 6 release forms in exchange for payment, rather than a
 7 check, to condition such waiver and release on receipt
 8 of funds, rather than payment of a check; deleting a
 9 provision that a lien waiver or lien release is
 10 enforceable if it does not contain such specific
 11 language; providing an effective date.

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

14
 15 Section 1. Subsections (4), (5), (7), and (8) of section
 16 713.20, Florida Statutes, are amended to read:

17 713.20 Waiver or release of liens.—

18 (4) When a lienor is required to execute a waiver or
 19 release of lien in exchange for, or to induce payment of, a
 20 progress payment, the waiver or release must ~~may~~ be in
 21 ~~substantially~~ the following form:

22
 23 WAIVER AND RELEASE OF LIEN
 24 UPON PROGRESS PAYMENT

25
 26 The undersigned lienor, in consideration of the sum of
 27 \$...., hereby waives and releases its lien and right to claim a
 28 lien for labor, services, or materials furnished through
 29 ...(insert date)... to ...(insert the name of your customer)...

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30 on the job of ...(insert the name of the owner)... to the
31 following property:

32
33 ... (description of property) ...

34
35 This waiver and release does not cover any retention or labor,
36 services, or materials furnished after the date specified.

37
38 DATED on, ...(year).... ... (Lienor) ...
39 By:

40
41 (5) When a lienor is required to execute a waiver or
42 release of lien in exchange for, or to induce payment of, the
43 final payment, the waiver and release must ~~may~~ be in
44 substantially the following form:

45
46 WAIVER AND RELEASE OF LIEN
47 UPON FINAL PAYMENT

48
49 The undersigned lienor, in consideration of the final
50 payment in the amount of \$....., hereby waives and releases
51 its lien and right to claim a lien for labor, services, or
52 materials furnished to ...(insert the name of your customer) ...
53 on the job of ...(insert the name of the owner) ... to the
54 following described property:

55
56 ... (description of property) ...

57
58 DATED on, ...(year).... ... (Lienor) ...

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By:

(7) A lienor who executes a lien waiver and release in exchange for payment ~~a check~~ may condition the waiver and release on receipt of funds ~~payment of the check~~. However, in the absence of a payment bond protecting the owner, the owner may withhold from any payment to the contractor the amount of any such unpaid funds ~~check~~ until any such condition is satisfied.

~~(8) A lien waiver or lien release that is not substantially similar to the forms in subsections (4) and (5) is enforceable in accordance with the terms of the lien waiver or lien release.~~

Section 2. This act shall take effect July 1, 2025.