

By the Committee on Rules; and Senator Truenow

595-03348-25

2025658c1

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; providing
 9 construction; providing an effective date.

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

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

713.20 Waiver or release of liens.—

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

WAIVER AND RELEASE OF LIEN
UPON PROGRESS PAYMENT

The undersigned lienor, in consideration of the sum of \$....., hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished through ...(insert date)... to ...(insert the name of your customer)... on the job of ...(insert the name of the owner)... to the following property:

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

66 (8) A lien waiver or lien release that is not substantially
67 similar to the forms in subsections (4) and (5) is enforceable
68 in accordance with the terms of the lien waiver or lien release,
69 provided the lien waiver form or lien release form does not
70 include additional terms beyond the forms in subsections (4) and
71 (5).

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