

Excerpt from 2014 Florida Statutes
For Informational Purposes Only

To view the statute online go to <http://www.leg.state.fl.us/Statutes/index.cfm>

Prior to filing a Notice of Termination, it is the responsibility of the owner to verify the statute in effect.

Title XL – Real and Personal Property

Chapter 713 - Liens, Generally

Part I – Construction Liens (ss. 713.001-713.37)

713.132 Notice of termination.—

- (1) An owner may terminate the period of effectiveness of a notice of commencement by executing, swearing to, and recording a notice of termination that contains:
 - (a) The same information as the notice of commencement;
 - (b) The recording office document book and page reference numbers and date of the notice of commencement;
 - (c) A statement of the date as of which the notice of commencement is terminated, which date may not be earlier than 30 days after the notice of termination is recorded;
 - (d) A statement specifying that the notice applies to all the real property subject to the notice of commencement or specifying the portion of such real property to which it applies;
 - (e) A statement that all lienors have been paid in full; and
 - (f) A statement that the owner has, before recording the notice of termination, served a copy of the notice of termination on the contractor and on each lienor who has a direct contract with the owner or who has served a notice to owner. The owner is not required to serve a copy of the notice of termination on any lienor who has executed a waiver and release of lien upon final payment in accordance with s. 713.20.
- (2) An owner has the right to rely on a contractor's affidavit given under s. 713.06(3)(d), except with respect to lienors who have already given notice, in connection with the execution, swearing to, and recording of a notice of termination. However, the notice of termination must be accompanied by the contractor's affidavit.
- (3) An owner may not record a notice of termination except after completion of construction, or after construction ceases before completion and all lienors have been paid in full or pro rata in accordance with s. 713.06(4). If an owner or a contractor, by fraud or collusion, knowingly makes any fraudulent statement or affidavit in a notice of termination or any accompanying affidavit, the owner and the contractor, or either of them, as the case may be, is liable to any lienor who suffers damages as a result of the filing of the fraudulent notice of termination; and any such lienor has a right of action for damages occasioned thereby.
- (4) A notice of termination is effective to terminate the notice of commencement at the later of 30 days after recording of the notice of termination or the date stated in the notice of termination as the date on which the notice of commencement is terminated, if the notice of termination has been served pursuant to paragraph (1)(f) on the contractor and on each lienor who has a direct contract with the owner or who has served a notice to owner.

History.—s. 7, ch. 90-109; s. 5, ch. 92-286; s. 3, ch. 97-219; s. 4, ch. 98-135; s. 7, ch. 2012-211.

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Tax Parcel Number _____

TERMINATION OF NOTICE OF COMMENCEMENT

State of Florida County of Volusia

The UNDERSIGNED hereby gives notice of Termination of Notice of Commencement recorded on _____, in Official Records Book _____ Page _____ of the Public Records of Volusia County, Florida and in accordance with Chapter 713.132, Florida Statutes, the following information is provided in this Notice of Termination:

- 1. **Description of Property:** (Legal description of the property, and street address if available.)

- 2. **General description of improvement:**

- 3. **Owner information:**
 - a. Name and address

 - b. Interest in property

 - c. Name and address of fee simple titleholder (if other than owner)

- 4. a. **Contractor's Name and address:**

 b. **Contractor's phone number:**

- 5. **Surety (if applicable):**
 - a. Name and address

 - b. Phone number

 - c. Amount of bond \$ _____

- 6. a. **Lender's Name and address:**

 b. **Lender's phone number:**

- 7. **Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes:**
 - a. **Name and address:**

 - b. **Phone numbers of designated persons:**

- 8. a. In addition to himself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes

 b. **Phone number:**

- 9. **The Notice of Commencement is terminated as of _____, or 30 days from the recording date of this Notice of Termination, whichever date is later.**

- 10. **This Notice of Termination applies to:**
 - All the real property subject to the Notice of Commencement
 - Only to the portion of such real property described as:

- 11. **All lienors have been paid in full or prorata in accordance with Section 713.06(4), Florida Statutes**
- 12. **A copy of this notice has been served on the contractor and on each lienor who has given notice, if any**

Signature of Owner

State of _____, County of _____

The forgoing instrument was acknowledged before me this _____ day of _____ 20____ by _____,

Personally known to me, or produced _____ as identification.

Signature of Notary Public - State of Florida

Print, Type or Stamp Name of Notary Public

Exhibit attached:

Contractor's Final Payment Affidavit