

By Representative Smith

1 A bill to be entitled
 2 An act relating to bonds and liens; amending s.
 3 210.08, F.S.; providing methods other than a
 4 bond for dealers, agents, or distributing
 5 agents to guarantee tax payment to the Division
 6 of Alcoholic Beverages and Tobacco of the
 7 Department of Business and Professional
 8 Regulation; amending s. 713.135, F.S.; revising
 9 a provision of the Construction Lien Law to
 10 increase a threshold amount requiring filing of
 11 a notice of commencement; providing an
 12 effective date.

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

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 16 Section 1. Section 210.08, Florida Statutes, is
 17 amended to read:

18 210.08 Bond for payment of taxes.--Each dealer, agent,
 19 or distributing agent shall file with the division a surety
 20 bond, certificate of deposit, or irrevocable letter of credit
 21 acceptable to the division in the sum of \$10,000 as surety for
 22 the payment of all taxes; provided, however, that where in the
 23 discretion of the division the amount of business done by the
 24 dealer, agent, or distributing agent is of such volume that a
 25 bond of less than \$10,000 will be adequate to secure the
 26 payment of all taxes assessed as authorized by the cigarette
 27 tax law, the division may accept a bond, certificate of
 28 deposit, line of credit, or letter of credit in a lesser sum
 29 than \$10,000, but in no event shall it accept a bond,
 30 certificate of deposit, or letter of credit of less than
 31 \$1,000, and it may at any time in its discretion require any

1 bond, certificate of deposit, or letter of credit in an amount
2 less than \$10,000 to be increased not to exceed \$10,000.

3 Section 2. Paragraph (d) of subsection (1) of section
4 713.135, Florida Statutes, is amended to read:

5 713.135 Notice of commencement and applicability of
6 lien.--

7 (1) When any person applies for a building permit, the
8 authority issuing such permit shall:

9 (d) Furnish to the applicant two or more copies of a
10 form of notice of commencement conforming with s. 713.13. If
11 the direct contract is greater than \$5,000~~\$2,500~~, the
12 applicant shall file with the issuing authority prior to the
13 first inspection either a certified copy of the recorded
14 notice of commencement or a notarized statement that the
15 notice of commencement has been filed for recording, along
16 with a copy thereof. In the absence of the filing of a
17 certified copy of the recorded notice of commencement, the
18 issuing authority shall not perform or approve subsequent
19 inspections until the applicant files by mail, facsimile, hand
20 delivery, or any other means such certified copy with the
21 issuing authority. The certified copy of the notice of
22 commencement must contain the name and address of the owner,
23 the name and address of the contractor, and the location or
24 address of the property being improved. The issuing authority
25 shall verify that the name and address of the owner, the name
26 of the contractor, and the location or address of the property
27 being improved which is contained in the certified copy of the
28 notice of commencement is consistent with the information in
29 the building permit application. The issuing authority shall
30 provide the recording information on the certified copy of the
31 recorded notice of commencement to any person upon request.

1 This subsection does not require the recording of a notice of
2 commencement prior to the issuance of a building permit. If a
3 local government requires a separate permit or inspection for
4 installation of temporary electrical service or other
5 temporary utility service, land clearing, or other preliminary
6 site work, such permits may be issued and such inspections may
7 be conducted without providing the issuing authority with a
8 certified copy of a recorded notice of commencement or a
9 notarized statement regarding a recorded notice of
10 commencement. This subsection does not apply to a direct
11 contract to repair or replace an existing heating or
12 air-conditioning system in an amount less than \$5,000.

13 Section 3. This act shall take effect upon becoming a
14 law.

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16 HOUSE SUMMARY

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18 Provides for a certificate of deposit or an irrevocable
19 letter of credit as an alterative to a bond for taxes
20 required by a dealer, agent, or distributing agent to be
21 furnished to the Division of Alcoholic Beverages and
22 Tobacco of the Department of Business and Professional
23 Regulation. Revises a provision of the Construction Lien
24 Law to increase a threshold amount requiring the filing
25 of a notice of commencement.
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