



1           Section 1. Paragraphs (b) and (d) of subsection (1)  
2 and subsections (4) and (6) of section 713.135, Florida  
3 Statutes, are amended, and paragraph (e) is added to  
4 subsection (1) of that section, 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           (b) Provide the applicant and the owner of the real  
10 property upon which improvements are to be constructed with a  
11 printed statement stating that the right, title, and interest  
12 of the person who has contracted for the improvement may be  
13 subject to attachment under the Construction Lien Law. The  
14 Department of Business and Professional Regulation shall  
15 furnish, for distribution, the statement described in this  
16 paragraph, and the statement must be a summary of the  
17 Construction Lien Law and must include an explanation of the  
18 provisions of the Construction Lien Law relating to the  
19 recording, and the posting of copies, of notices of  
20 commencement and a statement encouraging the owner to record a  
21 notice of commencement and post a copy of the notice of  
22 commencement in accordance with s. 713.13. The statement must  
23 also contain an explanation of the owner's rights if a lienor  
24 fails to furnish the owner with a notice as provided in s.  
25 713.06(2) and an explanation of the owner's rights as provided  
26 in s. 713.22. The authority that issues the building permit  
27 must obtain from the Department of Business and Professional  
28 Regulation the statement required by this paragraph and must  
29 mail, deliver by electronic mail or other electronic format or  
30 facsimile, or personally deliver that statement to the owner  
31 or, if the owner is required to personally appear to obtain

1 the permit, provide that statement to any owner making  
2 improvements to real property consisting of a single or  
3 multiple family dwelling up to and including four units.  
4 However, the failure by the authorities to provide the summary  
5 does not subject the issuing authority to liability.

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

1 requires a separate permit or inspection for installation of  
2 temporary electrical service or other temporary utility  
3 service, land clearing, or other preliminary site work, such  
4 permits may be issued and such inspections may be conducted  
5 without providing the issuing authority with a certified copy  
6 of a recorded notice of commencement or a notarized statement  
7 regarding a recorded notice of commencement. This subsection  
8 does not apply to a direct contract to repair or replace an  
9 existing heating or air-conditioning system in an amount less  
10 than ~~\$7,500~~\$5,000.

11 (e) An issuing authority or a building official may  
12 not require that a notice of commencement be recorded as a  
13 condition of the application, processing, or issuance of a  
14 building permit. However, this paragraph does not modify or  
15 waive the inspection requirements set forth in this  
16 subsection.

17 (4) The several boards of county commissioners,  
18 municipal councils, or other similar bodies may by ordinance  
19 or resolution establish reasonable fees for furnishing copies  
20 of the forms and the printed statement provided in paragraphs  
21 (1)(b) and (d) ~~paragraph (1)(d)~~ in an amount not to exceed \$5  
22 to be paid by the applicant for each permit in addition to all  
23 other costs of the permit; however, the ~~no~~ forms or statement  
24 need not be furnished, mailed, or otherwise provided to, and  
25 nor may such additional fee may not be obtained from,  
26 applicants for permits in those cases in which the owner of a  
27 legal or equitable interest (including that of ownership of  
28 stock of a corporate landowner) of the real property to be  
29 improved is engaged in the business of construction of  
30 buildings for sale to others and intends to make the  
31







1 Contractor's Certificate of Competency No.....

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3 APPLICATION APPROVED BY

4 .....Permit Officer

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6 (b) Consistent with the requirements of paragraph (a),  
7 an authority responsible for issuing building permits under  
8 this section may accept a building permit application in an  
9 electronic format, as prescribed by the authority. A building  
10 permit application that is submitted electronically to the  
11 authority must contain the following additional statement in  
12 lieu of the requirement that a signed, sworn, and notarized  
13 signature of the owner or agent and the contractor be part of  
14 the owner's affidavit:

15

16 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of  
17 perjury, I declare that all the information contained in this  
18 building permit application is true and correct.

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20 (c) An authority responsible for issuing building  
21 permit applications which accepts building permit applications  
22 in an electronic format must provide public Internet access to  
23 the electronic building permit applications in a searchable  
24 format.

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26 Section 2. Paragraph (b) of subsection (1) of section  
713.18, Florida Statutes, is amended to read:

27

28 713.18 Manner of serving notices and other  
instruments.--

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30 (1) Service of notices, claims of lien, affidavits,  
31 assignments, and other instruments permitted or required under  
this part, or copies thereof when so permitted or required,



1 unless otherwise specifically provided in this part, must be  
2 made by one of the following methods:

3 (b) By sending the same by registered or certified  
4 mail, with postage prepaid, or by overnight or second-day  
5 delivery with evidence of delivery, which may be in an  
6 electronic format.

7 1. If a notice to owner, a notice to contractor under  
8 s. 713.23, or a preliminary notice under s. 255.05 is mailed  
9 by registered or certified mail with postage prepaid to the  
10 person to be served at any of the addresses set forth in  
11 subparagraph 2. within 40 days after the date the lienor first  
12 furnishes labor, services, or materials, service of that  
13 notice is effective as of the date of mailing if the person  
14 who served the notice maintains a registered or certified mail  
15 log that shows the registered or certified mail number issued  
16 by the United States Postal Service, the name and address of  
17 the person served, and the date stamp of the United States  
18 Postal Service confirming the date of mailing, or if the  
19 person who served the notice maintains electronic tracking  
20 records generated through use of the United States Postal  
21 Service "confirm" or similar service containing the postal  
22 tracking number, the name and address of the person served,  
23 and verification of the date of receipt by the United States  
24 Postal Service.

25 2. If an instrument served pursuant to this section to  
26 the last address shown in the notice of commencement or any  
27 amendment thereto or, in the absence of a notice of  
28 commencement, to the last address shown in the building permit  
29 application, or to the last known address of the person to be  
30 served, is not received, but is returned as being "refused,"  
31 "moved, not forwardable," or "unclaimed," or is otherwise not

1 delivered or deliverable through no fault of the person  
2 serving the item, then service is effective on the date the  
3 notice was sent.

4 Section 3. Section 713.35, Florida Statutes, is  
5 amended to read:

6 713.35 Making or furnishing false statement.--Any  
7 person, firm, or corporation who knowingly and intentionally  
8 makes or furnishes to another person, firm, or corporation, ~~a~~  
9 ~~written statement in the form of an affidavit, waiver or~~  
10 release of lien, or other document, whether or not under oath,  
11 containing false information about the payment status of  
12 subcontractors, sub-subcontractors, or suppliers in connection  
13 with the improvement of real property in this state, knowing  
14 that the one to whom it was furnished might rely on it, and  
15 the one to whom it was furnished will part with draw payments  
16 or final payment relying on the truth of such statement as an  
17 inducement to do so commits ~~is guilty of~~ a felony of the third  
18 degree, punishable as provided in s. 775.082 or s. 775.083. A  
19 state attorney or the statewide prosecutor, upon the filing of  
20 an indictment or information against a contractor,  
21 subcontractor, or sub-subcontractor which charges such person  
22 with a violation of this section, shall forward a copy of the  
23 indictment or information to the Department of Business and  
24 Professional Regulation. The Department of Business and  
25 Professional Regulation shall promptly open an investigation  
26 into the matter and, if probable cause is found, shall furnish  
27 a copy of any investigative report to the state attorney or  
28 statewide prosecutor who furnished a copy of the indictment or  
29 information and to the owner of the property which is the  
30 subject of the investigation.

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1           Section 4. Effective upon this act becoming a law,  
2 subsection (3) of section 679.705, Florida Statutes, is  
3 amended to read:

4           679.705 Effectiveness of action taken before effective  
5 date.--

6           (3) This act does not render ineffective an effective  
7 financing statement that, before this act takes effect, is  
8 filed and satisfies the applicable requirements for perfection  
9 under the law of the jurisdiction governing perfection as  
10 provided in s. 679.103, Florida Statutes 2000. However, except  
11 as otherwise provided in subsections (4) and (5) and s.  
12 679.706, the financing statement ceases to be effective at the  
13 earlier of:

14           (a) The time the financing statement would have ceased  
15 to be effective under the law of the jurisdiction in which it  
16 is filed; or

17           (b) December 31 ~~June 30~~, 2006.

18           Section 5. Except as otherwise expressly provided in  
19 this act and except for this section, which shall take effect  
20 upon this act becoming a law, this act shall take effect  
21 October 1, 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 588

- Section 1 of the bill is deleted by the committee substitute. This has the effect of reinstating current law, s. 713.13(1)(c), F.S.
- Requirements for the electronic submission of a building permit application are clarified.
- A new section is added to the original bill, amending s. 713.18(1)(b), F.S., to provide for electronic evidence of delivery of notices, claims of liens, affidavits and other instruments permitted or required under the construction lien law.
- The title is amended to broaden the bill to become an act relating to liens, and a section is added which corrects a glitch in the 2001 re-write of Article 9 of the Uniform Commercial Code regarding the expiration date of financing statements.