

1 (a) Print on the face of each permit card in no less
2 than 18-point, capitalized, boldfaced type in substantially
3 the following form:

4
5 "WARNING TO OWNER:

6
7 YOU MUST OBTAIN A RELEASE OF LIEN BEFORE YOU
8 PAY ANY INSTALLMENTS ON A CONTRACT.

9
10 DO NOT PAY THE CONTRACT IN FULL BEFORE THE
11 CONTRACT HAS BEEN COMPLETED.

12
13 YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT
14 MAY RESULT IN YOUR PAYING TWICE FOR
15 IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND
16 TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER
17 OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF
18 COMMENCEMENT."

19 (b) Provide the applicant and the owner of the real
20 property upon which improvements are to be constructed with a
21 printed statement stating that the right, title, and interest
22 of the person who has contracted for the improvement may be
23 subject to attachment under the Construction Lien Law. The
24 Department of Business and Professional Regulation shall
25 furnish, for distribution, the statement described in this
26 paragraph, and the statement must be a summary of the
27 Construction Lien Law and must include an explanation of the
28 provisions of the Construction Lien Law relating to the
29 recording, and the posting of copies, of notices of
30 commencement and a statement indicating that ~~encouraging~~ the
31 owner must ~~to~~ record a notice of commencement and post a copy

1 of the notice of commencement in accordance with s. 713.13.
2 The statement must also contain an explanation of the owner's
3 rights if a lienor fails to furnish the owner with a notice as
4 provided in s. 713.06(2) and an explanation of the owner's
5 rights as provided in s. 713.22. The authority that issues the
6 building permit must obtain from the Department of Business
7 and Professional Regulation the statement required by this
8 paragraph and must mail, deliver by electronic mail or other
9 electronic format or facsimile, or personally deliver that
10 statement to the owner or, in a case in which the owner is
11 required to personally appear to obtain the permit, provide
12 that statement to any owner making improvements to real
13 property consisting of a single or multiple family dwelling up
14 to and including four units. However, the failure by the
15 authorities to provide the summary does not subject the
16 issuing authority to liability.

17 (c) In addition to providing the owner with the
18 statement as required by paragraph (b), inform each applicant
19 who is not the person whose right, title, and interest is
20 subject to attachment that, as a condition to the issuance of
21 a building permit, the applicant must promise in good faith
22 that the statement will be delivered to the person whose
23 property is subject to attachment.

24 (d) Furnish to the applicant two or more copies of a
25 form of notice of commencement conforming with s. 713.13. ~~If~~
26 ~~the direct contract is greater than \$2,500, the applicant~~
27 ~~shall file with the issuing authority prior to the first~~
28 ~~inspection either a certified copy of the recorded notice of~~
29 ~~commencement or a notarized statement that the notice of~~
30 ~~commencement has been filed for recording, along with a copy~~
31 ~~thereof. In the absence of the filing of a certified copy of~~

1 ~~the recorded notice of commencement, the issuing authority or~~
2 ~~a private provider performing inspection services may not~~
3 ~~perform or approve subsequent inspections until the applicant~~
4 ~~files by mail, facsimile, hand delivery, or any other means~~
5 ~~such certified copy with the issuing authority.~~ The certified
6 copy of the notice of commencement must contain the name and
7 address of the owner, the name and address of the contractor,
8 and the location or address of the property being improved.
9 The issuing authority shall verify that the name and address
10 of the owner, the name of the contractor, and the location or
11 address of the property being improved which is contained in
12 the certified copy of the notice of commencement is consistent
13 with the information in the building permit application. The
14 issuing authority shall provide the recording information on
15 the certified copy of the recorded notice of commencement to
16 any person upon request. This subsection requires ~~does not~~
17 ~~require~~ the recording of a notice of commencement prior to the
18 issuance of a building permit if the permit is for a direct
19 contract in an amount greater than \$2,500. If a local
20 government requires a separate permit or inspection for
21 installation of temporary electrical service or other
22 temporary utility service, land clearing, or other preliminary
23 site work, such permits may be issued and such inspections may
24 be conducted without providing the issuing authority with a
25 certified copy of a recorded notice of commencement or a
26 notarized statement regarding a recorded notice of
27 commencement. This subsection does not apply to a direct
28 contract to repair or replace an existing heating or
29 air-conditioning system in an amount less than \$7,500.
30 (c) ~~Not require that a notice of commencement be~~
31 ~~recorded as a condition of the application for, or processing~~

1 ~~or issuance of, a building permit. However, this paragraph~~
2 ~~does not modify or waive the inspection requirements set forth~~
3 ~~in this subsection.~~

4 (2) An issuing authority under subsection (1) is not
5 liable in any civil action for the failure of the person whose
6 property is subject to attachment to receive or to be
7 delivered a printed statement stating that the right, title,
8 and interest of the person who has contracted for the
9 improvement may be subject to attachment under the
10 Construction Lien Law.

11 (3) An issuing authority under subsection (1) is not
12 liable in any civil action for the failure to verify that a
13 certified copy of the recorded notice of commencement has been
14 filed in accordance with this section.

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

31

1 City..... County.....
2 Legal Description.....
3 Bonding Company.....
4 Bonding Company Address.....
5 City..... State.....
6 Architect/Engineer's Name.....
7 Architect/Engineer's Address.....
8 Mortgage Lender's Name.....
9 Mortgage Lender's Address.....

10

11 Application is hereby made to obtain a permit to do the
12 work and installations as indicated. I certify that no work
13 or installation has commenced prior to the issuance of a
14 permit and that all work will be performed to meet the
15 standards of all laws regulating construction in this
16 jurisdiction. I understand that a separate permit must be
17 secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS,
18 FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

19

20 OWNER'S AFFIDAVIT: I certify that all the foregoing
21 information is accurate and that all work will be done in
22 compliance with all applicable laws regulating construction
23 and zoning.

24

25 WARNING TO OWNER:

26

27 YOU MUST OBTAIN A RELEASE OF LIEN BEFORE YOU
28 PAY ANY INSTALLMENTS ON A CONTRACT.

29

30 DO NOT PAY THE CONTRACT IN FULL BEFORE THE
31 CONTRACT HAS BEEN COMPLETED.

1
2 YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT
3 MAY RESULT IN YOUR PAYING TWICE FOR
4 IMPROVEMENTS TO YOUR PROPERTY.
5
6 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH
7 YOUR LENDER OR AN ATTORNEY BEFORE RECORDING
8 YOUR NOTICE OF COMMENCEMENT.
9
10 ... (Signature of Owner or Agent) ...
11
12 ... (including contractor) ...
13 STATE OF FLORIDA
14 COUNTY OF
15
16
17 Sworn to (or affirmed) and subscribed before me this
18 day of, ... (year) ..., by ... (name of person making
19 statement)
20
21 ... (Signature of Notary Public - State of Florida) ...
22 ... (Print, Type, or Stamp Commissioned Name of Notary
23 Public) ...
24
25 Personally Known OR Produced Identification
26
27 Type of Identification Produced
28 ... (Signature of Contractor) ...
29
30
31 STATE OF FLORIDA

1 COUNTY OF

2

3

4 Sworn to (or affirmed) and subscribed before me this
5 day of, ...(year)...., by ...(name of person making
6 statement)....

7 ...(Signature of Notary Public - State of Florida)...

8 ...(Print, Type, or Stamp Commissioned Name of Notary
9 Public)...

10

11 Personally Known OR Produced Identification

12

13 Type of Identification Produced.....

14

15 (Certificate of Competency Holder)

16

17 Contractor's State Certification or Registration No.....

18

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

20

21 APPLICATION APPROVED BY

22Permit Officer

23

24 (b) Consistent with the requirements of paragraph (a),
25 an authority responsible for issuing building permits under
26 this section may accept a building permit application and
27 notice of commencement in an electronic format, as prescribed
28 by the authority. Building permit applications and notices of
29 commencement submitted to the authority electronically must
30 contain the following additional statement in lieu of the
31 requirement in paragraph (a) that a signed, sworn, and

1 notarized signature of the owner or agent and the contractor
2 be part of the owner's affidavit:
3

4 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
5 perjury, I declare that all the information contained in this
6 building permit application and notice of commencement is true
7 and correct.

8 (c) An authority responsible for issuing building
9 permits ~~permit applications~~ which accepts building permit
10 applications and notices of commencement in an electronic
11 format shall provide public Internet access to the electronic
12 building permit applications and notices of commencement in a
13 searchable format.

14 (7) This section applies to every municipality and
15 county in the state which now has or hereafter may have a
16 system of issuing building permits for the construction of
17 improvements or for the alteration or repair of improvements
18 on or to real property located within the geographic limits of
19 the issuing authority.

20 Section 2. This act shall take effect July 1, 2007.
21

22 *****

23 SENATE SUMMARY

24 Requires an applicant for a building permit to record a
25 notice of commencement before the permit is issued if the
26 permit authorizes a contract of more than \$2,500.
27 Requires that the permit card and application for a
28 building permit provide additional notices. Authorizes an
29 authority issuing building permits to accept notices of
30 commencement in an electronic format. Requires that the
31 authority provide public access to such notices via the
Internet.