

1 A bill to be entitled
2 An act relating to real property; amending s. 153.67,
3 F.S.; requiring a district water or sewer system that
4 imposes a lien to provide an Internet-based procedure
5 for furnishing an estoppel certificate to a property
6 owner; providing criteria for the certificate based on
7 whether foreclosure of a lien has been filed;
8 providing fees; providing for waiver of right to a
9 lien under certain circumstances; amending s. 159.17,
10 F.S.; requiring a municipality that imposes a lien to
11 provide an Internet-based procedure for furnishing an
12 estoppel certificate to a property owner; providing
13 criteria for the certificate based on whether
14 foreclosure of a lien has been filed; providing for
15 waiver of right to a lien under certain circumstances;
16 amending s. 695.01, F.S.; providing that certain liens
17 against real property by a governmental entity or
18 quasi-governmental entity are invalid unless recorded;
19 providing exceptions; amending s. 553.79, F.S.;
20 requiring an application for a building permit for the
21 construction, alteration, or repair of improvements to
22 be in a specified form; amending s. 713.13, F.S.;
23 revising requirements for the form of a notice of
24 commencement for improving real property; amending s.
25 713.135, F.S.; providing for expiration and renewal of
26 a building permit; providing the application form for

27 renewal; providing an effective date.

28

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

30

31 Section 1. Section 153.67, Florida Statutes, is amended to
32 read:

33 153.67 Unpaid fees to constitute lien.—

34 (1) In the event that the fees, rates, or charges for the
35 services and facilities of any district water or sewer system
36 shall not be paid as and when due, any unpaid balance thereof
37 and all interest accruing thereon shall be a lien on any parcel
38 or property affected thereby. Such lien ~~liens~~ shall be superior
39 and paramount to the interest on such parcel or property of any
40 owner, lessee, tenant, mortgagee or other person except the lien
41 of county taxes and shall be on a parity with the lien of any
42 such county taxes. In the event that any such sum ~~service charge~~
43 shall not be paid as and when due and shall be in default for 30
44 ~~thirty~~ days or more, the unpaid balance thereof and all interest
45 accrued thereon, together with attorneys fees and costs, may be
46 recovered by the district in a civil action, and any such lien
47 and accrued interest may be foreclosed or otherwise enforced by
48 the district by action or suit in equity as for the foreclosure
49 of a mortgage on real property.

50 (2) A district water or sewer system that imposes a lien
51 pursuant to this section must provide an Internet-based
52 procedure for furnishing to an owner of real property subject to

53 the lien an estoppel certificate listing the total amount due
54 from the owner of a parcel. Notice of the Internet-based
55 procedure shall be recorded in the official records of the
56 county in which the district is located. Failure to record the
57 notice constitutes a waiver of any lien imposed pursuant to this
58 section. The lien for all amounts due from the property as of
59 the date of delivery shall be the lesser of the actual amount
60 owed or the amount of the lien in the certificate.

61 (a) If the district has not filed for foreclosure of the
62 lien:

63 1. The certificate must be dated as of the date of
64 delivery.

65 2. The certificate must list all fees, rates, and charges
66 due as of that date.

67 3. The certificate must be furnished within 5 business
68 days after the request.

69 4. The fee for preparation and delivery of the certificate
70 must not exceed \$25.

71 (b) If the district has filed for foreclosure of the lien:

72 1. The certificate must be dated as of the date of
73 delivery.

74 2. The certificate must list all fees, rates, charges,
75 interest, attorney fees, costs, and foreclosure costs due as of
76 that date.

77 3. The certificate must be furnished within 20 days after
78 the request.

79 4. The fee for preparation and delivery of the certificate
 80 must not exceed \$250.

81 (c) If a district fails to timely provide the certificate
 82 required by this subsection and the property is transferred to a
 83 buyer within 30 days after the request, the district waives its
 84 right to a lien for sums due before the transfer but may still
 85 pursue the sums owed in a civil action against the former parcel
 86 owner.

87 Section 2. Section 159.17, Florida Statutes, is amended to
 88 read:

89 159.17 Lien of service charges.—

90 (1) Any municipality issuing revenue bonds hereunder shall
 91 have a lien on all lands or premises served by any water system,
 92 sewer system, or gas system for all service charges for such
 93 facilities until paid, which liens shall be prior to all other
 94 liens on such lands or premises except the lien of state,
 95 county, and municipal taxes and shall be on a parity with the
 96 lien of such state, county, and municipal taxes. Such liens,
 97 together with interest, attorney fees, and costs, when
 98 delinquent for more than 30 days, may be foreclosed by such
 99 municipality in the manner provided by the laws of Florida for
 100 the foreclosure of mortgages on real property.

101 (2) A municipality that imposes a lien pursuant to this
 102 section must provide an Internet-based procedure for furnishing
 103 to an owner of real property subject to the lien an estoppel
 104 certificate listing the total amount due from the owner of a

105 parcel. Notice of the Internet-based procedure shall be recorded
106 in the official records of the county in which the municipality
107 is located. Failure to record the notice constitutes a waiver of
108 any lien imposed pursuant to this section. The lien for all
109 amounts due from the property as of the date of delivery shall
110 be the lesser of the actual amount owed or the amount of the
111 lien in the certificate.

112 (a) If the municipality has not filed for foreclosure of
113 the lien:

114 1. The certificate must be dated as of the date of
115 delivery.

116 2. The certificate must list all fees, rates, and charges
117 due as of that date.

118 3. The certificate must be furnished within 5 business
119 days after the request.

120 4. The fee for preparation and delivery of the certificate
121 must not exceed \$25.

122 (b) If the municipality has filed for foreclosure of the
123 lien:

124 1. The certificate must be dated as of the date of
125 delivery.

126 2. The certificate must list all fees, rates, charges,
127 interest, attorney fees, costs, and foreclosure costs due as of
128 that date.

129 3. The certificate must be furnished within 20 days after
130 the request.

131 4. The fee for preparation and delivery of the certificate
 132 must not exceed \$250.

133 (c) If a municipality fails to timely provide the
 134 certificate required by this subsection and the property is
 135 transferred to a buyer within 30 days after the request, the
 136 municipality waives its right to a lien for sums due before the
 137 transfer but may still pursue the sums owed in a civil action
 138 against the former parcel owner.

139 Section 3. Subsection (3) of section 695.01, Florida
 140 Statutes, is amended to read:

141 695.01 Conveyances and liens to be recorded.—

142 (3) (a) A lien by a governmental entity or quasi-
 143 governmental entity that attaches to real property for an
 144 improvement, a service, a fine, ~~or a~~ penalty, a ~~other than a~~
 145 ~~lien for taxes,~~ non-ad valorem or special assessment
 146 ~~assessments,~~ or utilities, is valid and effectual in law or
 147 equity against creditors or subsequent purchasers for a valuable
 148 consideration only if the lien is recorded in the official
 149 records of the county in which the property is located. The
 150 recorded notice of lien must contain the name of the owner of
 151 record, a description or address of the property, and the tax or
 152 parcel identification number applicable to the property as of
 153 the date of recording.

154 (b) This subsection does not apply to a lien for taxes or
 155 a lien for non-ad valorem or special assessments collected
 156 pursuant to chapter 197.

157 Section 4. Subsection (1) of section 553.79, Florida
158 Statutes, is amended to read:

159 553.79 Permits; applications; issuance; inspections.—

160 (1) (a) After the effective date of the Florida Building
161 Code adopted as herein provided, it shall be unlawful for any
162 person, firm, corporation, or governmental entity to construct,
163 erect, alter, modify, repair, or demolish any building within
164 this state without first obtaining a permit therefor from the
165 appropriate enforcing agency or from such persons as may, by
166 appropriate resolution or regulation of the authorized state or
167 local enforcing agency, be delegated authority to issue such
168 permits, upon the payment of such reasonable fees adopted by the
169 enforcing agency. The enforcing agency is empowered to revoke
170 any such permit upon a determination by the agency that the
171 construction, erection, alteration, modification, repair, or
172 demolition of the building for which the permit was issued is in
173 violation of, or not in conformity with, the provisions of the
174 Florida Building Code. Whenever a permit required under this
175 section is denied or revoked because the plan, or the
176 construction, erection, alteration, modification, repair, or
177 demolition of a building, is found by the local enforcing agency
178 to be not in compliance with the Florida Building Code, the
179 local enforcing agency shall identify the specific plan or
180 project features that do not comply with the applicable codes,
181 identify the specific code chapters and sections upon which the
182 finding is based, and provide this information to the permit

183 applicant. Installation, replacement, removal, or metering of
 184 any load management control device is exempt from and shall not
 185 be subject to the permit process and fees otherwise required by
 186 this section.

187 (b) A person, firm, corporation, or governmental entity
 188 that applies for a building permit for the construction of
 189 improvements or for the alteration or repair of improvements on
 190 or to real property shall apply for such permit in the form
 191 required under s. 713.135.

192 Section 5. Paragraph (d) of subsection (1) of section
 193 713.13, Florida Statutes, is amended to read:

194 713.13 Notice of commencement.—

195 (1)

196 (d) A notice of commencement must be in substantially the
 197 following form:

198 Permit No..... Tax Folio No.....

199 NOTICE OF COMMENCEMENT

200 State of....

201 County of....

202 The undersigned hereby gives notice that improvement will be
 203 made to certain real property, and in accordance with Chapter
 204 713, Florida Statutes, the following information is provided in
 205 this Notice of Commencement.

206 1. Description of property: ...(legal description of the
 207 property, and street address if available)....

208 2. General description of improvement:.....

209 3. Owner information or Lessee information if the Lessee
 210 contracted for the improvement:
 211 a. Name and address:.....
 212 b. Interest in property:.....
 213 c. Name and address of fee simple titleholder (if
 214 different from Owner listed above):.....
 215 4.a. Contractor: ...(name and address)....
 216 b. Contractor's phone number:.....
 217 5. Surety (if applicable, a copy of the payment bond is
 218 attached):
 219 a. Name and address:.....
 220 b. Phone number:.....
 221 c. Amount of bond: \$.....
 222 6.a. Lender: ...(name and address)....
 223 b. Lender's phone number:.....
 224 7. Persons within the State of Florida designated by Owner
 225 upon whom notices or other documents may be served as provided
 226 by Section 713.13(1)(a)7., Florida Statutes:
 227 a. Name and address:.....
 228 b. Phone numbers of designated persons:.....
 229 8.a. In addition to himself or herself, Owner designates
 230 of to receive a copy of the Lienor's
 231 Notice as provided in Section 713.13(1)(b), Florida Statutes.
 232 b. Phone number of person or entity designated by
 233 owner:.....
 234 9. Expiration date of notice of commencement (the

235 expiration date will be 1 year from the date of recording unless
 236 a different date is specified).....

237 10. Permit number, applicable local enforcement agency,
 238 and issuance date of building permit, which shall expire in
 239 accordance with Section 713.135(7), Florida Statutes:.....

240 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
 241 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
 242 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
 243 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
 244 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
 245 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
 246 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
 247 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
 248 COMMENCEMENT.

249 ... (Signature of Owner or Lessee, or Owner's or Lessee's
 250 Authorized Officer/Director/Partner/Manager)...

251 ... (Signatory's Title/Office)...

252 The foregoing instrument was acknowledged before me this
 253 day of, ... (year)...., by ... (name of person)... as ... (type
 254 of authority, . . . e.g. officer, trustee, attorney in
 255 fact)... for ... (name of party on behalf of whom instrument was
 256 executed)....

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

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

259 Personally Known OR Produced Identification

260 Type of Identification Produced.....

261 Section 6. Subsection (7) of section 713.135, Florida
 262 Statutes, is renumbered as subsection (9), and new subsections
 263 (7) and (8) are added to that section, to read:

264 713.135 Notice of commencement and applicability of lien.—

265 (7) A building permit, including a site-specific building
 266 permit under s. 553.794, shall expire:

267 (a) One year after the date of issue if the permit has not
 268 been renewed pursuant to subsection (8);

269 (b) Six months after the date of issue, if work:

270 1. Has not been commenced;

271 2. Has been suspended or abandoned for 6 months; or

272 3. Has not had the required inspection within 6 months;

273 (c) On the date of issue of a certificate of completion or
 274 certificate of occupancy; or

275 (d) On the expiration date of a notice of commencement.

276 (8) (a) A building permit is deemed automatically renewed
 277 if a permitholder files a notice of renewal before the
 278 expiration date of the permit. Upon renewal, the building permit
 279 is subject to expiration as provided in subsection (7).

280 (b) An owner or an owner's authorized agent, before the
 281 expiration of the permit and before continuing work, shall
 282 record a notice of renewal in the clerk's office and post at the
 283 construction site a certified copy of such notice or a notarized
 284 statement indicating the notice of renewal was filed for
 285 recording. The notice of renewal must be in substantially the
 286 following form:

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Tax Folio No. ...

BUILDING PERMIT NOTICE OF RENEWAL

Permit Number: ...

Local Enforcement Agency: ...

Issuance Date of Building Permit: ...

Date of Last Inspection: ...

Notice is hereby given of the renewal of the building permit listed above. I certify that all work will be performed to meet the standard of all laws regulating construction in this jurisdiction. I understand that a separate notice of renewal must be recorded for a permit for electrical work, plumbing, signs, wells, pools, furnaces, boilers, heaters, tanks, and air conditioners, etc.

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

WARNING TO OWNER: YOUR FAILURE TO RECORD A CURRENT NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED AT THE JOB SITE BEFORE CONTINUING WORK.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE CONTINUING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT OR NOTICE OF RENEWAL.

... (Signature of Owner or Agent) ...

CS/HB 1263

2016

313 ...(including contractor)...
 314 STATE OF FLORIDA
 315 COUNTY OF ...
 316 Sworn to (or affirmed) and subscribed before me this ...
 317 day of ..., ...(year)..., by ...(name of person making
 318 statement)....
 319 ...(Signature of Notary Public-State of Florida)...
 320 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
 321 Personally Known ... OR Produced Identification ...
 322 Type of Identification Produced ...
 323 ...(Signature of Contractor)...
 324 STATE OF FLORIDA
 325 COUNTY OF ...
 326 Sworn to (or affirmed) and subscribed before me this ...
 327 day of ..., ...(year)..., by ...(name of person making
 328 statement)....
 329 ...(Signature of Notary Public-State of Florida)...
 330 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
 331 Personally Known ... OR Produced Identification ...
 332 Type of Identification Produced ...
 333 (Certificate of Competency Holder)
 334 Contractor's State Certification or Registration No. ...
 335 Contractor's Certificate of Competency No. ...
 336 NOTICE OF RENEWAL APPROVED BY
 337 ... Permit Officer
 338 (c) At the time a notice of renewal is filed, a

CS/HB 1263

2016

339 | permitholder shall also amend the notice of commencement as
340 | provided in s. 713.13(5).

341 | Section 7. This act shall take effect July 1, 2016.