

Amendment No. a6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Wood offered the following:

4
 5 **Amendment to Amendment (490625) by Representative Eagle**
 6 **(with title amendment)**

7 Between lines 1451 and 1452 of the amendment, insert:

8 Section 35. Subsection (1) of section 553.79, Florida
 9 Statutes, is amended to read:

10 553.79 Permits; applications; issuance; inspections.—

11 (1) (a) After the effective date of the Florida Building
 12 Code adopted as herein provided, it shall be unlawful for any
 13 person, firm, corporation, or governmental entity to construct,
 14 erect, alter, modify, repair, or demolish any building within
 15 this state without first obtaining a permit therefor from the
 16 appropriate enforcing agency or from such persons as may, by
 17 appropriate resolution or regulation of the authorized state or

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18 local enforcing agency, be delegated authority to issue such
19 permits, upon the payment of such reasonable fees adopted by the
20 enforcing agency. The enforcing agency is empowered to revoke
21 any such permit upon a determination by the agency that the
22 construction, erection, alteration, modification, repair, or
23 demolition of the building for which the permit was issued is in
24 violation of, or not in conformity with, the provisions of the
25 Florida Building Code. Whenever a permit required under this
26 section is denied or revoked because the plan, or the
27 construction, erection, alteration, modification, repair, or
28 demolition of a building, is found by the local enforcing agency
29 to be not in compliance with the Florida Building Code, the
30 local enforcing agency shall identify the specific plan or
31 project features that do not comply with the applicable codes,
32 identify the specific code chapters and sections upon which the
33 finding is based, and provide this information to the permit
34 applicant. Installation, replacement, removal, or metering of
35 any load management control device is exempt from and shall not
36 be subject to the permit process and fees otherwise required by
37 this section.

38 (b) A person, firm, corporation, or governmental entity
39 that applies for a building permit for the construction of
40 improvements or for the alteration or repair of improvements on
41 or to real property shall apply for such permit in the form
42 required under s. 713.135.

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43 Section 40. Subsection (5) of section 713.02, Florida
44 Statutes, is amended to read:

45 713.02 Types of lienors and exemptions.—

46 (5) Any improvement for which the direct contract price is
47 \$2,500 or less and for which a building permit is not required
48 shall be exempt from all other provisions of this part except
49 the provisions of s. 713.05.

50 Section 41. Paragraphs (a) and (d) of subsection (1) and
51 subsections (3) and (7) of section 713.13, Florida Statutes, are
52 amended to read:

53 713.13 Notice of commencement.—

54 (1) (a) Except for an improvement that is exempt pursuant
55 to s. 713.02(5), an owner or the owner's authorized agent before
56 actually commencing to improve any real property, or
57 recommencing completion of any improvement after default or
58 abandonment, whether or not a project has a payment bond
59 complying with s. 713.23, shall record a notice of commencement
60 in the clerk's office and forthwith post the recording
61 information for the applicable notice of commencement including
62 any amendments ~~either a certified copy thereof or a notarized~~
63 ~~statement that the notice of commencement has been filed for~~
64 ~~recording along with a copy thereof.~~ As used in this section,
65 the term "recording information" means identifying information
66 in the register, such as the filing number or official records
67 book and page number, that indicates where the notice of

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68 commencement is filed. The notice of commencement shall contain
69 the following information:

70 1. A description sufficient for identification of the real
71 property to be improved. The description should include the
72 legal description of the property and also should include the
73 street address and tax folio number of the property if available
74 or, if there is no street address available, such additional
75 information as will describe the physical location of the real
76 property to be improved.

77 2. A general description of the improvement.

78 3. The name and address of the owner, the owner's interest
79 in the site of the improvement, and the name and address of the
80 fee simple titleholder, if other than such owner. A lessee who
81 contracts for the improvements is an owner as defined under s.
82 713.01(23) and must be listed as the owner together with a
83 statement that the ownership interest is a leasehold interest.

84 4. The name and address of the contractor.

85 5. The name and address of the surety on the payment bond
86 under s. 713.23, if any, and the amount of such bond.

87 6. The name and address of any person making a loan for
88 the construction of the improvements.

89 7. The name and address within the state of a person other
90 than himself or herself who may be designated by the owner as
91 the person upon whom notices or other documents may be served
92 under this part; and service upon the person so designated
93 constitutes service upon the owner.

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94 (d) A notice of commencement must be in substantially the
95 following form:

96 Permit No..... Tax Folio No.....

97 NOTICE OF COMMENCEMENT

98 State of....

99 County of....

100 The undersigned hereby gives notice that improvement will be
101 made to certain real property, and in accordance with Chapter
102 713, Florida Statutes, the following information is provided in
103 this Notice of Commencement.

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

106 2. General description of improvement:.....

107 3. Owner information or Lessee information if the Lessee
108 contracted for the improvement:

109 a. Name and address:.....

110 b. Interest in property:.....

111 c. Name and address of fee simple titleholder (if
112 different from Owner listed above):.....

113 4.a. Contractor: ...(name and address)....

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

115 5. Surety (if applicable, a copy of the payment bond is
116 attached):

117 a. Name and address:.....

118 b. Phone number:.....

119 c. Amount of bond: \$.....

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120 6.a. Lender: ...(name and address)....
121 b. Lender's phone number:.....
122 7. Persons within the State of Florida designated by Owner
123 upon whom notices or other documents may be served as provided
124 by Section 713.13(1)(a)7., Florida Statutes:
125 a. Name and address:.....
126 b. Phone numbers of designated persons:.....
127 8.a. In addition to himself or herself, Owner designates
128 of to receive a copy of the Lienor's
129 Notice as provided in Section 713.13(1)(b), Florida Statutes.
130 b. Phone number of person or entity designated by
131 owner:.....
132 9. Expiration date of notice of commencement (the
133 expiration date will be 1 year from the date of recording unless
134 a different date is specified).....
135 10. Building permit number(s), applicable local
136 enforcement agency, and issuance date of building permit(s),
137 which shall expire in accordance with Section 713.135(7),
138 Florida Statutes:.....
139 Any applicable building permit information not available at the
140 time of execution of the notice of commencement shall be set
141 forth in an amended notice of commencement in compliance with
142 Section 713.13(5) upon issuance of the building permit.
143 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
144 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
145 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA

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146 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
147 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
148 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
149 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
150 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
151 COMMENCEMENT.

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

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

155 The foregoing instrument was acknowledged before me this
156 day of, ... (year), by ... (name of person) ... as ... (type
157 of authority, . . . e.g. officer, trustee, attorney in
158 fact) ... for ... (name of party on behalf of whom instrument was
159 executed)

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

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

162 Personally Known OR Produced Identification

163 Type of Identification Produced.....

164 (3) The recording of a notice of commencement does not
165 constitute a lien, cloud, or encumbrance on real property, but
166 gives constructive notice that claims of lien under this part
167 may be recorded and may take priority as provided in s. 713.07.
168 The posting of recording information for an applicable notice of
169 commencement ~~a copy~~ does not constitute a lien, cloud, or
170 encumbrance on real property, nor actual or constructive notice
171 of any of them.

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172 (7) A lender must, prior to the disbursement of any
173 construction funds to the contractor, record the notice of
174 commencement in the clerk's office as required by this section;
175 however, the lender is not required to post the recording
176 information for an applicable ~~a certified copy of the notice of~~
177 commencement at the construction site. The posting of the
178 recording information, including any amendments, ~~notice~~ at the
179 construction site remains the owner's obligation. The failure of
180 a lender to record the notice of commencement as required by
181 this subsection renders the lender liable to the owner for all
182 damages sustained by the owner as a result of the failure.
183 Whenever a lender is required to record a notice of
184 commencement, the lender shall designate the lender, in addition
185 to others, to receive copies of notices to owner. This
186 subsection does not give any person other than the owner a claim
187 or right of action against a lender for failure to record a
188 notice of commencement.

189 Section 42. Subsection (7) of section 713.135, Florida
190 Statutes, is renumbered as subsection (9), new subsections (7)
191 and (8) are added to that section, and paragraphs (b) and (d) of
192 subsection (1) and subsection (3) of that section, are amended,
193 to read:

194 713.135 Notice of commencement and applicability of lien.—

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

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197 (b) Provide the applicant and the owner of the real
198 property upon which improvements are to be constructed with a
199 printed statement stating that the right, title, and interest of
200 the person who has contracted for the improvement may be subject
201 to attachment under the Construction Lien Law. The Department of
202 Business and Professional Regulation shall furnish, for
203 distribution, the statement described in this paragraph, and the
204 statement must be a summary of the Construction Lien Law and
205 must include an explanation of the provisions of the
206 Construction Lien Law relating to the recording, and the posting
207 of recording information ~~copies~~, of notices of commencement and
208 a statement encouraging the owner to record a notice of
209 commencement and post the recording information, including any
210 amendments, a copy of the notice of commencement in accordance
211 with s. 713.13. As used in this section, the term "recording
212 information" means identifying information in the register, such
213 as the filing number or official records book and page number,
214 that indicates where the notice of commencement is filed. The
215 statement must also contain an explanation of the owner's rights
216 if a lienor fails to furnish the owner with a notice as provided
217 in s. 713.06(2) and an explanation of the owner's rights as
218 provided in s. 713.22. The authority that issues the building
219 permit must obtain from the Department of Business and
220 Professional Regulation the statement required by this paragraph
221 and must mail, deliver by electronic mail or other electronic
222 format or facsimile, or personally deliver that statement to the

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223 owner or, in a case in which the owner is required to personally
224 appear to obtain the permit, provide that statement to any owner
225 making improvements to real property consisting of a single or
226 multiple family dwelling up to and including four units.
227 However, the failure by the authorities to provide the summary
228 does not subject the issuing authority to liability.

229 (d) Furnish to the applicant two or more copies of a form
230 of notice of commencement conforming with s. 713.13. ~~If the~~
231 ~~direct contract is greater than \$2,500,~~ The applicant shall file
232 with the issuing authority prior to the first inspection the
233 recording information for the ~~either a certified copy of the~~
234 ~~recorded notice of commencement, including any amendments or a~~
235 ~~notarized statement that the notice of commencement has been~~
236 ~~filed for recording, along with a copy thereof.~~ In the absence
237 of the filing of the recording information for the applicable a
238 ~~certified copy of the recorded~~ notice of commencement, the
239 issuing authority or a private provider performing inspection
240 services may not perform or approve subsequent inspections until
241 the applicant files by mail, facsimile, hand delivery, or any
242 other means such recording information ~~certified copy~~ with the
243 issuing authority. The ~~certified copy of the~~ notice of
244 commencement must contain the name and address of the owner, the
245 name and address of the contractor, and the location or address
246 of the property being improved. The issuing authority shall
247 verify that the name and address of the owner, the name of the
248 contractor, and the location or address of the property being

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249 improved which is contained in the ~~certified copy of the~~ notice
250 of commencement is consistent with the information in the
251 building permit application. The issuing authority shall provide
252 the recording information for ~~on the certified copy of the~~
253 ~~recorded~~ notice of commencement to any person upon request. This
254 subsection does not require the recording of a notice of
255 commencement prior to the issuance of a building permit. ~~If a~~
256 ~~local government requires a separate permit or inspection for~~
257 ~~installation of temporary electrical service or other temporary~~
258 ~~utility service, land clearing, or other preliminary site work,~~
259 ~~such permits may be issued and such inspections may be conducted~~
260 ~~without providing the issuing authority with a certified copy of~~
261 ~~a recorded notice of commencement or a notarized statement~~
262 ~~regarding a recorded notice of commencement. This subsection~~
263 ~~does not apply to a direct contract to repair or replace an~~
264 ~~existing heating or air-conditioning system in an amount less~~
265 ~~than \$7,500.~~

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

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

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

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274 (b) Six months after the date of issue if work authorized
275 by the permit has not been commenced:

276 (c) Six months after work authorized by the permit is
277 suspended or abandoned after work has commenced;

278 (d) Six months after the failure to successfully complete
279 any required inspection;

280 (e) On the date of issue of a certificate of completion or
281 certificate of occupancy; or

282 (f) On the expiration date of a notice of commencement.

283 (8) (a) A building permit is deemed automatically renewed
284 if a permitholder files a notice of renewal before the
285 expiration date of the permit. Upon renewal, the building permit
286 is subject to expiration as provided in subsection (7).

287 (b) An owner or an owner's authorized agent, before the
288 expiration of the permit and before continuing work, shall
289 record a notice of renewal in the clerk's office and post at the
290 construction site the recording information of such notice. The
291 notice of renewal must be in substantially the following form:

292
293 Tax Folio No. ...

294 BUILDING PERMIT NOTICE OF RENEWAL

295 Permit Number: ...

296 Local Enforcement Agency: ...

297 Issuance Date of Building Permit: ...

298 Date of Last Inspection: ...

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

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

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

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

317 ...(Signature of Owner or Agent)...
318 ...(including contractor)...

319 STATE OF FLORIDA

320 COUNTY OF ...

321 Sworn to (or affirmed) and subscribed before me this ...
322 day of ..., ...(year)..., by ...(name of person making
323 statement)....

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

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325 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
326 Personally Known ... OR Produced Identification ...
327 Type of Identification Produced ...
328 ...(Signature of Contractor)...

329 STATE OF FLORIDA

330 COUNTY OF ...

331 Sworn to (or affirmed) and subscribed before me this ...
332 day of ..., ...(year)...., by ...(name of person making
333 statement)....

334 ...(Signature of Notary Public-State of Florida)...
335 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

336 Personally Known ... OR Produced Identification ...
337 Type of Identification Produced ...

338 (Certificate of Competency Holder)

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

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

341 NOTICE OF RENEWAL APPROVED BY

342 ... Permit Officer

343 (c) At the time a notice of renewal is filed, a
344 permitholder shall also amend the notice of commencement as
345 provided in s. 713.13(5).

346

347

348 -----

349 **T I T L E A M E N D M E N T**

350 Remove lines 1627-1628 of the amendment and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 535 (2016)

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351 amending s. 553.79, F.S.; requiring an application for
352 a building permit for the construction, alteration, or
353 repair of improvements to be in a specified form;
354 amending s. 713.02, F.S.; revising an exception from
355 notice of commencement requirements; amending s.
356 713.13, F.S.; deleting requirements for certified
357 copies of a notice of commencement; revising
358 requirements for the form of a notice of commencement
359 for improving real property; amending s. 713.135,
360 F.S.; deleting requirements for certified copies of a
361 notice of commencement; providing for expiration and
362 renewal of a building permit; deleting exemptions to
363 notice of commencement requirements for specified
364 work; providing the application form for renewal;
365 providing an effective date.