

Amendment No.2

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WITHDRAWN (Y/N)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: Judiciary Committee
2 Representative Toledo offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 768 and 769, insert:

6 Section 14. Paragraph (d) of subsection (1) of section
7 713.135, Florida Statutes, is amended, new paragraphs (e) and
8 (f) of subsection (1) of that section are created, existing
9 paragraph (e) of subsection (1) of that section is redesignated
10 as paragraph (g), and subsection (3) of that section is amended
11 to read:

12 713.135 Notice of commencement and applicability of lien.—

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

15 (d) Furnish to the applicant two or more copies of a form
16 of notice of commencement conforming with s. 713.13.

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17 (e) Require ~~If the direct contract is greater than \$2,500,~~
18 the applicant to ~~shall~~ file with the issuing authority prior to
19 the first inspection a copy of the notice of commencement if the
20 direct contract is greater than \$2,500 either a certified copy
21 of the recorded notice of commencement or a notarized statement
22 that the notice of commencement has been filed for recording,
23 along with a copy thereof. For purposes of this paragraph, "copy
24 of the notice of commencement" means a certified copy of the
25 recorded notice of commencement, a notarized statement that the
26 notice of commencement has been filed for recording, along with
27 a copy thereof, or the clerk's office official records
28 identifying information that includes the number and page of
29 book where the notice of commencement is recorded, as identified
30 by the clerk.

31 1. In the absence of the filing of a copy of the notice
32 of commencement ~~certified copy of the recorded notice of~~
33 ~~commencement~~, the issuing authority or a private provider
34 performing inspection services may not perform or approve
35 subsequent inspections until the applicant files by mail,
36 facsimile, hand delivery, or any other means such ~~certified~~ copy
37 with the issuing authority.

38 2. The ~~certified~~ copy of the notice of commencement must
39 contain the name and address of the owner, the name and address
40 of the contractor, and the location or address of the property
41 being improved. The issuing authority shall verify that the name

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42 and address of the owner, the name of the contractor, and the
43 location or address of the property being improved which is
44 contained in the ~~certified~~ copy of the notice of commencement is
45 consistent with the information in the building permit
46 application.

47 3. The issuing authority shall provide the recording
48 information on the copy of the notice of commencement ~~certified~~
49 ~~copy of the recorded notice of commencement~~ to any person upon
50 request.

51 4. This subsection does not require the recording of a
52 notice of commencement prior to the issuance of a building
53 permit. If a local government requires a separate permit or
54 inspection for installation of temporary electrical service or
55 other temporary utility service, land clearing, or other
56 preliminary site work, such permits may be issued and such
57 inspections may be conducted without providing the issuing
58 authority with a copy of the notice of commencement ~~certified~~
59 ~~copy of a recorded notice of commencement or a notarized~~
60 ~~statement regarding a recorded notice of commencement.~~

61 (f) This subsection does not apply to a direct contract to
62 repair or replace an existing heating or air-conditioning system
63 in an amount less than \$7,500.

64 (3) An issuing authority under subsection (1) is not
65 liable in any civil action for the failure to verify that a
66 certified copy of the recorded notice of commencement, a

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67 notarized statement that the notice of commencement has been
68 filed for recording along with a copy thereof, or the clerk's
69 office official records identifying information that includes
70 the number and page of book where the notice of commencement is
71 recorded, as identified by the clerk, has been filed in
72 accordance with this section.

73
74
75 -----
76 **T I T L E A M E N D M E N T**

77 Remove line 44 and insert:

78 security; amending s. 713.135, F.S.; providing a definition;
79 authorizing a person to submit certain information prior to the
80 first inspection; providing that an enforcing agency is not
81 liable for failing verify that such information has been
82 submitted; providing an effective date.