

By Senator Hooper

16-00561-22

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1 A bill to be entitled
2 An act relating to construction liens; amending s.
3 713.135, F.S.; revising the threshold for determining
4 whether certain direct contracts to repair or replace
5 an existing heating or air-conditioning system are
6 exempt from specified notice of commencement and
7 applicability of lien requirements for authorities
8 issuing building permits; providing an effective date.

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

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12 Section 1. Paragraph (d) of subsection (1) of section
13 713.135, Florida Statutes, is amended to read:

14 713.135 Notice of commencement and applicability of lien.-

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

17 (d) Furnish to the applicant two or more copies of a form
18 of notice of commencement conforming with s. 713.13. If the
19 direct contract is greater than \$2,500, the applicant shall file
20 with the issuing authority prior to the first inspection either
21 a certified copy of the recorded notice of commencement or a
22 notarized statement that the notice of commencement has been
23 filed for recording, along with a copy thereof. In the absence
24 of the filing of a certified copy of the recorded notice of
25 commencement, the issuing authority or a private provider
26 performing inspection services may not perform or approve
27 subsequent inspections until the applicant files by mail,
28 facsimile, hand delivery, or any other means such certified copy
29 with the issuing authority. The certified copy of the notice of

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30 commencement must contain the name and address of the owner, the
31 name and address of the contractor, and the location or address
32 of the property being improved. The issuing authority shall
33 verify that the name and address of the owner, the name of the
34 contractor, and the location or address of the property being
35 improved which is contained in the certified copy of the notice
36 of commencement is consistent with the information in the
37 building permit application. The issuing authority shall provide
38 the recording information on the certified copy of the recorded
39 notice of commencement to any person upon request. This
40 subsection does not require the recording of a notice of
41 commencement prior to the issuance of a building permit. If a
42 local government requires a separate permit or inspection for
43 installation of temporary electrical service or other temporary
44 utility service, land clearing, or other preliminary site work,
45 such permits may be issued and such inspections may be conducted
46 without providing the issuing authority with a certified copy of
47 a recorded notice of commencement or a notarized statement
48 regarding a recorded notice of commencement. This subsection
49 does not apply to a direct contract to repair or replace an
50 existing heating or air-conditioning system in an amount less
51 than \$15,000 ~~\$7,500~~.

52 Section 2. This act shall take effect July 1, 2022.