

By Senator Wise

5-00560-10

2010510__

1 A bill to be entitled
2 An act relating to construction contracts; amending s.
3 713.015, F.S.; requiring a contractor to provide an
4 owner with a statement of an Owner's Rights and
5 Responsibilities Under Florida's Construction Lien
6 Law; requiring that a signed copy of the statement be
7 filed with the building permit application; specifying
8 the form and content of the notice; deleting the
9 requirement that notice be included in the direct
10 contract between the contractor and the owner;
11 amending s. 713.13, F.S.; removing a warning provision
12 from the Notice to Owner; amending s. 713.135, F.S.;
13 providing that a building permit application may not
14 be processed unless the signed statement of an Owner's
15 Rights and Responsibilities Under Florida's
16 Construction Lien Law is filed with the building
17 permit authority; deleting the requirement that the
18 permit authority provide the applicant with a printed
19 statement relating to construction lien law; providing
20 an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 713.015, Florida Statutes, is amended to
25 read:

26 713.015 Statement of owner's rights and responsibilities
27 ~~Mandatory provisions for direct contracts.-~~

28 (1) For any direct contract ~~greater than \$2,500~~ between an
29 owner and a contractor, related to improvements to real property

5-00560-10

2010510__

30 consisting of single or multiple family dwellings up to and
31 including four units, the contractor must provide the owner with
32 a statement of the owner's rights and responsibilities under
33 construction lien law as described in subsection (2), which must
34 be must contain the following notice provision printed in no
35 less than 12-point, ~~capitalized, boldfaced~~ type on the front
36 page of the contract or on a separate page, signed by the owner
37 and dated, and submitted with the original building permit
38 application pursuant to s. 713.135. If the contractor applies
39 for the building permit, the contractor must provide a copy of
40 the filed document to the owner.÷

41
42 ~~ACCORDING TO FLORIDA'S CONSTRUCTION LIEN LAW (SECTIONS 713.001-~~
43 ~~713.37, FLORIDA STATUTES), THOSE WHO WORK ON YOUR PROPERTY OR~~
44 ~~PROVIDE MATERIALS AND SERVICES AND ARE NOT PAID IN FULL HAVE A~~
45 ~~RIGHT TO ENFORCE THEIR CLAIM FOR PAYMENT AGAINST YOUR PROPERTY.~~
46 ~~THIS CLAIM IS KNOWN AS A CONSTRUCTION LIEN. IF YOUR CONTRACTOR~~
47 ~~OR A SUBCONTRACTOR FAILS TO PAY SUBCONTRACTORS, SUB-~~
48 ~~SUBCONTRACTORS, OR MATERIAL SUPPLIERS, THOSE PEOPLE WHO ARE OWED~~
49 ~~MONEY MAY LOOK TO YOUR PROPERTY FOR PAYMENT, EVEN IF YOU HAVE~~
50 ~~ALREADY PAID YOUR CONTRACTOR IN FULL. IF YOU FAIL TO PAY YOUR~~
51 ~~CONTRACTOR, YOUR CONTRACTOR MAY ALSO HAVE A LIEN ON YOUR~~
52 ~~PROPERTY. THIS MEANS IF A LIEN IS FILED YOUR PROPERTY COULD BE~~
53 ~~SOLD AGAINST YOUR WILL TO PAY FOR LABOR, MATERIALS, OR OTHER~~
54 ~~SERVICES THAT YOUR CONTRACTOR OR A SUBCONTRACTOR MAY HAVE FAILED~~
55 ~~TO PAY. TO PROTECT YOURSELF, YOU SHOULD STIPULATE IN THIS~~
56 ~~CONTRACT THAT BEFORE ANY PAYMENT IS MADE, YOUR CONTRACTOR IS~~
57 ~~REQUIRED TO PROVIDE YOU WITH A WRITTEN RELEASE OF LIEN FROM ANY~~
58 ~~PERSON OR COMPANY THAT HAS PROVIDED TO YOU A "NOTICE TO OWNER."~~

5-00560-10

2010510

59 ~~FLORIDA'S CONSTRUCTION LIEN LAW IS COMPLEX, AND IT IS~~
60 ~~RECOMMENDED THAT YOU CONSULT AN ATTORNEY.~~

61 (2) The statement of an Owner's Rights and Responsibilities
62 Under Florida's Construction Lien Law must be in substantially
63 the following form, must include the information contained in
64 the following form, and must include a copy of a Notice of
65 Commencement as provided in s. 713.13(1), a Release and Waiver
66 of Lien Upon Progress Payment as provided in s. 713.20(4), a
67 Release and Waiver of Lien Upon Final Payment as provided in s.
68 713.20(5), and a Contractor's Final Payment Affidavit as
69 provided in s. 713.06(3):

70
71 OWNER'S RIGHTS AND RESPONSIBILITIES
72 UNDER FLORIDA'S CONSTRUCTION LIEN LAW
73

74 ABOUT THIS DOCUMENT.—Florida law requires your contractor
75 to provide you with this document and the attached statutory
76 forms when you are contracting to make improvements to real
77 property. Therefore, it is critical that you have some
78 understanding of Florida's construction lien and payment laws
79 and take appropriate steps to protect your investment and
80 fulfill your obligations to those who provide labor and
81 materials for your project.

82
83 You must acknowledge that you have received and read this
84 document by signing on the signature page. The signed original
85 document must be delivered to the building permit authority,
86 along with the building permit application for your project.
87 Your building permit application will not be processed unless

5-00560-10

2010510__

88 this signed document is in the file. You should retain a copy of
89 the filed document and the attached statutory forms so that you
90 can follow the procedures described in the document and identify
91 the proper statutory forms as you proceed with your construction
92 project. If your contractor applies for the building permit, he
93 or she must provide you with a copy.

94
95 THE FLORIDA CONSTRUCTION LIEN LAW.—Part I of chapter 713,
96 Florida Statutes (F.S.), governs private construction projects
97 in this state. The complete text of this law can be found at
98 www.leg.state.fl.us.

99
100 Under this law, those who work on your property or provide
101 materials and services and who are not paid in full have a right
102 to enforce their claim for payment against your property. This
103 claim is known as a construction lien. If your contractor or a
104 subcontractor fails to pay subcontractors, sub-subcontractors,
105 or material suppliers, those people who are owed money may look
106 to your property for payment even if you have already paid your
107 contractor in full. If you fail to pay your contractor, your
108 contractor may also have a lien on your property. This means
109 that if a lien is filed, your property could be sold against
110 your will to pay for labor, materials, or other services that
111 your contractor or a subcontractor may have failed to pay.

112
113 The law also provides procedures to protect owners and
114 guarantee that you will never have to pay more than the amount
115 of your contract if you make proper payments. Although the
116 construction lien law has many complexities, the steps owners

5-00560-10

2010510

117 can take to protect themselves and establish a "proper payment
118 defense" are simple, but very important.

119
120 STEP 1 - THE NOTICE OF COMMENCEMENT.-An owner is required
121 by law to complete, sign, and record in the public records an
122 accurate Notice of Commencement which contains certain specified
123 information. The information contained in the recorded Notice of
124 Commencement is relied upon by all parties who provide labor and
125 materials to your project. A copy of the statutory Notice of
126 Commencement form, s. 713.13, F.S., is attached to this
127 document.

128
129 If a lender is financing your project, the lender will
130 assist you in completing the Notice of Commencement and is
131 responsible for recording it in the public records. It is
132 critical that your Notice of Commencement be recorded after any
133 construction loan or mortgage documents are filed. If you do not
134 have a lender, preparing and recording the Notice of
135 Commencement is your responsibility. The Notice of Commencement
136 must be recorded before commencing construction and posted on
137 your jobsite. A copy of the recorded Notice of Commencement must
138 be submitted to the building permit authority before the first
139 building inspection.

140
141 A Notice of Commencement expires 1 year following the date
142 of recording unless otherwise stated. If 1 year is insufficient
143 time for completing your project, specify a realistic date so
144 that the Notice of Commencement does not expire before the
145 completion of your project.

5-00560-10

2010510__

146
147 STEP 2 – MONITOR THE DOCUMENTS AND NOTICES YOU RECEIVE.–

148 Pick up your certified mail. Most lien notices are served by
149 certified mail and you need to know who is providing labor and
150 materials to your project. Section 713.18, F.S., provides that
151 any properly addressed notices that are returned to the sender
152 through no fault of the sender are considered served on the date
153 sent, so refusing certified mail only hurts you.

154
155 If you expect to be absent for periods of time during your
156 project, you should have an attorney or other agent in a
157 position of trust who understands the law handle these details
158 for you. Make sure someone is receiving your mail and taking
159 steps to obtain the necessary lien releases before making
160 payments to your contractor. If you receive anything that you do
161 not understand, seek the assistance of an experienced
162 construction law attorney.

163
164 STEP 3 – OBTAIN SIGNED LIEN WAIVERS EACH TIME YOU MAKE A
165 PAYMENT TO YOUR CONTRACTOR.–Each time you pay your contractor
166 you should obtain a Waiver and Release of Lien form from the
167 contractor and from anyone who serves you with a Notice to
168 Owner. Make sure that each release waives lien rights against
169 your project for work or materials furnished through the date of
170 the work or materials that your payment covers. This date is
171 probably not the date you are making the payment, but a date
172 before the payment date through which labor and materials have
173 been billed.

5-00560-10

2010510

175 There are two statutory Waiver and Release of Lien forms.
176 The Waiver and Release of Lien Upon Progress Payment should be
177 submitted by a contractor, subcontractor, or material supplier
178 each time you make a payment to your contractor. The Waiver and
179 Release of Lien Upon Final Payment should be submitted by your
180 contractor, a subcontractor, or material supplier when they are
181 finished furnishing all work or materials for your project. For
182 example, when the plumber finishes all plumbing on your project
183 and receives final payment from the contractor, you should
184 obtain a Waiver and Release of Lien Upon Final Payment. Once you
185 receive a final waiver from a contractor, subcontractor, or
186 material supplier, you should not need another waiver unless
187 they are hired to do additional work. A copy of both statutory
188 Waiver and Release of Lien forms, s. 713.20, F.S., are attached
189 to this document.

190
191 STEP 4 - OBTAIN A CONTRACTOR'S FINAL PAYMENT AFFIDAVIT
192 BEFORE YOU MAKE FINAL PAYMENT TO YOUR CONTRACTOR.-In addition to
193 obtaining Final Waiver of Lien forms from the contractor and
194 anyone who has served you with a Notice to Owner, you should
195 obtain a Contractor's Final Payment Affidavit before you make
196 final payment to your contractor. This sworn affidavit should
197 reflect that everyone who supplied labor and materials on your
198 project has been paid in full, or should list those
199 subcontractors and suppliers who are still owed money. Make sure
200 that anyone listed as not being paid in full is paid before
201 making final payment to your contractor. You have a right to
202 rely on the information contained in the sworn affidavit when
203 you make final payment to your contractor. A copy of the

5-00560-10

2010510

204 statutory Contractor's Final Payment Affidavit form, s. 713.06,
205 F.S., is attached to this document.

207 IF YOU FOLLOW THESE FOUR SIMPLE STEPS, FLORIDA LAW WILL
208 PROTECT YOU AND YOU SHOULD NEVER HAVE TO PAY TWICE FOR THE SAME
209 LABOR OR MATERIALS.

211 ADDITIONAL INFORMATION FOR YOUR PROTECTION

213 1. Always hire a Florida-licensed contractor. You can
214 verify the license status of your contractor by accessing the
215 website of the Department of Business and Professional
216 Regulation at www.myflorida.com/dbpr and performing a licensee
217 search. You can check under an individual name or, if your
218 contractor is a company, under the business name, and then check
219 to see who the qualifying licensee is for that company.

221 2. Make sure that your contractor has the proper workers'
222 compensation coverage, or an allowed workers' compensation
223 exemption, and carries sufficient builder's risk insurance. The
224 contractor should be able to provide you with current, valid
225 certificates of insurance from his or her insurance agent.

227 3. Never accept an obviously low bid. If it seems too good
228 to be true, it probably is, and your construction project may be
229 in trouble before you even begin.

231 4. Some contractors require a reasonable deposit to cover
232 the cost of plans and permitting. This is an acceptable

5-00560-10

2010510__

233 practice. However, never pay substantial sums to a contractor in
234 advance of the work being performed.

235
236 5. If you receive documents or information that you do not
237 understand, consult an experienced construction law attorney.

238
239 6. Florida has a Homeowner's Construction Recovery Fund
240 that is funded through a portion of the building permit fees.
241 This fund helps consumers who have been harmed by a licensed
242 contractor. In order to be eligible to recover from this fund,
243 you must have complied with the proper payment procedures as
244 described in this document. For more information, contact the
245 Construction Industry Licensing Board at
246 www.myflorida.com/dbpr/pro/cilb.

247
248 OWNER'S ACKNOWLEDGEMENT AND RECEIPT

249
250 The undersigned owner(s) of Florida real property hereby
251 acknowledges that the owner(s) is preparing to enter into a
252 contract with _____ for
253 the construction of real property improvements to the following-
254 described property (insert address or legal description):

255 _____

256
257 _____

258
259 ...(Signature of Property Owner).....(Date)...

260 ...(Address)...

261 ...(Phone Number)...

5-00560-10

2010510__

262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290

... (Signature of Property Owner) (Date) ...

... (Address) ...

... (Phone Number) ...

Attached Statutory Forms:

Notice of Commencement

Release and Waiver of Lien Upon Progress Payment

Release and Waiver of Lien Upon Final Payment

Contractor's Final Payment Affidavit

~~(2) (a) If the contract is written, the notice must be in the contract document. If the contract is oral or implied, the notice must be provided in a document referencing the contract.~~

~~(3) (b)~~ The failure to provide such written notice does not bar the enforcement of a lien against a person who has not been adversely affected.

~~(4) (e)~~ This section may not be construed to adversely affect the lien and bond rights of lienors who are not in privity with the owner. This section does not apply when the owner is a contractor licensed under chapter 489 or is a person who created parcels or offers parcels for sale or lease in the ordinary course of business.

Section 2. Paragraph (d) of subsection (1) of section 713.13, Florida Statutes, is amended to read:

713.13 Notice of commencement.—

(1)

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

5-00560-10

2010510__

291 Permit No..... Tax Folio No.....

292 NOTICE OF COMMENCEMENT

293 State of....

294 County of....

295 The undersigned hereby gives notice that improvement will be
296 made to certain real property, and in accordance with Chapter
297 713, Florida Statutes, the following information is provided in
298 this Notice of Commencement.

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

301 2. General description of improvement:.....

302 3. Owner information:.....

303 a. Name and address:.....

304 b. Interest in property:.....

305 c. Name and address of fee simple titleholder (if other
306 than Owner):.....

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

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

309 5. Surety

310 a. Name and address:.....

311 b. Phone number:.....

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

313 6.a. Lender: ...(name and address)....

314 b. Lender's phone number:.....

315 7.a. Persons within the State of Florida designated by
316 Owner upon whom notices or other documents may be served as
317 provided by Section 713.13(1)(a)7., Florida Statutes: ...(name
318 and address)....

319 b. Phone numbers of designated persons:.....

5-00560-10

2010510__

320 8.a. In addition to himself or herself, Owner designates
321 of to receive a copy of the Lienor's
322 Notice as provided in Section 713.13(1) (b), Florida Statutes.

323 b. Phone number of person or entity designated by
324 owner:.....

325 9. Expiration date of notice of commencement (the
326 expiration date is 1 year from the date of recording unless a
327 different date is specified).....

328
329 ~~WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE~~
330 ~~EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER~~
331 ~~PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA~~
332 ~~STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS~~
333 ~~TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND~~
334 ~~POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU~~
335 ~~INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN~~
336 ~~ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF~~
337 ~~COMMENCEMENT.~~

338 ... (Signature of Owner or Owner's Authorized
339 Officer/Director/Partner/Manager)...

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

341 The foregoing instrument was acknowledged before me this
342 day of, ... (year)...., by ... (name of person)... as ... (type
343 of authority, ...e.g. officer, trustee, attorney in fact)... for
344 ... (name of party on behalf of whom instrument was executed)....

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

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

347 Personally Known OR Produced Identification

348 Type of Identification Produced.....

5-00560-10

2010510__

349 Verification pursuant to Section 92.525, Florida Statutes.
350 Under penalties of perjury, I declare that I have read the
351 foregoing and that the facts stated in it are true to the best
352 of my knowledge and belief.

353 ... (Signature of Natural Person Signing Above) ...

354 Section 3. Section 713.135, Florida Statutes, is amended to
355 read:

356 713.135 Building permit application ~~Notice of commencement~~
357 ~~and applicability of lien.~~

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

360 (a) Require the applicant to submit the signed and dated
361 statement of an Owner's Rights and Responsibilities Under
362 Florida's Construction Lien Law described in s. 713.015. A
363 building permit application may not be processed unless the
364 signed document is in the file. ~~Print on the face of each permit~~
365 ~~card in no less than 14 point, capitalized, boldfaced type:~~
366 ~~"WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF~~
367 ~~COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO~~
368 ~~YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND~~
369 ~~POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU~~
370 ~~INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN~~
371 ~~ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."~~

372 (b) ~~Provide the applicant and the owner of the real~~
373 ~~property upon which improvements are to be constructed with a~~
374 ~~printed statement stating that the right, title, and interest of~~
375 ~~the person who has contracted for the improvement may be subject~~
376 ~~to attachment under the Construction Lien Law. The Department of~~
377 ~~Business and Professional Regulation shall furnish, for~~

5-00560-10

2010510__

378 ~~distribution, the statement described in this paragraph, and the~~
379 ~~statement must be a summary of the Construction Lien Law and~~
380 ~~must include an explanation of the provisions of the~~
381 ~~Construction Lien Law relating to the recording, and the posting~~
382 ~~of copies, of notices of commencement and a statement~~
383 ~~encouraging the owner to record a notice of commencement and~~
384 ~~post a copy of the notice of commencement in accordance with s.~~
385 ~~713.13. The statement must also contain an explanation of the~~
386 ~~owner's rights if a lienor fails to furnish the owner with a~~
387 ~~notice as provided in s. 713.06(2) and an explanation of the~~
388 ~~owner's rights as provided in s. 713.22. The authority that~~
389 ~~issues the building permit must obtain from the Department of~~
390 ~~Business and Professional Regulation the statement required by~~
391 ~~this paragraph and must mail, deliver by electronic mail or~~
392 ~~other electronic format or facsimile, or personally deliver that~~
393 ~~statement to the owner or, in a case in which the owner is~~
394 ~~required to personally appear to obtain the permit, provide that~~
395 ~~statement to any owner making improvements to real property~~
396 ~~consisting of a single or multiple family dwelling up to and~~
397 ~~including four units. However, the failure by the authorities to~~
398 ~~provide the summary does not subject the issuing authority to~~
399 ~~liability.~~

400 ~~(c) In addition to providing the owner with the statement~~
401 ~~as required by paragraph (b), inform each applicant who is not~~
402 ~~the person whose right, title, and interest is subject to~~
403 ~~attachment that, as a condition to the issuance of a building~~
404 ~~permit, the applicant must promise in good faith that the~~
405 ~~statement will be delivered to the person whose property is~~
406 ~~subject to attachment.~~

5-00560-10

2010510__

407 (b)~~(d)~~ Furnish to the applicant two or more copies of a
408 form of notice of commencement conforming with s. 713.13.

409 (c) If the direct contract is greater than \$2,500, ~~the~~
410 ~~applicant shall~~ file with the issuing authority before ~~prior to~~
411 the first inspection ~~either~~ a certified copy of the recorded
412 notice of commencement or a notarized statement that the notice
413 of commencement has been filed for recording, along with a copy
414 thereof. In the absence of the filing of a certified copy of the
415 recorded notice of commencement, the issuing authority or a
416 private provider performing inspection services may not perform
417 or approve subsequent inspections until the applicant files by
418 mail, facsimile, hand delivery, or any other means such
419 certified copy with the issuing authority. ~~The certified copy of~~
420 ~~the notice of commencement must contain the name and address of~~
421 ~~the owner, the name and address of the contractor, and the~~
422 ~~location or address of the property being improved.~~

423 1. The issuing authority must ~~shall~~ verify that the name
424 and address of the owner, the name of the contractor, and the
425 location or address of the property being improved which is
426 contained in the certified copy of the notice of commencement is
427 consistent with the information in the building permit
428 application. The issuing authority shall provide the recording
429 information on the certified copy of the recorded notice of
430 commencement to any person upon request.

431 2. This subsection does not require the recording of a
432 notice of commencement as a condition of the application for,
433 processing of, or prior to the issuance of a building permit. If
434 a local government requires a separate permit or inspection for
435 installation of temporary electrical service or other temporary

5-00560-10

2010510__

436 utility service, land clearing, or other preliminary site work,
437 such permits may be issued and such inspections may be conducted
438 without providing the issuing authority with a certified copy of
439 a recorded notice of commencement or a notarized statement
440 regarding a recorded notice of commencement. This subsection
441 does not apply to a direct contract to repair or replace an
442 existing heating or air-conditioning system in an amount less
443 than \$7,500.

444 ~~(c) Not require that a notice of commencement be recorded~~
445 ~~as a condition of the application for, or processing or issuance~~
446 ~~of, a building permit. However, this paragraph does not modify~~
447 ~~or waive the inspection requirements set forth in this~~
448 ~~subsection.~~

449 ~~(2) An issuing authority under subsection (1) is not liable~~
450 ~~in any civil action for the failure of the person whose property~~
451 ~~is subject to attachment to receive or to be delivered a printed~~
452 ~~statement stating that the right, title, and interest of the~~
453 ~~person who has contracted for the improvement may be subject to~~
454 ~~attachment under the Construction Lien Law.~~

455 3.~~(3)~~ An issuing authority ~~under subsection (1)~~ is not
456 liable in any civil action for the failure to verify that a
457 certified copy of the recorded notice of commencement has been
458 filed in accordance with this section.

459 (2)~~(4)~~ The ~~several~~ boards of county commissioners,
460 municipal councils, or other similar bodies may by ordinance or
461 resolution establish reasonable fees for furnishing copies of
462 the forms ~~and the printed statement provided in paragraphs~~
463 ~~(1) (b) and (d)~~ in an amount not to exceed \$5 to be paid by the
464 applicant for each permit in addition to all other costs of the

5-00560-10

2010510__

465 permit; however, no forms or statement need be furnished,
 466 mailed, or otherwise provided to, nor may such additional fee be
 467 obtained from, applicants for permits ~~in those cases~~ in which
 468 the owner of a legal or equitable interest, ~~(including that of~~
 469 ownership of stock of a corporate landowner,~~)~~ of the real
 470 property to be improved is engaged in the business of
 471 construction of buildings for sale to others and intends to make
 472 the improvements authorized by the permit on the property and
 473 upon completion will offer the improved real property for sale.

474 (3)~~(5)~~ In addition to any other information required by the
 475 authority issuing the permit, each building permit application
 476 must contain:

477 (a) The name and address of the owner of the real property;

478 (b) The name and address of the contractor;

479 (c) A description sufficient to identify the real property
 480 to be improved; and

481 (d) The number or identifying symbol assigned to the
 482 building permit by the issuing authority, which ~~number or symbol~~
 483 must be affixed to the application by the issuing authority.

484 (4)~~(6)~~~~(a)~~ In addition to any other information required by
 485 the authority issuing the permit, the building permit
 486 application must be in substantially the following form:

487
 488 Tax Folio No.....

489 BUILDING PERMIT APPLICATION

490
 491 Owner's Name.....

492 Owner's Address.....

493 Fee Simple Titleholder's Name (If other than owner).....

5-00560-10

2010510__

494 Fee Simple Titleholder's Address (If other than owner).....

495 City.....

496 State..... Zip.....

497 Contractor's Name.....

498 Contractor's Address.....

499 City.....

500 State..... Zip.....

501 Job Name.....

502 Job Address.....

503 City..... County.....

504 Legal Description.....

505 Bonding Company.....

506 Bonding Company Address.....

507 City..... State.....

508 Architect/Engineer's Name.....

509 Architect/Engineer's Address.....

510 Mortgage Lender's Name.....

511 Mortgage Lender's Address.....

513 Application is hereby made to obtain a permit to do the

514 work and installations as indicated. I certify that no work or

515 installation has commenced before ~~prior to~~ the issuance of a

516 permit and that all work will be performed to meet the standards

517 of all laws regulating construction in this jurisdiction. I

518 understand that a separate permit must be secured for ELECTRICAL

519 WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS,

520 TANKS, and AIR CONDITIONERS, etc.

521 OWNER'S AFFIDAVIT: I certify that all the foregoing information

522 is accurate and that all work will be done in compliance with

5-00560-10

2010510__

523 all applicable laws regulating construction and zoning.
 524 WARNING TO OWNER: ~~YOUR FAILURE TO RECORD A NOTICE OF~~
 525 ~~COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR~~
 526 ~~IMPROVEMENTS TO YOUR PROPERTY.~~ A NOTICE OF
 527 COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB
 528 SITE BEFORE THE FIRST INSPECTION.
 529 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR
 530 LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR
 531 RECORDING YOUR NOTICE OF COMMENCEMENT.

532
533 ... (Signature of Owner or Agent) ...

534
535 ... (including contractor) ...

536 STATE OF FLORIDA

537 COUNTY OF

538
 539 Sworn to (or affirmed) and subscribed before me this
 540 day of, ... (year) ..., by ... (name of person making
 541 statement)

542
543 ... (Signature of Notary Public - State of Florida) ...

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

545 Personally Known OR Produced Identification

546 Type of Identification Produced.....

547 ... (Signature of Contractor) ...

548
549
550 STATE OF FLORIDA

551 COUNTY OF

5-00560-10

2010510__

552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580

Sworn to (or affirmed) and subscribed before me this
day of, ... (year) ..., by ... (name of person making
statement)....
... (Signature of Notary Public - State of Florida) ...
... (Print, Type, or Stamp Commissioned Name of Notary Public) ...
Personally Known OR Produced Identification
Type of Identification Produced.....
(Certificate of Competency Holder)

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

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

APPLICATION APPROVED BY
.....Permit Officer

(5) ~~(b)~~ Consistent with the requirements of subsection (4)
~~paragraph (a)~~, an authority responsible for issuing building
permits under this section may accept a building permit
application in an electronic format, as prescribed by the
authority.

(a) Building permit applications submitted to the authority
electronically must contain the following additional statement
in lieu of the requirement in subsection (4) ~~paragraph (a)~~ that
a signed, sworn, and notarized signature of the owner or agent
and the contractor be part of the owner's affidavit:

OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of
perjury, I declare that all the information contained in this

5-00560-10

2010510__

581 building permit application is true and correct.

582 ~~(b)(c)~~ An authority that ~~responsible for issuing building~~
583 ~~permit applications which~~ accepts building permit applications
584 in an electronic format must ~~shall~~ provide public Internet
585 access to the electronic building permit applications in a
586 searchable format.

587 (6) Each permit issued by the permitting authority must
588 include the following statement in at least 14-point,
589 capitalized, boldfaced type: A NOTICE OF COMMENCEMENT MUST BE
590 RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.
591 IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR
592 AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

593 (7) This section applies to every municipality and county
594 in the state which ~~now has or hereafter may have~~ a system of
595 issuing building permits for the construction of improvements or
596 for the alteration or repair of improvements on or to real
597 property located within the geographic limits of the issuing
598 authority.

599 Section 4. This act shall take effect July 1, 2010.