

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          requiring a governmental entity or quasi-governmental  
17          entity that wishes to create a lien against real  
18          property pursuant to a non-ad valorem or special  
19          assessment to record a notice with certain  
20          information; amending s. 553.79, F.S.; requiring an  
21          application for a building permit for the  
22          construction, alteration, or repair of improvements to  
23          be in a specified form; amending s. 713.13, F.S.;  
24          revising requirements for the form of a notice of  
25          commencement for improving real property; amending s.  
26          713.135, F.S.; providing for expiration and renewal of

27 a building permit; providing the application form for  
 28 renewal; providing an effective date.

29

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

31

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

34 153.67 Unpaid fees to constitute lien.—

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

51 (2) A district water or sewer system that imposes a lien  
 52 pursuant to this section must provide an Internet-based

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

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

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

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

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

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

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

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

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

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

79 the request.

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

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

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

90 159.17 Lien of service charges.—

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

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

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

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

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

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

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

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

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

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

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

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

131 the request.

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

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

140 Section 3. A governmental entity or quasi-governmental  
141 entity that desires to create a lien against real property  
142 pursuant to a non-ad valorem or special assessment shall record  
143 a notice in the official records of the county in which the  
144 applicable real property is located. The notice shall contain  
145 sufficient information to identify the applicability of the non-  
146 ad valorem or special assessment to real property.

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

149 553.79 Permits; applications; issuance; inspections.—

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

157 local enforcing agency, be delegated authority to issue such  
158 permits, upon the payment of such reasonable fees adopted by the  
159 enforcing agency. The enforcing agency is empowered to revoke  
160 any such permit upon a determination by the agency that the  
161 construction, erection, alteration, modification, repair, or  
162 demolition of the building for which the permit was issued is in  
163 violation of, or not in conformity with, the provisions of the  
164 Florida Building Code. Whenever a permit required under this  
165 section is denied or revoked because the plan, or the  
166 construction, erection, alteration, modification, repair, or  
167 demolition of a building, is found by the local enforcing agency  
168 to be not in compliance with the Florida Building Code, the  
169 local enforcing agency shall identify the specific plan or  
170 project features that do not comply with the applicable codes,  
171 identify the specific code chapters and sections upon which the  
172 finding is based, and provide this information to the permit  
173 applicant. Installation, replacement, removal, or metering of  
174 any load management control device is exempt from and shall not  
175 be subject to the permit process and fees otherwise required by  
176 this section.

177 (b) A person, firm, corporation, or governmental entity  
178 that applies for a building permit for the construction of  
179 improvements or for the alteration or repair of improvements on  
180 or to real property shall apply for such permit in the form  
181 required under s. 713.135.

182 Section 5. Paragraph (d) of subsection (1) of section

183 713.13, Florida Statutes, is amended to read:

184 713.13 Notice of commencement.—

185 (1)

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

188 Permit No..... Tax Folio No.....

189 NOTICE OF COMMENCEMENT

190 State of....

191 County of....

192 The undersigned hereby gives notice that improvement will be  
193 made to certain real property, and in accordance with Chapter  
194 713, Florida Statutes, the following information is provided in  
195 this Notice of Commencement.

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

198 2. General description of improvement:.....

199 3. Owner information or Lessee information if the Lessee  
200 contracted for the improvement:

201 a. Name and address:.....

202 b. Interest in property:.....

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

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

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

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



209 a. Name and address:.....

210 b. Phone number:.....

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

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

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

214 7. Persons within the State of Florida designated by Owner

215 upon whom notices or other documents may be served as provided

216 by Section 713.13(1)(a)7., Florida Statutes:

217 a. Name and address:.....

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

219 8.a. In addition to himself or herself, Owner designates

220 ..... of ..... to receive a copy of the Lienor's

221 Notice as provided in Section 713.13(1)(b), Florida Statutes.

222 b. Phone number of person or entity designated by

223 owner:.....

224 9. Expiration date of notice of commencement (the

225 expiration date will be 1 year from the date of recording unless

226 a different date is specified).....

227 10. Permit number, applicable local enforcement agency,

228 and issuance date of building permit, which shall expire in

229 accordance with Section 713.135(7), Florida Statutes:.....

230 WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE

231 EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER

232 PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA

233 STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS

234 TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND

235 POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU  
 236 INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN  
 237 ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF  
 238 COMMENCEMENT.  
 239 ... (Signature of Owner or Lessee, or Owner's or Lessee's  
 240 Authorized Officer/Director/Partner/Manager) ...  
 241 ... (Signatory's Title/Office) ...  
 242 The foregoing instrument was acknowledged before me this ....  
 243 day of ....., ... (year) ..., by ... (name of person) ... as ... (type  
 244 of authority, . . . e.g. officer, trustee, attorney in  
 245 fact) ... for ... (name of party on behalf of whom instrument was  
 246 executed) ....  
 247 ... (Signature of Notary Public - State of Florida) ...  
 248 ... (Print, Type, or Stamp Commissioned Name of Notary Public) ...  
 249 Personally Known .... OR Produced Identification ....  
 250 Type of Identification Produced.....  
 251 Section 6. Subsection (7) of section 713.135, Florida  
 252 Statutes, is renumbered as subsection (9), and new subsections  
 253 (7) and (8) are added to that section, to read:  
 254 713.135 Notice of commencement and applicability of lien.-  
 255 (7) A building permit, including a site-specific building  
 256 permit under s. 553.794, shall expire:  
 257 (a) One year after the date of issue if the permit has not  
 258 been renewed pursuant to subsection (8);  
 259 (b) Six months after the application date if a permit has  
 260 not been issued and an extension of time has not been granted;



287 Date of Last Inspection: ...

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

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

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

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

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

307 ...(including contractor)...

308 STATE OF FLORIDA

309 COUNTY OF ...

310 Sworn to (or affirmed) and subscribed before me this ...  
 311 day of ..., ... (year) ..., by ... (name of person making  
 312 statement)....

313 ...(Signature of Notary Public-State of Florida)...  
 314 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
 315 Personally Known ... OR Produced Identification ...  
 316 Type of Identification Produced ...  
 317 ...(Signature of Contractor)...  
 318 STATE OF FLORIDA  
 319 COUNTY OF ...  
 320 Sworn to (or affirmed) and subscribed before me this ...  
 321 day of ..., ...(year)..., by ...(name of person making  
 322 statement)....  
 323 ...(Signature of Notary Public-State of Florida)...  
 324 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...  
 325 Personally Known ... OR Produced Identification ...  
 326 Type of Identification Produced ...  
 327 (Certificate of Competency Holder)  
 328 Contractor's State Certification or Registration No. ...  
 329 Contractor's Certificate of Competency No. ...  
 330 NOTICE OF RENEWAL APPROVED BY  
 331 ... Permit Officer  
 332 (c) At the time a notice of renewal is filed, a  
 333 permitholder shall also amend the notice of commencement as  
 334 provided in s. 713.13(5).  
 335 Section 7. This act shall take effect July 1, 2016.