HB 797 2023

```
1
                           A bill to be entitled
 2
         An act relating to notice of commencement
 3
         requirements; amending s. 713.13, F.S.; requiring a
 4
         notice of commencement to be in a specified form;
 5
         providing an effective date.
 6
 7
    Be It Enacted by the Legislature of the State of Florida:
 8
 9
          Section 1. Paragraph (d) of subsection (1) of section
    713.13, Florida Statutes, is amended to read:
10
11
         713.13 Notice of commencement.
12
          (1)
               A notice of commencement must be in substantially the
13
          (d)
14
    following form:
    Permit No....
                                                      Tax Folio No....
15
16
                          NOTICE OF COMMENCEMENT
    State of....
17
18
    County of ....
    The undersigned hereby gives notice that improvement will be
19
20
    made to certain real property, and in accordance with Chapter
21
    713, Florida Statutes, the following information is provided in
    this Notice of Commencement.
22
23
              Description of property: ... (legal description of the
24
    property, and street address if available) ....
25
          2. General description of improvement:....
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Page 1 of 3

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HB 797 2023

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26
             Owner information or Lessee information if the Lessee
27
    contracted for the improvement:
28
             Name and address:....
         a.
29
         b.
             Interest in property:....
             Name and address of fee simple titleholder (if
30
    different from Owner listed above):....
31
32
               Contractor: ... (name and address) ....
33
            Contractor's phone number:.....
34
             Surety (if applicable, a copy of the payment bond is
    attached):
35
36
         a.
            Name and address:....
            Phone number:....
37
         b.
         c. Amount of bond: $.....
38
39
               Lender: ... (name and address) ....
40
             Lender's phone number:.....
         b.
41
             Persons within the State of Florida designated by Owner
    upon whom notices or other documents may be served as provided
42
    by Section 713.13(1)(a)7., Florida Statutes:
43
             Name and address:....
44
         a.
45
             Phone numbers of designated persons:....
46
         8.a. In addition to himself or herself, Owner designates
47
     ..... of ...... to receive a copy of the Lienor's
48
    Notice as provided in Section 713.13(1)(b), Florida Statutes.
49
             Phone number of person or entity designated by
50
    owner:....
```

Page 2 of 3

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HB 797 2023

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51
             Expiration date of notice of commencement (the
52
    expiration date will be 1 year from the date of recording unless
53
    a different date is specified) .....
54
    WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE
55
    EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER
56
    PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA
57
    STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS
    TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND
58
59
    POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU
    INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
60
61
    ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF
62
    COMMENCEMENT.
63
    ... (Signature of Owner or Lessee, or Owner's or Lessee's
64
    Authorized Officer/Director/Partner/Manager)...
     ... (Signatory's Title/Office)...
65
66
    The foregoing instrument was acknowledged before me this ....
67
    day of \dots, \dots (year) \dots, by \dots (name of person) \dots as \dots (type
68
    of authority, . . . e.g. officer, trustee, attorney in
69
    fact)... for ... (name of party on behalf of whom instrument was
70
    executed) ....
71
     ... (Signature of Notary Public - State of Florida) ...
72
     ...(Print, Type, or Stamp Commissioned Name of Notary Public)...
73
         Personally Known .... OR Produced Identification ....
74
         Type of Identification Produced.....
75
         Section 2. This act shall take effect July 1, 2023.
```

Page 3 of 3

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