



Informal Interpretation Report Number 7962



Date May 11, 2017

Edition 2014

Section 105.8

Question:

Is it the intent of section 105.8 for the first inspection to fail due to the N.O.C. not being on the jobsite, or is this just for information purposes?

Answer

The statute no longer contains the wording related to the posting at the job site being related to inspections. A copy of the recorded NOC must be accessible via the permit issuer prior to performing inspections. Section 105.8 is a requirement for the permit issuer to print the notice on their permit cards for the permit holder to be informed of their requirements under the law. Florida Statute 713.13 requires the owner or the owner's authorized agent to post notice of commencement "before actually commencing to improve any real property". The Definition of "Post" or "posting" in the Statute means placing the document referred to on the site of the improvement in a conspicuous place at the front of the site and in a manner that protects the document from the weather. F.S. 713.13 (7) makes the posting at the jobsite the responsibility of the owner. As per Florida Statute 713.135 the notice of commencement must be recorded and on file with the issuing authority before the first inspection is made. It is not required to issue the permit. the purpose of it being recorded and on file is so that anyone who provides labor or materials to the job has the information needed to file a notice to owner when they start the job. This is to protect the owner from paying twice for materials or labor and also to insure the provider of said labor and materials will be paid by someone.

Commentary:

Florida Statute 713.135 (1) reads in part:

(d) Furnish to the applicant two or more copies of a form of notice of commencement conforming with s. 713.13. If the direct contract is greater than \$2,500, the applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded notice of commencement or a notarized statement that the notice of commencement has been filed for recording, along with a copy thereof. In the absence of the filing of a certified copy of the recorded notice of commencement, the issuing authority or a private provider performing inspection services may not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, or any other means such certified copy with the issuing authority. The certified copy of the notice of commencement must contain the name and address of the owner, the name and address of the contractor, and the location or address of the property being improved. The issuing authority shall verify that the

name and address of the owner, the name of the contractor, and the location or address of the property being improved which is contained in the certified copy of the notice of commencement is consistent with the information in the building permit application. The issuing authority shall provide the recording information on the certified copy of the recorded notice of commencement to any person upon request. This subsection does not require the recording of a notice of commencement prior to the issuance of a building permit. If a local government requires a separate permit or inspection for installation of temporary electrical service or other temporary utility service, land clearing, or other preliminary site work, such permits may be issued and such inspections may be conducted without providing the issuing authority with a certified copy of a recorded notice of commencement or a notarized statement regarding a recorded notice of commencement. This subsection does not apply to a direct contract to repair or replace an existing heating or air-conditioning system in an amount less than \$7,500.

Notice:

The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.