



FUBA

Florida United Businesses Association

issues

OUR BUSINESS IS SMALL BUSINESS

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LEGISLATIVE UPDATE: CONSTRUCTION LIEN LAW

During the 2006 session of the Florida Legislature, lawmakers approved a bill dealing with construction liens. The bill became law on October 1st, and the main points of the bill are detailed below:

- Allows building departments to utilize email, fax or hand delivery in addition to regular mail for furnishing lien law information to permit applicants.
- Clarifies that a private provider who performs building inspections shall not perform an inspection until the notice of commencement has been furnished to the building permit authority.
- Raises the notice of commencement exemption for repair and replacement of HVAC systems from \$5,000 to \$7,500 to accommodate the cost of new EPA compliance systems.
- Clarifies that a building permit authority may not require a copy of the notice of commencement as a condition to application, processing or issuance of a building permit, but reinforces that the notice of commencement must be on file prior to inspection being performed.
- Allows building permit authorities to accept electronic (online) building permit applications and provides for an electronic owners submission statement. Requires any building permit authority that accepts building permits to provide online access to the public in the searchable format.
- Allows persons serving notices to owner to utilize electronic records generated through the USPS Confirm service or similar services in lieu of current mail log requirements. The electronic record must contain the postal tracking number, the name and address of the person to be served, and the USPS confirmation of the date of receipt.
- Expands existing lien law provisions regarding the making and furnishing of a false statement to include all lien law documents, including waivers and releases of lien. It is a third degree felony to knowingly and intentionally alter these documents.
- Amends the Uniform Commercial Code to fix a glitch that would have allowed some UCC financing statements to expire 6 months early.

EFFECTIVE JANUARY 1ST FLORIDA'S MINIMUM WAGE WILL BE \$6.67

Florida's new minimum wage is calculated each year on September 30th and becomes effective January 1st of the next year. The Agency for Workforce Innovation, using the Consumer Price Index (CPI), has calculated a 27-cent per hour increase. Therefore, **Florida's current minimum wage of \$6.40 will be increased to \$6.67 starting this January 1st.**

A Florida-specific minimum wage poster will be required beginning January 1st. FUBA is working on developing a poster that will comply with this new requirement, and we will be providing one to you at no charge.

ATTN CONTRACTORS: DID YOU KNOW ABOUT THE MY SAFE FLORIDA HOME PROGRAM?

What is the My Safe Florida Home Program?

Established by the Legislature to help Floridians identify how they can strengthen their homes against hurricanes, this program offers free home inspections by qualified inspectors to eligible homeowners and offers matching grants up to \$5,000 for specific home improvements.

What types of hurricane retrofit improvements will the grant funds pay for?

Matching grant funds are available only for wind-resistance improvements in seven specific categories, as follows:

1. Improving the strength of your roof deck attachment.
2. Creating a secondary water barrier to prevent water intrusion.
3. Improving the survivability of your roof covering.
4. Bracing gable-ends in your roof framing.
5. Reinforcing roof-to-wall connections.
6. Upgrading exterior wall opening protections.
7. Upgrading exterior doors.

How do I apply to become a Participating Contractor?

On September 15th, an online application was made available on the website www.mysafefloridahome.com. Once your application is submitted it will be reviewed and certain information verified with state or local construction licensing boards. If your application is approved, you will be added to the website listing of approved contractors. Consumers approved for a grant under this program will be able to select from the list of approved participating contractors in their area. Call 1-800-363-5852 for more information.

Is there any special training required?

Yes. You must complete a four-hour review course concerning residential wind-resistance retrofit work to be done under grant funds.

How can I get this training?

Federal Alliance for Safe Home's (FLASH) Blueprint for Safety Retrofit Course for Contractors will be offered around the state over the next few months.

FLASH will report participation to the Department of Business and Professional Regulation (DBPR) for continuing education credit. You will be mailed a certificate of participation.

If you have questions, please call FLASH at 1-877-221-7233 or email flash@flash.org.

AVOID LIABILITY – VERIFY EMPLOYEES' SOCIAL SECURITY NUMBERS

If you receive written notice from either the Social Security Administration (SSA) or the Department of Homeland Security (DHS) that you may be employing an unauthorized alien, you should take these reasonable steps in order to avoid legal liability.

Warning: These steps will not help if you have actual knowledge that an employee is unauthorized.

Step 1. Check your records promptly to determine if there was a typo in your records (ex. Form I-9) or in your communication with the SSA or DHS.

Step 2. Ask the employee to confirm that your records are correct if, after taking step one, the discrepancy is not resolved.

Step 3. Complete a new Form I-9 if the discrepancy is not resolved within 60 days of receipt of the letter.

Step 4. Terminate the employee if the discrepancy is not resolved, or if the employee's identity and work authorization cannot be resolved.

You can verify an SSN with the SSA by calling 1-800-772-6270 or visiting the following website: www.ssa.gov/employer/ssnv.htm

Source: Alexander Hamilton Institute's Personnel Legal Alert (www.AHIpubs.com)