

CITY OF AVENTURA

CONSTRUCTION LIEN LAW FOR OWNERS

NOTE: IF YOU SIGNED AS THE OWNER'S AGENT YOU ARE RESPONSIBLE FOR DELIVERING THIS INFORMATION SHEET TO THE OWNER OF THE PROPERTY.

WARNING TO OWNER

Florida's Construction Lien Law (Chapter 713, Part I, Florida Statutes) requires the recording with the Clerk of the Courts a Notice of Commencement for real property improvements greater than \$2,500.00. However, it does not apply to the repair or replacement of an existing heating or air conditioning system less than \$5000.00 in value. This notice must be signed by you, the property owner.

Under Florida law, those who work on your property or provide materials and are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

YOU MUST FILE A NOTICE OF COMMENCEMENT

For your protection under the Construction Lien Law and to avoid the possibility of paying twice for improvements to real property, you must record a Notice of Commencement in the Clerk of the Court's Office. You also must provide a certified copy of the recorded document at the construction site. The Notice of Commencement must be signed by you, the owner contracting the improvements, and not by your agent.

The Notice of Commencement form, provided with this information packet, must be completed and recorded within 90 days before starting the work.

A copy of the payment bond, if any is required by you and purchased by the contractor, must be attached as part of the Notice of Commencement when recorded.

If improvements described in the Notice of Commencement are not actually started within 90 days after the recording of the Notice, a new Notice of Commencement must be recorded. You lose your protection under the Construction Lien Law if the payments are made to the contractor after the expiration of the Notice of Commencement. The Notice is good for one year after the recording date or up to the date specified under item nine of the form.

Florida law requires the City of Aventura to be a second source of information concerning the improvements made on real property. The Building Permit Application (included with this packet) has been expanded to include information on the construction lender and the contractor's surety, if any. The new application requires your signature or your agent's, to inform you of the Construction Lien Law.

YOU MUST SUBMIT THE NOTICE OF COMMENCEMENT

By law, no inspections for work will be scheduled until a Certified Recorded copy of the Notice of Commencement is received by the City of Aventura Building Division and is posted at the construction site. (Florida Statute 713.135(1)(d)).

NOTICE TO OWNER FROM SUBCONTRACTORS AND SUPPLIERS

You may receive a Notice to Owner from subcontractors and material suppliers. This notice advises you that the sender is providing services or materials. Subcontractors and suppliers must serve a Notice to Owner within 45 days of commencing work to preserve their ability to lien your property.

If your address changes from that given in the Notice of Commencement, you should record a corrected Notice reflecting your current address. This is done to help ensure you will receive all notices.

RELEASE FROM LIEN FROM CONTRACTOR

Prior to paying the contractor, you need to receive a Release of Lien and Affidavit to the extent of payment from the general contractor. The Release of Lien and Affidavit shall state either that all the subcontractors and suppliers have been paid or list those unpaid and the amount owed. The contractor is required to list on the Release of Lien and Affidavit any subcontractor or supplier that has not been paid. That amount may be withheld from the contractor's pay and paid directly to the subcontractor or suppliers after 10 days written notice to the contractor.

If the balance due to the contractor is not sufficient to pay in full all subcontractors and suppliers listed on the contractor's affidavit, you may wish to consult an attorney.

The general contractor shall furnish a final Release of Lien and Affidavit to the owner indicating all subcontractors and suppliers have been paid at the time he requests final payment. You can rely on the affidavit in making final payment to the general contractor. If you make final payment to the general contractor without obtaining the affidavit, your property can be liened for non-payment if the general contractor fails to pay the subcontractors or suppliers. You should always obtain a Release of Lien and Affidavit from the contractor to the extent of any payments being made.

RELY ON YOUR LENDER FOR COMPLIANCE

If you have a lender, you may rely on the lender to handle the recording of the Notice of Commencement. Learn more about the Construction Lien Law by contacting an attorney, your lender, or the Florida Department of Agricultural and Consumer Services, Division of Consumer Services.

Documents are recorded at the Clerk of the Courts,
MIAMI-DADE COUNTY RECORDER
COURTHOUSE EAST
22 N.W. First Street
1st Floor
Miami, FL 33128.

You can record the Notice of Commencement by mail. The original Notice should be sent to the County Recorder, P.O. Box 011711, Flagler Station, Miami, Florida 33101. Please make sure the original Notice is signed and notarized. Also, remember to enclose the recording fee (for a single copy) and written instructions for recording and returning a certified copy of the recorded documents. For additional information on fees and recording documents call (305) 275-1155.

CITY OF AVENTURA

OWNER RESPONSIBILITIES

It is up to the owner to ensure that the contractor obtains their own permit. This permit makes the contractor legally responsible for their portion of the work. When an owner hires a contractor, it is the owner's responsibility to ensure that the contractor is licensed and insured. Always ask to see the permit for project. If no permit is obtained, do not allow the work to start.

Notice of Commencement

- For your protection under the Construction Lien Law and to avoid the possibility of paying twice for improvements to real property, you must record a Notice of Commencement in the Clerk of the Court's Office.
- The Notice of Commencement must be signed by the owner contracting the improvement, and not your agent.
- Florida's Construction Lien Law (Chapter 713, Part One, Florida Statutes) requires the recording of a Notice of Commencement with the Clerk of the Courts for real property improvements greater than \$2,500.
- Under Florida law, those who work on your property or provide materials and are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.
- The Notice of Commencement must be completed and recorded within 90 days before starting the work.
- A copy is also to be posted on the job site.

For Additional information visit the following links:

www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=building+permit&URL=0700-0799/0713/Sections/0713.135.html

www.myfloridalicense.com/dbpr/pro/cilb/documents/florida_lien_law.pdf

Licensed contractors

There are two types of contractor's license, one issued by Miami-Dade County and one by the State of Florida. The Miami-Dade County Permitting, Environmental and Regulatory Affairs (PERA) regulates Miami-Dade licensed contractors (see Chapter 10 of the Code of Miami-Dade County). The State of Florida Department of Business and Professional Regulations (DBPR) regulates the State licensed contractors (see Chapter 489 of the Florida Statutes). The law requires that all contractors be licensed. **Additionally all contractors must be registered with the City of Aventura.**

Suggestions of the Do's and Don'ts when Dealing with contractors

DO's

- Ask and check for references
- Ask and check licenses
- Make sure payments are made to contractor with the name that appears in license
- Ask and check for insurance
- Have a written detailed contract
- Ask to see permit card and all approved inspections, including a final inspection

DON'T's

- Do not allow work to start before a permit is obtained
- Do not issue a large down payment before work begins
- Do not make checks payable to an individual's name or to "cash"
- Do not make cash payments
- Do not accept oral contracts
- Do not do work without a permit
- Do not make final payment until final inspection is approved
- Do not make final payment until final affidavit of payment and all the releases of liens are received

Contractor complaints

If a contractor abandons the work or if you have a complaint regarding his/her performance, you can contact the Miami-Dade County Permitting, Environmental and Regulatory Affairs (PERA), Contractor Licensing and Enforcement Section at 786-315-2562 for Miami-Dade contractors and the State of Florida DBPR at 305-513-3437.

Please note that If the work has not been completed it may be necessary for you to hire a new contractor to complete the work.

NOTICE OF COMMENCEMENT

A RECORDED COPY MUST BE POSTED ON THE JOB SITE AT TIME OF FIRST INSPECTION

PERMIT NO. _____ TAX FOLIO NO. _____

STATE OF FLORIDA:
COUNTY OF MIAMI-DADE:

THE UNDERSIGNED hereby gives notice that improvements will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

Space above reserved for use of recording office

1. Legal description of property and street/address: _____

2. Description of improvement: _____

3. Owner(s) name and address: _____

Interest in property: _____

Name and address of fee simple titleholder: _____

4. Contractor's name, address and phone number: _____

5. Surety: (Payment bond required by owner from contractor, if any)

Name, address and phone number: _____

Amount of bond \$ _____

6. Lender's name and address: _____

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes,

Name, address and phone number: _____

8. In addition to himself, Owners designates the following person(s) to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes.

Name, address and phone number: _____

9. Expiration date of this Notice of Commencement: _____

(the expiration date is 1 year from the date of recording unless a different date is specified)

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

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

Prepared By _____

Prepared By _____

Print Name _____

Print Name _____

Title/Office _____

Title/Office _____

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this _____ day of _____.

By _____

Individually, or as _____ for _____

Personally known, or produced the following type of identification: _____

Signature of Notary Public: _____

Print Name: _____

(SEAL)

VERIFICATION PURSUANT TO SECTION 92.525, FLORIDA STATUTES

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true, to the best of my knowledge and belief.

Signature(s) of Owner(s) or Owner(s)'s Authorized Officer/Director/Partner/Manager who signed above:

By _____

By _____

This instrument prepared by:

Name: _____

Address: _____

NOTICE OF TERMINATION
(of Notice of Commencement)

STATE OF FLORIDA:
COUNTY OF MIAMI-DADE:

Space above reserved for use of recording office

The undersigned hereby gives notice that the effective period of that certain Notice of Commencement dated _____, recorded in O.R. Book/Page _____/_____ of the Public Records of Dade County, Florida, will terminate; and, in accordance with Section 713.132, Florida Statutes, the following information is provided:

1. The date and recording information for the Notice of Commencement being terminated are as described above, and all information contained therein is hereby expressly incorporated into this NOTICE OF TERMINATION.
2. The Notice of Commencement shall be terminated as of _____, or 30 days from the recording date of this Notice of Termination, whichever date is later.
3. This Notice of Termination applies to:
 - all the real property subject to the above described Notice of Commencement.
 - only to the portion of such real property described as:

4. All lienors have been paid in full or prorata in accordance with Section 713.06(4), Florida Statutes.
5. A copy of this notice has been served on the contractor and on each lienor who has given notice, if any.

Owner Signature: _____
Print Name _____

Owner Signature: _____
Print Name _____

SWORN TO AND SUBSCRIBED before me this _____ day of _____ 20____
by: _____

Personally known to me, or produced _____ as identification.

Notary Signature: _____

Print Name: _____

seal

Exhibit attached:

- Contractor's Final Payment Affidavit
- Property Legal Description
- Copy of Notice of Commencement

RELEASE OF LIEN AND AFFIDAVIT

Space above reserved for use of recording office

1. The undersigned contractor, for an in consideration of the payments of the sum of _____ paid by receipt of which is hereby acknowledged, hereby releases and quit claims to _____, the owner of the hereinafter described property, all liens, lien rights, claims or demands of any kind whatsoever, which the undersigned now has to might have against the building located on, or premises legally described as _____

on account of labor performed and/or materials furnished for the construction of any such improvements on said premises.

2. All labor and materials used by the undersigned in the erection of said improvements have been paid in full, except as follows: _____

3. All lienors furnishing labor, services, or materials for said improvements have been paid in full, except as follows: _____

4. This instrument is executed and delivered to the owner in compliance with Chapter 713, Florida Statutes.

5. The undersigned contractors does hereby consent to the payment by the owner of all lienors giving notice and those lienors above named.

IN WITNESS WHEREOF, I have hereunto set by hand and seal this _____ day of _____, 20_____

Witnesses:

1. _____ (SEAL)
(Contractor)

2. _____ By _____
(President)

STATE OF FLORIDA:

COUNTY OF MIAMI-DADE:

I, hereby acknowledge that the statements contained in the foregoing Release of Lien and Affidavit are true and correct. Sworn to and subscribed before me, this _____ day of _____, 20_____.

Notary Public _____

Print Notary's Name: _____

My Commission Expires: _____

How do I record a document?

You have three options for recording your documents in the Official Records;

1. You can bring your original documents in person, along with the appropriate fees, to the main office located at the Courthouse East Building.

Recording Department
22 N.W. 1st Street, First floor
Miami, Florida 33128

2. You can mail your original documents along with the appropriate fees. Please mail documents for recording to the address listed below:

Miami-Dade County Recorder
P.O. Box 011711
Flagler Station
Miami, Florida 33101

3. You can eRecord your document through one of our approved vendors. With this option, you retain your original document and the recorded image is available the next day. Additional information on this option, including links to the vendors, is available on the web at www.miamidadeclerk.com/eRecordings.asp.

Records Library

Courthouse East Building, 2nd floor

Copies of all recorded documents, along with the indexes, are maintained in the Records Library.

Recorded documents consist of: deeds, mortgages, satisfactions, releases and assignments of mortgages, claims of liens, UCC's (financial statements), affidavits, judgments, as well as civil court orders.

The cost for obtaining a copy of a document is \$1.00 per page and \$2.00 to certify. This can be done by mail, walk-in or via the web.

Certified Copies can be ordered via the web. This option is available after the image is displayed.

The website address is:

www.miamidade.gov/public-records

Records Searches

All recorded documents can be researched in the records library by the party's name, last name first (ex: Public, John Q), Clerk's File Number (CFN), legal description (subdivision name, lot, block, plat book and page) and Official Records Book and Page. The Records staff can perform the search of the records, or the public can be assisted with the search. The fee for searches is \$2.00 per name per year.

You can also perform a search via the internet for most recorded documents. Earlier documents are in the process of being made available on the web. A Premier service is available for a fee and enables more complex searches.

The web address is:

www.miamidade.gov/public-records

Search Request by Mail

If you would like to request a search by mail, you need to include the full name you would like searched and the legal description or address, if you are looking for a deed or mortgage. If you would like a search for a satisfaction of mortgage or lien, please send the party's name and the original book and page of the mortgage or lien.

We do not perform any searches over the telephone.

Important Notice:

The various credit bureaus search for liens and judgments recorded in our offices and link these documents to your credit history. If you have been advised by an agency that you have an item recorded against your name and you do not know what this item is, you may obtain the book and page from them to request a copy of the item from the Records Library by mail or the web.

Americans With Disabilities Act of 1990: TDD/TTY users may contact the telephone number(s) listed via the Florida Relay Service at 1-800-955-8771, or by dialing 711. This document is available in alternate formats upon request.

CLK/CT 985 Rev. 10/10

Miami-Dade County Clerk's Office



COUNTY RECORDER

Business Hours: 9:00 a.m. - 4:00 p.m.
(305) 275-1155, press 6

22 N.W. 1st Street
Miami, Florida 33128

Harvey Ruvin, Clerk