

**NOTICE OF COMMENCEMENT**

TO BE COMPLETED WHEN CONSTRUCTION VALUE EXCEEDS \$2,500.00  
OR WHEN HEATING OR AIR CONDITIONING REPAIR OR REPLACEMENT EXCEEDS \$7,500.00

PERMIT #: \_\_\_\_\_ TAX FOLIO #: \_\_\_\_\_

State of Florida, County of Indian River, the undersigned hereby gives notice that improvement 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.

**1. LEGAL DESCRIPTION OF PROPERTY (AND STREET ADDRESS IF AVAILABLE):**

**2. GENERAL DESCRIPTION OF IMPROVEMENT:**

**3.  OWNER INFORMATION or  LESSEE INFORMATION (If Lessee contracted for the improvement)**

- a. Name: \_\_\_\_\_  
Address: \_\_\_\_\_
- b. Interest in property: \_\_\_\_\_
- c. Name and address of fee simple title holder (if other than owner): \_\_\_\_\_

**4. CONTRACTOR:**

- a. Name: \_\_\_\_\_  
Address: \_\_\_\_\_
- b. Phone number: \_\_\_\_\_

**5. SURETY COMPANY (IF Applicable, a copy of the payment bond is attached):**

- a. Name & Address: \_\_\_\_\_
- b. Phone number: \_\_\_\_\_ Bond amount: \_\_\_\_\_

**6. LENDER/MORTGAGE COMPANY:**

- a. Name & Address: \_\_\_\_\_
- b. Phone number: \_\_\_\_\_

**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:**

- a. Name & Address: \_\_\_\_\_
- b. Phone number: \_\_\_\_\_ fax number: \_\_\_\_\_

**8. IN ADDITION TO HIMSELF OR HERSELF,**

- a. Owner designates \_\_\_\_\_ of \_\_\_\_\_ to receive a copy of the lienor's notice as provided in section 713.13(1)(b), Florida statutes.
- b. Phone number: \_\_\_\_\_

**9. EXPIRATION DATE OF NOTICE OF COMMENCEMENT:** \_\_\_\_\_

(THE EXPIRATION DATE IS ONE (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.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS IN IT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF (SECTION 92.525, FLORIDA STATUTES)

\_\_\_\_\_  
SIGNATURE OF OWNER or LESSEE or OWNER'S AUTHORIZED OFFICER/DIRECTOR/PARTNER/MANAGER

\_\_\_\_\_  
SIGNATORY'S TITLE/OFFICE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY:

AS \_\_\_\_\_ FOR \_\_\_\_\_

NAME OF PERSON TYPE OF AUTHORITY

NAME OF PARTY ON BEHALF OF WHOM INSTRUMENT WAS EXECUTED

PERSONALLY KNOWN OR  PRODUCED IDENTIFICATION TYPE OF IDENTIFICATION PRODUCED \_\_\_\_\_

\_\_\_\_\_  
NOTARY SIGNATURE

\_\_\_\_\_  
NOTARY PRINTED NAME

\_\_\_\_\_  
NOTARY SEAL

**HOW AND WHERE TO FILE THE NOTICE OF  
COMMENCEMENT**

**INDIAN RIVER COUNTY COURTHOUSE  
RECORDING OFFICE  
2000 16<sup>TH</sup> AVE.  
VERO BEACH, FL  
772-770-5185, EXT. 224**

**WALK THROUGH SECURITY  
TO RECORDING OFFICE WHICH IS LOCATED ON THE  
SECOND FLOOR  
ROOM 224**

**BE SURE THE NOTICE OF COMMENCEMENT IS FILLED OUT  
CORRECTLY AND THEN NOTARIZED BEFORE YOU GO TO  
HAVE IT RECORDED. THE RECORDING OFFICE CANNOT  
PROVIDE A NOTARY.**

**AFTER RECORDING. BRING A CERTIFIED COPY OF THE NOC  
TO THE BUILDING DEPARTMENT. EACH RECORDED  
NOTICE OF COMMENCEMENT SUBMITTED TO THE  
BUILDING DEPARTMENT MUST HAVE THE APPROPRIATE  
PERMIT NUMBER WRITTEN ON IT. BE SURE TO POST A  
COPY AT THE JOB SITE**

# Florida's Construction Lien Law

## Protect Yourself and Your Investment

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

If your contractor fails to pay subcontractors or material suppliers, the people who are owed money may look to your property for payment, **even if you have paid your contractor in full.**

**This means that if a lien is filed against your property, your property could be sold against your will to pay for labor, materials, or other services which your contractor may have failed to pay.**

This document provides information regarding Florida Statute 713, Part 1, as it pertains to home construction and remodeling, and provides tips on how you can avoid construction liens on your property.

### Protecting Yourself

If you hire a contractor and the improvements cost more than \$2,500, you should know the following:

- You may be liable if you pay your contractor and he then fails to pay his suppliers or contractors. There is a way to protect yourself. A Release of Lien is a written statement that removes your property from the threat of lien. Before you make any payment, be sure you receive this waiver from suppliers and subcontractors covering the materials used and work performed on your property.

- Request from the contractor, via certified or registered mail, a list of all subcontractors and suppliers who have a contract with the contractor to provide services or materials to your property.

- If your contract calls for partial payments before the work is completed, get a Partial Release of Lien covering all workers and materials used to that point.

- Before you make the last payment to your contractor, obtain an affidavit from your contractor that specifies all unpaid parties who performed labor, services or provided services or materials to your property. Make sure that your contractor provides you with final releases from these parties before you make the final payment.

- Always file a Notice of Commencement before beginning a home construction or remodeling project. The local authority that issues building permits is required to provide this form. You must record the form with the Clerk of the Circuit Court in the county where the property being improved is located. Also post a certified copy at the job site. (In lieu of a certified copy, you may post an affidavit stating that a Notice of Commencement has been recorded. Attach a copy of the Notice of Commencement to the affidavit.)

- In addition, the building department is prohibited from performing the first inspection if the Notice of Commencement is not also filed with the building department. You can also supply a notarized statement that the Notice has been filed, with a copy attached.

The Notice of Commencement notes the intent to begin improvements, the location of the property, description of the work and the amount of bond (if any). It also identifies the property owner, contractor, surety, lender and other pertinent information. Failure to record a Notice of

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Commencement or incorrect information on the Notice could contribute to your having to pay twice for the same work or materials.

## **Notice To Owner**

Prior to filing a lien, a lienor who does **not** have a direct contract with the owner, must serve the owner with a Notice to Owner. The Notice to Owner must state the lienor's name and address, and a description of the real property and the nature of the services or materials being furnished. The Notice to Owner must be served before commencing, or within 45 days of commencing, to furnish the services or materials (but before owner's final payment to the contractor). A lien cannot be enforced unless the lienor has served the Notice to Owner as described above.

## **Whose Responsibility is it To Get These Releases?**

You can stipulate in the agreement with your contractor that he must provide all releases of lien. If it is not a part of the contract, or you act as your own contractor, YOU must get the releases.

If you borrow money to pay for the improvements and the lender pays the contractor(s) directly without obtaining releases, the lending institution may be responsible to you for any loss.

## **What Can Happen If I Don't Get Releases Of Lien?**

You will not be able to sell your property unless all outstanding liens are paid. Sometimes a landowner can even be forced to sell his property to satisfy a lien.

## **Who Can Claim A Lien On My Property?**

Contractors, laborers, materials suppliers, subcontractors and professionals such as architects, landscape architects, interior designers, engineers or land surveyors all have the right to file a claim of lien for work or materials. **Always get require a release of lien from anyone who does work on your home.**

## **Contesting A Lien**

A lien is valid for one year, unless a lienor files a lawsuit to enforce the lien prior to the expiration of the year. An owner has a right to file a Notice of Contest of Lien during the oneyear period. Upon the filing of a Notice of Contest of Lien, a lienor must file a lawsuit to enforce the lien within 60 days. Failure of the lienor to timely file a lawsuit renders the lien invalid.

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**THE CONSTRUCTION LIEN LAW IS COMPLEX AND CANNOT BE COVERED COMPLETELY IN THIS DOCUMENT. WE RECOMMEND THAT WHENEVER A SPECIFIC PROBLEM ARISES, YOU CONSULT AN ATTORNEY.**

**To register a complaint (or learn if complaints have been filed against a prospective contractor), contact the Florida Department of Business and Professional Regulation's Customer Contact Center at: 850.487.1395 or CallCenter@dbpr.state.fl.us**

**Or write to:** Florida Department of Business and Professional Regulation

1940 North Monroe Street

Tallahassee, Florida 32399-1027

**Or visit online at:** [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

License verification is available 24 hours a day and /7 days a week by calling our Customer Contact Center at 850.487.1395 or going online to [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) Search for a Licensee.

You may also contact your local building department or the Better Business Bureau.