



OWNER'S AFFIDAVIT

DATE: \_\_\_\_\_

ATTENTION: BUILDING OFFICIAL

I, \_\_\_\_\_ certify that I am the owner of the property described as:

ADDRESS: \_\_\_\_\_

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_

I authorize \_\_\_\_\_ as my agent to obtain a building permit for the following work:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
OWNER'S SIGNATURE

**\*\*\*\*\*PROPERTY OWNERS PLEASE SEE REVERSE SIDE OF THIS DOCUMENT\*\*\*\*\***

STATE OF FLORIDA

COUNTY OF BROWARD

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by:

\_\_\_\_\_  
PLEASE PRINT OWNER'S NAME

( ) Personally Known to me. ( ) produced Identification

Type of Identification: \_\_\_\_\_

( ) DID TAKE OATH ( ) DID NOT TAKE OATH

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

**Notice of Commencement must be filed if the job valuation of \$2,500.00 and / or more in labor and material.**

**Notice of Commencement must be posted prior to the job commencing.**

**Notice of Commencement should be filed at:  
115 S. Andrews Avenue, RM 119, Ft. Lauderdale, Florida**

**Lauderdale Lakes**  
**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 One, 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 \$5,000.00 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**

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 Building Section of the Community Planning & Development Department 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 POST THE NOTICE OF COMMENCEMENT AT THE JOB SITE**

By law, the Building Services Division is required to verify at the first inspection, after the building permit is issued, that a certified copy of the recorded Notice of Commencement, with attached bonds if any, is posted at the construction site. Failure to show the inspector a certified copy of the recorded Notice will result in disapproved inspection, (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.

**RELEASES 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 supplier after 10 days written notice to the contractor.

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 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 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 WITH CONSTRUCTION LIEN LAW**

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 : Broward County Records Division, Recording Section, 115 S. Andrews Avenue, RM 119, Ft. Lauderdale, FL 33301. You can record the Notice of Commencement by mail. The original Notice should be sent to the Broward County Records Division, Recording Section, P.O. Box 14668, Fort Lauderdale, Florida 33301. Please make sure the original notice is signed and notarized. Also, remember to enclose \$6.00 for the first page and \$4.50 for each additional page of the same document. If you require a certified copy to post on the job, then include an additional \$1.00 for certification and a self-addressed, stamped envelope for the certified copy to be sent to you. If you need the certified copy right away, you should go in person to the recording office. Prepare your check payable to "Board of County Commissioners" according to the fees set out above. If you are unsure of the fees and are recording in person, wait till you get to the recording office to complete your check. For additional information on recording documents call (954) 357-7281.

# SAMPLE

## NOTICE TO OWNERS, CONTRACTORS, ARCHITECTS, ENGINEERS AND THE PUBLIC AT LARGE

### **SECTION 105.13.4.1 OF THE FLORIDA BUILDING CODE STATES:**

“A Statement of Inspection shall be required in connection with any construction for which the code requires architectural or engineered signed and sealed plans. The Statement of Inspection shall be a statement in writing made and executed by the architect or engineer who signed and sealed the plans for the subject structure, attesting to the best of his/her knowledge, belief and professional judgment, the structure and envelope component of the structure are in compliance with the approved plans and other approved permit documents. The Statement of Inspection shall also contain a statement that to the best of his/her knowledge, belief and professional judgment that approved permit plans represent the as-built condition of the structure and envelope components of the structure. For these purposes, the Building Official may in exigent circumstances and at his/her discretion, accept a substitute architect or engineer for the architect or engineer who signed and sealed the plans. Exigent circumstances shall include, but not be limited to disagreement between owner and the architect or engineer who sealed and signed the plans. Where threshold or special inspectors are used in accordance with this Code, the Statement of Inspection may be made and executed by the special inspector or threshold inspector. The Statement of Inspection shall be issued and dated following the completion of the work, and delivered as a condition precedent to the issuance by the Building Official approving the final building inspection. Prior to the issuance of a Statement of Inspection the architect or engineer shall at a minimum perform those inspections which are required to be performed by the Building Official for the work involved.”

### **TO COMPLY WITH THIS SECTION:**

**THE PERMIT HOLDER MUST HAVE THE ARCHITECT OR ENGINEER OF RECORD (OR IN EXIGENT CONDITIONS AND WHEN APPROVED BY THE BUILDING OFFICIAL, ANOTHER ARCHITECT OR ENGINEER) PERFORM AND APPROVE THOSE INSPECTIONS REQUIRED UNDER SECTION 105 OF THE FLORIDA BUILDING CODE PRIOR TO THE BUILDING OFFICIAL PERFORMING THOSE INSPECTIONS.**

**THE ARCHITECT OR ENGINEER MUST KEEP AN “APPROVED INSPECTION LOG” AVAILABLE AT THE JOB SITE AT TIME THE BUILDING OFFICIAL PERFORMS THE REQUIRED INSPECTIONS.**

## STATEMENT OF INSPECTION

**THIS DOCUMENT MUST BE PREPARED IN STATIONARY WITH THE ARCHITECT'S OR ENGINEER'S LETTERHEAD BY THE ARCHITECT OR ENGINEER OF RECORD (OR IN EXIGENT CONDITIONS AND WHEN APPROVED BY THE BUILDING OFFICIAL, ANOTHER ARCHITECT OR ENGINEER.)**

[DATE]

TO:           **[PROPERTY OWNER NAME]**  
                 **[ADDRESS OF PROJECT]**  
                 **[PERMIT NUMBER]**  
                 **[CONTRACTOR'S NAME]**  
                 **[DESCRIPTION OF CONSTRUCTION]**

Dear Building Official

I **[ARCHITECT OR ENGINEER]**, having performed and approved the required inspections, as indicated in the attached approved inspection log, here by attest that "To the best of my knowledge and belief, the above-described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the engorgement agency." I also attest to the best of my knowledge and belief, the approved permit plans represent the as-built condition of the structural and envelope components of said structure. This document is being prepared in accordance with Section 105.13.4.1 of the Florida Building Code and is being submitted to the City of Lauderdale Lakes Community Planning and Development Department at the time of the final inspection for the above referenced structure.

Should you have any further questions or need any additional information, please do not hesitate to contact me.

Sincerely,

**[ARCHITECT'S OR ENGINEER'S SEAL]**

**[ARCHITECT'S OR ENGINEER'S SIGNATURE]**

# SAMPLE

## LOG OF APPROVED INSPECTIONS TO COMPLY WITH FLORIDA BUILDING CODE 105.13.4.1 (Threshold Buildings Only)

PERMIT NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ARCH/ENGR: \_\_\_\_\_

CONTRACTOR: \_\_\_\_\_

TYPE OF INSPECTION:

FOUNDATION

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TYPE OF INSPECTION:

REINFORCING

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TYPE OF INSPECTION:

WINDOWS AND DOORS

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TYPE OF INSPECTION:

AS-BUILT

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TYPE OF INSPECTION:

OTHER (SPECIFY)

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TYPE OF INSPECTION:

OTHER (SPECIFY)

COMMENTS: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_