

## 10 Simple Mechanic's Lien Rules for Contractors and Subcontractors Doing Construction Business in the State of Florida

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1. It is mandatory for the Owner of both a Public and Private construction project to file a **Notice of Commencement** with the County Recorders office where the project is located. The owner is also required to record a **Payment Bond**, if any, with the Notice of Commencement.
2. A **Notice To Owner/Notice To Contractor** (Private Work) must be served to the owner on a project within 45 days (Commercial and Residential) after first furnishing construction related labor, professional services, materials, machinery, fixtures or tools to a jobsite. It must be delivered in person, or by certified mail, to the owner of the property. It is advisable that along with the owner any other legal parties related to the improvement of the property (Owner, Customer, Lender and General Contractor) get sent the **Notice to Owner/Notice to Contractor**.
3. A **Contractor** (person with a direct contract with owner) is not required to serve a **Notice to Owner** to the owner of the property being improved.
4. A **Claim Of Lien** (Mechanic's Lien). You have 90 days to file a **Claim of Lien** (Mechanic's Lien) with the County Recorders Office. It must be delivered in person or by certified mail to the owner of the property in 15 days after filing it with the County Recorders Office. It is advisable that along with the owner any other legal parties related to the improvement of the property (Owner, Customer, Lender and General Contractor) get sent the **Claim Of Lien**.
5. A **Claim Of Lien** (Mechanic's Lien) cannot be filed on the property for projects that are City, County, State or Federal related. However, a payment bond is required and lienable on most Public projects over \$200,000.
6. The **starting date** for the **Claim Of Lien** (Mechanic's Lien) filing period varies according to your role in a project. The completion of labor for a project is considered the starting date for Contractors and Subcontractors providing labor. For materials suppliers, the last date that materials were delivered to the job site is the starting date. For rental suppliers, the last date the rental materials were on the job site is the starting date. You then have 90 days to file a Claim of Lien.
7. Subcontractors of another subcontractor and materialman supplying another materialman on a project can not use the Mechanic's Lien process in Florida.
8. The **Enforcement to Foreclose a Mechanic's Lien** (legal perfection of a Lien) must be filed within one year of filing a **Claim of Lien** (Mechanic's Lien) at the County Court (under \$15,000) or the or the Circuit Court (over \$15,000).
9. Any person who files a fraudulent **Mechanic's Lien** is considered to have committed a 3<sup>rd</sup> degree felony.
10. Contracts where an eligible liening party are required at the start of a project to waive their lien rights are unenforceable.