



## “Basic Florida Mechanics Lien Law”

If you are a homeowner in Florida, you will no doubt have occasion to contract for repairs or improvements to your property. You should know that the Florida lien law provides homeowners certain protections and also provides particular warnings to help homeowners navigate payment of multiple bills often from unknown suppliers, subcontractors and laborers.

Each supplier, subcontractor or in some cases laborers are directed by statute to give homeowners a notice that they have worked on the property. This notice is called “Notice to Owner” and must be delivered within 45 days of the first delivery of material or first work performed on your home. The failure to provide you a Notice to Owner within the time requisites results in the absolute loss of any right to claim a lien against the home.

Do not be alarmed by the receipt of a Notice to Owner from multiple parties, many of whom you do not know. The Notice is provided so that you can police your general contractor and ensure that every party has been paid.

The actual Notice to Owner will provide a warning. To avoid paying twice, homeowners are directed to contact the subcontractor or supplier to ensure that it has been paid prior to disbursement to the general contractor.

The statutes require that a supplier or subcontractor deliver the Notice to Owner by certified mail.

The Notice scheme is set up in such a way that homeowners can merely relax. The homeowner has no obligation to seek out parties who do not provide a Notice to Owner.

Homeowners should keep a log of each Notice to Owner received and require proof of payment from the general contractor before disbursing or require a progress payment affidavit from the contractor as a condition to make payment.

The failure to pay suppliers, subcontractors or the general contractor, may result in a lien placed against the home. A lien is a statutory creature which allows an unpaid lienor to sell the property at the courthouse steps, if necessary, in order to receive payment.

Each supplier or subcontractor must record a Claim of Lien within 90 days of the last date that the supplier, subcontractor or contractor worked at your home. The statutes also require that homeowners be provided a copy of the Claim of Lien, by certified mail, to ensure that the homeowner knows of the outstanding bill prior to disbursing any final payments to the general contractor.

Prior to making any final payment to a general contractor, homeowners should obtain a Final Contractor’s Affidavit wherein the general contractor swears that all subcontractors and suppliers have been paid in full under penalty of criminal law.

Great care should be exercised to make sure every lienor has been paid. Unpaid lienors may file an action to foreclose against the property. The advice of an attorney should be sought to explain the ins and outs of the Mechanics Lien Law and to assist in obtaining appropriate affidavits from the general contractor.



By: Houston Short

