

One of the most important tools a contractor has is his or her legal ability to enforce claims for payment through Florida's Lien Laws. In the same way that a contractor should come to the jobsite with the proper tools and equipment, he should also make the proper plans to protect his right to be paid for the work he does.

Securing Lien Rights – General Contractors on Private Projects

Before actually starting work:

1. Verify ownership of the property. This can be done by examining:
 - a. The Notice of Commencement. If none is available, then examine:
 - b. The Building Permit, and
 - c. The Property Records, usually available from the Clerk of Courts in the County where the property is located.
 - If you find a discrepancy as to ownership of the property, send all notices to all addresses you have on file. Always send all important lien law notices by certified mail, return receipt requested. Be sure to keep your "green cards" so you can prove actual delivery.
 - Remember, filing a Notice of Commencement is mandatory and it should be clearly posted at the jobsite. If you are contracting directly with the legal owner of the property, you do not need to serve a Notice to Owner.
2. A General Contractor's Claim of Lien must be recorded in the County where the property is located within **90 days** of the last day on the job.
3. A copy of the Claim of Lien must be served on the owner and all additional parties mentioned in the Notice of Commencement within **15 days** of recording.
4. The Contractor's Final Affidavit must be served at least **5 days** prior to filing suit to foreclose on the lien.
5. The lien foreclosure action must be filed within **one year** of the date the Claim of Lien was filed.

Securing Lien Rights – Subcontractors on Private Projects

Before actually starting work:

1. Verify ownership of the property. This can be done by examining:
 - a. The Notice of Commencement. If none is available, then examine:
 - b. The Building Permit, and
 - c. The Property Records, usually available from the Clerk of Courts in the County where the property is located.
 - If you find a discrepancy as to ownership of the property, send all notices to all addresses you have on file.
 - Always send all important lien law notices by certified mail, return receipt requested. Be sure to keep your "green cards" so you can prove actual delivery.
2. A Subcontractor's Notice To Owner must be served on the owner and all additional parties mentioned in the Notice of Commencement within **45 days** of starting work or commencing with fabrication of custom materials, supplies, etc.
3. A Subcontractor's Claim of Lien must be recorded in the County where the property is located with **90 days** of the last day on the job.
4. A copy of the Claim of Lien must be served on the owner and all additional parties mentioned in the Notice of Commencement within **15 days** of recording.

5. Subcontractor's Final Affidavits are not presently required under Florida law. However, under some circumstances it may be advisable to serve a Final Affidavit at least **5 days** prior to filing suit to foreclose on the lien.

6. The lien foreclosure action must be filed within **one year** of the date the Claim of Lien was filed.

- Remember, even if the owner actually knows you are performing work, you must still serve them with a Notice to Owner.
- You should also serve the lender if one is mentioned in the Notice of Commencement.

Securing Lien Rights – Sub-subcontractors on Private Projects

Before actually starting work:

1. Verify ownership of the property. This can be done by examining:

- a. The Notice of Commencement. If none is available, then examine:
- b. The Building Permit, and
- c. The Property Records, usually available from the Clerk of Courts in the County where the property is located.

- If you find a discrepancy as to ownership of the property, send all notices to all addresses you have on file.
- Always send all important lien law notices by certified mail, return receipt requested. Be sure to keep your "green cards" so you can prove actual delivery.

2. A Sub-subcontractor's Notice To Owner must be served on the owner and all additional parties mentioned in the Notice of Commencement within **45 days** of starting work or commencing with fabrication of custom materials, supplies, etc.

3. A Sub-subcontractor's Notice to Owner must also be served on the General Contractor within **45 days** of starting work or commencing with fabrication of custom materials, supplies, etc.

4. A Sub-subcontractor's Claim of Lien must be recorded in the County where the property is located with **90 days** of the last day on the job.

5. A copy of the Claim of Lien must be served on the owner and all additional parties mentioned in the Notice of Commencement within **15 days** of recording.

6. Sub-subcontractor's Final Affidavits are not presently required under Florida law. However, under some circumstances it may be advisable to serve a Final Affidavit at least **5 days** prior to filing suit to foreclose on the lien.

7. The lien foreclosure action must be filed within **one year** of the date the Claim of Lien was filed.

- Remember, even if the owner actually knows you are performing work, you must still serve them with a Notice to Owner.
- You should also serve the lender if one is mentioned in the Notice of Commencement.