

New Florida Case Explains Who Can and Can't File Mechanic Liens

The question of who has the right to file a mechanic lien is an important one. In some states nearly everyone on a construction project can file a lien, and in others there are restrictions. Some states, for example, do not allow suppliers to suppliers to lien, or equipment lessors, or even, sometimes, subcontractors at all. We've written about some of these circumstances on this blog in the past ([Mississippi allowing equipment rental companies to lien](#), and discussing [the right to lien in Wisconsin](#)).

Not only are there special rules in each state about which parties to a construction project are allowed to lien, but there's also the issue of what constitutes a construction project in the first place. That's an issue decided last month by the Third District Court of Appeal in Florida. The case was [Parc Centra Aventura East Condominium, etc. v. Victoria Group Services, LLC](#).

In this case, Victoria Group performed the following services at the condominium complex and filed a mechanics lien when unpaid:

Victoria shall provide standard residential cleaning, maintenance & concierge services to all common areas of the building entrance and lobby, pool area, club house, [] gym, activity rooms and lavatories...

Other components of the contract with Victoria provided that the company would provide "Concierge, Engineering Administrative Assistant services to the building..."

The Florida appeals court opined as follows:

It is apodictic that the fundamental purpose of...this state's 'Mechanics' Lien Statute'...is 'to protect those who have provided labor and materials for the **improvement** of real property.' ... an improvement [is defined as] 'any building, structure, construction, demolition, excavation, solid-waste removal, landscaping, or

any part thereof existing, built, erected, placed, made or done on land or other real property **for its permanent benefit.**'

Citing former cases holding that "lawn moving and shrubbery cutting services were not lienable," the Florida appeals court concluded that mere maintenance of property services are not lienable in Florida.

Read this article on the Construction Lien Blog here:
<http://constructionlienblog.com/?p=2243>