Express Lien

Florida Lien Punchlist (Private)

NOTICE REQUIREMENTS

- Any party (except wage laborers) who do not have a direct contract with the property owner must serve a Notice to Owner within the earlier of (a) 45 days of first furnishing services or materials; or (b) 45 days from when work begins on making specialty materials; or (c) 45 days before owner's final payment to prime contractor. Notice must be served on the owner, and all other parties "up the chain."

- If a payment bond is posted on the project, must deliver a Notice to Contractor / Notice to Owner to the owner and general contractor within 45 days of first furnishing labor and/or materials. If later unpaid for work, lienor must serve contractor and bonding company with Notice of Nonpayment within 90 days of final furnishing of labor and/or materials to perfect rights to make claim against bond.

ABOUT NOTICE OF COMMENCEMENT & PAYMENT BONDS

Owner must record a Notice of Commencement before work is performed at the property, and display it at the jobsite! This notice will have important information on it for potential lien claimants.

If the Owner recorded a payment bond along with its Notice of Commencement, the property may not be lienable. Instead, the claimant should bring a suit against the bond.

If bond is recorded and lien may not be possible, this does not relieve contractors from delivering a Notice to Owner.

THE MECHANICS LIEN

- Referred to as "Claim of Lien"

- Must be recorded within 90 days of last furnishing labor and/or materials. It must be served on the owner within 15 days of being recorded.

- Action to enforce the lien must be instituted within 1 year from the filing of the lien, unless action is taken by another party to shorten the period. Then, according to the action.

THE PAYMENT BOND

- If Payment Bond was recorded by the Owner/Contractor, no one has right to lien the property. Instead, the lienor can file a claim against the payment bond itself.

- Lienor must file suit against bonding company and/or bond principal within 1 year from its final furnishing of labor and/or materials. Also, note notice requirements above.

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