

How To Proceed With A Claim:

Before submitting an application for financial assistance to Florida's Homeowners Construction Recovery Fund, you must give the Contractor written notice and time to cure any construction defect before legal action can be taken. A licensed Florida contractor has 30 days (or 50 days for an association representing more than 20 residential parcels) within which to perform a reasonable inspection of the dwelling(s) subject to the claim to assess the alleged defect(s). Access to the dwelling must be allowed for the contractor to perform any inspection or repair work during normal business hours. The inspection by the contractor may include destructive testing by mutual agreement of the property owner(s).

If you would like to pursue a claim with the Florida Homeowners' Construction Recovery Fund send a letter requesting a claim application and information packet to:

Construction Industries Recovery Fund
1940 North Monroe Street
Tallahassee, FL 32399

Additional information is available at the State of Florida website:

www.myflorida.com/dbpr/pro and click on **Construction Industry**.

From the **Construction Industry** page you can access both Florida Statute 558 and 489 and see the sections of the Florida Administrative Code related to filing a claim. You will also find the *Florida Homeowners Construction Recovery Fund Claim Form* on this page; as well as a list of the members of the Florida Construction Industry Licensing Board who hear cases, when and where they hear cases, and the most recent decisions of the Board.

Before hiring a contractor in Marion County we encourage you to call the Building Department-Licensing Division (352-438-2429) to verify a contractor is in good standing. One five-minute phone call now may save you a lot of time and heartache in the future.

Marion county
building department
2710 E. Silver Springs Boulevard
Ocala, FL 34470
Main Line: (352) 438-2400
www.marioncountyfl.org/building.htm

Florida Homeowners Construction Recovery Fund Information

APRIL 2007



The Prevailing

Florida Statutes

Title XXXIII: Regulation of Trade, Commerce, Investments, and Solicitations Chapter 558—Construction Defects

Construction defect means a deficiency in, or a deficiency arising out of, the design, specifications, surveying, planning, supervision, observation of construction, or construction, repair, alteration, or remodeling of real property resulting from:

- a) Defective materials, products, or components used in the construction or remodeling; *and/or*
- b) Violation of the applicable codes in effect at the time of construction or remodeling which gives rise to a cause of action pursuant to s.553.84; *and/or*
- c) Failure of the design of real property to meet the applicable professional standards of care at the time of governmental approval; *and/or*
- d) Failure to construct or remodel real property in accordance with accepted trade standards for good and workmanlike construction at the time of construction

The Florida Homeowners Construction Recovery Fund

The Florida Homeowners Construction Recovery Fund is a fund of last resort available to homeowners who have suffered monetary damages by the financial mismanagement or misconduct of a contractor, and who has exhausted all other resources of payment. The Construction Industry Licensing Board makes the determination of eligibility for a financial award.

A contract to purchase a completed residence and property from a developer is not eligible.

Since January 1, 2005 the Fund has been limited to homeowners who entered into contracts with Division I contractors. For example, if you signed a contract after January 1, 2005 to install or repair a pool or a roof, you are no longer eligible for reimbursement from the Fund.

Title XXII: Regulation of Professions and Occupations Chapter 489—Contracting



The violations of Florida Statute 489 that could make you eligible to recover financial losses are:

- a) **“G” violation: *commission of mismanagement or misconduct.***
In the practice of causing financial harm to a customer. This occurs when there were valid liens filed that were not satisfied by the contractor; the contractor abandoned the job **and** the percentage of completion is less than the percentage paid; **or** the job was completed and the customer pays more than what was contracted as a result of circumstances beyond the control of the contractor.
- b) **“J” violation: *job abandonment.***
This can be claimed when a contractor has done nothing for 90 days, termination was without cause or notice to the homeowner, or the contractor failed to perform without cause.
- c) **“K” violation: *signing a statement falsely.***
This occurs when a contractor indicates that the work is bonded; **or** falsely stating that all subcontracted work, labor, and materials has been paid for; **or** falsely stating that workers’ compensation or public liability insurance is provided.