

DBPR AU-4160 Recovery Fund Claim Form

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION
1940 North Monroe Street
Tallahassee, FL 32399-0783**

**NOTE – This form must be submitted as part of an
application packet**

*If you have any questions or need assistance in completing this application, please contact the
Department of Business and Professional Regulation, Customer Contact Center, at (850) 487-1395.*

An individual filing a claim must meet conditions outlined in sections 468.392 – 468.397, Florida Statutes. In order to do so, you must establish the following:

1. **Time to file claim.** The auctioneer and/or the auction business must have violated section 468.389, Florida Statutes, or chapter 61G2-7, Florida Administrative Code, within four years of the filing of your claim or within two years of the violation or when you knew or should have known of the violation, whichever is shorter. Section 468.395(3), Florida Statutes. (If the judgment does not include the date of the violation, a copy of your complaint may establish the date or a copy of the contract with the licensee may establish that the violation took place within the time required.)
2. **Licensed Auctioneer and/or Auction Business.** The auctioneer and/or the auction business must have been licensed in Florida when the contract was entered into and when the law or rules were violated. Sections 468.395(1)(a-b), (5), Florida Statutes. (This may be difficult for you to establish, but the board's computer records will be consulted to determine whether the auctioneer and/or business was properly licensed.)
3. **Violation must have occurred in Florida.** Section 468.395 (5), Florida Statutes.
4. **Court Judgment or Board Order.** You need to establish that a final judgment against the licensee(s) to recover damages for actual loss resulting from violation of Section 468.389, Florida Statutes, or chapter 61G2-7, Florida Administrative Code, has been entered or an order of the board requiring restitution to you by the licensee for such a violation has been entered. Sections 468.395(1)(a-b), Florida Statutes. (A copy of the judgment or order is one way to establish this. If you get a default judgment, typically it will not set out the statutes or rules violated or the facts upon which your entitlement is based. Under these circumstances, one way you could establish the necessary facts is to provide a copy of your complaint along with the default judgment. If you are relying on a board order, further documentation to establish a violation may be unnecessary.)
5. **Collection Actions and Results.** In addition to the judgment or order, you are required to establish that you have made proper and reasonable attempts to collect from the licensee(s), and you must establish the results of the collection attempts. Section 468.395(4), Florida Statutes. (A copy of documents prepared for collection attempts and copies of documentation of all funds recovered might be used in this regard. An affidavit could also establish that you have met this requirement.)

****Any time documents are provided, please provide a copy of the original and each and every amendment or correction thereto which followed. In all cases when an order of judgment is provided, also provide the complaint, motion or other document that caused its entry or upon which the order or judgment is based.**

RECOVERY FUND CLAIM INFORMATION				
Claimant Last Name	Claimant First Name	Claimant Middle Initial	Social Security Number*	
Address		City	State	Zip Code
Phone Number				
Attorney Name		Attorney Phone Number		
Firm Name		Contract Date (must be after October 1, 1995m to be eligible for recovery from the fund): _____ / _____ / _____		
AUCTIONEER INFORMATION				
Auctioneer (AU) Name		Florida License Number		
Auctioneer (AU) Address		City	State	Zip Code
				Phone Number
Auction Business (AB) Name (if applicable)		Florida License Number		
Auction Business (AB) Address		City	State	Zip Code
				Phone Number

*Under the Federal Privacy Act, disclosure of Social Security numbers is voluntary unless specifically required by Federal statute. In this instance, Social Security numbers are mandatory pursuant to Title 42 United States Code, Sections 653 and 654; and Sections 455.203(9), 409.2577, and 409.2598, Florida Statutes. Social Security numbers are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations. Social Security numbers must also be recorded on all professional and occupational license applications and will be used for licensee identification pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act), 104 Pub.L.193, Sec. 317.