

## FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND INFORMATION SHEET

You have certain rights under Florida law if you have suffered damages caused by the financial mismanagement of a **licensed Division I contractor or construction company** with whom you have signed a construction contract.

You may be eligible for reimbursement if you have suffered monetary loss due to certain acts (described below) by the contractor, financially responsible officer or business organization licensed under Chapter 489, Part I, s. 489.105(3)(a)-(c), Florida Statutes. See Internet website: [http://www.leg.state.fl.us/ Statutes](http://www.leg.state.fl.us/Statutes) (Title XXXII) for current Florida Statutes.

### Who Is Eligible?

In order to seek compensation from the Construction Industry Recovery Fund, you must have:

1. Entered into a signed written contract with a licensed contractor for work on your home;
2. Received a final judgment or order of restitution against the contractor, financially responsible officer or business organization; and
3. Suffered a financial loss due to the contractor violating Florida Statute 489.129(1):
  - g) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer (see statute for particulars);
  - j) Abandoning a construction project for more than 90 days; or
  - k) Signing a false statement claiming that the work is bonded, that all payments to subcontractors have been made, or claiming to have provided certain worker's compensation and insurance protection.

Florida laws provide specific definitions for determining whether a contractor's actions may constitute one of these violations. See §489.129(1) (g),(j),(k), Florida Statutes.

Filing a complaint with the department against a contractor is not the same as filing a claim against the fund. If you file a complaint against a contractor with the Department of Business and Professional Regulation, Division of Regulation, you will also be required to file a claim form with the Construction Industry Licensing Board.

To request a claim form or to receive more information about the Recovery fund, write or call:

**Construction Industry Licensing Board**  
**1940 North Monroe Street**  
**Tallahassee, Florida 32399-2215**  
**Phone 850.487.1395**

If you have questions, or if you want to file a complaint with the Department, Division of Regulation against the contractor, the financially responsible officer and/or the business organization, please write to the Complaints Section, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0782, or call 850.488.6602.

### Conditions For Recovery

The fund is a last resort. Before you can receive any money from the fund, you must have obtained a final judgment from a Florida civil or criminal court or a restitution order from the CILB or an award in arbitration, which is based on the types of violations of law already mentioned. Both the violation of law and the signing of the construction contract must have occurred on or after July 1, 1993; you must show that you have made every effort to determine if there are any assets from which you can recover all or part of the money you are owed and if so, you must try to recover before you can collect any money from the Recovery Fund. For claims arising prior to January 1, 2005, a claim for recovery must be made within 2 years of the time the violation of law happened or within 2 years of the time you find out or should have found out about the violation of law; no claim can be made more than 4 years after the time the violation of law happened, **or more than 1 year after the conclusion of any civil or administrative action based on the act**, whichever is later. For claims arising after January 1, 2005, the claim must be filed no more than 1 year after the conclusion of any civil or administrative action based on the act.

### Payments from the Fund

The Fund does not pay post-judgment interest, punitive damages, or attorney fees. The Fund only pays what you have not yet collected for actual or compensatory damages. The Fund pays the less of up to \$25,000 per claim, \$25,000 per transaction, or \$250,000.00 per contractor. These caps differ for claims arising after January 1, 2005.

### Conditions for Ineligibility

For contracts entered into prior to January 1, 2005, a person is **NOT** qualified to make a claim for recovery from the fund, if:

- a) The contract was executed and the violation occurred before July 1, 1993;
- b) The Claimant is the spouse of the judgment debtor or a personal representative of such spouse;
- c) The Claimant is a certificate holder or registrant who acted as the contractor in the transaction which is the subject of the claim;
- d) Such person's claim is based upon a construction contract in which the certificate holder or registrant was acting with respect to the property owned or controlled by the certificate holder or registrant;
- e) Such person's claim is based upon a construction contract in which the contractor did not hold a valid and current state license at the time of the construction contract, or
- f) Such person was associated in a business relationship with the certificate holder or registrant other than the contract at issue;
- g) Such person has suffered damages as the result of making improper payments to a contractor as defined in chapter 713, part I.

For claims made after June 30, 2007, claims based on contracts entered into on or after January 2, 2005, and claims based on violations that took place on or after January 2, 2005, in addition to those restrictions listed above, a person is **NOT** qualified to make a claim for recovery from the fund, if the person is not a homeowner and/or has contracted with a **Division II contractor or solely for a scope of work falling under Division II.**