



HOW TO ENFORCE YOUR CONSTRUCTION LIEN

WHAT TO DO AFTER YOU RECORD
A FLORIDA CONSTRUCTION LIEN



THINGS TO BE AWARE OF
REGARDING YOUR LIEN



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WHAT TO DO AFTER YOU RECORD A FLORIDA CONSTRUCTION LIEN

Accomplish more. 

1. Serve your construction lien on the property owner.

- A copy of the lien must be served within 15 days of recording.
- You can serve the lien by:
 - (1) actual delivery to the property owner;
 - (2) common carrier delivery service (such as UPS or FedEx); or
 - (3) certified mail, with evidence of delivery.
- Your evidence of delivery can be electronic.
- The lien should be sent to the property owner's address as shown on the notice of commencement, the last address shown on the building permit, or the last known address of the property owner.

2. Enforce your construction lien.

- A lien is enforced by filing a lawsuit to foreclose the lien. Most often, this lawsuit will need to be filed in a county or circuit court based on the property's location. In some scenarios, your suit can be filed using Florida Small Claims Rules.
- A Florida construction lien is valid for one year from the date of recording.
- The timeline of a lien can be reduced in one of two ways.
 - A notice of contest of lien shortens this timeline from one year to 60 days from the date of the notice of contest.
 - A lawsuit to discharge the lien shortens this timeline from one year to 20 days.

3. You may recover your attorney fees.

- Under Florida construction lien law, the prevailing party in an action to enforce a lien is entitled to an award of its attorney fees.

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1. Liens can be invalidated after the fact.

- Be aware that if you receive a request for a copy of contract or sworn statement of account, failure to provide a timely response can invalidate your lien.
- Be aware that if you receive a request for a list of subcontractors or suppliers, failure to provide a timely response can also invalidate your lien.

2. Liens can be assigned.

- Assigning a lien can help obtain payment from a general contractor or other party who has a lien that includes your work.
- Any such assignment needs to be recorded.

3. Liens can be transferred from the property in question to bonds.

- The effect of a lien transference is to remove the lien from the property and to secure it with a bond. The amount of the bond is equal to the lien, plus three year's interest, plus attorney fees in an amount equal to 25% of the lien. This formula is the starting point to calculate the bond value, and there is no cap on the amount of attorney fees that can be recovered.
- Any lien transferred to a bond must still be enforced within the current timeline of the lien, but the lien must be foreclosed against the bond instead of the property.
- If you take action to enforce the lien, you can ask the court to increase the amount of the bond.

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OTHER CONSTRUCTION LIEN LAW INFORMATION

Accomplish more. 

1. When filing a lawsuit to enforce your lien, your suit can address more than your construction lien.

- Any lawsuit to enforce your lien can include claims for breach of contract, unjust enrichment, and/or similar claims for payment.

2. You may be entitled to summary proceedings.

- Under § 713.346, *Florida Statutes*, if the property owner or general contractor has received funds to pay you but has not done so, and there is no dispute that you are owed all or a portion of those funds, you can seek a summary hearing to obtain an early award of those funds.

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Jason Lambert is a construction lawyer and partner at Dinsmore & Shohl LLP. Before becoming an attorney, he spent over a decade in the construction industry with experience in electrical supplies, custom homes, remodeling, and light commercial construction. For much of this time, he was a project manager and operations director.

As an attorney, Jason primarily represents contractors, subcontractors, and material suppliers throughout Florida. His practice includes advising clients regarding payment disputes, enforcing liens, construction defect claims, licensing issues, and drafting contracts and other documents for use in their daily operations. From his years of construction experience, Jason provides practical insight and guidance to help clients navigate Florida's laws governing construction and contractors.

[Learn more about Jason](#)