ESTABLISHED 1924
FARR LAW FIRM Newsletter
e-law
FARR, FARR, EMERICH, HACKETT AND CARR, P.A.
www.FARR.com

ATTORNEYS
EARL DRAYTON FARR, JR. (Senior Counsel)
GUY S. EMERICH
JACK O. HACKETT II
MICHAEL P. HAYMANS
CHARLES T. BOYLE
DAROL H.M. CARR
CONNIE M. SCHIDER
DAVID A. HOLMES
GARY A. KAHLE
JENNIFER R. HOWELL
ROGER H. MILLER III
DOROTHY L. KORSZEN
JILL C. McCRORY
TINA M. MAYS
WILL W. SUNTER
ANTHONY C. DUBBANEH
ARETI G. TSITSAKIS

FLORIDA HOMEOWNER'S CONSTRUCTION RECOVERY FUND

A HOMEOWNER'S LAST RESORT

By: Will W. Sunter

Many homeowners in Charlotte County who have built a home or had one repaired have faced the unpleasant reality that not all contractors are honest and trustworthy. Some homeowners have lost thousands of dollars due to contractors' poor workmanship, negligence, or even fraud. A homeowner may then be faced with another harsh reality that when he or she receives a judgment against the contractor, there may be no assets from which to collect. Fortunately, the Florida Legislature has provided a possible vehicle for recovery to these homeowners under Chapter 489, Florida Statutes, entitled the "Florida Homeowner's Construction Recovery Fund" (the "Recovery Fund").

It was the intention of the Legislature in creating this Florida Statute that this fund provide relief to homeowners who received a judgment against a contractor, but could not collect on it due to a lack of assets on the part of the contractor. There are many conditions that need to be satisfied prior to filing an application with the Recovery Fund, but the main conditions are as follows:

- A homeowner must have received a judgment award or restitution order for the actual damages suffered as a consequence of the contractor's violations. The actions of a contractor that qualify for recovery from the fund are the following: contractor mismanagement; contractor misconduct that has caused financial harm to the homeowner; contractor abandonment of a construction project; the contractor has signed a statement that he has bonded the job that has caused harm; or the contractor has made payments to sub-contractors for materials that have resulted in a financial loss for the owner.

- The homeowner has made a diligent attempt to collect the judgment from the contractor, including performing an asset search on the contractor, attempting to levy and execute on the assets of the contractor, or garnish sums due to the contractor.

- Application to the Recovery Fund Board must be made within one year of any judgment, award, or restitution order.

ESTABLISHED 1924

FARR LAW FIRM Newsletter

e-law

FARR, FARR, EMERICH, HACKETT AND CARR, P.A.

www.FARR.com

The Farr Law Firm offers a monthly newsletter that covers a wide variety of legal topics including personal injury and wrongful death, commercial and civil litigation, marital and family law, real estate and title insurance, estate planning, business, land use/environmental law, taxation, elder law, and asset protection.

You can visit www.farr.com
to view newsletter archives and sign up to
receive future newsletters.

Punta Gorda Office:
99 Nesbit Street
Punta Gorda, Florida 33950
Phone: 941.639.1158
Fax: 941.639.0028

Englewood Office:
33 S. Indiana Avenue
Englewood, FL 34223
Phone: 941.460.9334
Fax: 941.460.9443