

Sample 60 Day Letter

January 1, 2020

ABC Contracting
123 Bobwhite Lane
Anytown, FL 11111

Dear (Contractor);

It has been more than 60 days since you have performed any work on my site. The last date you were on site was (date contractor last on site). Your failure to perform any work was not a result of me terminating your contract or breach of contract, and is the result of your failure to perform the contracted work. You must recommence work and/or construction within 30 days after the date of the mailing of this letter.

Respectfully,

John Doe

- Please do not deviate from the sample letter format above or contents; doing so could hinder the prosecution of your case.

Steps To Follow Before Filing A Police Report

In order to prove theft by abandonment you, the victim, must comply with Florida State Statute: 489.126

Step 1: Wait 60 days from contract date or date contractor last performed any work at site.

Step 2: Mail a Certified Letter to the contractor to the address listed on the contract. If there is no address, mail to address listed on building permit, if any .

Step 3: Wait an additional 30 days after sending letter contractor.

Step 4: If after 90 days, the contractor has failed to perform any work on site, file a Police Report with the Sumter County Sheriff's Office.

Include the above listed steps within the police report. Provide copies of the initial contract, certified letters, schedule of payments, cancelled checks, etc. to the deputy for inclusion with the report.

Sumter County Sheriff's Office

Theft By Abandonment

Courtesy of
Sheriff William O. Farmer, Jr.



Main Office: 352.569.1600

FSS 489.126 - Monies Received by Contractors

(1) For purposes of this section, the term “contractor” includes all definitions as set forth in s. 489.105(3), and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

(2) A contractor who receives, as initial payment, money totaling more than 10 percent of the contract price for repair, restoration, improvement, or construction to residential real property must:

(a) Apply for permits necessary to do work within 30 days after the date payment is made, except where the work does not require a permit under the applicable codes and ordinances, and

(b) Start the work within 90 days after the date all necessary permits for work, if any, are issued, unless the person who made the payment agreed, in writing, to a longer period to apply for the necessary permits or start the work or to longer periods for both.

(3) (a) A contractor who receives money for repair, restoration, addition, improvement, or construction of residential real property in excess of the value of the work performed shall not, with intent to defraud the owner, fail or refuse to perform any work for any 90-day period.

(b) Proof that a contractor received money for the repair, restoration, addition, improvement, or construction of residential real property and that the amount received exceeds the value of the work performed by the contractor and that:

1. The contractor failed to perform any of the work for which he or she contracted during any 60-day period;

2. The failure to perform any such work during the 60-day period was not related to the owner’s termination of the contract or a material breach of the contract by the owner; and

3. The contractor failed, for an additional 30-day period after the date of mailing of notification as specified in paragraph (c), to perform any work for which he or she contracted, gives rise to an inference that the money in excess of the value of the work performed was taken with the intent to defraud.

(c) Notification as contemplated in paragraph (b) consists of a certified letter, return receipt requested, mailed to the address of the contractor as listed in the written contracting agreement. The

letter must indicate that the contractor has failed to perform any work for a 60-day period, that the failure to perform the work was not the result of the owner’s termination of the contract or a material breach of the contract by the owner, and that the contractor must recommence construction within 30 days after the date of mailing of the letter. If there is no address for the contractor listed in the written contracting agreement, or no written agreement exists, the letter must be mailed to the address of the contractor listed in the building permit application.

(4) Any person who violates any provision of this section is guilty of theft and shall be prosecuted and punished.



**Sumter County
Sheriff's Office**

**7361 Powell Rd.
Wildwood, FL 34785
Phone: 352.569.1600
Website: www.sumtercountysheriff.org**