

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JUSTIN DORELAS,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D14-5305

FLORIDA DEPARTMENT OF  
BUSINESS AND  
PROFESSIONAL  
REGULATION and FLORIDA  
CONSTRUCTION INDUSTRY  
LICENSING BOARD,

Appellees.

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Opinion filed October 22, 2015.

An appeal from an order of the Construction Industry Licensing Board.  
William Cathey, Chairman.

Justin Dorelas, pro se, Appellant.

William N. Spicola, General Counsel, and Marisa G. Button, Assistant General  
Counsel, Tallahassee, for Appellees.

PER CURIAM.

Justin Dorelas filed a claim for restitution from the Florida Homeowners  
Construction Recovery Fund (“Recovery Fund”) in the amount of \$33,673.75 after

paying Infinite Construction Group, Inc., for construction on his home that was never done. The Florida Construction Industry Licensing Board (“Board”), which considers and administers claims from the Recovery Fund, approved the claim for \$2,359.33. This figure corresponds to the restitution amount the Board, in earlier license disciplinary proceedings, ordered Infinite Construction to pay Mr. Dorelas for failing to satisfy mechanics’ liens its subcontractors had filed against Mr. Dorelas’ property. On appeal, Mr. Dorelas argues he is entitled to a greater amount from the Recovery Fund.

The legislature created the Recovery Fund to compensate consumers who suffer monetary damages as a result of certain violations by licensed contractors. *See* § 489.1401, Fla. Stat. (2010). Certain conditions must be met for a claimant to obtain restitution from the Recovery Fund. One such condition is the claimant must have obtained a final judgment in a court of competent jurisdiction, an arbitration award, or a final order from the Board directing the licensee to pay restitution to the claimant. § 489.141(1)(a), Fla. Stat. (2010). Assuming all conditions are met, a claimant can recover

an amount equal to the judgment, award, or restitution order or \$25,000, *whichever is less*, or an amount equal to the unsatisfied portion of such person’s judgment, award, or restitution order, but only to the extent and amount of actual damages suffered by the claimant.

§ 489.143(2), Fla. Stat. (2010) (emphasis added). When Mr. Dorelas filed his claim for relief from the Recovery Fund, he had only the Board's final order directing Infinite Construction to pay him \$2,359.53. Consequently, the Board could only award Mr. Dorelas that amount.

We note an apparent scrivener's error in the order on appeal, however. It reflects a recovery amount of \$2,359.33, while the restitution amount the Board ordered Infinite Construction to pay is \$2,359.53. We therefore modify the order on appeal to reflect approval of Mr. Dorelas' claim from the Recovery Fund in the amount of \$2,359.53, and affirm the order as modified.

**AFFIRMED AS MODIFIED.**

**BENTON, ROWE and MARSTILLER, JJ., CONCUR.**