

By Senator Storms

10-01475-12

20122012__

1 A bill to be entitled
2 An act relating to liens; amending s. 55.10, F.S.;
3 authorizing a state agency to impose a lien on real
4 property by recording a final order issued by the
5 agency in the official records or judgment lien record
6 of a county; deleting obsolete provisions; making
7 technical and grammatical changes; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 55.10, Florida Statutes, is amended to
13 read:

14 55.10 Judgments, orders, and decrees, and final orders of
15 state agencies; lien of all, generally; extension of liens;
16 transfer of liens to other security.—

17 (1) A judgment, order, or decree issued by a court or a
18 final order of a state agency becomes a lien on real property in
19 any county when a certified copy of it is recorded in the
20 official records or judgment lien record of the county if the
21 address of the person who has the resulting lien is contained
22 in, whichever is maintained at the time of recordation, provided
23 ~~that~~ the judgment, order, or decree or the final order of the
24 state agency ~~contains the address of the person who has a lien~~
25 ~~as a result of such judgment, order, or decree~~ or on a separate
26 affidavit that is recorded simultaneously with the judgment,
27 order, or decree or the final order of the state agency ~~stating~~
28 ~~the address of the person who has a lien as a result of such~~
29 ~~judgment, order, or decree.~~ A judgment, order, or decree or a

10-01475-12

20122012

30 final order of a state agency does not become a lien on real
31 property unless the address of the person who has the resulting
32 ~~a lien as a result of such judgment, order, or decree~~ is
33 contained in the judgment, order, or decree or the final order
34 of the state agency or unless an affidavit with such address is
35 simultaneously recorded with the judgment, order, or decree or
36 the final order of the state agency. ~~A~~ ~~If the certified copy was~~
37 ~~first recorded in a county in accordance with this subsection~~
38 ~~between July 1, 1987, and June 30, 1994, then the judgment,~~
39 ~~order, or decree shall be a lien in that county for an initial~~
40 ~~period of 7 years from the date of the recording. If the~~
41 ~~certified copy of the judgment, order, or decree or of the final~~
42 ~~order of the state agency which is first recorded pursuant to in~~
43 ~~accordance with this subsection becomes on or after July 1,~~
44 ~~1994, then the judgment, order, or decree shall be a lien in~~
45 that county for an initial period of 10 years after ~~from~~ the
46 date of the recording.

47 (2) The lien provided for in subsection (1) or an extension
48 of that lien as provided by this subsection may be extended for
49 an additional period of 10 years, subject to the limitation in
50 subsection (3), by rerecording a certified copy of the judgment,
51 order, or decree issued by the court or a certified copy of the
52 final order issued by the state agency before the lien or
53 extended lien expires ~~prior to the expiration of the lien or the~~
54 ~~expiration of the extended lien~~ and by simultaneously recording
55 an affidavit with the current address of the person who has a
56 lien as a result of the judgment, order, or decree or the final
57 order of the state agency. The extension ~~is shall be~~ effective
58 from the date that the certified copy of the judgment, order, or

10-01475-12

20122012

59 decree or the certified copy of the final order of the state
60 agency is rerecorded. The lien or extended lien will not be
61 extended unless the affidavit with the current address is
62 simultaneously recorded.

63 (3) ~~In no event shall~~ The lien upon real property created
64 by this section may not be extended beyond the period provided
65 for in s. 55.081 or beyond the date on ~~point at~~ which the lien
66 is satisfied, whichever occurs first.

67 (4) This section applies ~~act shall apply~~ to all judgments,
68 orders, and decrees of record issued by a court and all final
69 orders issued by a state agency which constitute a lien on real
70 property; ~~except that any judgment, order, or decree recorded~~
71 ~~prior to July 1, 1987, shall remain a lien on real property~~
72 ~~until the period provided for in s. 55.081 expires or until the~~
73 ~~lien is satisfied, whichever occurs first.~~

74 (5) A ~~Any~~ lien claimed under this section may be
75 transferred, by any person having an interest in the real
76 property upon which the lien is imposed or the contract under
77 which the lien is claimed, from the ~~such~~ real property to other
78 security by ~~either~~ depositing in the clerk's office a sum of
79 money or by filing in the clerk's office a bond executed as
80 surety by a surety insurer licensed to do business in this
81 state. The ~~Such~~ deposit or bond must ~~shall~~ be in an amount equal
82 to the amount demanded in the ~~such~~ claim of lien plus interest
83 on the amount of the lien ~~thereon~~ at the legal rate for 3 years
84 plus \$500 to apply on any court costs that ~~which~~ may be taxed in
85 any proceeding to enforce the ~~said~~ lien. The ~~Such~~ deposit or
86 bond shall be conditioned to pay any judgment, order, or decree
87 issued by a court or any final order issued by a state agency

10-01475-12

20122012__

88 which may be rendered for the satisfaction of the lien for which
89 the ~~such~~ claim of lien was recorded and costs plus \$500 for
90 court costs. Upon the ~~such~~ deposit being made or the ~~such~~ bond
91 being filed, the clerk shall make and record a certificate
92 showing the transfer of the lien from the real property to the
93 security and mail a copy of the certificate ~~thereof~~ by
94 registered or certified mail to the lienor named in the claim of
95 lien so transferred, at the address stated in the claim of lien
96 ~~therein~~. Upon the filing of the certificate of transfer, the
97 real property is ~~shall thereupon be~~ released from the lien
98 claimed, and the ~~such~~ lien is ~~shall be~~ transferred to the ~~said~~
99 security. The clerk may impose ~~shall be entitled to~~ a service
100 charge of up to \$15 for making and serving the certificate. If
101 the transaction involves the transfer of multiple liens, an
102 additional service charge of up to \$7.50 for each additional
103 lien may ~~shall~~ be charged. Any number of liens may be
104 transferred to one such security.

105 (6) Any excess of the security over the aggregate amount of
106 any judgments, orders, or decrees rendered by a court or any
107 final orders issued by a state agency, plus costs actually
108 taxed, shall be repaid to the party filing the security or his
109 or her successor in interest. Any deposit of money is ~~shall be~~
110 considered as paid into court and is ~~shall be~~ subject to the
111 provisions of law relative to payments of money into court and
112 the disposition of these payments.

113 (7) Any party having an interest in the ~~such~~ security or
114 the property from which the lien was transferred may at any
115 time, and any number of times, file a complaint in chancery in
116 the circuit court of the county where the ~~such~~ security is

10-01475-12

20122012__

117 deposited for an order:

118 (a) To require additional security;

119 (b) To require reduction of security;

120 (c) To require change or substitution of sureties;

121 (d) To require payment or discharge of the lien ~~thereof~~; or

122 (e) Relating to any other matter affecting the ~~said~~

123 security.

124 Section 2. This act shall take effect July 1, 2012.