

By Senator Storms

10-01475-12

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A bill to be entitled

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

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

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

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

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

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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

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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

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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

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deposited for an order:

(a) To require additional security;

(b) To require reduction of security;

(c) To require change or substitution of sureties;

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

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

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