

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 178

SPONSOR: Judiciary Committee and Senator Brown-Waite

SUBJECT: Duration of Real Property Liens

DATE: February 13, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matthews	Johnson	JU	Favorable/CS
2.	_____	_____	FT	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill corrects a glitch in the judgment lien law under chapter 55, F.S. It conforms the initial recording period for a judgment lien on real property with the re-recording period for a judgment lien on real property which was extended from 7 to 10 years during the 2000 Legislative Session.

This bill amends section 55.10 of the Florida Statutes.

II. Present Situation:

Last year, the Legislature amended s. 55.10, F.S., to revise the statutory lien periods for recording valid judgments as liens on real property. As originally filed, both the Senate and House bills substantively amended subsections (1), (2), (3) and (4) to revise the initial and re-recording periods of a judgment on real property from every 7 years to every 10 years as measured from the date of first or last recording, respectively. See SB 392 and HB 1725. During the legislative process, the change in subsection (1) was inadvertently removed but not noted until after passage of the final bill. See s.258, 2000-258, L.O.F.

III. Effect of Proposed Changes:

The bill amends subsection (1) of section 55.10, F.S., to correct a glitch in last year's law which failed to revise the initial recording period for a judgment lien on real property from 7 to 10 years in conformity with the revision of the statutory judgment recording scheme. This change does not extend or limit the 20-year period in which a judgment is valid under existing law.

The bill also amends subsection (2) of s. 55.10 to allow a second rerecording to protect the remaining 3 years of the full 20-year lien right of persons who recorded their judgments under last year's defective law which would only allow for an initial 7-year recording of a lien and a one-time 10-year extension of that lien.

Subsection (4) of s. 55.10, F.S., is also amended to clarify that the new 10-year lien recording periods apply to existing valid liens created before the date of this new act and to prevent the unintended revival of an expired lien by operation of this new act.

The bill becomes effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.