

By the Committee on Judiciary and Senator Brown-Waite

308-828-01

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A bill to be entitled  
An act relating to duration of real property  
liens; amending s. 55.10, F.S.; revising the  
period of duration of certain liens; providing  
for application to existing liens; providing an  
effective date.

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

Section 1. Subsections (1), (2), and (4) of section  
55.10, Florida Statutes, are amended to read:

55.10 Judgments, orders, and decrees; lien of all,  
generally; extension of liens; transfer of liens to other  
security.--

(1) A judgment, order, or decree becomes a lien on  
real estate in any county when a certified copy of it is  
recorded in the official records or judgment lien record of  
the county, whichever is maintained at the time of  
recordation, and it shall be a lien for a period of 10 7 years  
from the date of the recording provided that the judgment,  
order, or decree contains the address of the person who has a  
lien as a result of such judgment, order, or decree or a  
separate affidavit is recorded simultaneously with the  
judgment, order, or decree stating the address of the person  
who has a lien as a result of such judgment, order, or decree.  
A judgment, order, or decree does not become a lien on real  
estate unless the address of the person who has a lien as a  
result of such judgment, order, or decree is contained in the  
judgment, order, or decree or an affidavit with such address  
is simultaneously recorded with the judgment, order, or  
decree.

1           (2) The lien provided for in subsection (1) or an  
2 extension of that lien as provided by this subsection may be  
3 extended for an additional period of 10 years, subject to the  
4 limitation in subsection (3), by rerecording a certified copy  
5 of the judgment, order, or decree prior to the expiration of  
6 the lien or the expiration of the extended lien ~~provided for~~  
7 ~~in subsection (1)~~ and by simultaneously recording an affidavit  
8 with the current address of the person who has a lien as a  
9 result of the judgment, order, or decree. The extension ~~one~~  
10 ~~additional period of 10 years~~ shall be effective from the date  
11 the judgment, order, or decree is rerecorded. The lien or  
12 extended lien will not be extended unless the affidavit with  
13 the current address is simultaneously recorded.

14           (4) Except as otherwise provided in this subsection,  
15 this section ~~act~~ shall apply to all judgments, orders, and  
16 decrees of record which constitute a lien on real property  
17 immediately prior to the effective date of this section, as  
18 amended by this act. Any judgment, order, or decree recorded  
19 prior to July 1, 1987, shall be unaffected by the changes in  
20 this section, as amended by this act, and shall remain a lien  
21 on real property until the period provided for in s. 55.081  
22 expires or until the lien is satisfied, whichever occurs  
23 first.

24           Section 2. This act shall take effect upon becoming a  
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 178

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

Amends subsection (4) of s. 55.10 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.