

By Senator Negron

28-01692A-10

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1 A bill to be entitled
2 An act relating to government liens; amending s.
3 162.03, F.S.; requiring certain fines or liens to be
4 recorded in order to constitute a property lien;
5 authorizing counties and municipalities to provide by
6 ordinance that certain property conditions are code
7 violations subject to enforcement actions; providing
8 legislative findings; preempting to the state laws
9 relating to alienation of property and foreclosure of
10 mortgages and liens; prohibiting local governments
11 from imposing preconditions or limitations on
12 alienation of certain property or foreclosure of
13 certain mortgages or other liens; prohibiting local
14 governments from requiring lenders to file or register
15 certain properties; amending s. 162.06, F.S.;
16 specifying nonapplication of certain emergency repair
17 action requirements to certain enforcement procedures;
18 amending s. 162.07, F.S.; conforming a cross-
19 reference; amending s. 162.09, F.S.; specifying that
20 certain enforcement board actions do not create
21 certain obligations or liabilities for damages;
22 requiring ordinances assessing certain fines to
23 include certain criteria for certain purposes;
24 authorizing code enforcement boards to impose a
25 special assessment against property for certain
26 purposes; providing special assessment requirements;
27 creating s. 162.091, F.S.; providing authority and
28 requirements for emergency repairs to property by
29 counties or municipalities under certain

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30 circumstances; providing authority and requirements
31 for assessing costs of such repairs; specifying that
32 making such repairs does not create certain
33 obligations or liabilities for damages; specifying
34 that absence of notice does not invalidate certain
35 actions; redesignating and amending s. 162.09(3),
36 F.S., as s. 162.092, F.S.; revising authority and
37 requirements for recording certain liens against
38 property for certain fines and costs; providing for
39 such liens to be liens upon personal property also;
40 specifying a form for such recorded liens; providing
41 for priority of such liens; revising requirements and
42 procedures for enforcement of such liens; providing
43 for preservation of such liens; providing limitations
44 on fines or penalties under such liens; revising
45 enforcement procedures for such liens; creating s.
46 162.093, F.S.; authorizing certain persons to enter
47 certain property to make repairs; specifying
48 nonapplication of trespass laws under such
49 circumstances; amending s. 162.10, F.S.; revising
50 provisions specifying the duration of liens; amending
51 s. 162.11, F.S.; authorizing appeal of recorded liens;
52 creating s. 162.14, F.S.; providing for severability
53 of certain provisions; providing a legislative
54 declaration; amending s. 222.01, F.S.; revising
55 authority, requirements, and procedures for declaring
56 and designating property as homestead property;
57 authorizing certain additional persons to make such
58 declarations; revising the form for a notice of

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59 homestead; amending s. 695.01, F.S.; revising
60 requirements and procedures for recording conveyances
61 to include application to mortgages and liens;
62 providing for validity of liens for improvements,
63 services, fines, and penalties attaching to real
64 property by certain entities; providing requirements
65 and procedures; providing for priority of such liens;
66 providing for superiority of certain provisions;
67 providing for assignment of liens; providing for
68 entitlement to receive an assignment of lien;
69 providing for enforcement; providing severability;
70 providing an effective date.

71

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

73

74 Section 1. Section 162.03, Florida Statutes, is amended to
75 read:

76 162.03 Applicability.—

77 (1) Each county or municipality may by ordinance, ~~at its~~
78 ~~option~~, create or abolish ~~by ordinance~~ local government code
79 enforcement boards as provided in this chapter ~~herein~~.

80 (2) A charter county, a noncharter county, or a
81 municipality may, by ordinance, adopt an alternate code
82 enforcement system that gives code enforcement boards or special
83 magistrates designated by the local governing body, or both, the
84 authority to hold hearings and assess fines against violators of
85 the respective county or municipal codes and ordinances. A
86 special magistrate shall have the same status as an enforcement
87 board under this chapter. References in this chapter to an

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88 enforcement board, except in s. 162.05, shall include a special
89 magistrate if the context permits. Any fine or lien assessed by
90 such alternate code enforcement system must be recorded as
91 provided in s. 162.092 before such fine or lien constitutes a
92 lien on any real or personal property.

93 (3) In addition to any other matters addressed in its code
94 of ordinances, each county or municipality may by ordinance
95 provide that the failure to repair a property that falls into
96 disrepair, becomes uninhabitable, or creates a danger to public
97 health, safety, or welfare is in violation of its code of
98 ordinances and subject to enforcement action pursuant to this
99 chapter.

100 (4) The Legislature finds that alienation of property and
101 foreclosure of mortgages and liens are areas of the law that
102 have been preempted to the state by the laws of this state and
103 the Florida Rules of Court. A local government may not by
104 ordinance or otherwise impose any preconditions or limitations
105 on the alienation of property or the foreclosure of mortgages or
106 other liens, other than with regard to property, mortgages, or
107 liens owned or held by the local government. Any such ordinance
108 or other enactment is void and has no force or effect.

109 (5) A local government, including a local government with
110 home rule powers, may not require lenders to file or register
111 abandoned, vacant, or foreclosed properties or properties in
112 default.

113 Section 2. Subsection (4) of section 162.06, Florida
114 Statutes, is amended to read:

115 162.06 Enforcement procedure.—

116 (4) If the code inspector has reason to believe a violation

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117 or the condition causing the violation presents a serious threat
118 to the public health, safety, and welfare or if the violation is
119 irreparable or irreversible in nature, the code inspector shall
120 make a reasonable effort to notify the violator and may
121 immediately notify the enforcement board and request a hearing.
122 This subsection does not apply to any action taken pursuant to
123 s. 162.091.

124 Section 3. Subsection (2) of section 162.07, Florida
125 Statutes, is amended to read:

126 162.07 Conduct of hearing.—

127 (2) Each case before an enforcement board shall be
128 presented by the local governing body attorney or by a member of
129 the administrative staff of the local governing body. If the
130 local governing body prevails in prosecuting a case before the
131 enforcement board, it shall be entitled to recover all costs
132 incurred in prosecuting the case before the board and such costs
133 may be included in the lien authorized under s. 162.092
134 ~~162.09(3)~~.

135 Section 4. Subsections (1) and (2) of section 162.09,
136 Florida Statutes, are amended to read:

137 162.09 Administrative fines; costs of repair; ~~liens~~.—

138 (1) An enforcement board, upon notification by the code
139 inspector that an order of the enforcement board has not been
140 complied with by the set time or upon finding that a repeat
141 violation has been committed, may order the violator to pay a
142 fine in an amount specified in this section for each day the
143 violation continues past the date set by the enforcement board
144 for compliance or, in the case of a repeat violation, for each
145 day the repeat violation continues, beginning with the date the

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146 repeat violation is found to have occurred by the code
147 inspector. In addition, if the violation is a violation
148 described in s. 162.06(4), the enforcement board shall notify
149 the local governing body, which may make all reasonable repairs
150 ~~which are~~ required to bring the property into compliance and
151 charge the violator with the reasonable cost of the repairs
152 along with the fine assessed ~~imposed~~ pursuant to this section.

153 (2) The making of any such repairs does not create a
154 continuing obligation on the part of the local governing body to
155 make further repairs or to maintain the property and does not
156 create any liability against the local governing body, or any
157 person engaged by the local governing body to make such repairs,
158 for any damages to the property or for any special, punitive, or
159 consequential damages resulting from or arising in the course of
160 making such repairs if such repairs were completed in good
161 faith. If a finding of a violation or a repeat violation has
162 been made as provided in this part, a hearing shall not be
163 necessary for issuance of the order imposing the fine. If, after
164 due notice and hearing, a code enforcement board finds a
165 violation to be irreparable or irreversible in nature, it may
166 order the violator to pay a fine as specified in paragraph
167 (3)-(2)(a).

168 (3)-(2)(a) A fine assessed ~~imposed~~ pursuant to this section
169 shall not exceed \$250 per day for a first violation and shall
170 not exceed \$500 per day for a repeat violation, and, in
171 addition, may include all costs of repairs pursuant to
172 subsection (1) and s. 162.091. However, if a code enforcement
173 board finds the violation to be irreparable or irreversible in
174 nature, the board ~~it~~ may assess ~~impose~~ a fine not to exceed

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175 \$5,000 per violation.

176 (b) In determining the amount of the fine, if any, the
177 enforcement board shall consider the following factors:

178 1. The gravity of the violation;

179 2. Any actions taken by the violator to correct the
180 violation; and

181 3. Any previous violations committed by the violator.

182 (c) An enforcement board may reduce a fine assessed ~~imposed~~
183 pursuant to this section.

184 (d) A county or a municipality having a population equal to
185 or greater than 50,000 may adopt, by a vote of at least a
186 majority plus one of the entire governing body of the county or
187 municipality, an ordinance that gives code enforcement boards or
188 special magistrates, or both, authority to assess ~~impose~~ fines
189 in excess of the limits set forth in paragraph (a). Such fines
190 shall not exceed \$1,000 per day per violation for a first
191 violation, \$5,000 per day per violation for a repeat violation,
192 and ~~up to~~ \$15,000 per violation if the code enforcement board or
193 special magistrate finds the violation to be irreparable or
194 irreversible in nature. Any ordinance assessing such fines must
195 include criteria to be considered by the enforcement board or
196 special magistrate in determining the amount of the fines,
197 including, but not limited to, those factors set forth in
198 paragraph (b).

199 (4) (a) In addition to any such ~~such~~ assessed, a code
200 enforcement board or special magistrate may impose a special
201 assessment against the property on which the violation exists
202 ~~additional fines~~ to cover:

203 1. All costs incurred by the local government in:

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- 204 a. Making any emergency repairs pursuant to s. 162.091.
205 b. Making any repairs ordered by the local governing body
206 or the enforcement board pursuant to this section.
207 c. Identifying and notifying the parties to be notified.
208 d. Recording the copy of the lien and any releases thereof.
209 2. Reasonable charges for direct costs incurred in:
210 a. Enforcing the violation of codes giving rise to the need
211 for the repairs.
212 b. Making subsequent inspections to confirm repairs have
213 been completed enforcing its codes and all costs of repairs
214 pursuant to subsection (1). Any ordinance imposing such fines
215 shall include criteria to be considered by the code enforcement
216 board or special magistrate in determining the amount of the
217 finer, including, but not limited to, those factors set forth in
218 paragraph (b).
219 (b) The special assessment shall be set forth as an amount
220 separate from any fines assessed and shall specifically state
221 that the cost assessment portion constitutes a lien on such
222 property equal in priority to real property taxes as set forth
223 in s. 162.092.
224 Section 5. Section 162.091, Florida Statutes, is created to
225 read:
226 162.091 Emergency repairs; costs of repairs.—
227 (1) A county or municipal official may institute any
228 emergency repairs necessary or appropriate to mitigate a
229 violation of the county's or municipality's code of ordinances
230 that presents a serious threat to the public health, safety, or
231 welfare if:
232 (a) The code enforcement board is not scheduled to meet

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233 within the next 48 hours.

234 (b) The local governing body has delegated the authority to
235 institute emergency repairs to that official.

236 (c) The code inspector has made a reasonable effort to
237 notify the owner of record of the property on which the
238 violation exists and the holder or servicer of the first
239 mortgage on such property.

240 (2) The official instituting emergency repairs shall advise
241 the code enforcement board of all costs incurred in making the
242 emergency repairs and any costs of identifying and notifying the
243 parties required to be notified. The code enforcement board
244 shall review such costs and, if the board deems the costs to be
245 reasonable under the circumstances, cause such costs to be
246 assessed pursuant to s. 162.09.

247 (3) The making of any such repairs by the official does not
248 create a continuing obligation on the part of the local
249 governing body to make further repairs or to maintain the
250 property and does not create any liability against the local
251 governing body, or any person engaged by the local governing
252 body to make such repairs, for any damages to the property or
253 for any special, punitive, or consequential damages resulting
254 from or arising in the course of making such repairs.

255 (4) The failure or inability to notify any parties under
256 this section does not invalidate any action taken pursuant to
257 this section or the assessment of costs incurred in connection
258 with such action.

259 Section 6. Subsection (3) of section 162.09, Florida
260 Statutes, is designated as section 162.092, Florida Statutes,
261 and amended to read:

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162.092 Liens.-

~~(1)-(3)~~ A lien for certified copy of an order imposing a
fine, for ~~or~~ a cost assessment alone, or for a fine plus a cost
assessment, which lien identifies the owner and contains a valid
legal description and the tax or parcel identification number
applicable as of the date of assessment ~~repair costs,~~ may be
recorded in the official ~~public~~ records as defined in s. 28.222
and thereafter shall constitute a lien against the land on which
the violation exists ~~and upon any other real or personal~~
property owned by the violator. Upon recording notice of the
lien in the central database of judgment liens on personal
property maintained by the Department of State in accordance
with ss. 55.201-55.209, such lien shall also constitute a lien
upon any personal property owned by the violator. The obligation
to pay any fines or assessments shall also be a personal
obligation of the owner of the property at the time the owner of
the property was notified of the violation and the fine, cost,
or fine plus cost was assessed.

(2) The recorded lien may be in substantially the following
form and must include the information and the warning contained
in the following form:

WARNING!

THIS LEGAL DOCUMENT REFLECTS THAT A GOVERNMENT LIEN HAS BEEN
PLACED ON THE REAL PROPERTY LISTED HEREIN. THIS LIEN MAY REMAIN
VALID FOR TWENTY (20) YEARS FROM THE DATE OF RECORDING AND SHALL
EXPIRE AND BECOME VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE
BEEN COMMENCED TO FORECLOSE THIS LIEN AND A LIS PENDENS HAS BEEN
RECORDED IN THE OFFICIAL RECORDS.

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GOVERNMENTAL LIEN

(SECTIONS 162.09, 162.091, & 162.092, FLORIDA STATUTES)

STATE OF FLORIDA

COUNTY OF

Before me, the undersigned notary public, personally appeared
...(Name/Title)..., who was duly sworn and says that the
...(Governmental Entity)..., whose address is _____,
assesses a lien, which is equal in priority to real property
taxes, against the below described real property pursuant to
...(Ordinance/Statute Number)... for the following costs which
it has incurred:

1. Emergency repairs pursuant to section 162.091, Florida
Statutes: \$ _____

2. Repairs ordered by the local governing body or the
enforcement board: \$ _____

3. Costs of identifying or notifying the
parties: \$ _____

4. Cost of recording the copy of the lien and proposed
releases: \$ _____

5. Direct cost of enforcing the violation of codes giving
rise to the need for the repair: \$ _____

6. Direct cost of making subsequent inspections to confirm
repairs have been made: \$ _____

TOTAL: \$ _____

The total amount shall constitute a lien on the owner's

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320 property, notwithstanding any homestead protections provided by
 321 Article X, Section 4(a) of the State Constitution.

322
 323 The following fine pursuant to ...(Ordinance/Statute Number)...
 324 shall constitute a lien on the owner's property subject to the
 325 provisions of Article X, Section 4(a) of the State Constitution
 326 on the following described real property in _____ County,
 327 Florida:

328 First Violation: \$ _____ per day commencing ...(Date)...

329 Repeat Violation: \$ _____ per day commencing ...(Date)...

330 Property Legal Description:

331
 332 [Must include full legal description of property, not
 333 abbreviated description from tax rolls]

334
 335 Parcel I.D. Number:

336 owned by ...(Name of Owner)... whose address is shown as
 337 _____ in the tax rolls of _____ County, Florida. A
 338 copy of the notification of a violation of ...(Ordinance/Statute
 339 Number)... was ...(Sent by Certified Mail/Posted)... on
 340 ...(Date)....

341
 342 Estoppel letters, additional information regarding this lien,
 343 and satisfactions of the lien are available by contacting
 344 ...(Name/Title)... at ...(Address)..., telephone number:
 345 ...(Telephone Number)....

346 ...(Governmental Entity)...

347 By: ...(Name/Title)...

348 Sworn to (or affirmed) and subscribed before me this _____ day

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349 of _____, 20 _____ by ... (Name of Notary Public)....

350

351 (SEAL)

352

353 _____
... (Signature of Notary Public)...

354 Personally Known OR Produced Identification

355 Type of Identification Produced

356

357 (3) The recorded lien for a cost assessment pursuant to s.
358 162.09(4) or s. 162.091 constitutes a lien on such property
359 equal in priority to real property taxes and is an obligation
360 contracted for the improvement or repair of the property and an
361 assessment within the meaning of s. 4, Art. X of the State
362 Constitution. The cost assessment attaches and may be enforced
363 without regard to whether the land on which the violation exists
364 is the homestead of the owner of the property. Such lien is not
365 eliminated by the foreclosure of any mortgage or lien
366 subordinate to real property taxes and may not be prevented from
367 attaching under the lis pendens provisions of s. 48.23.

368 (4) A lien for any fine or penalty assessed pursuant to
369 this chapter, and any accrual of interest on such fine or
370 penalty, takes priority only as of the recordation of the lien,
371 may be eliminated in a foreclosure of superior liens or
372 mortgages, and is subject to the lis pendens provisions of s.
373 48.23. The elimination of a lien for fines by foreclosure does
374 not preclude a code enforcement board from assessing future
375 violations against a subsequent owner of the property as to any
376 uncorrected violations.

377 (5) Upon petition to the circuit court, the lien ~~such order~~

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378 shall be enforceable in the same manner as a court judgment by
379 the sheriffs of this state, including execution and levy against
380 the property on which the violation exists or other real or
381 personal property of the violator, but the lien ~~such order~~ shall
382 not be deemed to be a court judgment except for enforcement
383 purposes. A fine assessed ~~imposed~~ pursuant to this part shall
384 continue to accrue until the violator comes into compliance or
385 until judgment is rendered in a suit filed pursuant to this
386 section, whichever occurs first. A lien arising from a fine
387 assessed ~~imposed~~ pursuant to this section runs in favor of the
388 local governing body. Within 30 days after payment, and the
389 local governing body or authorized officer of the local
390 governing body shall may execute and cause to be recorded a
391 satisfaction or release of lien in each recording office where
392 such lien was recorded ~~entered pursuant to this section.~~ After 3
393 months from the filing of any such lien which remains unpaid,
394 the enforcement board may authorize the local governing body
395 attorney to foreclose on the lien or to sue to recover a money
396 judgment for the amount of the lien plus accrued interest. A ~~No~~
397 lien for a fine assessed ~~created~~ pursuant to s. 162.09(3) may
398 not attach to or the provisions of this part may be foreclosed
399 on real property which is a homestead under s. 4, Art. X of the
400 State Constitution. The money judgment provisions of this
401 section shall not apply to real property or personal property
402 which is covered under s. 4(a), Art. X of the State
403 Constitution.

404 Section 7. Section 162.093, Florida Statutes, is created to
405 read:

406 162.093 Trespass.—A code inspector, any government official

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407 delegated authority to make emergency repairs, and any municipal
408 or county employee or other person engaged by the local
409 government to make repairs pursuant to ss. 162.09 and 162.091
410 may enter privately owned properties, including, but not limited
411 to, fenced yards, vacant structures, and pool enclosures, for
412 purposes of making inspections and repairs as authorized by this
413 chapter. As provided in s. 810.12(5), laws relating to trespass
414 do not apply to such persons while performing services within
415 the scope of their employment.

416 Section 8. Section 162.10, Florida Statutes, is amended to
417 read:

418 162.10 Duration of lien.—A ~~No~~ lien provided under this
419 chapter may not the Local Government Code Enforcement Boards Act
420 ~~shall~~ continue for a period longer than 20 years after the lien
421 ~~certified copy of an order imposing a fine~~ has been recorded,
422 unless within that time an action is commenced pursuant to s.
423 162.092 ~~162.09(3)~~ in a court of competent jurisdiction and a lis
424 pendens is filed in the official records. In an action to
425 foreclose on a lien or for a money judgment, the prevailing
426 party is entitled to recover all costs, including a reasonable
427 attorney's fee, that it incurs in the action. The local
428 governing body shall be entitled to collect all costs incurred
429 in recording and satisfying a valid lien. The continuation of
430 the lien ~~effected~~ by the commencement of the action shall not be
431 good against creditors or subsequent purchasers for valuable
432 consideration without notice, unless a notice of lis pendens is
433 recorded.

434 Section 9. Section 162.11, Florida Statutes, is amended to
435 read:

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436 162.11 Appeals.—An aggrieved party, including the local
437 governing body, may appeal a recorded lien or a final
438 administrative order of an enforcement board to the circuit
439 court. Such an appeal shall not be a hearing de novo but shall
440 be limited to appellate review of the record created before the
441 enforcement board. An appeal shall be filed within 30 days after
442 ~~of~~ the recording of the lien or execution of the order to be
443 appealed.

444 Section 10. Section 162.14, Florida Statutes, is created to
445 read:

446 162.14 Severability; legislative declaration.—If any
447 provision of this chapter is held or declared to be
448 unconstitutional, illegal, invalid, inoperative, ineffective,
449 inapplicable, or void, such holding or declaration does not
450 affect the other provisions of this chapter or the application
451 of the other provisions of this chapter to any other
452 circumstance. The Legislature declares that any provision of
453 this chapter held as such did not induce the enactment of the
454 chapter and that without the inclusion of the provisions of this
455 chapter held as such, the Legislature would have enacted the
456 other provisions of this chapter.

457 Section 11. Section 222.01, Florida Statutes, is amended to
458 read:

459 222.01 Designation of homestead by owner before levy.—

460 (1) Whenever any natural person residing in this state
461 desires to avail himself or herself of the benefit of the
462 provisions of the constitution and laws exempting property as a
463 homestead from forced sale under any process of law, he or she
464 may make a statement, in writing, containing a description of

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465 the real property, mobile home, or modular home claimed to be
466 exempt and declaring that the real property, mobile home, or
467 modular home is the homestead of the party in whose behalf such
468 claim is being made. If relevant, such a statement may also be
469 made by a subsequent owner, lienholder, or successor in interest
470 of such property to a party who could have claimed the real
471 property, mobile home, or modular home was homestead through the
472 date his or her interest in the property was relinquished or
473 conveyed. Such statement shall be signed by the person making it
474 and shall be recorded in the circuit court.

475 (2) When a certified copy of a judgment under ~~has been~~
476 ~~filed in the public records of a county pursuant to chapter 55,~~
477 a code enforcement lien under chapter 162 other than a cost
478 assessment lien under s. 162.09(4), or a lien for any other
479 purpose imposed by a court or governmental body exists or has
480 been filed in the official records of a county, a person who is
481 entitled to the benefit of the provisions of the State
482 Constitution exempting real property as homestead, or a
483 lienholder, subsequent owner, or successor in interest of such
484 property, and who has a contract to sell or a commitment from a
485 lender for a mortgage on the homestead may file a notice of
486 homestead in the official ~~public~~ records of the county in which
487 the homestead property is located in substantially the following
488 form, with allowance for modifications if the notice is being
489 given by a lienholder, subsequent owner, or successor in
490 interest of such property:

NOTICE OF HOMESTEAD

491
492
493 To:....(Name and address of judgment creditor or

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494 lienholder as shown on recorded judgment or lien and
495 name and address of any other person shown in the
496 recorded judgment or lien to receive a copy of the
497 Notice of Homestead)....

498
499 You are notified that the undersigned claims as
500 homestead exempt from levy and execution under Section
501 4, Article X of the State Constitution, the following
502 described property:

503 ... (Legal description) ...

504
505 The undersigned certifies, under oath, that he or she
506 has applied for and received the homestead tax
507 exemption as to the above-described property, that
508 is the tax identification parcel number of this
509 property, and that the undersigned has resided on this
510 property continuously and uninterruptedly from
511 ... (date) ... to the date of this Notice of Homestead.
512 Further, the undersigned will either convey or
513 mortgage the above-described property pursuant to the
514 following:

515
516 ... (Describe the contract of sale or loan commitment
517 by date, names of parties, date of anticipated
518 closing, and amount. The name, address, and telephone
519 number of the person conducting the anticipated
520 closing must be set forth.) ...

521
522 The undersigned also certifies, under oath, that the

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523 lien or judgment lien filed by you on ...(date)... and
524 recorded in Official Records Book, Page, of
525 the Public Records of County, Florida, does
526 not constitute a valid lien on the described property.

527
528 YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION 222.01
529 ET SEQ., FLORIDA STATUTES, THAT WITHIN 45 DAYS AFTER
530 THE MAILING OF THIS NOTICE YOU MUST FILE AN ACTION IN
531 THE CIRCUIT COURT OF COUNTY, FLORIDA, FOR A
532 DECLARATORY JUDGMENT TO DETERMINE THE CONSTITUTIONAL
533 HOMESTEAD STATUS OF THE SUBJECT PROPERTY OR TO
534 FORECLOSE YOUR LIEN OR JUDGMENT LIEN ON THE PROPERTY
535 AND RECORD A LIS PENDENS IN THE OFFICIAL PUBLIC
536 RECORDS OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED.
537 YOUR FAILURE TO SO ACT WILL RESULT IN ANY BUYER OR
538 LENDER, OR HIS OR HER SUCCESSORS AND ASSIGNS, UNDER
539 THE ABOVE-DESCRIBED CONTRACT OF SALE OR LOAN
540 COMMITMENT TO TAKE FREE AND CLEAR OF ANY LIEN OR
541 JUDGMENT LIEN YOU MAY HAVE ON THE PROPERTY.

542
543 This day of, 2.....
544
545 ... (Signature of Owner) ...
546
547
548 ... (Printed Name of Owner) ...
549
550
551 ... (Owner's Address) ...

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Sworn to and subscribed before me by
..... who is personally known to me
or produced as
identification, this day of, 2.....

.....
Notary Public

(3) The clerk shall mail a copy of the notice of homestead to the judgment lienor or lienholder, by certified mail, return receipt requested, at the address shown in the most recent recorded lien, judgment, or accompanying affidavit, and to any other person designated in the most recent recorded lien, judgment, or accompanying affidavit to receive the notice of homestead, and shall certify to such service on the face of such notice and record the notice. Notwithstanding the use of certified mail, return receipt requested, service shall be deemed complete upon mailing.

(4) A lien ~~pursuant to chapter 55~~ of any lienor upon whom such notice is served, who fails to institute an action for a declaratory judgment to determine the constitutional homestead status of the property described in the notice of homestead or to file an action to foreclose the lien or judgment lien, together with the filing of a lis pendens in the official public records of the county in which the homestead is located, within 45 days after service of such notice shall be deemed as not attaching to the property by virtue of its status as homestead property:

(a) As to the interest of any buyer or lender, or his or

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581 her successors or assigns, who takes under the contract of sale
 582 or loan commitment described above within 180 days after the
 583 filing in the official ~~public~~ records of the notice of
 584 homestead; or

585 (b) As to the interest of any subsequent owner, lienholder,
 586 or successor in interest of the property who filed a notice
 587 under subsection (2).
 588

589 This subsection shall not act to prohibit a lien from attaching
 590 to the real property described in the notice of homestead at
 591 such time as the property loses its homestead status.

592 (5) As provided in s. 4, Art. X of the State Constitution,
 593 this subsection shall not apply to:

594 (a) Liens and judgments for the payment of taxes and
 595 assessments on real property.

596 (b) Liens and judgments for obligations contracted for the
 597 purchase of real property.

598 (c) Liens and judgments for labor, services, or materials
 599 furnished to repair or improve real property.

600 (d) Liens and judgments for other obligations contracted
 601 for house, field, or other labor performed on real property.

602 Section 12. Section 695.01, Florida Statutes, is amended to
 603 read:

604 695.01 Conveyances, mortgages, and liens to be recorded.—

605 (1) A ~~Ne~~ conveyance, transfer, or mortgage of real
 606 property, ~~or of any interest in such property therein, and nor~~
 607 any lease of real property for a term of 1 year or longer, is
 608 not valid or shall be good and effectual in law or equity
 609 against creditors or subsequent purchasers for a valuable

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610 consideration and without notice, unless the conveyance,
611 transfer, mortgage, interest, or lease is same be recorded in
612 the official records, as defined in s. 28.222, of the county in
613 which the property is located, and according to law; nor shall
614 any such instrument made or executed by virtue of any power of
615 attorney is not valid or be good or effectual in law or in
616 equity against creditors or subsequent purchasers for a valuable
617 consideration and without notice unless the power of attorney is
618 be recorded in the official records of the county in which the
619 property is located before the accruing of the right of such
620 creditor or subsequent purchaser. Grantees by quitclaim may not
621 be denied the status of a bona fide purchaser without notice
622 within the meaning of the recording acts solely based upon
623 having received title by a quitclaim deed.

624 (2) Liens for improvements, services, fines, or penalties
625 attaching to real property by any governmental entity, or any
626 other quasi-governmental entity authorized to assess, impose, or
627 create such liens, except liens for taxes, special assessments
628 levied and collected under the uniform method described in s.
629 197.3632, and utility services, are valid and effectual against
630 creditors and subsequent purchasers for a valuable consideration
631 only upon being recorded in the official records of the county
632 in which the property is located and containing the name of the
633 owner of record, a legally sufficient legal description of the
634 property, and the tax or parcel identification number applicable
635 to the property as of the date of assessment. The priority of a
636 lien described in this subsection is based upon its order of
637 recordation unless the recorded notice of such lien clearly
638 states a higher priority and includes a citation to the statute

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639 or ordinance authorizing such higher priority. This section
640 supersedes any conflicting home rule power provisions and any
641 provisions granting authority under any act, ordinance, or order
642 creating any governmental or quasi-governmental entity.

643 (3) Liens assessed, imposed, or created by any governmental
644 or quasi-governmental entity may be assigned by assignment
645 recorded in the official records of the county in which the
646 property is located. Any person other than the present owner of
647 the property involved who pays any such unsatisfied lien is
648 entitled to receive an assignment of the lien and shall be
649 subrogated to the rights of the governmental or quasi-
650 governmental entity with respect to the enforcement of such
651 lien, as permitted by law. Grantees by quitclaim, heretofore or
652 ~~hereafter made, shall be deemed and held to be bona fide~~
653 ~~purchasers without notice within the meaning of the recording~~
654 ~~acts.~~

655 Section 13. If any provision of this act or the application
656 thereof to any person or circumstance is held invalid, the
657 invalidity shall not affect other provisions or applications of
658 the act which can be given effect without the invalid provision
659 or application, and to this end the provisions of this act are
660 declared severable.

661 Section 14. This act shall take effect July 1, 2010.