

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Steube offered the following:

2
3 **Substitute Amendment for Amendment (016021) (with title**
4 **amendment)**

5 Between lines 594 and 595, insert:

6 Section 15. Subsections (2) and (4) of section 713.02,
7 Florida Statutes, are amended to read:

8 713.02 Types of lienors and exemptions.—

9 (2) Persons performing services or furnishing materials
10 for subdivision improvements as described in s. 713.04 shall
11 have rights to a lien on real property as provided in that
12 section, except no right shall exist for lien on any single
13 family residential property that is owner-occupied or that the

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14 owner intends to occupy for persons who are not in privity with
15 an owner.

16 (4) Persons who are not in privity with an owner and who
17 perform labor or services or furnish materials constituting a
18 part of an improvement under the direct contract of another
19 person shall have rights to a lien on real property as provided
20 in s. 713.06, except no right shall exist for lien on any single
21 family residential property that is owner-occupied or that the
22 owner intends to occupy.

23 Section 16. Subsection (5) of section 713.08, Florida
24 Statutes, is amended, and subsection (6) is added to that
25 section, to read:

26 713.08 Claim of lien.—

27 (5) The claim of lien may be recorded at any time during
28 the progress of the work or thereafter but not later than 90
29 days after the final furnishing of the labor, ~~or~~ services, or
30 materials by the lienor. However, if the original contract is
31 terminated under s. 713.07(4), a claim for a lien attaching
32 before ~~prior to~~ such termination may not be recorded more than
33 after 90 days after ~~following~~ the date of such termination or 90
34 days after the final furnishing of labor, services, or materials
35 by the lienor, whichever occurs first. Recording a claim of lien
36 after the 90-day period is presumptively an act of fraud,
37 punishable as provided in s. 713.31.

38 (a) The claim of lien shall be recorded in the clerk's
39 office. If the ~~such~~ real property is situated in two or more

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40 counties, the claim of lien shall be recorded in the clerk's
41 office in each of such counties. The recording of the claim of
42 lien shall be constructive notice to all persons of the contents
43 and effect of such claim.

44 (b) The validity of the lien and the right to record a
45 claim of lien is therefor shall not be affected by the
46 insolvency, bankruptcy, or death of the owner before the claim
47 of lien is recorded.

48 (6) (a) A claim of lien may not be recorded until the
49 lienor provides the clerk with a copy of one of the following:

50 1. The notice of commencement for the real property at
51 issue.

52 2. The building permit for the real property at issue.

53 3. An affidavit or contract signed under penalty of
54 perjury which attests that the labor or materials were furnished
55 for the real property at issue.

56 (b) The clerk of court shall attach the copy provided
57 pursuant to paragraph (a) to the claim of lien before recording
58 the claim.

59 Section 17. Paragraph (f) is added to subsection (12) of
60 section 28.24, Florida Statutes, to read:

61 28.24 Service charges.—The clerk of the circuit court
62 shall charge for services rendered manually or electronically by
63 the clerk's office in recording documents and instruments and in
64 performing other specified duties. These charges may not exceed

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65 those specified in this section, except as provided in s.
66 28.345.

67 Charges

68 (12) For recording, indexing, and filing any instrument
69 not more than 14 inches by 8 1/2 inches, including required
70 notice to property appraiser where applicable:

71 (f) Notwithstanding paragraphs (a) and (b), to record a
72 claim of lien pursuant to part I of chapter 713.....50.00

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T I T L E A M E N D M E N T

75 Remove line 51 and insert:
76 alternate member may respond; amending s. 713.02,
77 F.S.; revising lien rights related to single family
78 residential property; amending s. 713.08, F.S.;
79 providing that recording a claim of lien after a
80 specified time is an act of fraud; requiring certain
81 documents to be provided before a claim of lien is
82 recorded; requiring the clerk of court to attach such
83 document to the claim of lien before recording the
84 claim; amending s. 28.24, F.S.; providing a fee for
85 recording a claim of lien under the Construction Lien
86 Law; providing an effective
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