

By Senator Smith

31-00933-16

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1 A bill to be entitled
2 An act relating to construction liens; amending s.
3 713.10, F.S.; providing that a lessor's interest in
4 commercial property is not subject to a construction
5 lien for construction, renovation, or improvement made
6 by a lessee under certain conditions; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (b) of subsection (2) of section
12 713.10, Florida Statutes, is amended to read:

13 713.10 Extent of liens.—

14 (2)

15 (b) The interest of the lessor is not subject to liens for
16 improvements made by the lessee under any of the following
17 circumstances ~~when~~:

18 1. The lease, or a short form or a memorandum of the lease
19 that contains the specific language in the lease prohibiting
20 such liability, is recorded in the official records of the
21 county where the premises are located before the recording of a
22 notice of commencement for improvements to the premises and the
23 terms of the lease expressly prohibit such liability. ~~;~~ ~~or~~

24 2. The terms of the lease expressly prohibit such
25 liability, and a notice advising that leases for the rental of
26 premises on a parcel of land prohibit such liability has been
27 recorded in the official records of the county in which the
28 parcel of land is located before the recording of a notice of
29 commencement for improvements to the premises, and the notice

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30 includes the following:

31 a. The name of the lessor.

32 b. The legal description of the parcel of land to which the
33 notice applies.

34 c. The specific language contained in the various leases
35 prohibiting such liability.

36 d. A statement that all or a majority of the leases entered
37 into for premises on the parcel of land expressly prohibit such
38 liability.

39 ~~3. The lessee is a mobile home owner who is leasing a
40 mobile home lot in a mobile home park from the lessor.~~

41
42 A notice that is consistent with this subparagraph ~~2~~
43 effectively prohibits liens for improvements made by a lessee
44 even if other leases for premises on the parcel do not expressly
45 prohibit liens or if provisions of each lease restricting the
46 application of liens are not identical.

47 3. The lessee is a mobile home owner who is leasing a
48 mobile home lot in a mobile home park from the lessor.

49 4. The lien is imposed by a county or municipality for a
50 fine or penalty related to the failure to obtain the necessary
51 local government authorization for the construction, renovation,
52 or improvement of commercial property and:

53 a. The lessee of the commercial property was responsible
54 for the construction, renovation, or improvement.

55 b. The construction, renovation, or improvement was done
56 without the knowledge and consent of the lessor.

57 c. The county or municipality provided the lessor with at
58 least 180 days' notice to obtain the necessary local government

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59 authorization before imposing the fine or penalty.

60 Section 2. This act shall take effect July 1, 2016.