By Senator Simpson

18-00396B-14 2014460

A bill to be entitled

An act relating to construction liens; amending s. 28.24, F.S.; specifying a new fee for recording a claim of lien under the Construction Lien Law; amending s. 713.08, F.S.; providing that recording a claim of lien after a specified time is an act of fraud; requiring certain documents to be provided before a claim of lien is recorded; requiring the clerk of court to attach such document to the claim of lien before recording the claim; providing an effective date.

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

Section 1. Paragraph (f) is added to subsection (12) of section 28.24, Florida Statutes, to read:

28.24 Service charges.—The clerk of the circuit court shall charge for services rendered manually or electronically by the clerk's office in recording documents and instruments and in performing other specified duties. These charges may not exceed those specified in this section, except as provided in s. 28.345.

Charges

- (12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:
 - (f) Notwithstanding paragraphs (a) and (b), to record a

18-00396B-14 2014460

claim of lien pursuant to part I of chapter 713 50.00

Section 2. Subsection (5) of section 713.08, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

713.08 Claim of lien.-

- (5) The claim of lien may be recorded at any time during the progress of the work or thereafter but not later than 90 days after the final furnishing of the labor, or services, or materials by the lienor. However, if the original contract is terminated under s. 713.07(4), a claim for a lien attaching before prior to such termination may not be recorded more than after 90 days after following the date of such termination or 90 days after the final furnishing of labor, services, or materials by the lienor, whichever occurs first. Recording a claim of lien after the 90-day period is an act of fraud, punishable as provided under s. 713.31.
- (a) The claim of lien shall be recorded in the clerk's office. If the such real property is situated in two or more counties, the claim of lien shall be recorded in the clerk's office in each of such counties. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim.
- (b) The validity of the lien and the right to record a claim of lien is therefor shall not be affected by the insolvency, bankruptcy, or death of the owner before the claim of lien is recorded.
- (6) (a) A claim of lien may not be recorded until the lienor provides the clerk with a copy of one of the following:
 - 1. The notice of commencement.

59

60

61

62

63

64

65

66

18-00396B-14 2014460

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

- 3. An affidavit or contract signed under penalty of perjury which attests that the labor or materials were furnished for the real property at issue.
- (b) The clerk of court shall attach the copy provided pursuant to paragraph (a) to the claim of lien before recording the claim.
 - Section 3. This act shall take effect July 1, 2014.