

1 A bill to be entitled

2 An act relating to providing fair notice in the official records of governmental liens against property
3 and protecting innocent purchasers; amending section 695.01; requiring the recording of liens in the
4 official records and protecting good faith purchasers for value; limiting home rule powers;
5 permitting assignment; amending section 162.03 requiring recording of liens in the official records;
6 permitting code violations for failure to repair and maintain; pre-empting local authority as to
7 alienation of property and foreclosure procedures and registration of vacant properties; limiting
8 liability for making emergency repairs; creating section 162.091; allowing expedited handling of
9 emergency repairs and assessment of costs; amending and renumbering section 162.09 as sections
10 162.092 and 162.093; limiting liability for the local government and subcontractors with regard to
11 repairs; permitting special assessments with regard to certain costs incurred; providing for priority of
12 special assessment liens and attachment notwithstanding homestead protections; providing for the
13 attachment of liens to real and personal property; and for personal liability; providing that special
14 assessments for costs will survive foreclosure; and providing a form for liens; creating section
15 162.094 authorizing entry onto private property; providing an exception to trespass statutes at
16 810.12; amending section 162.10 to limit the duration of liens; creating section 162.14 containing a
17 severability clause; amending section 222.01 to provide a mechanism for exempting homestead
18 property from liens; allowing successors in interest to assert a prior homestead status.

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

20 Section 1. Section 695.01, Florida Statutes, is amended to read:

21 **695.01 Conveyances, mortgages and liens to be recorded.--**

22 (1) No conveyance, transfer, or mortgage of real property, or of any interest therein, nor any lease
23 for a term of 1 year or longer, shall be good and effectual in law or equity against creditors or
24 subsequent purchasers for a valuable consideration and without notice, unless the same be recorded
25 in the official records, as defined in s. 28.222, of the county where the property is located ~~according~~
26 ~~to law~~; nor shall any such instrument made or executed by virtue of any power of attorney be good
27 or effectual in law or in equity against creditors or subsequent purchasers for a valuable
28 consideration and without notice unless the power of attorney be recorded, in the official records of
29 the county where the property is located, before the accruing of the right of such creditor or
30 subsequent purchaser. Grantees by quitclaim, heretofore or hereafter made, shall not be denied the
31 status of a bona fide purchaser without notice within the meaning of the recording acts solely based
32 on having received title by a quit claim deed.¹
33 (2) Liens for improvements, services, fines or penalties attaching to real property by any
34 governmental or municipal body, or such other quasi-governmental entity authorized to assess,
35 impose or create such liens, with the exception of taxes, special assessments levied and collected
36 under the uniform method described in s. 197.3632, and liens for utility services, shall be good
37 against creditors and subsequent purchasers for a valuable consideration only upon recordation in the
38 official records in the county where the property is located, with the name of the owner of record, a
39 legally sufficient legal description and the tax or parcel identification number applicable to the parcel
40 as of the date of assessment. The priority of a lien described in this subsection shall be based on its
41 order of recordation unless the recorded notice of such lien clearly states a higher priority and
42 includes a citation to the statute or ordinance authorizing such higher priority. This provision

¹ This was existing language which was moved

43 supercedes any conflicting home rule powers and any authorities granted under the acts, ordinances
44 or orders creating any governmental or quasi-governmental entity.

45 (3) Liens assessed, imposed or created by any governmental or municipal body or other quasi-
46 governmental entity may be assigned by assignment recorded in the official records of the county in
47 which the property is located. Any person, other than the present owner of the property involved,
48 who pays any such unsatisfied lien shall be entitled to receive an assignment of the lien and shall be
49 subrogated to the rights of the governmental, quasi-governmental or municipal body in respect to the
50 enforcement of such lien, as permitted by law.

51 ~~(2) Grantees by quitclaim, heretofore or hereafter made, shall be deemed and held to be bona fide~~
52 ~~purchasers without notice within the meaning of the recording acts.~~

53

54 Section 2. Section 162.03, Florida Statutes, is amended to read:

55 **162.03 Applicability.--**

56 (1) Each county or municipality may by ordinance, at its option, create or abolish ~~by ordinance~~ local
57 government enforcement boards as provided herein.

58 (2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate
59 code enforcement system that gives enforcement boards or special magistrates designated by the
60 local governing body, or both, the authority to hold hearings and assess fines against violators of the
61 respective county or municipal codes and ordinances. A special magistrate shall have the same status
62 as an enforcement board under this chapter. References in this chapter to an enforcement board,
63 except in s. 162.05, shall include a special magistrate if the context permits. Any fines or liens

64 assessed by such alternate code enforcement system must be recorded as provided in ss. 162.093
65 before such fine or lien shall constitute a lien on any real or personal property.

66 (3) In addition to any other matters addressed in its code of ordinances, each county or municipality
67 may, by ordinance, provide that the failure to repair a property which falls into disrepair, becomes
68 uninhabitable, or creates a danger to public health, safety or welfare is in violation of its code of
69 ordinances and subject to enforcement action pursuant to this chapter.²

70 (4) Alienation of property and foreclosure of mortgages and liens are areas of law which have been
71 wholly pre-empted by statute and rules of the court. No local governing body may, by ordinance or
72 otherwise, impose any pre-conditions or limitations on the alienation of property or upon the
73 foreclosure of mortgages or other liens, other than with regard to property, mortgages or liens owned
74 or held by the local government. Any such ordinance is void and of no further force and effect.³

75 (5) No local government, including those with home rule powers, may require lenders to file or
76 register abandoned, vacant, foreclosed properties or properties in default.

77 Section 3. Sections 162.09 and 162.10, Florida Statutes, are amended to read:

78 **162.091 Emergency Repairs; Costs of Repairs.**

79 (1) A county or municipal official may institute such emergency repairs as may be necessary or
80 appropriate to mitigate a violation of the code of ordinances which presents a serious threat to the
81 public health, safety, and welfare, if:

82 (a) the enforcement board is not scheduled to meet within the next 48 hours; and

83 (b) the local governing body has delegated the authority to institute emergency repairs to
84 that official, and

² I suspect the local government reps will want to expand the scope of this authority to address other specific problems I am not considering.

³ This is an attempt to address the Miami style ordinances purporting to establish preconditions to land transfers.

85 (c) the code inspector has made a reasonable effort to notify the record owner of the
86 violating property and the holder or servicer of the first mortgage on the violating property.

87
88 (2) The enforcement board shall be advised of all costs incurred in making emergency repairs, and
89 any costs of identifying and notifying the parties to be notified. The enforcement board shall review
90 such costs and, if deemed reasonable under the circumstances, cause them to be assessed pursuant to
91 s. 162.092.

92 (3) An official making any such repairs does not create a continuing obligation on the part of the
93 local governing body to make further repairs or to maintain the property and does not create any
94 liability against the local governing body or any person engaged to make such repairs, for any
95 damages to the property, or any special, punitive, or consequential damages resulting from or arising
96 in the course of making such repairs.

97 (4) The failure or inability to notify any parties under subsection (1)(a) shall not invalidate any
98 action taken pursuant hereto or the later assessment of costs incurred in connection herewith.

99 **162.092 Administrative fines; costs of repair; liens.--**

100 (1) An enforcement board, upon notification by the code inspector that an order of the enforcement
101 board has not been complied with by the set time or upon finding that a repeat violation has been
102 committed, may order the violator to pay a fine in an amount specified in this section for each day
103 the violation continues past the date set by the enforcement board for compliance or, in the case of a
104 repeat violation, for each day the repeat violation continues, beginning with the date the repeat
105 violation is found to have occurred by the code inspector. In addition, if the violation is a violation
106 described in s. 162.06(4), the enforcement board shall notify the local governing body, which may

107 make all reasonable repairs which are required to bring the property into compliance and charge the
108 violator with the reasonable cost of the repairs along with the fine ~~imposed~~ assessed pursuant to this
109 section.

110 (2) An enforcement board making such repairs does not create a continuing obligation on the part of
111 the local governing body to make further repairs or to maintain the property and does not create any
112 liability against the local governing body or any person engaged by the local governing body to
113 make such repairs, for any damages to the property-, or any special, punitive, or consequential
114 damages resulting from or arising in the course of making such repairs, if such repairs were
115 completed in good faith. If a finding of a violation or a repeat violation has been made as provided in
116 this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due
117 notice and hearing, an enforcement board finds a violation to be irreparable or irreversible in nature,
118 it may order the violator to pay a fine as specified in paragraph (3)(a).

119 (3)(a) A fine ~~impose~~assessed pursuant to this section shall not exceed \$250 per day for a first
120 violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all
121 costs of repairs pursuant to subsection (1) and s. 162.091. However, if an enforcement board finds
122 the violation to be irreparable or irreversible in nature, it may ~~impose~~-assess a fine not to exceed
123 \$5,000 per violation.

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

- 126 1. The gravity of the violation;
- 127 2. Any actions taken by the violator to correct the violation; and
- 128 3. Any previous violations committed by the violator.

- 129 (c) An enforcement board may reduce a fine ~~impose~~assessed pursuant to this section.
- 130 (d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a
131 vote of at least a majority plus one of the entire governing body of the county or municipality, an
132 ordinance that gives enforcement boards or special magistrates, or both, authority to ~~impose~~assess
133 fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per
134 violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000
135 per violation if the enforcement board or special magistrate finds the violation to be irreparable or
136 irreversible in nature. Any ordinance imposing such fines shall include criteria to be considered by
137 the enforcement board or special magistrate in determining the amount of the fines, including, but
138 not limited to, those factors set forth in paragraph (b).⁴
- 139 (3) In addition to ~~such~~ any fines assessed, a code enforcement board or special magistrate may
140 ~~impose~~assess a special assessment against the property on which the violation exists ~~additional fines~~
141 to cover all costs incurred by the local government:
- 142 (a) In making any emergency repairs pursuant to s. 162.091;
 - 143 (b) In making any repairs ordered by the local governing body or the enforcement board
144 pursuant to this section;
 - 145 (c) Any costs of identifying and notifying the parties to be notified;
 - 146 (d) Any costs of recording the copy of the lien and any releases thereof;
 - 147 (e) A reasonable charge to cover the direct costs of enforcing the violation of codes giving
148 rise to the need for the repairs; and

⁴ This section was moved unchanged.

149 (f) A reasonable charge to cover the direct costs of making subsequent inspections to
150 confirm repairs have been completed.
151 ~~in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance~~
152 ~~imposing such fines shall include criteria to be considered by the code enforcement board or special~~
153 ~~magistrate in determining the amount of the fines, including, but not limited to, those factors set~~
154 ~~forth in paragraph (b).~~
155 The cost assessment shall be set forth as an amount separate from any fines ~~impose~~ assessed and shall
156 specifically state that the cost assessment portion constitutes a lien on such property equal in priority
157 to real property taxes as set forth in s. 162.093.

158 **162.093 Liens.**

159 ~~(13) A certified copy of an order imposing~~ lien for a fine, or a fine plus cost assessment, or a cost
160 assessment alone, identifying the owner and containing a valid legal description and the tax or parcel
161 identification number applicable as of the date of assessment may be recorded in the Official
162 Records as defined in s. 28.222, ~~public records~~ and thereafter shall constitute a lien against the land
163 ~~on which the violation exists and upon any other real or personal property owned by the violator.~~
164 Upon recording notice of the lien in the central database of judgment liens on personal property
165 maintained by the Department of State in accordance with ss. 55.201-55.209, such order shall also
166 constitute a lien upon any personal property owned by the violator. The obligation to pay any fines
167 or assessments shall also be a personal obligation of the owner of the property at the time the
168 violation was noticed and assessed.

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

171 WARNING!
172 THIS LEGAL DOCUMENT REFLECTS THAT A GOVERNMENT LIEN HAS BEEN PLACED
173 ON THE REAL PROPERTY LISTED HEREIN. THIS LIEN MAY REMAIN VALID FOR TWO
174 (2) YEARS FROM THE DATE OF RECORDING AND SHALL EXPIRE AND BECOME NULL
175 AND VOID THEREAFTER UNLESS LEGAL PROCEEDINGS HAVE BEEN COMMENCED TO
176 FORECLOSE THIS LIEN AND A LIS PENDENS HAS BEEN RECORDED IN THE OFFICIAL
177 RECORDS.

178 GOVERNMENTAL LIEN
179 (F.S. 162.092 & F. S. 162.093)

180 STATE OF FLORIDA
181 COUNTY OF _____

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

187 (a) Emergency Repairs pursuant to
188 _____ F. S. 162.091: _____ \$ _____

189 (b) Repairs ordered by the local governing
190 _____ body or the enforcement board: _____ \$ _____

191 (c) Any costs of identifying/notifying
192 _____ the parties: _____ \$ _____

193 (d) Cost of recording the copy
194 of the lien and proposed releases: \$
195 (e) Direct cost of enforcing the violation
196 of codes giving rise to the need for
197 the repair: \$
198 (f) Direct cost of making subsequent
199 inspections to confirm repairs have
200 been made: \$
201 TOTAL: \$

202 Said amount shall constitute a lien on the owner’s property, notwithstanding any homestead
203 protections provided by Article X, 4(a) of the State Constitution.

204 The following fine pursuant to (Governmental Entity Ordinance/Statute No.) shall constitute a lien
205 on the owner’s property subject to the provisions of Article X, Section 4(a) of the Florida
206 Constitution on the following described real property in _____ County, Florida:

207 First Violation: \$250.00 per day commencing _____ (Date)

208 Repeat Violation: \$500.00 per day commencing _____ (Date)

209 Property Legal Description: _____

210 [Must include full legal description of property, not abbreviated description from tax rolls]

211 Parcel I.D. Number: _____

212 owned by _____ whose address is shown as

213 _____ in the tax rolls of [county name] County.

214 Florida. A copy of the notification of a violation of the (Governmental Entity- Code/Ordinance)
215 was (mailed certified mail/posted) on (date).

216 Estoppel letters, additional information regarding this lien and satisfactions of the lien are available
217 by contacting [person], [title] at [address], phone number: [phone number].

218 _____ (Governmental Entity)

219 _____ By: _____ (Name/Title)

220 Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 _____ by
221 _____.

222 (SEAL)

223 _____

224 _____ Signature of Notary Public

225 _____ Personally Known OR Produced Identification

226 _____ Type of Identification Produced

227 (3) The recorded lien for a cost assessment pursuant to ss. 162.091 and 162.092(4) shall constitute a
228 lien on such property equal in priority to real property taxes and shall be deemed an obligation

229 contracted for the improvement or repair of the property and an assessment within the meaning of

230 Art. X, Sec. 4 of the Florida Constitution. The cost assessment will attach and may be enforced

231 without regard to whether the land on which the violation exists is the homestead of the violator.

232 Such lien will not be eliminated by the foreclosure of any mortgage or lien subordinate to real

233 property taxes nor be prevented from attaching by s. 48.23 regarding lis pendens.

234 (4) Fines or penalties assessed pursuant to this chapter, and subsequent accruals thereon, shall take

235 priority only as of the recordation of the lien, may be eliminated in a foreclosure of superior liens or

236 mortgages, and shall be subject to the provisions of s. 48.23 regarding lis pendens. The elimination
237 of a lien for fines by foreclosure does not preclude the enforcement board from assessing future
238 violations against a subsequent owner of the property as to any uncorrected violations.
239 (5) Upon petition to the circuit court, such order imposing a lien, fine or penalty shall be enforceable
240 in the same manner as a court judgment by the sheriffs of this state, including execution and levy
241 against the violating property or other personal property of the violator, but such order shall not be
242 deemed to be a court judgment except for enforcement purposes. A fine ~~impose~~assessed pursuant to
243 this part shall continue to accrue until the violating property has been brought into compliance or
244 until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien
245 arising from a fine ~~impose~~assessed pursuant to this section runs in favor of the local governing body.
246 Within 30 days of payment, and the local governing body or authorized officer thereof ~~may~~shall
247 execute and cause to be recorded a satisfaction or release of lien in each recording office where such
248 lien was recorded. After 3 months from the filing of any such lien which remains unpaid, the
249 enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue
250 to recover a money judgment for the amount of the lien plus accrued interest. No lien ~~created for a~~ fine assessed
251 pursuant to ~~the provisions of this part~~ s. 162.092(3) shall attach to or ~~may~~be foreclosed
252 on real property which is a homestead under s. 4, Art. X of the State Constitution. The money
253 judgment provisions of this section shall not apply to real property or personal property which is
254 covered under s. 4(a), Art. X of the State Constitution.

255 **162.094 Trespass.**

256 (1) The code inspector, any government official delegated authority to make emergency repairs
257 and any municipal or county employee or other person engaged by the local government to make

258 repairs pursuant to ss. 162.091 and 162.092 are expressly authorized to enter into privately owned
259 properties, including but not limited to fenced yards, vacant structures and pool enclosures, for
260 purposes of making inspections and repairs authorized hereunder. As provided in s. 810.12(5), such
261 persons are excluded from the application of trespass laws while performing services within the
262 scope of their employment.

263 **162.10 Duration of lien.**--No lien provided under this chapter ~~the Local Government Code~~
264 ~~Enforcement Boards Act~~ shall continue for a period longer than 20 2 years after the ~~certified copy of~~
265 ~~an order imposing a fine~~ lien has been recorded in the Official Records, unless within that time an
266 action is commenced pursuant to s. 162.09(3) in a court of competent jurisdiction and a lis pendens
267 filed in the official records. In an action to foreclose on a lien or for a money judgment, the
268 prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in
269 the action. The local governing body shall be entitled to collect all costs incurred in recording and
270 satisfying a valid lien. The continuation of the ~~lien~~ ~~effected~~ by the commencement of the action shall
271 not be good against creditors or subsequent purchasers for valuable consideration without notice,
272 unless a notice of lis pendens is recorded.

273 Section 4. Section 162.14 Florida Statutes is created to read:

274 162.14 Declaration of Intent. If any section, subsection, sentence, clause, phrase or word of this
275 chapter is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective,
276 inapplicable, or void, such invalidity or unconstitutionality shall not be construed to affect the
277 portions of this chapter not so held to be unconstitutional, void, invalid, or ineffective, or affect the
278 application of this chapter to other circumstances not so held to be invalid, it being hereby declared
279 to be the express legislative intent that any such unconstitutional, illegal, invalid, ineffective,

280 inapplicable, or void portion or portions of this chapter did not induce its passage, and that without
281 the inclusion of any such unconstitutional, illegal, invalid, ineffective, or void portions of this
282 chapter, the Legislature would have enacted the valid and constitutional portions thereof.

283 Section 5. Section 222.01, Florida Statutes is amended to read:

284 **222.01 Designation of homestead by owner before levy.--**

285 (1) Whenever any natural person residing in this state desires to avail himself or herself of the
286 benefit of the provisions of the constitution and laws exempting property as a homestead from forced
287 sale under any process of law, he or she may make a statement, in writing, containing a description
288 of the real property, mobile home, or modular home claimed to be exempt and declaring that the real
289 property, mobile home, or modular home is the homestead of the party in whose behalf such claim is
290 being made. Where relevant, such a statement may also be made by a subsequent owner, lienholder
291 or successor in interest to a party who could have claimed the real property, mobile home, or
292 modular home was homestead through the date their interest in the property was relinquished or
293 conveyed. Such statement shall be signed by the person making it and shall be recorded in the
294 circuit court.

295 (2) When a certified copy of a judgment ~~has been filed in the public records of a county~~ pursuant to
296 chapter 55, a code enforcement lien pursuant to ch. 162 other than a cost assessment pursuant to s.
297 162.092(4), or a notice of lien for any other purpose by a court, governmental or municipal body
298 exists or has been filed in the official records of a county, a person who is entitled to the benefit of
299 the provisions of the State Constitution exempting real property as homestead or a lienholder,
300 subsequent owner, or successor in interest, and who has a contract to sell or a commitment from a
301 lender for a mortgage on the homestead may file a notice of homestead in the ~~public~~ official records

302 of the county in which the homestead property is located in substantially the following form, with
303 allowance for modifications where the notice is being given by a subsequent owner, lienholder or
304 successor in interest:

305 NOTICE OF HOMESTEAD

306 To: (Name and address of judgment creditor as shown on recorded judgment or lien holder and name
307 and address of any other person shown in the recorded judgment or lien to receive a copy of the
308 Notice of Homestead).

309 You are notified that the undersigned claims as homestead exempt from levy and execution under
310 Section 4, Article X of the State Constitution, the following described property:

311
312 (Legal description)

313
314 The undersigned certifies, under oath, that he or she has applied for and received the homestead tax
315 exemption as to the above-described property, that _____ is the tax identification parcel number of
316 this property, and that the undersigned has resided on this property continuously and uninterruptedly
317 from (date) to the date of this Notice of Homestead. Further, the undersigned will either convey or
318 mortgage the above-described property pursuant to the following:

319 (Describe the contract of sale or loan commitment by date, names of parties, date of anticipated
320 closing, and amount. The name, address, and telephone number of the person conducting the
321 anticipated closing must be set forth.)

322 The undersigned also certifies, under oath, that the lien or judgment lien filed by you on (date) and
323 recorded in Official Records Book _____, Page _____, of the Public Records of _____
324 County, Florida, does not constitute a valid lien on the described property.

325 YOU ARE FURTHER NOTIFIED, PURSUANT TO SECTION 222.01 ET SEQ., FLORIDA
326 STATUTES, THAT WITHIN 45 DAYS AFTER THE MAILING OF THIS NOTICE YOU MUST
327 FILE AN ACTION IN THE CIRCUIT COURT OF _____ COUNTY, FLORIDA, FOR A
328 DECLARATORY JUDGMENT TO DETERMINE THE CONSTITUTIONAL HOMESTEAD
329 STATUS OF THE SUBJECT PROPERTY OR TO FORECLOSE YOUR LIEN OR JUDGMENT
330 LIEN ON THE PROPERTY AND RECORD A LIS PENDENS IN THE PUBLIC OFFICAL
331 RECORDS OF THE COUNTY WHERE THE HOMESTEAD IS LOCATED. YOUR FAILURE
332 TO SO ACT WILL RESULT IN ANY BUYER OR LENDER, OR HIS OR HER SUCCESSORS
333 AND ASSIGNS, UNDER THE ABOVE-DESCRIBED CONTRACT OF SALE OR LOAN
334 COMMITMENT TO TAKE FREE AND CLEAR OF ANY LIEN OR JUDGMENT LIEN YOU
335 MAY HAVE ON THE PROPERTY.

336 This _____ day of _____, 2____.

337 _____

338 (Signature of Owner)

339

340 _____

341 (Printed Name of Owner)

342

343 _____

344 (Owner's Address)

345
346 Sworn to and subscribed before me by _____ who is personally
347 known to me or produced _____ as identification, this _____ day of
348 _____, 2_____.

349
350 _____

351 Notary Public

352
353 (3) The clerk shall mail a copy of the notice of homestead to the holder of the judgment or lien
354 ~~lienor~~, by certified mail, return receipt requested, at the address shown in the most recent recorded
355 lien, judgment or accompanying affidavit, and to any other person designated in the most recent
356 recorded lien, judgment or accompanying affidavit to receive the notice of homestead, and shall
357 certify to such service on the face of such notice and record the notice. Notwithstanding the use of
358 certified mail, return receipt requested, service shall be deemed complete upon mailing.

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

365 (a) as to the interest of any buyer or lender, or his or her successors or assigns, who takes
366 under the contract of sale or loan commitment described above within 180 days after the filing in the
367 ~~public~~official records of the notice of homestead; or

368 (b) as to the interest of any subsequent owner, lienholder or successor in interest who gave
369 notice under subsection (1).

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

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

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

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

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

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

379 Section 5. If any provision of this act or the application thereof to any person or circumstance is
380 held invalid, the invalidity shall not affect other provisions or applications of the act which can be
381 given effect without the invalid provision or application, and to this end the provisions of this act are
382 declared severable.

383 Section 6. This act shall take effect July 1, 2010