

Florida Liens

September 2019

Lien Type and Citation	Certified Yes or No	Lien Duration	Notes and Comments
Child Support Lien: §61.14, F.S.	No	Same as Florida judgment - see below	May be a Statement of Delinquency or an Order or a Judgment. Attaches as a lien if full amount is due immediately. Does not attach if only installment payments are required. If support is paid through a local depository, the Clerk should execute the release. If paid directly to the ex-spouse, the ex-spouse must execute the release.
Code Enforcement Board Lien: §162.09, F.S.	No	20 years from recording, §162.10, F.S.	Upon recording, the lien is typically "a lien on any other real property owned by the violator." Note: An order of compliance is not a satisfaction but only the termination of the accrual of fines. Can be foreclosed. Need to confirm violation is not continuing. Call Underwriting.
Condominium Assessment Lien: §718.116, F.S.	No	1 year from date of recording. If contested, 90 days unless suit filed, §718.116(5)(c), F.S.	Lien generally relates back to date and time condominium declaration is recorded. Owner liable for all assessments during his and prior ownership. Exception: First mortgagee that acquires title by Foreclosure or Deed in Lieu is liable for the lesser of 6 months of assessments or 1% of the original mtg. debt (unless mtg. recorded prior to April 1,1992). See §718.116, F.S.
Construction Lien: §713, F.S.	No	1 year from date of recording- if contested, 60 days unless suit is filed, §713.22, F.S.	Priority of lien relates back to the recorded notice of commencement. Lien may be transferred to other security. See §713.24, F.S.
Judgment: Domestic (Florida Courts)	Yes	If recorded prior to 7/1/87, 20 years. If recorded between 7/1/87 and 7/1/94, 7 years, renewable for 10 years. If recorded after 7/1/94, 10 years, renewable. May not be extended beyond 20 years from date entered. §55.081, F.S.	<ul style="list-style-type: none"> *Judgment after 10/1/93 must include plaintiff's address (or affidavit). *Judgment against one spouse will not attach to entireties property. *Check with underwriting on judgment v. trustee. *Judgment v. partner won't attach to partnership property or vice versa. *Homestead Property - obtain a declaratory judgment of homestead, or file a §222.01, F.S. Notice of Homestead, or Homestead affidavit with underwriting approval. *Judgment not automatically released upon bankruptcy discharge. *Purchase money mortgage superior to prior recorded judgments. *May be transferred to other security under §55.10, F.S. *May be paid into court registry for satisfaction. See §55.141, F.S.
Judgment: Foreign State Court §55.501 -§55.509, F.S.	Yes	Same as Florida judgment - see above	Foreign judgment must be recorded with judgment creditor's address affidavit with Clerk of Court.
Judgment: Federal Court - In Favor of Third Party	Yes	Same as Florida judgment - see above	By statute, these judgments are to comply with rules applicable to Florida domestic judgments. See above.
Judgment: Federal Court - In Favor of United States	Yes	20 year lien period renewable for additional 20 years prior to expiration of original filing	May be lien against entirety property even if judgment against one spouse.
Mortgage	No	5 years after normal maturity or 20 years from recording if maturity date not ascertainable from record, §95.281, F.S.	Statute of Limitations should not be relied upon where mortgage held by any Federal entity (FNMA, RTC, FDIC, etc.). Both spouses must sign if homestead property. No witnesses needed. Beware of priority change with every modification. Purchase money mortgage has special priority.
Tax Lien: Federal	No	10 years and 30 days from date of assessment, renewable	Note: A federal tax lien will attach to homestead real property and against entireties even if against only one spouse. Purchase money mortgage takes priority

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Tax Warrants, Florida	No	20 Years	See §220, F.S. (income taxes); §199.262, F.S. (intangible taxes); §212.15(4), F.S. (sales and use taxes).
Tax Warrant for Employment Taxes	No	Same as Florida judgment - see above	§443.141, F.S. – Same as Florida judgment, above.
Attorney's Charging Lien	No	Same as Florida judgment - see above	Creates a lien against the property subject to the litigation.
Hospital Lien	No	Not applicable	Normally not a lien on real estate UNLESS local ordinance makes it a lien.
Homeowner Association Lien: (No Statutory Basis)	No	5 years under §95.11(2)(b), F.S.	Generally relates back to when original declaration of community recorded. Owner liable for all assessments during his and prior ownership. Exception: first mortgagee that acquires title by foreclosure or Deed in Lieu is liable for lesser of twelve months of accessment or 1% of original mortgage debt. See §720.3085, F.S.
Municipal Lien: §159.17, F.S	No	May vary - please call underwriting	Alert: Lien has priority under §159.17, F.S. over all other liens except the lien of state, county, and municipal taxes.
Public Defender Lien: §938.2 9, F.S.	No	Same as Florida judgment - see above	Note that this lien attaches to the property of the parent(s) of an accused minor. The Board of County Commissioners enforces the lien.
Restitution Lien: §775.089, F.S.	No	20 years after date of entry, §960.294(4), F.S.	May be enforced in the same manner as a judgment in a civil action, including foreclosure against non-exempt real property.
RICO Lien - State: §895.07(4), F.S	No	6 years from date recorded, renewal for 6 years, §895.08(1), F.S.	The filing of a RICO lien notice creates a lien on all real property owned by the defendant and any beneficial interest the defendant has in any real property in the county. See §895.07(4), F.S.
UCC Financing Statement	No	5 years unless continuation filed	See §679, F.S. Usually attaches to personal property unless such property is affixed to real estate. Call underwriter if in doubt.
Welfare Lien	No	3 years after death of recipient	Must obtain release from Dept. of Health or DCFS. §402.33, F.S
Community Development District Special Assessment Lien: §170.09, F.S.	No	May vary- please call underwriting	Alert: Lien has priority under §170.09, F.S., over all other liens except the liens of state, county, and municipal taxes.

**If you have any questions, please contact the
Underwriting Department at
(800) 342-5957 • (813) 228-0301 (Fax)**