



To: William Ortiz, Pete Chircut

From: Bridgette Thornton Richard, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion That Special Assesment Liens Need Not Be Recorded To Be Valid And Effective

Date: August 6, 2013

Florida Statutes Section 695.01 was recently amended to clarify the priority/effectiveness of unrecorded governmental liens against creditors and subsequent purchasers for consideration. Indeed, in accordance with Florida Statutes Section 695.01(3), *which becomes effective October 1, 2013*, liens of governmental entities must be recorded to be valid against creditors or subsequent purchasers for consideration. More specifically, Florida Statutes Section 695.01(3) states:

A lien by a governmental entity or quasi-governmental entity that attaches to real property for an improvement, service, fine, or penalty, other than a lien for taxes, non-ad valorem or special assessments, or utilities, *is valid and effectual in law or equity against creditors or subsequent purchasers for a valuable consideration only if the lien is recorded in the official records of the county in which the property is located.* The recorded notice of lien must contain the name of the owner of record, a description or address of the property, and the tax or parcel identification number applicable to the property as of the date of recording.

Fla. Stat. Sec. 695.01(3). As you can see from the above, Section 695.01(3) expressly excludes tax liens, non-ad valorem or special assessments, and liens for utilities from its parameters. Nonetheless, the City should attempt to record *all* liens and special assessments as soon as practicable to avoid any disputes regarding the effectiveness of said liens and/or assessments. Additionally, as is also required under Section 695.01 (3), the City's recorded notices of lien must contain: 1) the name of the owner of record; 2) a description or address of the property; and 3) the parcel identification number applicable to the property-- as of the date the lien is recorded.

Thornton Richard, Bridgette

From: Thornton Richard, Bridgette
Sent: Tuesday, August 06, 2013 2:02 PM
To: Ortiz, William; Chircut, Pete
Cc: Leen, Craig; Figueroa, Yaneris (yfigueroa@coralgables.com)
(yfigueroa@coralgables.com); Franqui, Susan; Hernandez, Cristina; Osle, Zilma; Herbelo, Stephanie; alp@alp-law.com
Subject: Florida Statute 695.01(3) -- Liens Must Be Recorded to Be Valid and Effective Against Creditors and Subsequent Purchasers - Effective October 1, 2013
Importance: High

Good Afternoon Will and Pete,

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Thanks,
Bridgette

Bridgette N. Thornton Richard
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