Florida State University College of Law
Scholarship Repository

Staff Analysis

1983

Session Law 83-272

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation

https://ir.law.fsu.edu/staff-analysis/420

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>H JUD 83</td>
<td>HB 1239</td>
<td>5/18/83</td>
<td>13/19/83</td>
</tr>
<tr>
<td>S JC V 83</td>
<td>SB 1130</td>
<td>5/10/83</td>
<td>13/19/83</td>
</tr>
<tr>
<td>H JUD 83</td>
<td>HB 567 (W/D)</td>
<td>5/10/83</td>
<td>X</td>
</tr>
<tr>
<td>S JC V 83</td>
<td>SB 620</td>
<td>4/27 + 1A</td>
<td>13/19/83</td>
</tr>
</tbody>
</table>

continued on reverse
1962

56\% = 0.7 / 5.10 (11.0)

5 Juv

1/25 + AMZ

17 Juž

5/12 + 2/5

18/1296

19/873
S 0299  GENERAL BILL BY JUDICIARY-CIVIL
LIENS: PROVIDES LANDLORD'S LIEN FOR RENT; ABOLISHES DISTRESS REMEDIES
FOR RENT; PROVIDES FOR PERSONAL PROPERTY LIENS FOR LABOR, SERVICES, OR
MATERIAL; PROVIDES FOR LIENS ON RACING ANIMALS & CERTAIN OTHER ANIMALS;
PROVIDES FOR LIENS OF CAMP OWNERS ON OPERATORS, ETC. AMENDS CH. 83,
713, S09. EFFECTIVE DATE: 10/01/02.
12/09/01 SENATE PREFILED
01/18/02 SENATE REFERRED TO JUDICIARY-CIVIL
01/21/02 SENATE ON COMMITTEE AGENDA-- JUDICIARY-CIVIL 1/25/02 2 PM
RM B
01/25/02 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY JUDICIARY-CIVIL --SJ 00085
02/02/02 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED AS AMENDED;
YEAS 38 NAYS 0 --SJ 00238
02/25/02 HOUSE IN MESSAGES
02/26/02 HOUSE RECEIVED, REFERRED TO JUDICIARY --HJ 00338
03/03/02 HOUSE ON COMMITTEE AGENDA-- JUDICIARY 212 HOB 4:10 PM;
03/04/02
03/05/02 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY JUDICIARY --HJ 00422
03/25/02 HOUSE DIED ON CALENDAR

S 0300  GENERAL BILL/CS BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, STEINBERG
(LIGHTING H 0531)
LAND SALES PRACTICES: PROVIDES SPECIFIC FEE SCHEDULES FOR SUBDIVISION
REGISTRATION & RENEWAL THEREOF UNDER "PLA, UNIFORM LAND SALES PRACTICES
LAW"; PROVIDES FEE FOR FILING OF CERTAIN REQUESTS; PROVIDES FOR REVIEW &
REPEAL, ETC. AMENDS 498.017-.033. EFFECTIVE DATE: 07/01/02.
12/11/01 SENATE PREFILED
01/07/02 SENATE REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS,
APPROPRIATIONS
01/18/02 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND
CONSUMER AFFAIRS; APPROPRIATIONS --SJ 00031
01/29/02 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY
AND CONSUMER AFFAIRS
02/01/02 SENATE ON COMMITTEE AGENDA-- ECONOMIC, COMM/CONS. AFFAIRS
2/03/02 9 AM RM H
02/03/02 SENATE COMM. REPORT: CS BY ECONOMIC, COMMUNITY AND CONSUMER
AFFAIRS --SJ 00123
02/05/02 SENATE NOW IN APPROPRIATIONS --SJ 00123
02/15/02 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
02/24/02 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
03/08/02 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
03/11/02 SENATE WITHDRAWN FROM APPROPRIATIONS --SJ 00405; PLACED ON
CALENDAR
03/15/02 SENATE PLACED ON SPECIAL ORDER CALENDAR
03/16/02 SENATE PLACED ON SPECIAL ORDER CALENDAR; RETAINED ON REGULAR
CALENDAR
03/18/02 SENATE WITHDRAWN FROM CALENDAR, REFERRED TO RULES AND CALENDAR
CONTINUED ON NEXT PAGE
I. SUMMARY:

A. Present Situation.

Part II of chapter 713 provides a lien for landlords, keepers of hotels, camps, etc.; persons who care for animals, persons who recover, tow or store vehicles, persons who furnish materials; persons who provide labor or service on various types of personal property; and persons who make loans.

Federal district courts have held that sections 713.67, 713.68 and 713.69 as they apply to tenants and hotel guests are unconstitutional because they fail to require notice and an opportunity to be heard prior to the taking of property. MacQueen v. Lambert, 348 F. Supp. 1334 (M.D. Fla. 1972); Johnson v. Riverside Hotel, Inc., 399 F. Supp. 1138 (S.D. Fla. 1975).

Chapter 85 provides for the enforcement of statutory liens. Section 713.585, relating to motor vehicle repairmen, and subsection (5) of s. 713.78, relating to towing companies, provide for the enforcement of liens on motor vehicles by a nonjudicial sale of the vehicle. The procedures under s. 713.585 include giving notice and an opportunity to be heard to the owner and other lienors of the property prior to the sale of the property. Prior to the enactment of s. 713.585, the nonjudicial sale remedy for motor vehicle repairmen was declared unconstitutional by a federal district court for failure to provide prior notice and an opportunity to be heard. Hann v. Carson, 462 F. Supp. 854 (M.D. Fla. 1978). Currently, the nonjudicial sale remedies applicable to lienors other than motor vehicle repairmen lack these essential provisions.

A person who is not in privity with the owner may deliver either a written cautionary notice to the owner stating that he is about to furnish labor or materials to the owner or a written notice that he has furnished labor or materials and has not been paid. If either notice is delivered, a lien will exist from the time of delivery of the notice, and the owner will become personally liable for the labor or materials furnished.

Current law authorizes camp owners, operators or keepers to instantly eject occupants from the camp. A similar statute authorizing a hotel keeper to lock out a guest has been declared unconstitutional by a federal district court.

A person engaged in recovering, towing or storing vehicles is authorized to charge storage fees. If an owner of a vehicle is not timely notified of the vehicle's location, he might have to pay excessive storage fees.

In the past, whenever a person was entitled to a lien for furnishing labor, services or material to an aircraft, a claim of lien was filed with the Federal Aviation Administration and would be reflected in a title search. However, the Federal Aviation Act now requires the FAA to honor state law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording the FAA can no longer record such claims.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Fradley  
Staff Director: Alberdi  
Subject: Miscellaneous Liens

Bill No And Sponsor: PCB 1 by Judiciary-Civil Comm.

I. B. Effect of Proposed Changes:

The proposed bill would transfer the lien enforcement provisions from chapter 85 to part II of chapter 713. It would transfer the lien provisions for hotel keepers and landlords to the public lodging establishment and landlord-tenant acts, respectively. It would combine the liens for furnishing labor, services or material into one section.

The proposed bill would amend the nonjudicial sale remedy that is applicable only to motor vehicle repairmen by making that remedy applicable to all lienors who furnish labor, services or material and who are in possession of the personal property.

Persons not in privity with the owner would be entitled to a lien only against the owner’s property. The owner would not be personally liable. The bill would delete the cautionary notice provision so that the lien would extend from the time the labor, services or material are furnished.

The bill would eliminate the provision authorizing camp owners to instantly eject occupants from the camp.

The bill would provide that failure for a towing company to give notice as provided by law shall preclude the enforcement of any lien for storage charges.

The bill would provide specific requirements for recording aircraft liens.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

A lienor wanting to enforce his lien by nonjudicial sale of the personal property, would be required to send notice by registered or certified mail to the owner or other interested persons. If the owner’s whereabouts are unknown, the lienor must publish the required notice once in a newspaper. Although this increases the lienor’s expense, the lienor may retain all reasonable costs incurred in conducting the sale.

B. Government:

The clerk would be entitled to receive 5 percent of the proceeds deposited with him, not to exceed $25, for his services under the nonjudicial sale section. Currently, except for enforcement of vehicle repairmen liens, the clerk is not limited to $25. Although this may decrease the income, the exact amount is unascertainable at this time.

III. COMMENTS:

Last year, SB 1033, relating to liens for recovering, towing or storing vehicles, passed the Senate Committee on Judiciary-Civil but died on the Senate Calendar.

IV. AMENDMENTS: None.
A bill to be entitled

An act relating to liens, creating § 396, Florida Statutes, providing landlord's lien for rent amounting to $75.50, Florida Statutes, relating to liens for labor, services, or materials, amounting to $75.50, Florida Statutes, 1980 supplement, providing a nonjudicial sale remedy to foreclose liens on certain animals and the priority of the lien, amounting to $75.75, Florida Statutes, relating to liens on certain animals, amounting to $75.75, Florida Statutes, relating to registration of liens by persons in priority with the owner, amounting to $75.75, Florida Statutes, relating to acquisition of liens in personam in priority with the owner, amounting to $75.75, Florida Statutes, relating to liens of persons in original capacity, amounting to $75.75, Florida Statutes, relating to liens for recovering, towing, or storing vehicles, amounting to $75.75, Florida Statutes, providing for notice of liens for aircraft, repealing § 396, Florida Statutes, relating to the nonjudicial sale of vehicles, repealing §§ 396.50, 397, 70.44-70.50, and 70.67-70.69, Florida Statutes, relating to liens for labor relating to labor for manufacturing or repairing articles, relating to liens for furnishing certain articles, relating to liens for care and maintenance of animals relating to liens for certain public building establishments, relating

to penalties for removing property on which a lien has attached, relating to landlords', lien for rent, amounting to $75.75, Florida Statutes, providing for a lien on a quartermaster's personal property found inside a public building, establishment and providing penalties for removing the property on which the lien has attached, providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1. Section 81.64, Florida Statutes, is amended to read:

§ 81.64 Landlord's lien for rent -- The landlord shall have a lien on all personal property of the tenant for rent due to the landlord under the rental agreement.

Section 2. Section 81.65, Florida Statutes, is amended to read:

§ 81.65 Lien laws for landlord, services, or material or services on personal property --

(1) Any person who improperly in favor of persons performing labor or services for, or material to or any other person shall have a lien upon the personal property for which labor was done at the request of the latter upon which the labor or services is performed or which was rendered in the business, occupation, or employment in which the labor or services is performed.

Section 3. Section 81.66, Florida Statutes, is amended to read:

§ 81.66 Lien remedy enforcement-liens by

CODING: Words or phrases that are deletions from existing law, words underlined are additions.

CODING: Words or phrases that are deletions from existing law, words underlined are additions.
24111, mui:c

J.11.1, cut, cut to , 11t.,r,.c111 ('" ~u,,u1 t ,, It,,•' "' "'

231 I p0i__e_!__Sr. .-n .... .,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,.,
(2) If the owner of the property vehicle is unknown or his whereabouts cannot be determined, or if the owner or any person notified as provided in subsection (1) fails to acknowledge receipt of such notice, the licensor, at least 20 days before the proposed or scheduled date of sale of the property vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the property vehicle is held. A certificate of compliance with the notification provisions of this section, verified by the licensor together with a copy of the notice and return receipt for mailing of the notice required by this section, or proof of publication, as the case may be, shall be filed and expeditiously recorded filed with the clerk of the circuit court in the county where the property vehicle is held.

(3) At any time prior to the proposed or scheduled date of sale of the property vehicle, the owner of the property vehicle, or any person holding an interest in the property vehicle as a lien thereon, may present the property vehicle in the property by recording an objection to the property vehicle and a demand for a hearing with the clerk of the circuit court in the county in which the property vehicle is held, if an objection to the property vehicle as recorded pursuant to this section results, the licensor shall not sell the property to determine whether the vehicle has been wrongfully taken or withheld from him. Any person who fails to demand a hearing shall not be entitled to the proceeds of the sale or any interest thereon. The notice required in subsection (1) upon which the filing of a demand for hearing was based shall be in a prescribed form.

CODING: Words or phrases that are deletions from existing law are underlined. Words and phrases that are additions are printed in bold.
statements of description of the property vehicle sold, including
the vehicle identification number, the name and
address of the owner, the date of the sale, and the serial
number. The report shall also specify the amount retained by
the person pursuant to this section and shall indicate whether
a hearing was demanded and held. All proceeds held by the clerk
shall be held for the benefit of the owner of the property
vehicle or any heir, devisee, or legatee of the person
holding the proceeds, and shall be distributed only upon
either of the following:
(a) a court order; or
(b) a court order upon execution of a release or
sworn statement by a person having good faith
belief that the owner of the property vehicle is
dead or is incompetent to handle the property.

Section 715.64 - Sale of Personal Property

Section 715.64 - Sale of Personal Property

(a) When property a vehicle is sold by a licensed
motor vehicle dealer, a Purchaser for value and agrees
in writing to purchase the property vehicle free and clear of
all claims, liens, encumbrances, or other interests except
such charges as are disclosed in writing by the dealer.

(c) The proceeds of the sale shall be distributed in
the following order:

(1) To the seller or the person who hold the title.
(2) To any person who hold a judgment against the
seller or the person who hold the title.
(3) To any person having a priority claim against the
seller or the person who hold the title.
(4) To any person having a superior claim against the
seller or the person who hold the title.
(5) To any person having a claim against the seller or
the person who hold the title.

(d) The proceeds of the sale shall be distributed in
the following order:

(1) To the seller or the person who hold the title.
(2) To any person having a priority claim against the
seller or the person who hold the title.
(3) To any person having a superior claim against the
seller or the person who hold the title.
(4) To any person having a claim against the seller or
the person who hold the title.
(5) To any person having a claim against the seller or
the person who hold the title.
(6) To any person having a claim against the seller or
the person who hold the title.
(7) To any person having a claim against the seller or
the person who hold the title.
(8) To any person having a claim against the seller or
the person who hold the title.
(9) To any person having a claim against the seller or
the person who hold the title.
(10) To any person having a claim against the seller or
the person who hold the title.

(e) The proceeds of the sale shall be distributed in
the following order:

(1) To the seller or the person who hold the title.
(2) To any person having a priority claim against the
seller or the person who hold the title.
(3) To any person having a superior claim against the
seller or the person who hold the title.
(4) To any person having a claim against the seller or
the person who hold the title.
(5) To any person having a claim against the seller or
the person who hold the title.
(6) To any person having a claim against the seller or
the person who hold the title.
(7) To any person having a claim against the seller or
the person who hold the title.
(8) To any person having a claim against the seller or
the person who hold the title.
(9) To any person having a claim against the seller or
the person who hold the title.
(10) To any person having a claim against the seller or
the person who hold the title.
thereafter—may be seized—against—such—freeholders—premises—neighbor
not—day—and—on—the—claimant—of—an—of—a—prejudice—thereof
Section 5 Section 713.79 Florida Statutes is amended to read

713.79 It is for the owner of all stalls and other
animals. The owner of a stallion, jack, or bull shall have
a lien in favor of—owner—of—all—stallions—jacks—or—bulls
upon the—use—of—call—of—the—use—of—the—stallion—jacks—
or—bulls and—also—upon—the—milk—sty—on—or—cow—owned—by—
the—stallion—jacks—or—bulls in—breeding—thereof. The—un—
called—sperm—shall—be—paid—by—the—owner—thereof—by—title
at—any—time—within—12—months—after—the—date—of—service
of—notice—of—the—amount—thereof—with—the—description
of—the—account—thereof—on—the—use—of—the—female—on—
time—of—the—use—of—the—service—in—the—office—of—the—
officer—of—the—county—wherein—the—owner—of—such—female—
resides—the—milk—of—who—such—female—on—
the—date—of—service—whether—the—milk—of—who—may—be—
the—owner—thereof—shall—be—paid—within—12—months—after—
the—date—of—service—of—the—notice—of—the—amount—thereof—
shall—be—paid—to—the—owner—thereof—on—the—use—of—the—
offspring—of—the—use—of—the—female—on—
at—any—time—after—the—use—of—the—female—on—
the—owner—thereof—shall—be—paid—by—title
Section 5 Section 713.79 Florida Statutes is amended to read

713.79 A portion of—liens—by—persons—in—premises
with—his—owner—of—personal—property—upon—
the—premises—shall—be—paid—by—any—person—in—premises—
by—his—owner—by—referring—thereunto

performance of the labor, service, or the furnishing of the
material. There shall be no lien upon personal property or
against personal property or the liens of personal property or
the personal property of any person claiming the lien in its possession of the property upon
which the lien is claimed. The lien shall continue as long as
the possession continues, not to exceed 90 days from the
furnishing performance of the labor, service, or furnishing
the material
Section 5 Section 713.79 Florida Statutes is amended to read

713.79 Acquisition of liens by persons not in the
favor of personal property of another person claiming through him by delivery to the owner of a
written notice that the person with whom the agent has
contracted for the labor or material furnished or the personal property of the person furnishing the
labor or furnishing the material in the same manner in the
notice for labor or service or material furnished by the owner
personal property. A person who is performing or about to perform labor or service or about to furnish material
personal property or deliver the owner service or material
notwithstanding that he will act on the time of delivery of the goods shall not be responsible for the amount
specified or the amount paid on the contract of the same with the person contracting with
the liens and the delivery of the material shall be absolute
personal liens, personal interests, etc., the owner of the personal property in
favor of the lien or liens giving the necessary and not the
retention of the amount then due to the person between
the owner and the person with whom the same contracted there.
shall be no lien upon personal property as against violations and
pursuants without except under the regulations and for
the time provided in section 713.77 and for the amount of the debt
due to the lien as the time of the service of the notice
provided for in this section.

Section 6. Section 713.77, Florida Statutes, is amended

as follows:

1. Subsection (9) of section 713.77, Florida Statutes, is
amended to read:

"(9) Any person regularly engaged in the business of
selling, leasing, or renting vehicles who consents to liening
possession of a vehicle pursuant to subsection (9) and who
certifies a lien for recovery, storage, service, or storage in the
law, give notice to the registered owner and to all persons claiming
a lien thereon, as disclosed by the records, in the Department
of Highway Safety and Motor Vehicles, or of a mercantile agency
in any other state.

(10) Notice by registered mail certified and shall be
given to the registered owner and to all persons claiming a lien
within 14 days after the date of notification. It shall be the
fact of purchase of the vehicle, that a lien as provided in
subsection (9) is claimed, that the lien is subject to
enforcement pursuant to the law, and that the owner is in default,
if any, for the right to be returned to such sale by not
shall provide the enforcement of the lien form for
This section shall not be construed to authorize the use of
except as otherwise provided by law or contract.

Section 16. Section 713.79, Florida Statutes, is
amended to read:

"(9) Any person regularly engaged in the business of
selling, leasing, or renting vehicles who consents to liening
possession of a vehicle pursuant to subsection (9) and who
certifies a lien for recovery, storage, service, or storage in the
law, give notice to the registered owner and to all persons claiming
a lien thereon, as disclosed by the records, in the Department
of Highway Safety and Motor Vehicles, or of a mercantile agency
in any other state.

(10) Notice by registered mail certified and shall be
given to the registered owner and to all persons claiming a lien
within 14 days after the date of notification. It shall be the
fact of purchase of the vehicle, that a lien as provided in
subsection (9) is claimed, that the lien is subject to
enforcement pursuant to the law, and that the owner is in default,
if any, for the right to be returned to such sale by not
shall provide the enforcement of the lien form for
This section shall not be construed to authorize the use of
except as otherwise provided by law or contract.

Section 16. Section 713.79, Florida Statutes, is
amended to read:

"(9) Any person regularly engaged in the business of
selling, leasing, or renting vehicles who consents to liening
possession of a vehicle pursuant to subsection (9) and who
certifies a lien for recovery, storage, service, or storage in the
law, give notice to the registered owner and to all persons claiming
a lien thereon, as disclosed by the records, in the Department
of Highway Safety and Motor Vehicles, or of a mercantile agency
in any other state.

(10) Notice by registered mail certified and shall be
given to the registered owner and to all persons claiming a lien
within 14 days after the date of notification. It shall be the
fact of purchase of the vehicle, that a lien as provided in
subsection (9) is claimed, that the lien is subject to
enforcement pursuant to the law, and that the owner is in default,
if any, for the right to be returned to such sale by not
shall provide the enforcement of the lien form for
This section shall not be construed to authorize the use of
except as otherwise provided by law or contract.
Section 1. (Amends section 711-36, Florida Statutes, as hereby repealed)

Section 2. Sections 711-36, 711-54, 711-58, 711-60, 711-61, 711-62, 711-63, 711-64, 711-67, 711-68, 711-69, and 711-691, Florida Statutes, are hereby repealed.

Section 3. (Amends section 509-401, Florida Statutes, as hereby repealed)

Section 4. It is unlawful for any person to remove any property upon which a lien has accrued under the provisions of subdivision 7 of section 468-601 or in any other manner without first making payment to the person operating the common الأسات or without having the written consent of the person operating the place.

Any person violating the provisions of this section shall, if the property removed is of the value of $50 or less, be guilty of a misdemeanor of the second degree, punishable as provided in § 775.082, or § 775.083, and if the property removed is of greater value than $50 be guilty of a felony of the third degree, punishable as provided in § 775.082, or § 775.083, or § 775.084.
Henry P. Trawick, Jr., Esquire  
Trawick & Griffis, P.A.  
Post Office Box 4019  
Sarasota, Florida 33578

Dear Mr. Trawick:

We appreciate your interest in the revision of the miscellaneous lien law and are looking forward to any suggestions you may have. A copy of the bill and comments are enclosed.

Sincerely,

Donald S. Fradley

Enclosures
SECTIONS 1-4. The lien enforcement provisions relating to miscellaneous liens would be placed into part II of chapter 713 by this bill. We could not amend the mechanics lien provisions of chapter 85 because our interim project is limited to miscellaneous liens.

SECTION 5. Proposed s. 713.58 is intended to cover all situations where labor, service or material is expended. Therefore, sections 713.56, 713.57, 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, and 713.65 would be repealed by this bill. Since section 679.310 grants priority to some of the statutory liens over a prior security interest, we decided against repealing all statutory liens. [See Richardson Tractor Co. v. Square Deal Mach. & Supply Co., 149 So. 2d 388 (Fla. 2d D.C.A. 1963) for pre-U.C.C. case law, and Gabriel v. Lincoln-Mercury, Inc. v. First Bank & Trust Co., 219 So. 2d 90 (Fla. 3d D.C.A. 1969) for post-U.C.C. case law.]

SECTION 6. Section 713.66 would not be repealed by this bill because of its specific enforcement provisions.

SECTIONS 7 and 8. Section 713.68 and 713.69 are presently unconstitutional. Johnson v. Riverside Hotel, Inc., 399 F. Supp. 1138 (S.D.Fla.1975). The constitutionality of proposed section 713.68 depends on the constitutionality of sections 509.401-509.417.

SECTION 9. Section 713.67 is unconstitutional as it applies to tenants and would therefore be repealed by this bill. MacQueen v. Lambert, 348 F. Supp. 1334 (M.O. Fla. 1972). This bill would combine section 713.67 with section 713.691, making the lien enforcement provision constitutional and striking unnecessary language.

SECTION 10. This bill would make technical changes to s. 713.70, but would not repeal it because of the specific filing provision.

SECTIONS 11-12. Would replace some provisions of chapter 85.

SECTION 13. This bill would make section 713.77 constitutional

SECTION 14. This section would encourage lien claimants to send notice promptly.


SECTION 16. This section also tracks the language of s. 713 585 and would apply to all personal property in the possession of the lienor.

SECTION 17. This bill would create a specific section for aircraft dealing with notice because we have been informed that the Federal Aviation Administration will no longer record artisan lien claims on aircraft from the State of Florida because of an interpretation of Federal Aviation Act, Section 506 (49 U.S.C. 1406). Apparently, Section 506 requires the FAA to honor state law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording, the FAA can no longer record such claims. This bill is modeled after the Kansas, Georgia, Illinois and South Carolina statutes which meet the federal requirements.

SECTIONS 18 and 19. Would replace some chapter 85 provisions.

I. SUMMARY:

A. Present Situation:

Part II of chapter 713 provides a lien for landlords, keepers of hotels, camps, etc.; persons who care for animals, persons who recover, tow or store vehicles, persons who furnish materials, persons who provide labor or service on various types of personal property; and persons who make loans.

Federal district courts have held that sections 713.67, 713.68 and 713.69 as they apply to tenants and hotel guests are unconstitutional because they fail to require notice and an opportunity to be heard prior to the taking of property. MacQueen v. Lambert, 348 F. Supp. 1334 (M.D. Fla. 1972); Johnson v. Riverside Hotel, Inc., 399 F. Supp. 1138 (S.D. Fla. 1975).

Chapter 85 provides for the enforcement of statutory liens. Section 713.585, relating to motor vehicle repairmen, and subsection (5) of s. 713.78, relating to towing companies, provide for the enforcement of liens on motor vehicles by a nonjudicial sale of the vehicle. The procedures under s. 713.585 include giving notice and an opportunity to be heard to the owner and other lienors of the property prior to the sale of the property. Prior to the enactment of s. 713.585, the nonjudicial sale remedy for motor vehicle repairmen was declared unconstitutional by a federal district court for failure to provide prior notice and an opportunity to be heard. Hann v. Carson, 462 F. Supp. 854 (M.D. Fla. 1978). Currently, the nonjudicial sale remedies applicable to lienors other than motor vehicle repairmen lack these essential provisions.

A person who is not in privity with the owner may deliver either a written cautionary notice to the owner stating that he is about to furnish labor or materials to the owner or a written notice that he has furnished labor or materials and has not been paid. If either notice is delivered, a lien will exist from the time of delivery of the notice, and the owner will become personally liable for the labor or materials furnished.

Current law authorizes camp owners, operators or keepers to instantly eject occupants from the camp. A similar statute authorizing a hotel keeper to lock out a guest has been declared unconstitutional by a federal district court.

A person engaged in recovering, towing or storing vehicles is authorized to charge storage fees. If an owner of a vehicle is not timely notified of the vehicle's location, he might have to pay excessive storage fees.

In the past, whenever a person was entitled to a lien for furnishing labor, services or material to an aircraft, a claim of lien was filed with the Federal Aviation Administration and would be reflected in a title search. However, the Federal Aviation Act now requires the FAA to honor state law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording the FAA can no longer record such claims.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

Analyst: Fradley
Staff Director: Alberdi
Subject: Miscellaneous Liens

I. B. Effect of Proposed Changes:

The proposed bill would transfer the lien provisions for hotel keepers and landlords to the public lodging establishment and landlord-tenant acts, respectively. It would combine the liens for furnishing labor, services or material into one section.

The proposed bill would amend the nonjudicial sale remedy that is applicable only to motor vehicle repairmen by making that remedy applicable to all lienors who furnish labor, services or material and who are in possession of the personal property. It would guarantee that an owner of personal property would have an opportunity to be heard prior to the sale of his property if he records an objection to the nonjudicial sale with the clerk.

Persons not in privity with the owner would be entitled to a lien only against the owner's property. The owner would not be personally liable.

The bill would delete the cautionary notice provision so that the lien would extend from the time the labor, services or material are furnished.

The bill would eliminate the provision authorizing camp owners to instantly eject occupants from the camp.

The bill would provide that failure for a towing company to give notice as provided by law shall preclude the enforcement of any lien for storage charges.

The bill would provide specific requirements for recording aircraft liens.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public.

A lienor wanting to enforce his lien by nonjudicial sale of the personal property, would be required to send notice by registered or certified mail to the owner or other interested persons. If the owner's whereabouts are unknown, the lienor must publish the required notice once in a newspaper. Although this increases the lienor's expense, the lienor may retain all reasonable costs incurred in conducting the sale.

B. Government:

The clerk would be entitled to receive 5 percent of the proceeds deposited with him, not to exceed $25, for his services under the nonjudicial sale section. Currently, except for enforcement of vehicle repairmen liens, the clerk is not limited to $25. Although this may decrease the income, the exact amount is unascertainable at this time.

III. COMMENTS:

Section 85.031(2) which relates to the nonjudicial sale of personal property will be superceded by this bill. Although s. 85.031(2) has not been declared unconstitutional, it lacks essential provisions which are constitutionally required.

Last year, SB 1033, relating to liens for recovering, towing or storing vehicles, passed the Senate Committee on Judiciary-Civil but died on the Senate Calendar.

IV. AMENDMENTS: None.
A bill to be entitled

An act relating to liens, creating § 83 64,
Florida Statutes providing landlord's lien for rent, amending § 713 58(1), Florida Statutes,
providing for liens upon personal property for labor, services, or material, amending §
"13 585, Florida Statutes, providing a nonjudicial sale remedy, amending § 713 66,
Florida Statutes, providing for liens on racing animals; providing priority of the lien,
amending § 713 70, Florida Statutes, providing for liens on certain animals, amending §
713.74, Florida Statutes, providing for acquisition of liens by persons in privity with the owner, amending § 713 75, Florida Statutes, providing for acquisition of liens by persons not in privity with the owner, amending § 713 77, Florida Statutes, providing for liens of owners or operators of camps, amending § 713 78(3), Florida Statutes, providing for liens for recovering, towing, or storing vehicles, creating § 713 792 Florida Statutes, providing for notice of liens for aircraft, repealing § 713 78(5), Florida Statutes, relating to the nonjudicial sale of vehicles, repealing §§ 713 56, 713 57, 713 59-
"13 65, 713 66-"13 69(1), Florida Statutes,
relating to liens for labor, liens for manufacturing or repairing articles, liens for furnishing certain articles, liens for care and maintenance of animals, liens for certain
public lodging establishments, penalties for
removing property on which a lien has attached,
and landlord's lien for rent, amending s
509 403, Florida Statutes, providing for a lien
on a guest's personal property found inside a
public lodging establishment, providing
penalties for removing the property on which
the lien has attached, providing an effective
date.

Be It Enacted by the Legislature of the State of Florida

Section 1  Section 83 64, Florida Statutes, is created
to read

83 64 Landlord's lien for rent --The landlord shall
have a lien on all personal property of the tenant located on
the premises for rent due to the landlord under the rental
agreement

Section 2 Subsection (1) of section 713 58, Florida
Statutes, is amended to read

713 58 Liens for labor, or services, or material on
personal property --

(1) Any person who furnishes in favor of persons
performing labor, or services, or material to any other
person shall have a lien upon the personal property for which
the labor, services, or material is furnished of the latter
upon which the labor or services is performed, or which is
used in the business, occupation, or employment in which the
labor or services is performed--

Section 3  Section 713 585, Florida Statutes, is
amended to read.

CODING: Words in double quotation type are deletions from existing law, words underlined are additions.
713 585 Nonjudicial sale remedy Enforcement of lien by sale of motor vehicle -- A person claiming a lien under this part and in possession of the personal property 713-58 for performing labor or services on a motor vehicle may enforce such lien by sale of the property vehicle in accordance with the following procedures.

(1) The lienor shall give notice to the registered owner of the property vehicle to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien on the property therein, as disclosed by the public records of Florida or any county therein, the Department of Highway Safety and Motor Vehicles or of a corresponding agency of any other state where it in which the vehicle appears that the property is subject to a claim of interest or lien registered. Such notice must be sent by registered or certified mail at least 45 days before the proposed or scheduled date of any sale and shall contain:

(a) A description of the property vehicle and its location

(b) The name and address of the owner of the property vehicle, the customer if as indicated on an the order for repair, and any person claiming an interest in or lien on the property therein

(c) The name, address, and telephone number of the lienor

(d) Notice that the lienor claims a lien on the property pursuant to this part vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the property vehicle from the lien claimed by the lienor.
(e) Notice that the lien claimed by the lienor is subject to enforcement pursuant to this section and that the property vehicle may be sold to satisfy the lien.

(f) The date, time, and location of any proposed or scheduled sale of the property vehicle and whether such sale shall be private or public. No property vehicle may be sold earlier than 60 days after the time the charges for which a lien is claimed become due completion of the repair work.

(g) Notice that at any time prior to the scheduled date of sale the owner of the property vehicle or any person claiming an interest in or lien on the property may prevent the nonjudicial sale thereon has a right to a hearing at any time prior to the scheduled date of sale by recording an objection to the nonjudicial sale fixing a demand for hearing with the clerk of the circuit court in the county in which the property vehicle is held and making copies of the demand for hearing to all other owners and lienors as reflected on the notice.

(h) Notice that the owner of the property vehicle has a right to recover possession of the property vehicle without instituting judicial proceedings by posting bond in accordance with the provisions of s. 713.76, 559.917. If the lienor is a motor vehicle repair shop claiming a lien for furnishing labor, services, or material to a motor vehicle, the notice shall state that the owner of the vehicle has a right to recover possession of the vehicle without instituting judicial proceedings by posting bond in accordance with the provisions of s. 559.917.

(i) Notice that any proceeds from the sale of the property vehicle remaining after payment of the amount claimed to be due and owing to the lienor will be deposited with the
clerk of the circuit court for disposition upon court order pursuant to subsection (6).

(1) Notice that when property is sold by a lienor in accordance with this section, a purchaser for value takes title to the property free and clear of all claims, liens, and encumbrances, unless otherwise provided by court order.

(2) If the owner of the property vehicle is unknown or his whereabouts cannot be determined, or if the owner or any person notified as provided in subsection (1) fails to acknowledge receipt of such notice, the lienor, at least 20 days before the proposed or scheduled date of sale of the property vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the property vehicle is held. A certificate of compliance with the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, or proof of publication, as the case may be, shall be duly and expeditiously recorded filed with the clerk of the circuit court in the county where the property vehicle is held.

(3) At any time prior to the proposed or scheduled date of sale of the property a vehicle, the owner of the property vehicle, or any person claiming an interest in the property vehicle or a lien thereon, may prevent the nonjudicial sale of the property vehicle by recording an objection to the nonjudicial sale file a demand for hearing with the clerk of the circuit court in the county in which the property vehicle is held. If an objection to the nonjudicial sale is recorded pursuant to this section, the lienor shall not sell the property to determine whether the vehicle has been wrongfully taken or withheld from him. Any person who files a
demand for hearing shall mail copies of the demand to all
other owners and lienors as reflected on the notice required
in subsection (i). Upon the filing of a demand for hearing, a
hearing shall be held prior to the proposed or scheduled date
of sale of the vehicle.

(4) In the event a lienor may institute a
judicial proceeding to enforce a lien when an objection is
recorded, no filing fee shall be required at the time of
filing, but the court shall require the lienor to pay the
filing fee unless the lienor shall prevail in the action.

(5) At the hearing on the complaint, the court shall
forthwith issue its order determining

(a) Whether the property vehicle is subject to a valid
lien by the lienor and the amount thereof,

(b) The priority of the lien of the lienor as against
any existing security interest in the property vehicle,

(c) The distribution of any proceeds of the sale by
the clerk of the circuit court,

(d) The award of reasonable attorney's fees and costs
to the prevailing party, and

(e) The reasonableness of storage charges

(6) Property A vehicle subject to lien enforcement
pursuant to this section may be sold by the lienor at public
or private sale, however, in the case of a private sale, every
aspect of the sale, including the method, manner, time, place,
and terms, must be commercially reasonable. Immediately upon
the sale of the property vehicle and payment in cash of the
purchase price, the lienor shall deposit with the clerk of the
circuit court the proceeds of the sale less the amount claimed
by the lienor for furnishing labor, services, or material work
done and storage, if any, and all reasonable costs and
expenses incurred in conducting the sale, including any  
attorney's fees and costs ordered by the court.  
Simultaneously with depositing the proceeds of sale remaining  
after payment to the lienor; The lienor shall file with the  
clerk a verified report of the sale stating a description of  
the property vehicle sold, including the vehicle  
identification number if available, the name and address of  
the purchaser, the date of the sale, and the selling price.  
The report shall also itemize the amount retained by the  
lienor pursuant to this section and shall indicate whether a  
hearing was demanded and held. All proceeds held by the clerk  
court shall be held for the benefit of the owner of the  
property vehicle or any lienholder whose lien is discharged by  
the sale and shall be disbursed only upon order of the court  
Unless a proceeding is initiated to validate a claim to such  
proceeds within 1 year and a day from the date of the sale,  
the proceeds shall be deemed abandoned property and  
disposition thereof shall be governed by s 705 03. The clerk  
shall receive 5 percent of the proceeds deposited with him,  
not to exceed $25, for his services under this section  

(7) A copy of the certificate of compliance and the  
report of sale, certified by the clerk of the court, shall  
constitute satisfactory proof for application to the  
Department of Highway Safety and Motor Vehicles for transfer  
of title, together with any other proof required by any rules  
and regulations of the department  

(8) Nothing contained in this section shall be  
construed as affecting an owner's right to redeem his property  
vehicle from the lien at any time prior to sale by paying the  
amount claimed by the lienor for furnishing labor, services,  
or material work done and assessed storage charges, plus  

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
reasonable any costs incurred by the lienor repair shop for
utilizing enforcement procedures under this section

(9) Nothing in This section shall be cumulative to all
other operate in derogation of the rights and remedies given
by law established by s. 559-917

(10) When a property vehicle is sold by a lienor in
accordance with this law, a purchaser for value takes title to
the property vehicle free and clear of all claims, liens, and
encumbrances whatsoever, unless otherwise provided by court
order

Section 4  Section 713 66, Florida Statutes, is
amended to read

713.66 Liens for feed, etc., for racing animals;
priority racehorses, polo ponies and race dogs -- in favor of
Any person who furnishes small furnish corn, oats, hay, grain
or other feed, or feedstuffs, or straw or bedding material,
herein called supplies, to or upon the order of the owner, or
the agent, bailee, lessee, or custodian of the owner of any
racehorse, polo pony, or race dog, herein called racing
animal, shall have a lien for the unpaid portion of the price
of such supplies upon every racing animal that racehorse, polo
pony, or race dog which consumes any part of the such
supplies. All racing animals racehorses and race dogs of the
such owner that which are accustomed to consume supplies and
that of the character delivered, which are at the time of the
delivery of the such supplies upon the premises to which
delivery is made, shall be deemed prima facie to have consumed
the such supplies. Such lien shall remain valid and
enforceable for a period of 1 year from the dates of the
respective deliveries of such corn, oats, hay, grain, feed or
feedstuffs, or straw, and such items are to be enforced in the
manner provided for the enforcement of other items on personal property in this state—The lien said items shall be superior to any and all claims, liens, and mortgages on the racing animal, whether recorded or unrecorded, including, but not limited to, any lessor's or vendor's lien, and any chattel mortgage, which theretofore may have been or thereafter may be created against such racehorse, polo pony or race dog, and to the claims of any and all purchasers thereof.

Section 5 Section 713.70, Florida Statutes, is amended to read:

713.70 Lien for service of stallions and other animals—The owner of a stallion, jackass, or bull shall have a lien in favor of owners of stallions, jackasses, or bulls, upon the colt or calf of the get of the said stallion, jackass, or bull; and also upon the mare, jenny, or cow served by the said stallion, jackass, or bull in breeding thereof for the sum agreed stipulated to be paid for the service thereof by giving at any time within 18 months after the date of service a statement of the account thereof—Together with the description as to color and markings of the female served; and the name of the owner at the date of service; in the office of the county clerk of the county wherein the owner of the said female resided at the time of service. Neither the mare, jenny, or cow; nor the get thereof shall be sold within 18 months after the date of service, unless the service fee shall be paid; unless such sale shall be agreed to and approved in writing by the owner of the stallion, jackass or bull at the time of the sale or transfer of the mare, jenny or cow, or offspring thereof. At any time after such mare, jenny or cow shall conceive, anyone having the lien herein provided may
enforce the same in the same manner as is now provided by law.

Section 6  Section 713 74, Florida Statutes, is amended to read

713 74 Acquisition of liens by persons in privity with the owner --As against the owner of personal property upon which a lien is claimed under this part II, the lien shall be acquired by any person in privity with the owner by furnishing the performance of the labor services, or the furnishing of the materials. There shall be no lien upon personal property as against purchasers and creditors without notice unless the person claiming the lien is in possession of the property upon which the lien is claimed. The lien shall continue as long as the possession continues, not to exceed 90 days 3 months after furnishing performance of the labor, services, or furnishing the material.

Section 7  Section 713 75, Florida Statutes, is amended to read

713 75 Acquisition of liens by persons not in privity with the owner --A person entitled to acquire a lien who is not in privity with the owner of the personal property shall acquire a lien upon the owner's personal property as against the owner and persons claiming through him by delivery to the owner of a written notice that the person with whom the owner has contracted owes the lienor for whom the labor has been performed or the material furnished is indebted to the person performing the labor or furnishing the material as the sum stated in the notice for labor, services, or material furnished to the personal property. A person who is performing or is about to perform labor or is furnishing or is about to furnish materials for personal property may deliver to the owner a written cautionary notice that he will do so - A
lien shall exist from the time of delivery of the notice for the amount unpaid on the contract of the owner with the person contracting with the lienor and the delivery of the notice shall also create a personal liability against the owner of the personal property in favor of the lienor giving the notice, but not to a greater extent than the amount then unpaid on the contract between the owner and the person with whom the owner contracted. There shall be no lien upon personal property as against creditors and purchasers without notice except under the circumstances and for the time prescribed in s. 713.74 and for the amount of the debt due to the lienor at the time of the service of the notice provided for in this section.

Section 8. Section 713.77, Florida Statutes, is amended to read:

713.77 Liens of owners or operators or keepers of camps; ejectment of occupants -- Liens prior in dignity to all others except liens for unpaid purchase price shall exist in favor of owners or operators or keepers of tourist camps or trailer camps for rent owing by and for money or other property advanced to any occupant thereof upon the goods, chattels or other personal property of the occupant of such camp. Upon the nonpayment of such sums in accordance with the rules of such camps, or for failure to observe any provision of this part II or the rules and regulations prescribed by the State Board of Health, the owner, operator or keeper thereof may instantly eject such occupant therefrom. The liens created in favor of owners or operators or keepers of tourist camps or trailer camps may be enforced in the same manner as is now or may hereafter be provided by law for the enforcement of liens in favor of operators of public lodging establishments.
keepers of hotels and boardinghouses Nothing in this section, however, shall prevent owners or operators of tourist camps or trailer camps from enforcing any claims for rent under and in the manner provided by landlord and tenant acts of this state

Section 9. Subsection (3) of section 713 78, Florida Statutes, is amended to read

713 78 Liens for recovering, towing, or storing vehicles --

(3)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles who comes into lawful possession of a vehicle pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner and to all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state

(b) A person regularly engaged in the business of recovering, towing, or storing vehicles who comes into possession of a vehicle at the request or direction of any law enforcement officer or agency shall be presumed to have come into lawful possession thereof

Notice by registered or certified mail shall be sent to the registered owner and to all persons claiming a lien within 14 days of the date of possession. It shall state the fact of possession of the vehicle, that a lien as provided in subsection (2) is claimed, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4) Failure to give notice as provided by this subsection shall preclude the enforcement of any lien for storage.
This section shall not be construed to authorize storage charges except as otherwise provided by law or contract.

Section 10  Section 713 592, Florida Statutes, is created to read

713 592  Liens for aircraft, notice -- Except when a lienor is in possession of the aircraft, any lien claimed on an aircraft pursuant to s. 713 58 is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor, the name of the owner, a description of the aircraft upon which the lienor has expended labor, services, or material, the amount for which the lien is claimed and the date the expenditure was completed. This section shall not be construed to affect the priority of competing interests in any aircraft or the lienor's obligation to record his lien pursuant to s. 329.01.

Section 11  Section 509 403, Florida Statutes, is amended to read

509 403  Operator's writ of distress --

(1) If, after a lockout has been imposed pursuant to s. 509 401, a guest fails to make agreed-upon payments on his account, or, notwithstanding s. 509 401, if a guest vacates the premises without making payment on his account, an operator shall have a lien on the guest's personal property found inside the guest's room and may proceed to prosecute a writ of distress against the guest and his property. The writ of distress shall be predicated on the lien created by s. 713-67 or s. 713-68.
It is unlawful for any person to remove any property upon which a lien has accrued under the provisions of subsection (1) from any public lodging establishment without first making payment of the sum due to the person operating it or without having the written consent of the person operating the place. Any person violating the provisions of this section is, if the property removed is of the value of $50 or less, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and if the property removed is of greater value than $50, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12 Subsection (5) of section 713.78, Florida Statutes, is hereby repealed.

Section 13 Sections 713.56, 713.57, 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, 713.65, 713.67, 713.68, 713.69, and 713.691, Florida Statutes, are hereby repealed.

Section 14 This act shall take effect October 1, 1982.

SENATE SUMMARY

Provides that a landlord has a lien on all personal property of a tenant located on the premises for rent due the landlord under the rental agreement. Provides that any person who furnishes labor, services, or material to any other person, shall have a lien upon the personal property for which the labor, services, or material is furnished. Provides a procedure whereby a person claiming a lien under part II of ch. 713, F.S., may enforce such lien by sale of the property. Provides a procedure whereby any person who furnishes feed, feedstuffs, straw or bedding material to the owner of any racing animal may have and enforce a lien for such supplies. Provides for the priority of such liens. Provides that the owner of a stallion, jackass, or bull has a lien upon the colt or calf of the get of the animals involved for the sum agreed to be paid for such service. Provides separate procedures for the...
acquisition of liens by persons in privity with the owner, and persons not in privity with the owner.
Provides that owners or operators of tourist camps or trailer camps shall have liens prior in dignity to all others, except liens for unpaid purchase price, for rent owing by and for money or other property advanced to the occupant of such camp. Provides for the enforcement of liens for recovering, towing, or storing vehicles.
Provides for liens for aircraft. Provides procedures for an operator's writ of distress, after a guest fails to make agreed-upon payments to his account or if the guest vacates without making a payment on his account.
Provides penalties for removing property upon which such a lien has accrued.

Repeals provisions relating to the nonjudicial sale of vehicles, liens for labor on and with machines, liens for labor on logs and timber, liens for labor in raising crops, liens for labor on or for vessels, liens for manufacturing or repairing articles, liens for furnishing articles to be manufactured, liens for furnishing locomotives, machinery, etc., liens for furnishing material for vessels, liens for care and maintenance of animals, liens for certain public lodging establishments, and landlord's lien for rent. Repeals provisions providing exemptions from the landlord's lien for rent.
Repeals provisions relating to penalties for removing property on which a lien has attached.
I. SUMMARY:

A. Present Situation

Part II of Chapter 713 provides a lien for landlords, keepers of hotels, camps, etc.; persons who care for animals, persons who recover, tow, or store vehicles; persons who furnish materials; persons who provide labor or service on various types of personal property; and persons who make loans.

Federal district courts have held that sections 713.67, 713.68, and 713.69 as they apply to tenants and hotel guests are unconstitutional because they fail to require notice and an opportunity to be heard prior to the taking of property. MacQueen v. Lambert, 348 F. Supp. 1334 (S.D. Fla. 1972), Johnson v. Riverside Hotel, Inc., 399 F. Supp. 1138 (S.D. Fla. 1975).

Chapter 85 provides for the enforcement of statutory liens. Section 713.585, relating to motor vehicle repairmen, and subsection (5) of s. 713.78, relating to towing companies, provide for the enforcement of liens on motor vehicles by a nonjudicial sale of the vehicle. Prior to the enactment of s. 713.585 and s. 713.78(5), the procedure for acquiring and enforcing a lien on a motor vehicle was constitutionally deficient. Hann v. Carson, 462 F. Supp. 854 (M.D. Fla. 1978). The procedures under s. 713.585 include giving notice and a reasonable opportunity to be heard to the owner and other lienors of the property prior to the sale of the property. Currently, the nonjudicial sale remedies applicable to lienors other than motor vehicle repairmen lack these essential provisions.

A person who is not in privity with the owner may deliver either a written cautionary notice to the owner stating that he is about to furnish labor or materials to the owner or a written notice that he has furnished labor or materials and has not been paid. If either notice is delivered, a lien will exist from the time of delivery of the notice, and the owner will become personally liable for the labor or materials furnished.

Current law authorizes camp owners, operators, or keepers to instantly eject occupants from the camp. A similar statute authorizing a hotel keeper to lock out a guest has been declared unconstitutional by a federal district court.

A person engaged in recovering, towing, or storing vehicles is authorized to charge storage fees. If an owner of a vehicle is not timely notified of the vehicle's location, he might have to pay excessive storage fees.

In the past, whenever a person was entitled to a lien for furnishing labor, services, or material to an aircraft, a claim of lien was filed with the Federal Aviation Administration and would be reflected in a title search. However, the Federal Aviation Act now requires the FAA to honor state law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording the FAA can no longer record such claims.
I. B. Effect of Proposed Changes:

SB 299 transfers the lien provisions for hotel keepers and landlords to the public lodging establishment and landlord-tenant acts, respectively. It combines the liens for furnishing labor, services, or material into one section.

The bill amends the nonjudicial sale remedy that is applicable only to motor vehicle repairmen by making that remedy applicable to all lienors who furnish labor, services, or material and who are in possession of the personal property. It guarantees that an owner of personal property would have an opportunity to be heard prior to the sale of his property if he records an objection to the nonjudicial sale with the clerk.

Persons not in privity with the owner would be entitled to a lien only against the owner's property. The owner would not be personally liable. The bill deletes the cautionary notice provision so that the lien would extend from the time the labor, services, or material are furnished.

The bill eliminates the provision authorizing camp owners to instantly eject occupants from the camp.

The bill provides that failure for a towing company to give notice as provided by law shall preclude the enforcement of any lien for storage charges.

The bill provides specific requirements for recording aircraft liens.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

A lienor wanting to enforce his lien by nonjudicial sale of the personal property, would be required to send notice by registered or certified mail to the owner or other interested persons. If the owner's whereabouts are unknown, the lienor must publish the required notice once in a newspaper. Although this increases the lienor's expense, the lienor may retain all reasonable costs incurred in conducting the sale.

B. Government:

The clerk would be entitled to receive 5 percent of the proceeds deposited with him, not to exceed $25, for his services under the nonjudicial sale section. Currently, except for enforcement of vehicle repairmen liens, the clerk is not limited to $25. Although this may decrease the income, the exact amount is unascertainable at this time.

III. COMMENTS:

Section 85.031(2) which relates to the nonjudicial sale of personal property will be superseded by this bill. Although s. 85.031(2) has not been declared unconstitutional, it lacks essential provisions which are constitutionally required.

Last year, SB 1033, relating to liens for recovering, towing, or storing vehicles, passed the Senate Committee on Judiciary-Civil but died on the Senate Calendar.

IV. AMENDMENTS: None.

#1 by Judiciary-Civil:
Abolishes the remedy of distress for rent with regard to residential tenancies.
IV. AMENDMENTS: (continued)

#2 by Judiciary-Civil
Provides a lien on the pup of the get of the lienor’s dog and upon the bitch
served by the dog in breeding for the sum agreed to be paid for the service.

#3 by Judiciary-Civil
Provides that notice of a sale of personal property must be sent to the owner
and lienors 30 days rather than 45 days prior to the sale.

#4 by Judiciary-Civil
Provides that a towing company that fails to send notice within the required
time may not collect storage charges which accrue after 14 days from the date
of possession.

#5 by Judiciary-Civil:
Title amendment.
The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator and adopted and failed:

Amendment

On page 2, lines 15-18, strike

and insert:

1 83.64. Landlord's lien for rent; distress for rent.--
2 (1) The landlord shall have a lien on all personal property of the tenant located on the premises for rent due to the landlord under the rental agreement;
3 (2) The remedy of distress for rent is abolished.

For Committee Use Only

Amendment No. 1, taken up by committee: Adopted X Failed
Offered by Senator Hair

(Amendment No. Adopted Failed Date)
The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator... and adopted and failed:

Amendment

On page... lines... strike

a all of said lines

b

c

d

e

If amendment is text from another bill insert:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Draft No.</th>
</tr>
</thead>
</table>

and insert:

1. Animals.—The owner of a stallion, jackass, dog, or bull shall have a lien in favor of owner of stallion, jackass, etc.
2. Penalty, upon the colt, cub, or calf of the get of the said stallion, jackass, dog, or bull, and also upon the mare, jenny, bitch, or cow served by the said stallion, jackass, dog, or bull in breeding thereof, for the sum agreed to be paid for the service thereof.

For committee use only

Amendment No. 3, taken up by committee: Adopted X Failed.
Offered by Senator Langley (as amended)
The Committee on .......... Judiciary-Civil .................. recommended the following amendment which was moved by Senator .......... and adopted: and failed:

Amendment

On page ........ , line ....... , strike
a ".45"

b
c
d
e

If amendment is text from another bill insert:
Bill No. Draft No.

and insert:

1 .20.45

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

FOR COMMITTEE USE ONLY

Offered by .......... Senator Ware

(Amendment No. ......... Adopted ......... Failed ......... Date ......... )
The Committee on Judicial-Civil recommended the following amendment which was moved by Senator and adopted: and failed:

Amendment

On page , line , after the word "charges".

If amendment is text from another bill insert:

Bill No. Draft No.

and insert:

which accrued after 14 days from the date of possession.

FOR COMMITTEE USE ONLY

Amendment No. , taken up by committee: Adopted X. Failed ...

Offered by . Senator Hair.
The Committee on ....... Judiciary-Civil  .......... recommended the
following amendment which was moved by Senator ............ and adopted: and failed:

Title Amendment

On page...... line......  , insert:

a. after the word "rent;" ........................................

b. ........................................................................

c. ........................................................................

d. ........................................................................

e. ........................................................................

If amendment is text from another bill insert:

Bill No. Draft No.

and insert:

1. abolishing remedy of distress for rent; .................

2. ........................................................................

3. ........................................................................

4. ........................................................................

5. ........................................................................

6. ........................................................................

7. ........................................................................

8. ........................................................................

9. ........................................................................

10. ....................................................................... 

11. ....................................................................... 

12. ....................................................................... 

13. ....................................................................... 

14. ....................................................................... 

15. ....................................................................... 

16. ....................................................................... 

17. ....................................................................... 

18. ....................................................................... 

19. ....................................................................... 

Amendment No... taken up by committee:  .... Adopted ... Failed ...

Offered by .... Senator Hair  ....  ....  ....  ...  ...  ...  ...  ...  ...  ...

[Amendment No.  Adopted  Failed  Date]
A bill to be entitled
An act relating to liens; creating s. 83.64,
Florida Statutes; providing landlord's lien for
rent; abolishing remedy of distress for rent;
amending s. 713.58(1), Florida Statutes;
providing for liens upon personal property for
labor, services, or material; amending s.
713.585, Florida Statutes; providing a
nonjudicial sale remedy; amending s. 713.66,
Florida Statutes; providing for liens on racing
animals; providing priority of the lien;
amending s. 713.70, Florida Statutes; providing
for liens on certain animals; amending s.
713.74, Florida Statutes; providing for
acquisition of liens by persons in privity with
the owner; amending s. 713.75, Florida
Statutes; providing for acquisition of liens by
persons not in privity with the owner; amending
s. 713.77, Florida Statutes; providing for
liens of owners or operators of camps; amending
s. 713.78(3), Florida Statutes; providing for
liens for recovering, towing, or storing
vehicles; creating s. 713.792, Florida
Statutes; providing for notice of liens for
aircraft; repealing s. 713.78(5), Florida
Statutes, relating to the nonjudicial sale of
vehicles; repealing ss. 713.56, 713.57, 713.59-
713.65, 713.67-713.691, Florida Statutes,
relating to liens for labor, liens for
manufacturing or repairing articles, liens for
furnishing certain articles, liens for care and
maintenance of animals, liens for certain
public lodging establishments, penalties for
removing property on which a lien has attached,
and landlord’s lien for rent; amending s.
509.403, Florida Statutes; providing for a lien
on a guest’s personal property found inside a
public lodging establishment; providing
penalties for removing the property on which
the lien has attached; providing an effective
data.

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

Section 1  Section 83.64, Florida Statutes, is created
to read:

83.64 Landlord’s lien for rent; distress for rent.—
(1) The landlord shall have a lien on all personal
property of the tenant located on the premises for rent due to
the landlord under the rental agreement.

(2) The remedy of distress for rent is abolished.

Section 2. Subsection (1) of section 713.58, Florida
Statutes, is amended to read:

713.58 Liens for labor, or services, or material on
personal property.—

(1) Any person who furnishes in favor of persons
performing labor, or services, or material to for any other
person shall have a lien upon the personal property for which
the labor, services, or material is furnished. of the latter
upon which the labor or services is performed or which is
used in the business, occupation, or employment in which the
labor or services is performed.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
Section 3. Section 713.585, Florida Statutes, is amended to read:

713.585 Nonjudicial sale remedy Enforcement of lien by sale of motor vehicle.—A person claiming a lien under this part and in possession of the personal property set forth for performing labor or services on a motor vehicle may enforce such lien by sale of the property vehicle in accordance with the following procedures:

(1) The lienor shall give notice to the registered owner of the property vehicle, to the customer as indicated on the order for repair, and to all other persons claiming an interest in or lien on the property therein, as disclosed by the public records of Florida or any county therein, the Department of Highway Safety and Motor Vehicles or of a corresponding agency of any other state where it in which the vehicle appears that the property is subject to a claim of interest or lien registered. Such notice must be sent by registered or certified mail at least 30 days before the proposed or scheduled date of any sale and shall contain:

(a) A description of the property vehicle and its location.

(b) The name and address of the owner of the property vehicle, the customer if as indicated on the order for repair, and any person claiming an interest in or lien on the property therein.

(c) The name, address, and telephone number of the lienor.

(d) Notice that the lienor claims a lien on the property pursuant to this part vehicle for labor and services performed and storage charges, if any, and the cash sum which,
if paid to the lienor, would be sufficient to redeem the
property vehicle from the lien claimed by the lienor.

(e) Notice that the lien claimed by the lienor is
subject to enforcement pursuant to this section and that the
property vehicle may be sold to satisfy the lien.

(f) The date, time, and location of any proposed or
scheduled sale of the property vehicle and whether such sale
shall be private or public. No property vehicle may be sold
earlier than 60 days after the time the charges for which a
lien is claimed become due completion of the repair work.

(g) Notice that at any time prior to the scheduled
date of sale the owner of the property vehicle or any person
claiming an interest in or lien on the property may prevent
the nonjudicial sale thereon has a right to a hearing at any
time prior to the scheduled date of sale by recording an
objection to the nonjudicial sale stating a demand for hearing
with the clerk of the circuit court in the county in which the
property vehicle is held and mailing copies of the demand for
hearing to all other owners and lienors as reflected on the
notice.

(h) Notice that the owner of the property vehicle has
a right to recover possession of the property vehicle without
instituting judicial proceedings by posting bond in accordance
with the provisions of s. 713.76 559.917. If the lienor is a
motor vehicle repair shop claiming a lien for furnishing
labor, services, or material to a motor vehicle, the notice
shall state that the owner of the vehicle has a right to
recover possession of the vehicle without instituting judicial
proceedings by posting bond in accordance with the provisions
of s. 559.917.
(1) Notice that any proceeds from the sale of the property vehicle remaining after payment of the amount claimed to be due and owing to the lienor will be deposited with the clerk of the circuit court for disposition upon court order pursuant to subsection (6).

(2) Notice that when property is sold by a lienor in accordance with this section, a purchaser for value takes title to the property free and clear of all claims, liens, and encumbrances, unless otherwise provided by court order.

(2) If the owner of the property vehicle is unknown or his whereabouts cannot be determined, or if the owner or any person notified as provided in subsection (1) fails to acknowledge receipt of such notice, the lienor, at least 20 days before the proposed or scheduled date of sale of the property vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the property vehicle is held. A certificate of compliance with the notification provisions of this section, verified by the lienor, together with a copy of the notice and return receipt for mailing of the notice required by this section, or proof of publication, as the case may be, shall be duly and expeditiously recorded with the clerk of the circuit court in the county where the property vehicle is held.

(3) At any time prior to the proposed or scheduled date of sale of the property vehicle, the owner of the property vehicle, or any person claiming an interest in the property vehicle or a lien thereon, may prevent the nonjudicial sale of the property by recording an objection to the nonjudicial sale file a demand for hearing with the clerk of the circuit court in the county in which the property vehicle is held. If an objection to the nonjudicial sale is...
recorded pursuant to this section, the lienor shall not sell
the property to determine whether the vehicle has been
wrongfully taken or withheld from him. Any person who files a
demand for hearing shall mail copies of the demand to all
other owners and lienors as reflected on the notice required
in subsection (1). Upon the filing of a demand for hearing, a
hearing shall be held prior to the proposed or scheduled date
of sale of the vehicle.

(4) In the event a lienor may institute institutes a
judicial proceeding to enforce a lien when an objection is
recorded, no filing fee shall be required at the time of
filing, but the court shall require the lienor to pay the
filing fee unless the lienor shall prevail in the action.

(5) At the hearing on the complaint, the court shall
forthwith issue its order determining:

(a) Whether the property vehicle is subject to a valid
lien by the lienor and the amount thereof;

(b) The priority of the lien of the lienor as against
any existing security interest in the property vehicle;

(c) The distribution of any proceeds of the sale by
the clerk of the circuit court;

(d) The award of reasonable attorney's fees and costs
to the prevailing party; and

(e) The reasonableness of storage charges.

(6) Property A vehicle subject to lien enforcement
pursuant to this section may be sold by the lienor at public
or private sale; however, in the case of a private sale, every
aspect of the sale, including the method, manner, time, place,
and terms; must be commercially reasonable. Immediately upon
the sale of the property vehicle and payment in cash of the
purchase price, the lienor shall deposit with the clerk of the

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
circuit court the proceeds of the sale less the amount claimed
by the lienor for furnishing labor, services, or material work
done and storage, if any, and all reasonable costs and
expenses incurred in conducting the sale, including any
attorney's fees and costs ordered by the court.
Simultaneously with depositing the proceeds of sale remaining
after payment to the lienor, the lienor shall file with the
clerk a verified report of the sale stating a description of
the property vehicle sold, including the vehicle
identification number if available, the name and address of
the purchaser; the date of the sale; and the selling price.
The report shall also itemize the amount retained by the
lienor pursuant to this section and shall indicate whether a
hearing was demanded and held. All proceeds held by the clerk
court shall be held for the benefit of the owner of the
property vehicle or any lienholder whose lien is discharged by
the sale and shall be disbursed only upon order of the court.
Unless a proceeding is initiated to validate a claim to such
proceeds within 1 year and a day from the date of the sale,
the proceeds shall be deemed abandoned property and
disposition thereof shall be governed by s. 705.03. The clerk
shall receive 5 percent of the proceeds deposited with him,
not to exceed $25, for his services under this section.
(7) A copy of the certificate of compliance and the
report of sale, certified by the clerk of the court, shall
constitute satisfactory proof for appraisement to the
Department of Highway Safety and Motor Vehicles for transfer
of title, together with any other proof required by any rules
and regulations of the department.

(8) Nothing contained in this section shall be
construed as affecting an owner's right to redeem his property.
vehicle from the lien at any time prior to sale by paying the
amount claimed by the lienor for furnishing labor, services,
or material work done and assessed storage charges, plus
reasonable any costs incurred by the lienor repair shop for
utilizing enforcement procedures under this section.

(9) Nothing in This section shall be cumulative to all
other operate in derogation of the rights and remedies given
by law established by s. 559.917.

(10) When a property vehicle is sold by a lienor in
accordance with this law, a purchaser for value takes title to
the property vehicle free and clear of all claims, liens, and
encumbrances whatsoever, unless otherwise provided by court
order.

Section 4. Section 713.66, Florida Statutes, is
amended to read:

713.66 Liens for feed, etc., for racing animals;
priority racerses, polo ponies and race dogs.--In favor of
Any person who furnishes shall furnish corn, oats, hay, grain
or other feed, or feedstuffs, or straw or bedding material,
herein called supplies, to or upon the order of the owner or
the agent, bailee, lessee or custodian of the owner of any
racehorse, polo pony, or race dog, herein called racing
animal, shall have a lien for the unpaid portion of the price
of such supplies upon every racing animal that racehorse, polo
pony, or race dog which consumes any part of the such
supplies. All racing animals racehorses and race dogs of the
such owner that which are accustomed to consume supplies and
that of the character delivered, which are at the time of the
delivery of the such supplies upon the premises to which
delivery is made, shall be deemed prima facie to have consumed
the such supplies. Such lien shall remain voided and

CODING: Words in normal through type are deletions from existing law, words underlined are additions.
enforceable for a period of 1 year from the dates of the
respective deliveries of such corn, oats, hay, grain, feed or
foodstuffs, or straw, and such items are to be enforced in the
manner provided for the enforcement of other items on personal
property in this state. The lien on said items shall be superior
to any and all claims, liens, and mortgages on the racing
animals, whether recorded or unrecorded, including, but not
limited to, any lessee's or vendor's item, and any chattel
mortgage, which thereupon may have been or thereafter may be
created against such racehorse, polo pony or race dog, and to
the claims of any and all purchasers thereof.

Section 5. Section 713.70, Florida Statutes, is
amended to read:

713.70 Lien for service of stallions and other
animals.--The owner of a stallion, jackass, dog, or bull shall
have a lien in favor of owners of stallions, jackasses or
bulls, upon the colt, pup, or calf of the get of the said
stallion, jackass, dog, or bull, and also upon the mare,
jenny, bitch, or cow served by the said stallion, jackass,
dog, or bull in breeding thereof for the sum agreed stipulated
to be paid for the service thereof, by filing at any time
within 18 months after the date of service a statement of the
account thereof, together with the description as to color and
markings of the foal served, and the name of the owner at
the date of service, in the office of the county clerk of the
county wherein the owner of the said foal resided at the
time of service. Neither the mare, jenny or cow, nor the get
thereof, shall be sold within 18 months after the date of
service, unless the service fee shall be paid, unless such
sale shall be agreed to and approved in writing by the owner
of the stallion, jackass or bull at the time of the sale or

CODING: Words in black through type are deletions from existing law, words underlined are additions.
transfer of the mare, jenny or cow, or offspring thereof. At any time after such mare, jenny or cow shall conceive, anyone having the lien herein provided may enforce the same in the same manner as to now provided by law.

Section 6. Section 713.74, Florida Statutes, is amended to read:

713.74 Acquisition of liens by persons in privity with the owner.--As against the owner of personal property upon which a lien is claimed under this part II, the lien shall be acquired by any person in privity with the owner by furnishing the performance of the labor, services, or the furnishing of the materials. There shall be no lien upon personal property against purchasers and creditors without notice unless the person claiming the lien is in possession of the property upon which the lien is claimed. The lien shall continue as long as the possession continues, not to exceed 90 days 2 months after furnishing performance of the labor, services, or furnishing the material.

Section 7. Section 713.75, Florida Statutes, is amended to read:

713.75 Acquisition of liens by persons not in privity with the owner.--A person entitled to acquire a lien who is not in privity with the owner of the personal property shall acquire a lien upon the owner's personal property as against the owner and persons claiming through him by delivery to the owner of a written notice that the person with whom the owner has contracted owes the lienor for whom the labor has been performed or the material furnished is indebted to the person performing the labor or furnishing the material in the sum stated in the notice for labor, services, or material furnished to the personal property. A person who is

CODING. Words in struck through type are deletions from existing law, words underlined are additions.
performing or is about to perform labor or in furnishing or in
about to furnish materials for personal property may deliver
to the owner a written statutory notice that he will do so. A
lien shall exist from the time of delivery of the either
notice for the amount unpaid on the contract of the owner with
the person contracting with the tenant and the delivery of the
notice shall also create a personal liability against the
owner of the personal property in favor of the tenant giving
the notice, but not to a greater extent than the amount then
unpaid on the contract between the owner and the person with
whom the owner contracted. There shall be no lien upon
personal property as against creditors and purchasers without
notice except under the circumstances and for the time
prescribed in s. 713.74 and for the amount of the debt due to
the lienor at the time of the service of the notice provided
for in this section.

Section 8. Section 713.77, Florida Statutes, is
amended to read:

713.77 Liens of owners or operators or keepers of
camps, ejection of occupants.--Liens prior in dignity to all
others except liens for unpaid purchase price shall exist in
favor of owners or operators, or keepers of tourist camps or
trailer camps for rent owing by and for money or other
property advanced to any occupant thereof upon the goods,
chattels or other personal property of the occupant of such
camp. Upon the nonpayment of such sums in accordance with the
rules of such camps, or for failure to observe any provision
of this part II or the rules and regulations prescribed by the
State Board of Health, the owner, operator or keeper thereof
may instantly eject such occupant therefrom. The liens created
in favor of owners or operators, or keepers of tourist camps

CODING: Words in octothorp through type are deletions from existing law, words underlined are additions.
or trailer camps may be enforced in the same manner as is now
or may hereafter be provided by law for the enforcement of
liens in favor of operators of public lodging establishments
keepers of hotels and boardinghouses. Nothing in this
section, however, shall prevent owners or operators of tourist
camps or trailer camps from enforcing any claims for rent
under and in the manner provided by landlord and tenant acts
of this state.

Section 9. Subsection (3) of section 713.78, Florida
Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing
vehicles.—

(3)(a) Any person regularly engaged in the business of
recovering, towing, or storing vehicles who comes into lawful
possession of a vehicle pursuant to subsection (2), and who
claims a lien for recovery, towing, or storage services, shall
give notice to the registered owner and to all persons
claiming a lien thereon, as disclosed by the records in the
Department of Highway Safety and Motor Vehicles or of a
corresponding agency in any other state.

(b) A person regularly engaged in the business of
recovering, towing, or storing vehicles who comes into

possession of a vehicle at the request or direction of any law
enforcement officer or agency shall be presumed to have come

into lawful possession thereof.

(c)(e) Notice by registered or certified mail shall be
sent to the registered owner and to all persons claiming a
lien within 14 days of the date of possession. It shall state
the fact of possession of the vehicle, that a lien as provided
in subsection (2) is claimed, that the lien is subject to
enforcement pursuant to law, and that the owner or lienholder,
if any, has the right to a hearing as set forth in subsection
(4). Failure to give notice as provided by this subsection
shall preclude the enforcement of any lien for storage charges
which accrued after 14 days from the date of possession. This
section shall not be construed to authorize storage charges
except as otherwise provided by law or contract.

Section 10. Section 713.792, Florida Statutes, is
created to read:

713.792 Liens for aircraft; notice.—Except when a
lienor is in possession of the aircraft, any lien claimed on
an aircraft pursuant to s. 713.58 is enforceable when the
lienor records a verified lien notice with the clerk of the
circuit court in the county where the aircraft was located at
the time the labor, services, or material was last furnished.
The notice shall state the name of the lienor, the name of the
owner, a description of the aircraft upon which the lienor has
expended labor, services, or material, the amount for which
the lien is claimed and the date the expenditure was
completed. This section shall not be construed to affect the
priority of competing interests in any aircraft or the
lienor's obligation to record his lien pursuant to s. 329.01.

Section 11. Section 509.403, Florida Statutes, is
amended to read:

509.403 Operator’s writ of distress.—

(1) If, after a lockout has been imposed pursuant to
s. 509.401, a guest fails to make agreed-upon payments on his
account, or, notwithstanding s. 509.401, if a guest vacates
the premises without making payment on his account, an
operator shall have a lien on the guest's personal property
found inside the guest’s room and may proceed to prosecute a
writ of distress against the guest and his property. The writ

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
of distress shall be predicated on the lien created by s- 713.67 or s. 713.68.

(2) It is unlawful for any person to remove any property upon which a lien has accrued under the provisions of subsection (1) from any public lodging establishment without first making payment of the sum due to the person operating it or without having the written consent of the person operating the place. Any person violating the provisions of this section is, if the property removed is of the value of $50 or less, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; and if the property removed is of greater value than $50, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Subsection (5) of section 713.78, Florida Statutes, is hereby repealed.

Section 13. Sections 713.56, 713.57, 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, 713.65, 713.67, 713.68, 713.69 and 713.691, Florida Statutes, are hereby repealed.

Section 14. This act shall take effect October 1, 1982.
I. SUMMARY:

A. Present Situation:

Part II of Ch. 713, Florida Statutes deals with miscellaneous liens for property which includes personal property, motor vehicles, crops, manufacturing machines, livestock, board, lodging, rents, wrecking, touring, and storage services, loans, and labor.

Federal district courts have held statutes 713.67, 713.68, and 713.69 unconstitutional as providing for self-executing possessory liens which violate due process, since pre-judgement seizure is allowed. McQueen v. Lambert, 348 F. Supp. 1334 (M. C. Fla. 1972), Barber v. Rader, 350 F. Supp. 183 (S. D. Fla. 1972).

S. 713.58 permits liens in favor of persons performing labor or services for any other person, such lien attaching to the property which was serviced.

S. 713.585 allows for enforcement of liens by sale of a motor vehicle upon which the lienor has performed labor or services. The lienor must give notice to the registered owner. the owner of the vehicle can request a hearing prior to the scheduled sale. The owner can have the vehicle released by posting bond.

S. 713.66 allows for liens on racehorses, polo ponies, or race dogs if food or feedstuffs are furnished to the animal's owner.

S. 713.70 allows for liens in favor of stallion, jackass, or bull owners for stud services performed by the owner's animal. The lien exists upon either the serviced animal or the colt or calf, and neither can be sold within 18 months of servicing unless the lienor is paid or he/she agrees in writing to the sale.

S. 713.74 allows liens for persons who are in privity with the property owner. The lien is acquired by performance of the labor or by furnishing the materials. No lien upon personal property exists as to purchasers or creditors without notice unless the lienor is in possession of the property. The lien shall continue for no more than 3 months after performance of labor or furnishing materials.

S. 713.75 allows a person not in privity with the owner to acquire a lien against the owner by delivering notice of either that the person for whom the service was performed or the materials furnished by the lienor is indebted to the lienor, or that
the lienor is about to perform labor or furnish materials. A lien exists from the time of delivery of either type of notice.

S. 713.77 allows owners, operators, or keepers of tourist or trailer camps to have liens for unpaid rents upon the goods, chattels, or other personal property of the occupant. Upon nonpayment, the camp owner may immediately eject the occupant.

S. 713.78 requires persons regularly engaged in the business of towing and storing vehicles who claim a lien for their charges to notify the registered owner of the vehicle. Notice must be sent within 14 days of possession.

S. 509.403 permits an operator to prosecute a writ of distress where a guest fails to make payments after a lockout pursuant to s. 509.401.

Florida presently has no statute which satisfies Federal Aviation Act requirements for obtaining aircraft liens.

Ch. 713 specifically allows liens for labor on and with machines, labors on logs and minerals, labor in raising crops, labor on and for vessels, manufacturing and repairing articles, furnishing articles to be manufactured, furnishing locomotives, furnishing materials for vessels, care and maintenance of animals, boarding and lodging at hotels, liens for hotels, apartment houses, roominghouses, and boardinghouses, and liens for rent and exemptions.

B. Probable Effect of Proposed Changes:

Section I. S. 83.64, F. S., is created to permit landlords to have liens for rent due on all personal property of the tenant left on the premises. The remedy for distress of rent is abolished.

Section 2. S. 713.58 is amended to allow persons who furnish labor, services, or materials to have a lien upon the property for which the labor, services, or materials are furnished. This amendment incorporates all of the specific subjects of Ch. 713 which are repealed by this bill.

Section 3. S. 713.585 is amended to refer to all personal property rather than motor vehicles. The owner of the property may prevent a nonjudicial sale by recording an objection to the sale with the clerk. Purchasers of property sold under this section take the property free and clear of all claims, liens, and encumbrances. The owner of a vehicle upon which a lien has been filed may recover possession by posting a bond. If the owner has filed an objection to the nonjudicial sale, the lienor may not sell the property. If an objection has been filed, the lienor may institute judicial proceedings to enforce the lien.

Section 4. S. 713.66 is amended so that persons furnishing feedstuffs to owners of racing animals shall have a lien (for the price of the food) upon the animal which consumes the foodstuffs.
Section 5. S. 713.70 is amended to include dogs, where the owner of a stud animal shall have a lien (for the sum agreed) upon the serviced animal and its colt, pup, or calf.

Section 6. S.713.74 is amended to include liens for services performed where the lienor is in privity with the property owner.

Section 7. S. 713.75 is amended to allow lienholders not in privity with the property owner to have a lien only upon the owner's property. The owner shall not be personally liable. The lienholder must deliver notice of the lien to the owner, and the lien exists from the time the labor, services, or materials are furnished.

Section 8. S. 713.77 is amended to disallow immediate ejectment of occupants of tourist or trailer camps. The liens which the owners obtain may be enforced in the same manner as those held by operators of public lodging establishments.

Section 9. S. 713.78 (3) is amended to create a presumption that those persons regularly engaged in the business of towing, recovering, or storing vehicles come into possession of the vehicles lawfully. Notice of possession must be given to the vehicle's owner within 14 days of possession, in order to enforce liens for storage charges during that 14 day period.

Section 10. S. 713.792 is created to provide a specific procedure to record aircraft liens. This will enable the FAA to record such liens, since the FAA honors state law concerning aircraft liens.

Section 11. S. 509.403 is amended to give an operator a lien on a guest's personal property left in the guest's room after a lockout pursuant to s. 509.401. Penalties are prescribed for removal of property upon which a lien has accrued under s. 509.403.

Sections 12 and 13 repeal ss. 713.78(5), 713.56, 713.57, 713.59, 713.60, 713.61, 713.62, 713.63, 713.64, 713.65, 713.67, 713.68, 713.69, and 713.691.

II. FISCAL IMPACT:

Neither the private sector nor government should be significantly affected fiscally. Lienors would be required to send notice by registered or certified mail to the property owners or other interested persons. Where the owner's whereabouts are unknown the lienor must notify by publication.

III. COMMENTS:

This bill will correct the constitutional problems connected with nonjudicial sale by lienors of property other than motor vehicles. Owners are given notice and a reasonable opportunity to be heard prior to the sale of the property.
The Honorable Betty Easley  
State Representative  
224 The Capitol  
Tallahassee, Florida 32304  

Re: Mechanic's Lien Law - Personal Property  

Dear Representative Easley:  

A problem has developed in the area of liens of mechanics for services and material provided on aircraft in the State of Florida.  

Federal law preempts title recording information as to aircraft. In the past, whenever a mechanic was entitled to a lien against aircraft for services and materials, a claim of lien was filed with the Federal Aviation Administration in Oklahoma City and was recorded by them and would be reflected in a title search on a particular aircraft.  

Recently, we have been advised through the office of Joseph T. Brennan, Aeronautical Center Counsel, for the Federal Aviation Administration in Oklahoma City, Oklahoma, that they can no longer record artisan (mechanics) lien claims from the State of Florida. The basis of this interpretation is that the Federal Aviation Act, Section 506, (49 U.S.C. 1406) requires the Federal Aviation Administration to honor State law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording (such as place of filing, verification, time within which to file, etc.), the FAA can no longer record such claims of statutory liens as they have in the past.  

Since the conveyance and recordation requirements of aircraft are substantially different than other personal property, it would be appreciated if consideration may be given to amending Florida
statutes to provide recordation information on mechanic's liens for aircraft in order to protect those Florida businesses who perform services and provide materials on aircraft which are subject to conveyance or being based out of the State of Florida.

Yours very truly,

Kenneth E. Easley

KEE:sl
September 2, 1981

Mr. Richard Hixson
Staff Director
House Judiciary Committee
Room 208, HOB
Tallahassee, Florida 32301

Dear Richard:

Please review the enclosed letter expressing a problem with the Mechanic's Lien Law.

I would appreciate your views on this matter. Also, is the Judiciary Committee planning to address issues like this during the next session? Is this a problem that you are presently aware of?

Changes in the law are suggested in Ken's letter. Do you feel these changes are necessary and will solve the problem he has outlined?

Thank you very much for your assistance and advice in this matter.

Sincerely,

Betty Easley

BE:kt
September 14, 1981

Mr. Lance Block  
House Judiciary Committee  
Florida House of Representatives  
House Office Building  
Tallahassee, Florida 32304

Dear Mr. Block:

In accordance with your request, enclosed are copies of the Kansas, Georgia, Illinois, and South Carolina statutes authorizing an aircraft mechanic or the like to record a notice of his claim of lien. The South Carolina statute is unique because it also allows a lien for unpaid aircraft insurance premiums.

If you have any questions on this language, please call me at 405-686-2296.

Sincerely,

[Signature]

Joseph T. Brennan  
Aeronautical Center Counsel

Enclosures
credit when the same shall be enforced in accordance with the provisions of section 67-2401, and shall be superior to all liens except liens for taxes and such other liens as the mechanic may have had actual notice of when such work was done or material furnished.

(b) The maximum amount of storage that may be charged shall be $1 per day. Nothing contained herein shall allow a fee for storage to be charged on any item with a fair market value in excess of $200. Storage charges pursuant to this section shall not apply to motor vehicles covered now or hereafter by Chapter 68-4A, the "Motor Vehicle Certificate of Title Act," nor shall said storage fee be charged if there is a bona fide dispute between the customer and the mechanic as to the manner of repair, or the charges for repair.

(c) When possession of property is surrendered to the debtor, the mechanic shall record his claim of lien, within 90 days after such work is done and material furnished, or in the case of repairs made on or to aircraft or farm machinery within 180 days after the work is done and material furnished The claim of lien shall be recorded in the office of the clerk of the superior court where the owner of such property resides. The claim shall be in substance as follows: "A. B., mechanic, claims a lien on _______ (here describe the property) of C. B., for work done, material furnished and storage accruing (as the case may be) in the manufacturing, repairing, and/or storing (as the case may be) the same."


Editorial Note
Acts 1972, p. 415, entirely superseded the former section.
Acts 1979, pp 902, 903, again entirely superseded the former section.
Acts 1980, p 831, again entirely superseded the former section.

ANNOTATIONS

Cited 117 App 578, 581 (161 S. E. 2d 402)

Employee
Where plaintiff was merely employee of manufacturer who contracted to make equipment for others, mechanic's special lien against such purchasers failed since such lien belongs to manufacturer or repairer—he who controls work, has shop—and not to workmen. 123 App 385 (181 S. E. 2d 285).

Foreclosure
Where two parties have competing liens on tractor, one security interest, other mechanic's lien based on repair work for owner, appeals court held FHA financing statement was sufficient where it explicitly stated that it covered borrower's "farm equipment," but that language of § 67-2003 renders mechanic's lien superior to extent of money for last repair job. 600 F 2d 478.

Priority
Security interest of which mechanic has constructive or actual notice takes priority over subsequently filed mechanic's lien. 130 App 31 (202 S. E. 2d 255).

Standing
Appellant, having paid charges demanded by appellee and having had his vehicle returned to him, had not been harmed by any deficiency in section and was not in position to attack constitutionality on grounds that it denied him notice and opportunity to be heard prior to
Effect of Amendment —

The 1977 amendment to Okla. Stats. & Const., May 24, 1977, in the first sentence substituted "for" for "and" preceding "must be recorded in the real property", in the second sentence inserted the word "must", in the third sentence substituted "in" for "the" preceding "property", and in the fourth sentence inserted the word "must" after the word "property" preceding "in the".

§ 29-15-100. Liens on aircraft for services, furnishing supplies or providing contracts of indemnity; enforcement.

(a) Every person engaged in servicing or furnishing supplies or providing contracts of indemnity for aircraft shall have a lien on such aircraft for his reasonable charges therefor, including reasonable charges for labor, for the use of tools, machinery and equipment, and for all accessories, materials, fuel, oils, lubricants, earned premiums, and other supplies furnished in connection with the servicing or furnishing of supplies or accessories, or providing contracts of indemnity for such aircraft. Such lien shall be dissolved unless the person claiming it shall file within ninety days after such service, supplies, accessories or contracts of indemnity were furnished, a statement, subscribed and sworn to by himself, or some person in his behalf, giving a just and true account of the services, supplies, accessories or contracts of indemnity furnished, the name of the owner of the aircraft, if any, and a description of the aircraft sufficient for identification. Such statement shall be recorded by the register of mesne conveyances or a book kept by him for that purpose, for which he shall receive the fees as for recording other papers of equal length.

(b) The lien on aircraft authorized by the provisions of subsection (a) of this section may be enforced as provided in §§ 29-9-30 through 29-15-89.

Editors Note —

CHAPTER 82—LIENS

§ 45. Lien on chattels for labor and storage

AN ACT for the better protection of any person, firm or corporation engaging in labor, skill or materials upon or furnishing storage for, any chattel, creating a lien upon such chattel, and providing for the enforcement of such lien [Approved June 21, 1921, L. 1921, p. 698]

40. Lien on chattels for labor—Commencement—Amount

§ 1. Every person, firm or corporation who has expended labor, skill or materials upon any chattel, or has furnished storage for such chattel at the request of its owner, reputed owner, or authorized agent of the owner, or lawful possessor thereof, who have a lien upon such chattel, shall, upon the request of such person, firm or corporation, demand in writing, the amount of such labor, skill or materials, or for all such storage, for the reasonable worth of such expenditure, labor, skill, or materials, or for all such storage, for a period of sixty days, and after the completion of such expenditure of labor, skill, or materials, or for such storage, or after stating the fact that the expenditure of such chattel has been suspended to the owner or lawful possessor thereof.

41. Expiration of lien—Notice—Form

§ 2. Such lien shall cease at the expiration of sixty days from the date of the delivery of such chattel to the owner thereof, or his duly authorized agent, unless the lien claimant shall within sixty days file in the proper county of the county in which such labor, skill and materials were expended or such chattel, or storage furnished for such chattel, a written notice, which notice shall state the name of the claimant, the name of the owner or reputed owner, a description of the chattel, sufficient for identification, upon which the claimant has expended labor, skill and materials, or has furnished storage, the amount for which the lien is claimed, and the date upon which such expenditure of labor, skill or materials, or such storage, was completed, which notice shall be verified by the oath of the claimant or by some one of his personal knowledge of the claimant.

42. Index of liens—Notice

§ 3. Upon presentation of such notice to the recorder of deeds of any county, it shall be the duty of the said recorder of deeds to file the same in his office and to index the same in a book to be kept by him for that purpose and called "index of liens upon chattels". The recorder of deeds shall be entitled to charge and receive from the person filing such notice a fee of $5. Amended by P.A. 1933, c. 251, p. 734.

43. Prior liens

§ 4. The lien created by this Act shall be subject to the lien of any bona fide security interest as defined in the Uniform Commercial Code upon the same chattel recorded prior to the commencement of any lien herein created, but the lien herein created shall be in addition to, and shall not exclude, any lien now existing at common law, and any lien existing by virtue of "An Act enacting liens for labor, services, skill, or materials expended upon chattels", filed July 24, 1911. As amended by act approved May 24, 1916, L.1916, p. 742.

44. Release and discharge—Record—Form

§ 5. Any lien provided for in this Act may be released and discharged by the lien claimant, or his agent, filing with the recorder of deeds a satisfaction piece, which shall be acknowledged in the same manner as provided by law for the acknowledgment of deeds, which shall also be indexed in the "index of liens upon chattels". The owner of said chattel may also file with the recorder of deeds any written document which would show or tend to show the non-existence, satisfaction, or termination of such lien which written document shall also be indexed in the "index of lien upon chattels".

The fee for filing any document under the provisions of this section shall be one dollar and the fee for furnishing a certified copy of any document filed with the recorder of deeds under the provisions of this Act shall be the same fee received by him for furnishing certified copies of recorded instruments.

$5 shall be paid to the Recorder for filing a satisfaction of judgment memorandum Amended by P.A. 1933, c. 251, p. 734.

15. Foreclosure—Proceedings

§ 6. Liens provided for in this Act may be foreclosed by suit in the circuit court of any county in the State of Illinois, or they may be foreclosed by ad-
Liens on Personal Property

58-103. [L. 1915, ch. 369, § 3, R.S. 1923, 55-103; Repealed, L. 1965, ch. 342, § 12; Jan. 1, 1966]

CASE ANNOTATIONS
2. Word "ordinary" used herein discussed in considering word "ordinary" used in 19-242. State v. OEMI, 142 Kan. 841, 858, 52 P. 2d 1185.


CASE ANNOTATIONS
1. Not applicable to sale under judicial process; mortgage foreclosure. Faeth Co. v. Bressie, 125 Kan. 327, 264 P. 1077.

Article 2.—Liens on Personal Property

References to Related Sections:
Fees of register of deeds, see 58-207. Oil and gas leases and pipelines, see 55-207 to 55-210.

Liens for labor and material, see ch. 60, art. 11.

58-201. Liens for materials and services; filing statements with register of deeds, contents. Whenever any person at, or with the owner's request or consent shall perform work, make repairs or improvements on any goods, personal property, chattels, horses, mules, wagons, buggies, automobiles, trucks, trailers, locomotives, railroad rolling stock, barges, aircraft, equipment of all kinds, including but not limited to construction equipment, vehicles of all kinds, and farm implements of whatsoever kind, a first and prior lien on said personal property is hereby created in favor of such person performing such work or making such repairs or improvements and said lien shall amount to the full amount and reasonable value of the services performed, and shall include the reasonable value of all material used in the performance of such services.

If such property shall come into the lien claimant's possession, for the purpose of having the work, repairs or improvements made thereon, such lien shall be valid as long as the lien claimant retains possession of said property, and the claimant of said lien may retain the same after parting with the possession of said property by filing within forty-five (45) days in the office of the register of deeds, under oath, a statement of the items of the account and a description of the property on which the lien is claimed, with the name of the owner thereof, in the county where the work was performed and in the county of the residence of the owner, if such shall be known to the claimant.

If the lien claimant was never in possession of said property, he or she may retain said lien by filing, within forty-five (45) days after the date upon which work was last performed or material last furnished in performing such work or making such repairs or improvements in the office of the register of deeds, under oath, a statement of the items of the account and a description of the property on which the lien is claimed, with the name of the owner thereof and the date upon which work was last performed or material last furnished in performing such work or making such repairs or improvements, in the county where the work was performed and in the county of the residence of the owner, if such shall be known to the claimant. [R.S. 1923, 58-201; L. 1947, ch. 313, § 1; L. 1961, ch. 264, § 1; L. 1969, ch. 273, § 1; July 1.]
H 1230 GENERAL BILL BY COMMERCE (SIMILAR S 0875; COMPARE H 1024, S 0581)
BANKER'S BANKS; PROVIDES FOR CREATION OF BANKER'S BANKS; PROVIDES FOR APPLICATION OF FLA. BANKING CODE; PROVIDES EXCEPTIONS; AUTHORIZES INVESTMENTS IN SUCH BANKS, ETC. AMENDS 658.12; CREATES 658.105- EFFECTIVE DATE: UPON BECOMING LAW.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED; REFERRED TO APPROPRIATIONS -HJ 00308
05/06/83 HOUSE WITHDRAWN FROM APPROPRIATIONS -HJ 00356; PLACED ON CALENDAR
05/12/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/17/83 HOUSE IDEN./SIM. SENATE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE; IDEN./SIM./COMPARE BILL PASSED; REFER TO SB 875 (CH. 83-48) -HJ 00450

H 1237 GENERAL BILL BY COMMERCE (SIMILAR S 0668)
SECURITIES: AMENDS PROVISION RELATING TO REGISTRATION OF SECURITIES; AUTHORIZES BAN◆LING & DEPT. TO ISSUE PERMIT TO SELL DEBT SECURITIES FOR PERIOD LONGER THAN ONE YEAR UNDER CERTAIN CIRCUMSTANCES. AMENDS 517.07. EFFECTIVE DATE: 10/01/83.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00368
05/12/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/16/83 HOUSE READ SECOND TIME -HJ 00425
05/17/83 HOUSE READ THIRD TIME; PASSED; YEAS 119 NAYS 0 -HJ 00443
05/19/83 SENATE IN MESSAGES
05/25/83 SENATE RECEIVED; REFERRED TO COMMERCE -SJ 00346
05/31/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
06/02/83 SENATE WITHDRAWN FROM COMMERCE -SJ 00708; SUBSTITUTED FOR SB 868; PASSED; YEAS 37 NAYS 0 -SJ 00709
06/02/83 HOUSE ORDERED ENGROSSED
06/09/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00450
06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR
06/17/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00450
06/22/83 HOUSE INTRODUCED, PLAED ON CALENDAR -HJ 00450

H 1238 GENERAL BILL BY COMMERCE (SIMILAR S 0932)
INTEREST RATES: SPECIFIES MAXIMUM INTEREST RATES FOR CONSUMER FINANCE; INCREASES MAXIMUM FINANCE CHARGE FOR MOTOR VEHICLE SALES; SPECIFIES UNLAWFUL RATES OF INTEREST; PROVIDES PENALTIES FOR UNLAWFUL RATES OF INTEREST; REQUIRES RECEIPTS, ETC. AMENDS CHS. 516, 520, 657, 658, 664, 687. EFFECTIVE DATE: 10/01/83.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00309
06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR

H 1239 GENERAL BILL BY TRANSPORTATION AND OTHERS (COMPARE H 0507, CS/H 0827, S 0620, S 1026, S 1130)
AIRCRAFT: PROVIDES FOR IMPOSITION OF LIEN ON CERTAIN AIRCRAFT LANDING ON CERTAIN PUBLICLY OWNED & OPERATED AIRPORTS; PROHIBITS REMOVAL OF SUCH AIRCRAFT AFTER NOTICE OF LIEN HAS BEEN SERVED OR POSTED; PROVIDES IS NOTICE OF LIENS FOR AIRCRAFT, ETC. CREATES 715.792; REPEALS 125.021. EFFECTIVE DATE: 10/01/83.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00309
05/16/83 HOUSE ON COMMITTEE AGENDA -- JUDICIARY, 317 C, 8:00 AM, 05/16/83
05/20/83 HOUSE CMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY JUDICIARY -HJ 00333
05/30/83 HOUSE READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 107 NAYS 1 -HJ 00397
05/30/83 SENATE IN MESSAGES
05/31/83 SENATE RECEIVED; REFERED TO JUDICIARY-CIVIL -SJ 00532
CONTINUED ON NEXT PAGE
H 1240 GENERAL BILL BY TRANSPORTATION AND OTHERS (COMPARE CS/H 0192)
DRIVERS LICENSES: INCREASES SIZE OF MEDICAL ADVISORY BOARD & REVISES
PROVISIONS RE MEMBERSHIP; AMENDS 322.125. EFFECTIVE DATE:
UPON BECOMING LAW.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00309
06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR

H 1241 GENERAL BILL BY TRANSPORTATION AND OTHERS (COMPARE CS/H 0193)
MOTOR VEHICLE IMPROPRIETOR: AUTHORIZES COUNTIES & MUNICIPALITIES TO
PROVIDE FOR IMMOBILIZATION OR IMPOUNDMENT OF MOTOR VEHICLES IF OWNER HAS
FAILED TO PAY SPECIFIED NUMBER OF PARKING TICKET VIOLATIONS; PROVIDES
NOTICE & RELEASE PROCEDURES; PROVIDES FOR HEARINGS UPON REQUEST, ETC.
AMENDS 316.196. EFFECTIVE DATE: 10/01/83.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00309
06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR

H 1242 GENERAL BILL BY COMMUNITY AFFAIRS (IDENTICAL CS/S 0729)
MAXIMUM BUILDING CODES: AMENDS PROVISIONS RELATING TO STANDARDS FOR
CONSTRUCTION USING GLASS; PROVIDES ALTERNATIVE TO SAFETY GLAZING IN
CERTAIN HAZARDOUS LOCATIONS; REMOVES RESTRICTION ON APPLICATION OF
STANDARDS TO REPLACEMENTS, ETC. AMENDS 553.25, 26, 27, 73, 77.
EFFECTIVE DATE: 07/01/83.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, REFERRED TO APPROPRIATIONS -HJ 00309
05/03/83 HOUSE SUBREFERRED TO SUBCOMMITTEE ON GENERAL GOVERNMENT (SUB.
05/20/83 HOUSE WITHDRAWN FROM APPROPRIATIONS -HJ 00529; PLACED ON CALENDAR
06/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR

H 1243 RESOLUTION BY HARRIS
CELEBRO HIGH SCHOOL FOOTBALL TEAM: COMMENDS SAID TEAM FOR BEING THE
1982 FLORIDA AA STATE CO-CHAMPIONS.
04/27/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR -HJ 00309
05/24/83 HOUSE WITHDRAWN FROM RULES & CALENDAR; PLACED ON CALENDAR;
READ SECOND TIME; ADOPTED. -HJ 00557

H 1244 LOCAL BILL BY PELLEPS, ARNOLD, OUILEY
LEHIGH ACRES FIRE CONTROL DISTRICT: EXPANDS BOUNDARIES OF LEHIGH ACRES
FIRE CONTROL & RESCUE DISTRICT; PROVIDES FOR REFERENDUM.
EFFECTIVE DATE: CONTINGENT.
04/28/83 HOUSE FILED
05/03/83 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS -HJ 00309
05/03/83 HOUSE ON COMMITTEE AGENDA — COMMUNITY AFFAIRS, 314 MOB, 9:00
AM, 05/10/83
05/11/83 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY
COMMUNITY AFFAIRS -HJ 00486
05/27/83 HOUSE READ SECOND AND THIRD TIMES; PASSED; YEAS 11b NAYS 0
-HJ 00714
05/27/83 SENATE IN COMMITTEE
05/31/83 SENATE RECEIVED, REFERRED TO RULES AND CALENDAR -SJ 00538;
CONSIDERED, PLACED ON LOCAL CALENDAR BY RULES AND CALENDAR -SJ 00578
CONTINUED ON NEXT PAGE
LAW ENFORCEMENT DEPARTMENT: Authorizes Department to exchange criminal history records with Fla. Board of Bar Examiners & to accept fingerprints of Fla. Bar applicants. Amends 943.054. Effective date: upon becoming law.
04/19/83 Senate filed
04/22/83 Senate introduced, referred to Judiciary-Criminal, Judiciary-Civil - SJ 0016
04/29/83 Senate on Committee Agenda— Judiciary-Criminal, 05/06/83, 9:00 AM, rm. C
05/04/83 Senate Comm. report: favorable by Judiciary-Criminal - SJ 0022
05/05/83 Senate now in Judiciary-Civil - SJ 0022
05/16/83 Senate extension of time granted Committee Judiciary-Civil
05/20/83 Senate on Committee agenda— Judiciary-Civil, 05/24/83, 9:00 AM, rm. C
05/24/83 Senate Comm. report: favorable, placed on calendar by Judiciary-Civil - SJ 0033
06/02/83 Senate placed on consent calendar; passed; yeas 34 nays 0; reconsidered; amendment adopted; Iden./Sim. House bill substituted; laid on table under Rule, Iden./Sim./Compare bill passed; refer to HB 1198 (Ch. 83-199) - SJ 00709

S 1128 GENERAL BILL by Gersten (Similar H 1231)
Drivers' Licenses: Applies provisions re unauthorized use or possession of drivers' licenses to identification cards; prohibits specified fraudulent acts; provides penalties; repeals provision re fraud in application for drivers' license. Amends 322.212; repeals 322.32(5).
Effective date: upon becoming law.
04/19/83 Senate filed
04/22/83 Senate introduced, referred to Transportation - SJ 0016
04/29/83 Senate extension of time granted Committee Transportation
05/03/83 Senate on Committee agenda— Transportation, temporarily postponed
05/06/83 Senate on Committee agenda— Transportation, 05/10/83, 2:00 PM, rm. C
05/10/83 Senate Comm. report: favorable with amendment, placed on calendar by Transportation - SJ 0024
06/03/83 Senate indefinitely postponed & w/u (SCR 1209); was on calendar

S 1129 GENERAL BILL by Myers
Jonathan Dickinson State Park: Instructs Board of Trustees of Internal Improvement Trust Fund to convey certain property to Martin County.
Effective date: upon becoming law.
04/19/83 Senate filed
04/22/83 Senate introduced, referred to Natural Resources and Conservation, Appropriations - SJ 0016
05/10/83 Senate on Committee agenda— Natural Res. & Cons., no action
05/12/83 Senate extension of time granted Committee Natural Resources and Conservation
06/03/83 Senate indefinitely postponed & w/u (SCR 1209); was in Committee on Natural Resources and Conservation

S 1130 GENERAL BILL by Plummer (Compare H 0567; ENG/H 123y, S 0620)
Airports; provides for imposition of lien on certain aircraft landing on certain publicly owned & operated airports; prohibits removal of such aircraft after notice of lien has been served or posted; provides penalties; repeals provision re liens on aircraft landing at CG airports. Repeals 125.021. Effective date: 10/01/83.
04/19/83 Senate filed
04/22/83 Senate introduced, referred to Judiciary-Civil - SJ 0016
05/02/83 Senate extension of time granted Committee Judiciary-Civil
05/06/83 Senate on Committee agenda— Judiciary-Civil, 05/10/83, 2:00 PM, rm. C
05/10/83 Senate Comm. report: favorable with amendment, placed on calendar by Judiciary-Civil - SJ 0024
06/02/83 Senate placed on special under calendar; passed as amended; yeas 33 nays 0 - SJ 00757; reconsidered - SJ 00768; continued on next page
GENERAL BILL BY HILL SIMILAR ENG/H 0837, COMPARE CS/H 0640 VOTER REGISTRATION; AMENDS PROVISION RE APPOINTMENT OF DEPUTY SUPERVISORS; CLARIFIES THAT SUPERVISORS OF ELECTIONS MAY APPOINT ANY REGISTERED ELECTORS IN THEIR JURISDICTION; PROVIDES FOR RULES. AMENDS Y9/211. EFFECTIVE DATE: 10/01/83.
04/19/83 SENATE FILED
04/22/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL -SJ 00161
04/25/83 SENATE ON COMMITTEE AGENDA-- JUDICIARY-CIVIL, 04/27/83, 2:00 PM; KNO B
04/27/83 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY JUDICIARY-CIVIL -SJ 00182
05/03/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; RETAINED ON REGULAR CALENDAR
05/03/83 SENATE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS ON CALENDAR

GENERAL BILL BY FOX SIMILAR CS/H 0663, ENG/H 1106, COMPARE S 049B MORTGAGES; PERMITS MORTGAGES TO SECURE OBLIGATIONS OF MORE THAN 20 YEARS WHEN ORIGINAL RECORD OF OBLIGATION SECURED BY MORTGAGE IS NOT ASCERTAINABLE FROM RECORD; PROVIDES METHOD FOR CALCULATING FINAL CONTINUED ON NEXT PAGE
H 0565 RESOLUTION BY MEALEY
SUBJ: UNION RESTRICTIONS: CUMULATIVE RESTRICTIONS ENFORCED BY SOVIET
UNION ON ALL DISSIDENTS & PRISONERS OF CONSCIENCE, WHICH DENY THEM THEIR
BASIC HUMAN RIGHTS, & URGES THAT SUCH RESTRICTIONS BE LIFTED & THAT
BASIC HUMAN RIGHTS OF SUCH PERSONS BE RESTORED.
03/29/83 HOUSE PREFILED
04/01/83 HOUSE REFERRED TO RULES & CALENDAR
04/05/83 HOUSE INTRODUCED, REFERRED TO COMMERCE, APPROPRIATIONS
08/03/83 HOUSE INDEFINITELY POSTPONED & W/D (SCR 1209); WAS IN
COMMITTEE ON EDUCATION, K - 12

H 0566 GENERAL BILL BY MEALEY (COMPARE ENG/S 0513, CS/S 0010)
UNEMPLOYMENT COMPENSATION: CHANGES THE MAXIMUM WEEKLY BENEFIT AMOUNT
ALLOWABLE. AMENDS 443.111. EFFECTIVE DATE: 10/01/83.
03/28/83 HOUSE PREFILED
04/01/83 HOUSE REFERRED TO COMMERCE, APPROPRIATIONS
04/05/83 HOUSE INTRODUCED, REFERRED TO COMMERCE, APPROPRIATIONS
-HJ 00066
04/06/83 HOUSE SUBREFERRED TO SUBCOMMITTEE ON PROPERTY AND CASUALTY
INSURANCE
04/29/83 HOUSE ON COMMITTEE AGENDA—SUBCOM., COMMERCE; 24 HOB; 6:00
AM, 05/03/83
05/06/83 HOUSE ON COMMITTEE AGENDA—COMMERCE, 21 HOB; 3:00 PM,
05/10/83
05/11/83 HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY COMMERCE
-HJ 00022; NOW IN APPROPRIATIONS
05/31/83 HOUSE ON COMMITTEE AGENDA—APPROPRIATIONS, 21 HOB; 8:00 AM,
06/01/83
06/02/83 HOUSE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY
APPROPRIATIONS —HJ 01027
06/03/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR; INDEF. POSTPONED &
W/D (SCR 1209); WAS ON CAL; ISC BILL PASSED, SEE CS/S 60
610 (CH. 83-285)

H 0567 GENERAL BILL BY COSGROVE AND OTHERS (SIMILAR S 0620; COMPARE
ENG/H 1239, S 1130)
LIENS: PROVIDES FOR NOTICE OF LIENS FOR AIRCRAFT; PROVIDES FOR CONTENTS
& FILING THEREOF; PROVIDES FOR PRIORITY OF COMPETING INTERESTS & OTHER
OBLIGATION TO RECORD. CREATES 713.792. EFFECTIVE DATE: 10/01/83.
03/28/83 HOUSE PREFILED
04/01/83 HOUSE REFERRED TO JUDICIARY
04/05/83 HOUSE INTRODUCED, REFERRED TO JUDICIARY —HJ 00066
04/21/83 HOUSE WITHDRAWN FROM JUDICIARY; WITHDRAWN FROM FURTHER CONSIDERATION
IDW/SIM/COMPARE BILL PASSED, REFER TO HB 1239 (CH.
83-272) —HJ 00208

H 0568 LOCAL BILL BY DANSON
SARASOTA CO./TRI-PAR ESTATES: CHANGES QUALIFICATIONS FOR ELECTIONS IN
TRI-PAR ESTATES PARK & RECREATION DISTRICT; REDEFINES "IMPROVED
RESIDENTIAL PARCELS" FOR UNIT TAX ASSESSMENT PURPOSES. EFFECTIVE DATE:
06/25/83.
03/26/83 HOUSE PREFILED
04/01/83 HOUSE REFERRED TO COMMUNITY AFFAIRS, FINANCE & TAXATION
04/05/83 HOUSE INTRODUCED, REFERRED TO COMMUNITY AFFAIRS, FINANCE &
TAXATION —HJ 00066
04/25/83 HOUSE ON COMMITTEE AGENDA— COMMUNITY AFFAIRS, 314 HOB,
8:13AM, 04/27
04/27/83 HOUSE COMM. REPORT: FAVORABLE BY COMMUNITY AFFAIRS —HJ 00265;
CONTINUED ON NEXT PAGE
04/25/83 HOUSE ON COMMITTEE AGENDA -- GOVERNMENTAL OP., 214 C, 10 AM, 04/27/83
04/28/83 HOUSE COMM. REPORT: FAVORABLE; PLACED ON CALENDAR BY GOVERNMENTAL OPERATIONS --HJ 00285
04/12/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
04/17/83 HOUSE READ SECOND TIME --HJ 00447
05/19/83 HOUSE READ THIRD TIME; PASSED; YEAS 102 NAYS 7 --HJ 00468
05/20/83 SENATE IN MESSAGES
05/25/83 SENATE RECEIVED, REFERRED TO EDUCATION, GOVERNMENTAL OPERATIONS --SJ 00340
05/26/83 SENATE WITHDRAWN FROM EDUCATION, GOVERNMENTAL OPERATIONS --SJ 00440; PLACED ON CALENDAR
06/02/83 SENATE PLACED ON CONSENT CALENDAR; PASSED AS AMENDED; YEAS 55 NAYS 0 --SJ 00496
06/02/83 HOUSE IN MESSAGES; CONCURRLED; PASSED AS AMENDED; YEAS 104 NAYS 5 --HJ 01407; ORDERED ENGROSSED; THEN ENROLLED
06/15/83 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/22/83 APPROVED BY GOVERNOR CHAPTER NO. 83-966

M 0820 GENERAL BILL BY SHACKELFORD (IDENTICAL S 0717)
SALES TAX EXEMPTION: EXEMPTS CERTAIN PROPERTY SOLD TO FUTURE FARMERS OF AMERICA FOUNDATION FOR EDUCATIONAL PURPOSES. AMENDS 212.08.
EFFECTIVE DATE: UPON BECOMING LAW.
04/05/83 HOUSE FILED
04/11/83 HOUSE INTRODUCED, REFERRED TO EDUCATION; K - 12, FINANCE & TAXATION, APPROPRIATIONS --HJ 00139
05/09/83 HOUSE SUBREFERREO TO SUBCOMMITTEE ON ADMINISTRATION AND OVERSIGHT
06/03/83 HOUSE INDEFINITELY POSTPUNED & W/O (SCR 1209); WAS IN COMMITTEE ON EDUCATION, K - 12

M 0827 GENERAL BILL/CS BY CRIMINAL JUSTICE, SANDERSON (SIMILAR S 1026, COMPARE ENG/H 1239)
AIRCRAFT: PROHIBITS CERTAIN ACTIONS RE AIRCRAFT IDENTIFICATION OF WHICH DOES NOT MEET FEDERAL REQUIREMENTS; PROVIDES PENALTY; PROVIDES INSPECTION OF AIRCRAFT FOR CERTAIN PURPOSES; PROHIBITS THE POSSESSION OR MAINTENANCE OF AIRCRAFT WITH ILLEGAL FUEL CAPACITY, ETC.
EFFECTIVE DATE: 10/01/83.
04/05/83 HOUSE FILED
04/11/83 HOUSE INTRODUCED, REFERRED TO CRIMINAL JUSTICE --HJ 00139
04/17/83 HOUSE REFERRED TO SUBCOMMITTEE ON LAW ENFORCEMENT, DRUGS AND MISCELLANEOUS
04/28/83 HOUSE ON COMMITTEE AGENDA -- SUBCOM, CRIM. JUSTICE, 10 MEB, 1:00PM, 05/02; ON COMMITTEE AGENDA, PENDING SUBCOMMITTEE ACTION -- CRIMINAL JUSTICE, 114 MEB, 3:00 PM, 05/02/83
05/13/83 HOUSE COMM. REPORT: C/S PLACED ON CALENDAR BY CRIMINAL JUSTICE --HJ 00402
05/19/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/25/83 HOUSE C/S READ FIRST AND SECOND TIMES; AMENDMENT ADOPTED --HJ 00578
05/26/83 HOUSE READ THIRD TIME; AMENDMENTS ADOPTED; C/S PASSED AS AMENDED; YEAS 113 NAYS 0 --HJ 00637
05/26/83 SENATE IN MESSAGES
05/30/83 SENATE RECEIVED, REFERRED TO JUDICIARY-CIVIL, JUDICIARY-CRIMINAL --SJ 00484
06/03/83 SENATE INDEF. POSTPUNED & W/O (SCR 1209); WAS IN COMMITTEE ON CRIMINAL JUSTICE; ISC BILL PASSED, SEE HB 1239 (CH. 83-272)

M 0828 GENERAL BILL/CS BY NATURAL RESOURCES, HILL (IDENTICAL CS/S 0459)
LOXAHATCHEE RIVER: CREATES LOXAHATCHEE RIVER WILD & SCENIC DESIGNATION & PRESERVATION ACT; PROVIDES LEGISLATIVE DECLARATIONS & INTENT; DESIGNATES PORTION OF RIVER AS WILD & SCENIC RIVER; PROVIDES FOR DEVELOPMENT OF MANAGEMENT PLAN; PROVIDES FOR A COORDINATING COUNCIL, ETC.
EFFECTIVE DATE: UPON BECOMING LAW.
04/05/83 HOUSE FILED
04/11/83 HOUSE INTRODUCED, REFERRED TO NATURAL RESOURCES, APPROPRIATIONS --HJ 00139
04/13/83 HOUSE SUBREFERRED TO SUBCOMMITTEE ON WATER
CONTINUED ON NEXT PAGE
S 0620 GENERAL BILL BY JENNE (SIMILAR H 0567, COMPARE ENG/H 1239, S 1130)
JENNE PROVIDES FOR NOTICE OF LIENS FOR AIRCRAFT. CREATES 713.792.
EFFECTIVE DATE: 10/01/83.
04/08/83 SENATE FILED
04/11/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL — SJ 00079
04/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
ON COMMITTEE AGENDA — JUDICIARY-CIVIL, TEMPORARILY
POSTPONED
04/25/83 SENATE ON COMMITTEE AGENDA — JUDICIARY-CIVIL, 04/27/83, 2:00
PM, RM. B
04/27/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY JUDICIARY-CIVIL — SJ 00182
05/03/83 SENATE INDEF. POSTPONED & W/O (SCR 1209); WAS ON CAL; ISL BILL
PASSED, SEE HB 1239 (CH. 83-272)

S 0621 GENERAL BILL/CBS BY HEALTH AND REHABILITATIVE SERVICES, JENNE
IDENTICAL CS/H 0676
PHARMACY; PROVIDES DEFINITION; AUTHORIZES CERTAIN INSTITUTIONAL
PHARMACIES TO ADOPT AN INSTITUTIONAL FORMULARY SYSTEM FOR IDENTIFICATION
OF DRUGS; PROVIDES EXCEPTION TO PROVISIONS PROHIBITING USE OF INKREDENT
OR ARTICLE DIFFERENT FROM THAT PRESCRIBED. AMENDS 465.003, 016, 019.
EFFECTIVE DATE: 10/01/83.
04/08/83 SENATE FILED
04/11/83 SENATE INTRODUCED, REFERRED TO HEALTH AND REHABILITATIVE
SERVICES — SJ 00079
04/25/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE HEALTH AND
REHABILITATIVE SERVICES
05/02/83 SENATE ON COMMITTEE AGENDA — HRS, 05/04/83, 2:00 PM, RM. A
05/04/83 SENATE COMM. REPORT: C/S PLACED ON CALENDAR BY HEALTH AND
REHABILITATIVE SERVICES — SJ 00242
05/10/83 SENATE C/S READ FIRST TIME — SJ 00238
05/24/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED; YEAS 35
NAYS 0; RECONSIDERED; IDEN./SIM. HOUSE BILL
SUBSTITUTED; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO C/S HB 676
(CH. 83-101) — SJ 00374

S 0622 LOCAL BILL BY HENDERSON (IDENTICAL H 0488)
SARASOTA CO./REVENUE BONDS; PROVIDES FOR SCHOOL SYSTEM CAPITAL
IMPROVEMENTS; AUTHORIZES DISTRICT SCHOOL BOARD OF SARASOTA CO. TO ISSUE
REVENUE BONDS FOR PAYMENT OF COST THEREOF; AUTHORIZES BOARD TO ISSUE
REFUNDING BONDS; PROVIDES FOR INVESTMENT OF PROCEEDS OF SALE OF BONDS,
ETC. EFFECTIVE DATE: UPON BECOMING LAW.
04/08/83 SENATE FILED
04/11/83 SENATE INTRODUCED, REFERRED TO APPROPRIATIONS, RULES AND
CALENDAR — SJ 00079
05/04/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
05/10/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
05/24/83 SENATE ON COMMITTEE AGENDA — APPROPRIATIONS, TEMPORARILY
POSTPONED
06/30/83 SENATE INDEF. POSTPONED & W/O (SCR 1209); WAS IN COMMITTEE BILL
PASSED, SEE HB 488 (CH. 83-520)

S 0623 GENERAL BILL BY PLUMMER (IDENTICAL H 0691)
CONTINUES ON NEXT PAGE
S 1025  GENERAL BILL BY GRANT (SIMILAR ENG/H 0446)

SALTWATER FISHERIES: PROHIBITS SHRIMPING IN DESCRIBED AREA IN TAYLOR COUNTY; PROVIDES EXCEPTIONS; PROVIDES PENALTY. CREATES 370.128.
EFFECTIVE DATE: 10/01/83.
04/01/83 SENATE FILED
04/21/83 SENATE INTRODUCED, REFERRED TO NATURAL RESOURCES AND CONSERVATION -SJ 00145
05/02/83 SENATE ON COMMITTEE AGENDA— NATURAL RES. & CONS., 05/05/83, 2:00 PM, RA. H
05/05/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR
BY NATURAL RESOURCES AND CONSERVATION -SJ 00241
05/25/83 SENATE PLACED ON CONSENT CALENDAR; IDEN./SIM. HOUSE BILL
SUBSTITUTED; LAID ON TABLE UNDER RULE; IDEN./SIM./COMMPARE BILL PASSED, REFER TO HB 446 (CH. 83-112) -SJ 06353

S 1026  GENERAL BILL BY LANGLEY (SIMILAR CS/H 0827, COMPARE ENG/H 1239)

AIRCRAFT: PROHIBITS CERTAIN ACTIONS RE AIRCRAFT IDENTIFICATION OF WHICH IS CONCEALED OR ALTERED; PROVIDES PENALTY; PROVIDES FOR SEIZURE & INSPECTION OF AIRCRAFT FOR CERTAIN PURPOSES; PROHIBITS THE POSSESSION OR MAINTENANCE OF AIRCRAFT WITH ILLEGAL FUEL CAPACITY, ETC.
EFFECTIVE DATE: 10/01/83.
04/01/83 SENATE FILED
04/21/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL,
JUDICIARY-CRIMINAL -SJ 00145
05/02/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
05/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
06/03/83 SENATE INDEF. POSTPONED & W/O (SCR 1209); WAS IN COMMITTEE ON JUDICIARY-CIVIL
GENERAL BILL BY LANGLEY (SIMILAR CS/H 0827, COMPARE ENG/H 1239)

S 1027  JOINT RESOLUTION BY GORDON (COMPARE H 0061, H 0110, H 0131, H 0296, S 0259, S 0270)

STATE OPERATED LOTTERIES: CONSTITUTIONAL AMENDMENT TO PROVIDE AUTHORITY FOR STATE TO ESTABLISH & OPERATE A STATE LOTTERY & TO PROVIDE IMPLEMENTING LEGISLATION FOR SUCH AUTHORITY. AMENDS Sec. 7, Art. X, Sec. 60, Art. XII.
04/01/83 SENATE FILED
04/21/83 SENATE INTRODUCED, REFERRED TO FINANCE, TAXATION AND CLAIMS, RULES AND CALENDAR -SJ 00145
04/25/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/06/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/17/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/23/83 SENATE ON COMMITTEE AGENDA— FINANCE, TAX. & CLAIMS,
TEMPORARILY POSTPONED
05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
06/03/83 SENATE INDEFINITELY POSTPONED & W/O (SCR 1209); WAS IN COMMITTEE ON FINANCE, TAXATION AND CLAIMS

S 1028  GENERAL BILL BY HAIR (SIMILAR H 1018)

INSURANCE: PROVIDES THAT INSURERS MAY CONSIDER SPECIFIED VIOLATIONS THAT OCCUR WHILE A PERSON IS SERVING AS BUS DRIVER, LAW ENFORCEMENT OFFICER, OR FIREFIGHTER IN REFUSING TO RENEW SUCH PERSON'S MOTOR VEHICLE INSURANCE OR IN SETTING RATES FOR SUCH INSURANCE. AMENDS 627.7286.
EFFECTIVE DATE: UPON BECOMING LAW.
04/18/83 SENATE FILED
04/21/83 SENATE INTRODUCED, REFERRED TO COMMERCE -SJ 00145
05/19/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
05/31/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE COMMERCE
CONTINUED ON NEXT PAGE
A bill to be entitled
An act relating to publicly owned and operated
airports, creating s.125.022, Florida Statutes,
providing that a lien for certain charges and fees
attaches to any aircraft owned or operated by a
person or corporation owing such charges and
fees, providing a penalty, providing an effective
date.

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

Section I. Section 125.022, Florida Statutes, is created to
read
125.022 Airport facilities generally, lien for landing and other
fees.--
(1) The governing body of any publicly owned and operated
airport shall have a lien upon all aircraft landing upon any airport owned
and operated by it for all charges for landing fees and other fees and
charges for the use of the facilities of such airport by any such aircraft,
when payment of such charges and fees is not made immediately upon
demand therefor to the operator or owner of the aircraft by a duly
authorized employee of the airport. The lien for the full amount of the
charges and fees due to the airport attaches to any aircraft owned or
operated by the person owing such charges and fees due to the airport.
Such lien may be enforced as provided by law for the enforcement of
warehousemen's liens in this state.

(2) It is unlawful for any person to remove or attempt to
remove any such aircraft from such airport after notice of the lien has
been served upon the owner or operator thereof or after posting of
such aircraft. Any person who removes or attempts to remove any such
aircraft from such airport after service or posting of the notice of lien
as herein provided, and before payment of the amount due for landing
fees and charges incurred by such aircraft, shall be guilty of a misdemeanor
of the second degree, punishable as provided in § 775.082 or § 775.083.

Section 2. This act shall take effect October 1, 1983.
April 18, 1983

HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE

STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

NUMBER: PCB 15    SIM/COMP: 

SPONSOR: Comm. on Transportation    PREPARED BY: Bill Ham

OTHER COMMITTEE REF: 

RELATING TO: Public Airports – Liens on Aircraft

I. SUMMARY:

A. Present Situation: Presently no legislation exists for the governing body of publicly owned and operated airports to claim liens on outstanding debts.

B. Effect of Proposed Changes: Provides that the governing body of any publicly owned and operated airport may have a lien upon any aircraft if the aircraft's operator owes the airport for landing fees or other fees and charges for the use of the facilities. Also, if any person removes or attempts to remove the aircraft after the notice of lien has been served to the owner or operator, or has been posted upon the aircraft, such person shall be guilty of a misdemeanor of the second degree.

II. FISCAL IMPACT:

A. State: None.

B. Local: None.

C. Private Sector: None.

IV. AMENDMENT: Provides for notice of liens for aircraft. The lien is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or materials was last furnished.

III. COMMENTS:

STAFF DIRECTOR: Robert W. Cargies
SUBCOMMITTEE REPORT/INFORMATION RECORD

File with Parent Committee

To Chairman, Committee on Transportation:

Subcommittee on Public Transit/Aviation

Date of meeting: 4-18-83
Time: 2:30 P.M.
Place: 217 H

Bill No. PCB 15

Final Action: [ ] Favorable
[ ] Favorable with Amendments
[ ] Favorable with Substitute
[ ] Unfavorable

Vote:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td>COSGROVE, J.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>DAVIS, H.</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>GALLAGHER, T.</td>
<td>✓</td>
</tr>
<tr>
<td>✓</td>
<td>THOMPSON, J.</td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>HEALEY, E., Chr.</td>
<td></td>
</tr>
</tbody>
</table>

Total Yea: 4
Total Nays: 0

[Signature]
Subcommittee Chairman

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Name

Representing

Address

(If additional persons, enter on reverse side and check here.)

NOTE: Please indicate by an "x" any State employee appearing at the request of Subcommittee Chairman.

Received by Parent Committee: 4-18-83

H-74(1980)
Committee on Transportation
Date of meeting: April 25, 1983
Time: 3:45 P.M.
Place: 21 HOB

Bill No. Proposed: Committee Bill

Final Action: X FAVORABLE

Committee Bill

Vote:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>BAILEY, P.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>BROWN, C.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>COSGROVE, J.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DAVIS, H.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>DUDLEY, F.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>GALLAGHER, T.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HARGRETT, J.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HAWKINS, L.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>HEALEY, E.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>JOHNSON, B.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>LEWIS, J.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>MARTIN, S.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>PEEPLES, V.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>SILVER, R.</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>THOMPSON, J.</td>
<td></td>
</tr>
</tbody>
</table>

Total: Yeas 17, Nays 1

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name: Mr. Bill Coulter
Representing: Fla. Airport Managers Assoc.
Address: Tallahassee, Florida

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here.)

File 2 copies with Clerk
A bill to be entitled
An act relating to liens; creating s. 713.79, Florida Statutes, providing that a lien for certain charges and fees of any publicly owned and operated airport attaches to any aircraft owned or operated by a person owing such charges and fees; providing a penalty; creating s. 713.792, Florida Statutes, providing for enforceability of certain liens with respect to aircraft; providing for required notice; providing for applicability; providing an effective date.

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

Section 1. Section 713.79, Florida Statutes, is created to read:

713.79 Airport facilities generally; lien for landing and other fees.--

(1) The governing body of any publicly owned and operated airport shall have a lien upon all aircraft landing upon any airport owned and operated by it for all charges for landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, when payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the airport. The lien for the full amount of the charges and fees due to the airport attaches to any aircraft owned or operated by the person owing such charges and fees. Such lien may be enforced as provided by
law for the enforcement of warehousemen's liens in this state.

(2) It is unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from such airport after service or posting of the notice of lien as herein provided, and before payment of the amount due for landing fees and charges incurred by such aircraft, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 713.792, Florida Statutes, is created to read:

713.792 Liens for aircraft; notice.—Except when a lienor is in possession of the aircraft, any lien claimed on an aircraft pursuant to s. 713.58 is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor, the name of the owner, a description of the aircraft upon which the lienor has expended labor, services, or material, the amount for which the lien is claimed, and the date the expenditure was completed. This section shall not be construed to affect the priority of competing interests in any aircraft or the lienor's obligation to record his lien pursuant to s. 329.01.

Section 3. This act shall take effect October 1, 1983.
HOUSE SUMMARY

Provides that a lien for certain landing and use charges and fees with respect to any publicly owned and operated airport attaches to any aircraft owned or operated by the person owing such charges and fees.

Provides that a lien with respect to an aircraft for labor or services is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, service, or material was last furnished.
HB 1239

SPONSOR(S) Comm. on Transportation & Reps. Healey & Ward
SUBJECT: Aircraft Liens

SUMMARY:

A. Present Situation:

Section 125.021, F.S., provides that a home rule charter county shall have a lien upon all aircraft landing at any airport owned and operated by that county. The lien shall be for all fees and charges for landing and use of the airport facilities, when payment is not made immediately upon demand. This lien shall attach to any aircraft owned or operated by the person owing such fees and charges. The lien may be enforced as provided by Florida law for the enforcement of warehousemen's liens.

It is unlawful, pursuant to s.125.021(2), for any person to remove, or attempt to remove aircraft from such airport after notice of the lien has been served upon the owners or operators thereof, or after posting of such notice upon such aircraft. Persons attempting to remove the aircraft before payment of the amount due to the airport are guilty of a misdemeanor of the second degree, punishable as provided by s.775.082 or s. 775.083.

B. Probable Effect of Proposed Changes:

HB 1239 creates s. 713.79, which extends the application of these liens to all governing bodies of any publicly owned and operated airports.

Section 719.792 is created to provide that except when the lienor is in possession of the aircraft, liens on aircraft shall be enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the labor, services, or material is furnished. Priority of competing interests shall not be affected by this act.

FISCAL IMPACT:

Persons using publicly owned airport facilities shall be immediately responsible for paying fees and charges assessed against them; the governing bodies will be more likely to receive payment of these fees and charges.

COMMENTS:

This bill is similar to Senate Bills 620 and 1130.
Committee Information Record

Committee on Judiciary

Date of meeting: May 18, 1983
Time: 8:00 a.m.
Place: Room 317C

Bill No.: HB 1239

Final Action: __ Favorable
Favorable with ___ Amendments
Favorable with Substitute
Unfavorable

Vote:

<table>
<thead>
<tr>
<th>Yea</th>
<th>Member</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>COSGROVE, JOHN</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>DRAGE, TOM</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>DUDLEY, FRED</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DUNBAR, PETER</td>
<td></td>
</tr>
<tr>
<td></td>
<td>EASLEY, BETTY</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>GRANT, JOHN</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HAWKINS, LARRY</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>JOHNSON, BO</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>JOHNSON, BOB</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>LAWSON, AL</td>
<td></td>
</tr>
<tr>
<td></td>
<td>LEHTINEN, DEXTEP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MURPHY TIM,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PAJCIC, STEVE</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>PEEPLES, VERNON</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>SAMPLE, DOROTHY</td>
<td></td>
</tr>
</tbody>
</table>

Total Years: 12
Total Nays: 0

Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name: Bill Coulter
Representing: Fla. Airport Mgrs' Assoc.
Address: P.O. Box 929, Tallahassee

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here)
Amendment 2—In title, on pages 1 and 2, strike everything before the enacting clause and insert An act relating to professional malpractice, amending s. 627.351(4), Florida Statutes, 1982 Supplement, requiring the Florida Medical Malpractice Joint Underwriting Association to make certain levels of coverage available to physicians, osteopaths, hospitals, and ambulatory surgical centers, deleting obsolete language, amending s. 768.54(2), (13), Florida Statutes, 1982 Supplement, increasing the limit entry level, requiring approval of fund membership fees and assessments by the Insurance Commissioner, removing limitations on deficit assessments to fund members, providing immunity for board members, providing certain powers to the fund, providing conditions for protesting assessments, providing for stay of execution against the fund, providing for minimum fee requirements for fund to offer coverage, providing effective dates

Further consideration of HB 1239 was deferred

On motion by Senator Jenne, the Senate reconsidered the vote by which SB 1130 passed this day.

Pending further consideration of SB 1130 as amended, on motion by Senator Jenne, the rules were waived and by two-thirds vote HB 1239 was withdrawn from the Committee on Judiciary-Civil

On motion by Senator Jenne, the rules were waived and—

HB 1239—A bill to be entitled An act relating to liens, creating s. 713.79, Florida Statutes, providing that a lien for certain charges and fees of any publicly owned and operated airport attaches to any aircraft owned or operated by a person owning such charges and fees, providing a penalty, creating s. 713.792, Florida Statutes, providing for enforceability of certain liens with respect to aircraft, providing for required notice, providing for applicability, providing an effective date

—a companion measure, was substituted for SB 1130 and read the second time by title.

Senator Jenne moved the following amendments which were adopted

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert

Section 1 Airport facilities, lien for landing and other fees—

(1) The governing body of any publicly owned and operated airport shall have a lien upon all aircraft landing upon any airport owned and operated by it for all charges for landing fees and other fees and charges for the use of the facilities of such airport by any such aircraft, when payment of such charges and fees is not made immediately upon demand therefor to the operator or owner of the aircraft by a duly authorized employee of the airport. The lien for the full amount of the charges and fees due to the airport or governing body of any publicly owned and operated airport attaches to any aircraft owned or operated by the person owning such charges and fees. Such lien may be enforced as provided by law for the enforcement of warehousemen's liens in this state

(2) It is unlawful for any person to remove or attempt to remove any such aircraft from such airport after notice of the lien has been served upon the owner or operator thereof or after posting of such notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from such airport after service or posting of the notice of lien as herein provided and before payment of the amount due to the airport for landing fees and charges incurred by such aircraft, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.081

Section 2 Subsection (1) of section 713.58, Florida Statutes, is amended to read

713.58 Liens for labor, or services, or material upon personal property—

(1) Any person who furnishes in favor of persons performing labor, or services, or material to be paid any other person shall have a lien upon the personal property for which the labor, services, or material is furnished, of the nature upon which the labor or services are performed, or which is used in the business, occupation, or employment in which the labor, or services, or material is furnished performed

Section 3 Section 713.792, Florida Statutes, is created to read

713.792 Liens for aircraft, notice—Any lien claimed on an aircraft pursuant to s. 713.58 is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor, the name of the owner, a description of the aircraft upon which the lienor has expended labor, services, or material, the amount for which the lien is claimed, and the date the expenditure was completed. This section does not affect the priority of competing interests in any aircraft or the lienor's obligation to record his lien pursuant to s. 329.01

Section 4 Section 125.021, Florida Statutes, is hereby repealed

Section 5 This act shall take effect October 1, 1983

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert A bill to be entitled An act relating to liens, providing for the imposition of a lien on certain aircraft landing on certain publicly owned and operated airports, prohibiting the removal of such aircraft after notice of lien has been served or posted, providing penalties, amending s. 713.58(1), Florida Statutes, providing for liens upon personal property for labor services, or material, creating s. 713.792, Florida Statutes, providing for notice of liens for aircraft, repealing s. 125.021, Florida Statutes, relating to liens on aircraft landing at county airports, providing an effective date

On motion by Senator Thomas, by two-thirds vote HB 1239 as amended was read the third time by title

Further consideration of HB 1239 was deferred

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 1 was corrected and approved

On motion by Senator Barron the Senate adjourned at 7:11 p.m. to reconvene at 9:30 a.m., Friday, June 3.
On motion by Senator Johnston, the rules were waived and the Senate reverted to:

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 739 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Weinstock and others—

HB 739—A bill to be entitled an act relating to Palm Beach County, providing for repeal of Chapter 63-1747, Laws of Florida, as amended and dissolution of all fire control taxing districts created thereunder upon the adoption of an ordinance by Palm Beach County, providing for municipal service taxing unit(s) to provide fire protection and advanced life support/fire rescue services, providing for authority to enable municipal taxing unit(s) created to contract for advanced life support/fire rescue services, providing for a three (3) mill cap, providing for a statutory contract price for fire protection and advanced life support/fire rescue services by any municipal service taxing unit to any municipalities currently served by a fire control taxing district created pursuant to Chapter 63-1747, Laws of Florida, as amended, providing for ordinances applicable to municipal service taxing unit(s) to apply within municipalities contracting for services with a municipal service taxing unit(s) providing for all assets and liabilities of fire control taxing district dissolved to be transferred to Palm Beach County, providing for responsibility for existing bonded indebtedness of fire control taxing districts, created pursuant to Chapter 63-1747, Laws of Florida, as amended, providing an effective date

Proof of publication of the required notice was attached

—was read the first time by title. On motion by Senator Johnston the rules were waived and by two-thirds vote the bill was placed on the special order calendar

On motions by Senator Johnston, by unanimous consent, HB 739 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was

Yea-34  Nay-5

Mr President  Frank  Kerkpatrick  Plummer
Beard  Girardeau  Langley  Scott
Carlucci  Gordon  Malchin  Stuart
Caster  Grant  Mann  Thomas
Children, D  Grizzle  Margolis  Thurman
Children, W D  Hair  Maxwell  Vogt
Crawford  Henderson  McPherson  Weinsten
Dunn  Jennings  Myers
Fox  Johnston  Neal

The bill was ordered engrossed and then enrolled.

The vote on passage was

Yea-34  Nay-5

Mr President  Gersten  Jennings  Meek
Barron  Girardeau  Johnstone  Myers
Carlucci  Gordon  Kerkpatrick  Plummer
Caster  Grant  Langley  Rehm
Children, W D  Grizzle  Malchin  Stuart
Crawford  Hair  Mann  Thurman
Dunn  Headerson  Margolis  Vogt
Fox  Hill  Maxwell  Weinsten
Frank  Jenne  McPherson

SPECIAL ORDER, continued

On motions by Senator Gordon, the rules were waived and by two-thirds vote the bill was placed on the special order calendar

On motions by Senator Johnston, by unanimous consent, HB 739 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was

Yea-34  Nay-5

Mr President  Frank  Kerkpatrick  Plummer
Beard  Girardeau  Langley  Scott
Carlucci  Gordon  Malchin  Stuart
Caster  Grant  Mann  Thomas
Children, D  Grizzle  Margolis  Thurman
Children, W D  Hair  Maxwell  Vogt
Crawford  Henderson  McPherson  Weinsten
Dunn  Jennings  Myers
Fox  Johnston  Neal

The bill was ordered engrossed and then enrolled.

The vote on passage was

Yea-34  Nay-5

Mr President  Gersten  Jennings  Meek
Barron  Girardeau  Johnstone  Myers
Carlucci  Gordon  Kerkpatrick  Plummer
Caster  Grant  Langley  Rehm
Children, W D  Grizzle  Malchin  Stuart
Crawford  Hair  Mann  Thurman
Dunn  Headerson  Margolis  Vogt
Fox  Hill  Maxwell  Weinsten
Frank  Jenne  McPherson

Nay-1

SPECIAL ORDER, continued

HB 1239—A bill to be entitled an act relating to lands, creating § 713.79, Florida Statutes, providing that a lien for certain charges and fees of any publicly owned and operated airport attaches to any aircraft owned or operated by a person owning such charges and fees, providing a penalty, creating § 713.792, Florida Statutes, providing for enforceability of certain liens with respect to aircraft, providing for required notice, providing for applicability, providing an effective date

was taken up pending roll call

On motion by Senator Jenne, the Senate reconsidered the vote by which HB 1239 was read the third time on June 2

On motion by Senator Jenne, the Senate reconsidered the vote by which Amendment 1 was adopted

Senator Langley moved the following amendment to Amendment 1 which was adopted

Amendment 1A—On page 2, strike all of lines 630 and insert

Section 2. Section 713.792, Florida Statutes, is created to read
On motion by Senator Jenne, by two-thirds vote HB 1239 as amended was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—28

Mr. President  Frank    Jennings    Neal
Beard  Girardeau  Johnston  Plummer
Castor  Grizzle  Kirkpatrick  Stuart
Childers  D  Hair  Mann  Thomas
Childers, W D  Henderson  Margolis  Thurman
Crawford  Hall  Meek  Vogt
Fox  Jenne  Myers  Weinstein

Nays—None

Vote after roll call

Yea—Grant, Langley

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 611 was withdrawn from the Committee on Judiciary-Criminal

On motion by Senator Vogt—

HB 611—A bill to be entitled An act relating to bingo; amending s. 849.093, Florida Statutes; providing definitions; providing rules for the conduct of bingo games, providing an effective date

— a companion measure, was substituted for CS for SB 279 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 611 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—35

Mr. President  Fox    Jennings    Myers
Barron  Frank    Johnston  Neal
Beard  Gersten  Kirkpatrick  Plummer
Carlucci  Girardeau  Langley  Stuart
Castor  Gordon  Matchon  Thomas
Childers, D  Grant  Mann  Thurman
Childers, W D  Grizzle  Margolis  Vogt
Crawford  Hair  Maxwell  Weinstein
Dunn  Henderson  Meek

Nays—1

McPherson

Vote after roll call

Yea—Jenne

CS for SB 279 was laid on the table

HB 180—A bill to be entitled An act relating to arrest; amending s. 901.21, Florida Statutes; providing procedures and conditions for the conduct of strip searches, requiring specified written permission and a report, providing an effective date

— was read the second time by title. On motion by Senator Fox, by two-thirds vote HB 180 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—44

Mr. President  Fox    Jennings    Myers
Barron  Frank    Jennings  Neal
Beard  Gersten  Johnston  Stuart
Carlucci  Girardeau  Kirkpatrick  Thomas
Castor  Grant  Langley  Thurman
Childers, D  Grizzle  Mann  Vogt
Childers, W D  Hair  Margolis  Weinstein
Crawford  Henderson  McPherson
Dunn  Hill  Meek

Nays—None

HB 310—A bill to be entitled An act relating to agricultural inspections; amending s. 570.1511, Florida Statutes, providing additional standards for application for a search warrant for regulatory inspection, providing an effective date

-
after posting of such notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from such airport after service or posting of the notice of lien as herein provided, and before payment of the amount due to the airport for landing fees and charges incurred by such aircraft, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 125.021, Florida Statutes, is hereby repealed.

Section 3. This act shall take effect October 1, 1983.

*****************************************

SENATE SUMMARY

Provides for liens on aircraft for charges accrued at publicly owned and operated airports. Prohibits the removal of an aircraft after the imposition of such liens and provides criminal penalties for the removal. Repeals provisions imposing liens on aircraft landing at county airports.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to publicly owned and operated
airports; providing for the imposition of a
lien on certain aircraft landing on certain
publicly owned and operated airports,
prohibiting the removal of such aircraft after
notice of lien has been served or posted,
providing penalties, repealing s. 125 021,
Florida Statutes, relating to liens on aircraft
landing at county airports, providing an
effective date

Be It Enacted by the Legislature of the State of Florida

Section 1. Airport facilities, lien for landing and
other fees —
(1) The governing body of any publicly owned and
operated airport shall have a lien upon all aircraft landing
upon any airport owned and operated by it for all charges for
landing fees and other fees and charges for the use of the
facilities of such airport by any such aircraft, when payment
of such charges and fees is not made immediately upon demand
therefor to the operator or owner of the aircraft by a duly
authorized employee of the airport. The lien for the full
amount of the charges and fees due to the airport attaches to
any aircraft owned or operated by the person owing such
charges and fees. Such lien may be enforced as provided by
law for the enforcement of warehousemen's liens in this state
(2) It is unlawful for any person to remove or attempt
to remove any such aircraft from such airport after notice of
the lien has been served upon the owner or operator thereof or

CODING Words in struck through type are deletions from existing law, words underlined are additions
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST STAFF DIRECTOR
1. Fradley/ Alberdi
2. 
3. 
REFERENCE ACTION
1. JCI Fav/l amend
2. 
3. 

SUBJECT: BILL NO. AND SPONSOR:
Airports SB 1130 by Senator Plummer

I. SUMMARY:

A. Present Situation:

Section 125.021, F.S., which applies only to Dade County, provides that the county shall have a lien upon all aircraft landing upon any airport owned and operated by it for all charges for landing fees and other fees and charges for the use of the facilities of the airport by any aircraft, when payment of the charges and fees is not made immediately upon demand to the operator or owner of the aircraft by a duly authorized employee of the county. The lien for the full amount of the charges and fees due to the county attaches to any aircraft owned or operated by the person owing the charges and fees. The lien may be enforced as provided by law for the enforcement of warehousemen's liens in this state.

It is unlawful for any person to remove or attempt to remove the aircraft from the airport after notice of the lien has been served on the owner or operator thereof or after posting of the notice on the aircraft. Any person who removes or attempts to remove the aircraft from the airport after service or posting of the notice of lien and before payment of the amount due to the county for landing fees and charges incurred by the aircraft, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

In 1981, a similar local law was passed which applies only to Lee County. Ch. Law 81-415.

B. Effect of Proposed Changes:

This bill repeals s. 125.021, F.S., and recreates the same language, but extends the application to all governing bodies of any publicly owned and operated airport rather than to just Dade County.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons landing aircraft on publicly owned airports may be required to pay all charges and fees immediately upon demand.

B. Government:

The governing body of any publicly owned airport will be more able to enforce payment of those charges and fees that are owed to it.
III. COMMENTS:

Similar bill, HB 1239, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:

#1 by Judiciary-Civil
Clarifies that the governing body of any publicly owned and operated airport is entitled to a lien.
**BILL ACTION REPORT**

(C3-75 File with Secretary of Senate)  
(S) FLORIDA BILL NO 1130

COMMITTEE ON JUDICIARY-CIVIL

DATE May 10, 1983

TIME 2:00 - 5:00 p.m.

PLACE Committee Room "B"

OTHER COMMITTEE REFERENCES
(In order shown)
None

THE VOTE WAS

Motion by Sen. Johnston to report favorably as amended

---

**FINAL BILL VOTE**

<table>
<thead>
<tr>
<th>SENATORS</th>
<th>Amend. #1, p 1, l 25</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aye</td>
</tr>
<tr>
<td>GERSTEN, Joseph M. &quot;Joe&quot;</td>
<td>X</td>
</tr>
<tr>
<td>HAIR, Mattax</td>
<td>X</td>
</tr>
<tr>
<td>JENNE, Kenneth C</td>
<td>X</td>
</tr>
<tr>
<td>JOHNSTON, Harry A., II</td>
<td>X</td>
</tr>
<tr>
<td>LANGLEY, Richard H</td>
<td>X</td>
</tr>
<tr>
<td>FOX, Roberta</td>
<td>X</td>
</tr>
<tr>
<td>SCOTT, James A</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>6</strong></td>
</tr>
</tbody>
</table>

---

Please Complete

The key sponsor appeared (X ) Plummer
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance (X ) Collier, Coulter

(Attach additional page if necessary)
The Committee on Judiciary-Civil...recommended the following amendment which was moved by Senator...and adopted:

Amendment

On page 1., line 25., after the word "airport"

insert:

or governing body of any publicly owned and operated airport
Amendment

On page 2, lines 8 & 9, strike all of Section 2; renumber subsequent section
SENATE AMENDMENT

Senator Jenne........................................moved the following Amendment.............which was adopted:

On page 2, between lines 7 & 8.....,

insert:

Section 2. Subsection (1) of section 713.58, Florida Statutes, is amended to read:

713.58 Liens for labor, or services, or material on personal property.--

(1) Any person who furnishes labor, or services, or material to any other person shall have a lien upon the personal property for which the labor, services, or material is furnished, or which is used in the business, occupation, or employment in which the labor, or services, or material is furnished.

Section 3. Section 713.792, Florida Statutes, is created to read:

713.792 Liens for aircraft; notice.--Any lien claimed on an aircraft pursuant to s. 713.58 is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor; the name of the owner; a description of the aircraft upon which the lienor has
expended labor, services, or material; the amount for which
the lien is claimed; and the date the expenditure was
completed. This section does not affect the priority of
competing interests in any aircraft or the lienor's obligation
to record his lien pursuant to s. 329.01.

(Renumber subsequent sections)
Title Amendment

In title, on page 1, lines 2-3, strike "publicly owned and operated airports" and insert:

liens
SENATE AMENDMENT

No. 3

(favorably)

Senator Jenne............................moved the following

Amendment.......which was adopted:

which failed:

Title Amendment

In title, on page 1..........., line 8......., after

"penalties;"

insert:

amending s. 713.58(1), Florida Statutes;

providing for liens upon personal property for

labor, services, or material; creating s.

713.792, Florida Statutes; providing for notice

of liens for aircraft;

CODING Words in struck through type are deletions from existing law, words underlined are additions

* Amendment No. ___ taken up by committee: Adopted ___ *
* Offered by _______ Failed ___ *

(Amendment No. ___ Adopted ___ Failed ___ Date ___/___/___)
A bill to be entitled

An act relating to liens; creating s 713 792,
Florida Statutes, providing for notice of liens
for aircraft, providing an effective date

Be It Enacted by the Legislature of the State of Florida

Section 1 Section 713 792, Florida Statutes, is
created to read.

713.~92 Liens for aircraft, notice.--Except when a
lienor is in possession of the aircraft, any lien claimed on
an aircraft pursuant to s. 713 58 is enforceable when the
lienor records a verified lien notice with the clerk of the
circuit court in the county where the aircraft was located at
the time the labor, services, or material was last furnished.
The notice shall state the name of the lienor, the name of the
owner, a description of the aircraft upon which the lienor has
expended labor, services, or material; the amount for which
the lien is claimed; and the date the expenditure was
completed. This section does not affect the priority of
competing interests in any aircraft or the lienor's obligation
to record his lien pursuant to s 329 01

Section 2. This act shall take effect October 1, 1983

********************************************

SENATE SUMMARY

Provides that a lien for labor, services, or material on
an aircraft is enforceable when the lienor records a
verified lien notice with the clerk of the circuit court
where the labor, services, or material was last
furnished.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST: Dr. Fadley
STAFF DIRECTOR: Alberdi
REFERENCE ACTION: 1. JCI Favor/3 amend
SUBJECT: Liens
BILL NO. AND SPONSOR: SB 620 by Senator Jenne

I. SUMMARY:

A. Present Situation:

In the past, whenever a person was entitled to a lien against aircraft for providing labor or services, a claim of lien could be filed with and recorded by the Federal Aviation Administration and would be reflected in a title search on the particular aircraft.

However, the Aeronautical Center Counsel for the FAA in Oklahoma City, Oklahoma, stated that the FAA will no longer record lien claims from the State of Florida. The reason for this is that s. 506 of the Federal Aviation Act (49 U.S.C. 1406) requires the FAA to honor state law in determining the validity of documents submitted for recordation, and since Florida does not have a statute delineating the essential elements of lien recording, such as place of filing, verification, and time within which to file, the FAA will no longer record such lien claims as it had in the past.

B. Effect of Proposed Changes:

SB 620 provides that except when a lienor is in possession of the aircraft, any lien claimed pursuant to s. 713.58, F.S., is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor, the name of the owner, a description of the aircraft, the amount for which the lien is claimed, and the date the expenditure was completed.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

Although this bill provides a procedure for recording liens on aircraft for furnishing labor, services, or material, the Florida Statutes currently do not provide for a lien on personal property for furnishing material. A lien is provided only for performing labor or services.

This bill excludes lienors who are in possession of the aircraft from the recording provision. Under current law, a lienor who is
In possession may retain the property for 3 months and may then sell the property pursuant to a nonjudicial sale. However, the nonjudicial sale statute is probably unconstitutional. Excluding a lienor who is in possession from the recording provision has the effect of preventing that lienor from establishing priority of his lien.

Similar bill, HB 567, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:

1 by Judiciary-Civil:
Provides for a lien on personal property for any person who furnishes material for the personal property.

2 by Judiciary-Civil:
Allows lienors who are in possession of the aircraft to file the notice of lien.

3 by Judiciary-Civil:
Title amendment.
MEMORANDUM

TO: Honorable Kenneth C. Jenne
FROM: Donald S. Fradley
SUBJECT: Amendments to SB 620
DATE: April 19, 1983

SB 620 provides a method for recording liens claimed on aircraft for furnishing labor, services or material. However, the Florida Statutes currently do not provide for liens upon personal property when a person furnishes material.

AMENDMENT #1 adds the word "material" and corrects the grammar of s. 713.58, F.S.

AMENDMENT #2 deletes the provision excluding lienors in possession of the aircraft from being able to record their lien pursuant to that section. Lienors in possession need to record in order to establish priority. The reason they were excluded in last year's bill, SB 299, was because they would have had a constitutional method of selling the aircraft pursuant to a nonjudicial sale. Currently, a lienor in possession may retain the property for 3 months. Although he is authorized to sell it pursuant to a nonjudicial sale statute, the statute most likely is unconstitutional.

AMENDMENT #3 is a title amendment.

DSP: bv

Attachments
SENATE COMMITTEE AMENDMENT

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator and adopted:

Amendment

On page 1, line 7, insert:

Section 1. Subsection (1) of section 713.58, Florida Statutes, is amended to read:

713.58 Liens for labor, services, or material on personal property.--

(1) Any person who furnishes in-favor-of-persons performing labor, services, or material to any other person shall have a lien on the personal property for which the labor, services, or material is furnished, of the latter upon which the labor or services is performed, or which is used in the business, occupation, or employment in which the labor, services, or material is furnished performed.

(Renumber subsequent sections)
The Committee on Judiciary-Civil......recommended the following amendment which was moved by Senator.............and adopted:

on page 1........, lines 10 & 11.., strike

"Except when a lienor is in possession of the aircraft,"

CODING Words in struck through type are deletions from existing law, words underlined are additions.

* Amendment No. 2, taken up by committee: Adopted X *
* Offered by Senator Jenne Failed *

(Amendment No. ___ Adopted ___ Failed ___ Date __/__/__)
The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator and adopted: and failed:

**Title Amendment (for Am. 1)**

In title, on page 1, line 2, after "liens;"

insert:

amending s. 713.58(1), Florida Statutes;

providing for liens upon personal property for labor, services, or material;
March 1, 1983

The Honorable Kenneth C. Jenne
The Florida State Senate
The Capitol
Tallahassee, FL 32301

Dear Senator Jenne:

I am writing in support of your Bill 713.792, "Liens for Aircraft."

As you know, the business of buying and selling aircraft is rather unique in that aircraft are recorded with the FAA, as well as any liens against the aircraft. After 18 years in the aircraft business, it has recently come to my attention when I had a recording of a lien refused by the FAA for the reason that, "... your State does not have provisions for filing notices of artisan's liens against aircraft and, therefore, the Federal Aviation Administration has no authority to record such liens asserted in your State."

Your bill will protect both buyers and sellers against unrecorded claims that may be lurking in the shadows against an aircraft. The buyer is at risk in Florida because once he purchases an aircraft he may subsequently have civil action brought against him for an artisan's lien against the aircraft which had been duly recorded in the State of Florida.

This action can be avoided by your bill, and I heartily endorse the importance that this bill be enacted as soon as possible in the interest of all buyers and sellers of aircraft.

Sincerely yours,

J. A. Lauderbaugh
President

JAL:dfb
February 3, 1983

The Honorable Ken Jenne
State Senator
The Florida Senate
Room 248, Senate Office Building
Tallahassee, Florida 32301

Dear Senator:

One of the members of Associated Industries of Florida has recently brought to my attention a problem which I feel should be corrected. Florida has no specific procedure for the recording of aircraft liens. As a result, the Federal Aviation Administration has no authority to record such liens asserted in Florida.

The problem came to light as the result of an attempt by the member to file a lien for work accomplished on an aircraft that had been confiscated for drug involvement. Because Florida has no provisions for filing notice of artisans liens against aircraft, the Federal Aviation Administration rejected the request to have the lien recorded.

This issue was previously addressed in SB 299 during the 1982 Legislative Session. SB 299, by the Senate Judiciary Civil Committee, dealt with miscellaneous liens for property. The legislation, which was 15 pages in length, included a provision to provide the necessary, specific procedure for recording aircraft liens to enable the FAA to record such liens. The proposal passed the Senate in 1982 by a vote of 38-0. It was passed favorably by the House Judiciary Committee, but died on the House Calendar at the close of the 1982 Session.

Enclosed is a bill which includes the appropriate language from SB 299. It is respectfully requested that you send the enclosed to bill drafting and file it when it is placed in final form. If you require further information on this issue, please do not hesitate to contact me.

Kindest personal regards,

Sincerely,

Jon L. Shebel
President
A bill to be entitled
An act relating to liens; creating s. 713.792, Florida Statutes,
providing for notice of liens for aircraft; providing an
effective date.

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

Section 1. Section 713.792, Florida Statutes, is created to read:

713.792 Liens for aircraft; notice. — Except when a lienor is in possession of the
aircraft, any lien claimed on an aircraft pursuant to s. 713.58 is enforceable when the
lienor records a verified lien notice with the clerk of the circuit court in the county
where the aircraft was located at the time the labor, services, or material was last
furnished. The notice shall state the name of the lienor, the name of the owner, a
description of the aircraft upon which the lienor has expended labor, services, or
material, the amount for which the lien is claimed and the date the expenditure was
completed. This section shall not be construed to affect the priority of competing
interests in any aircraft or the lienor's obligation to record his lien pursuant to s. 329.01.

Section 2. This act shall take effect October 1, 1983.
By Representatives Cosgrove and Healey

A bill to be entitled

An act relating to liens; creating s. 713.792, Florida Statutes, providing for notice of liens for aircraft; providing for contents and filing thereof; providing for priority of competing interests and other obligation to record; providing an effective date.

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

Section 1. Section 713.792, Florida Statutes, is created to read:

713.792 Liens for aircraft; notice.—Except when a lienor is in possession of the aircraft, any lien claimed on an aircraft pursuant to s. 713.58 is enforceable when the lienor records a verified lien notice with the clerk of the circuit court in the county where the aircraft was located at the time the labor, services, or material was last furnished. The notice shall state the name of the lienor, the name of the owner, a description of the aircraft upon which the lienor has expended labor, services, or material, the amount for which the lien is claimed, and the date the expenditure was completed. This section shall not be construed to affect the priority of competing interests in any aircraft or the lienor's obligation to record his lien pursuant to s. 329.01.

Section 2. This act shall take effect October 1, 1983.

*****************************************************************

HOUSE SUMMARY

Provides for notice of liens for aircraft. Provides for contents and filing thereof. Provides that such filing shall not affect the priority of competing interests in any aircraft or the lienor's obligation to record his lien with the U.S. Civil Aeronautics Administrator.

CODING Words in struck through type are deletions from existing law, words underlined are additions
(1) Any authority which issues any revenue bonds pursuant to this
part shall supply the Division of Bond Finance of the Department of
General Services with a copy of the report required pursuant to s.
103 of the Internal Revenue Code of 1954, as amended, at the times
required pursuant to said section.

(2) The Division of Bond Finance of the Department of General
Services shall
(a) Upon receipt, provide a copy of the information supplied
pursuant to subsection (1) to the Division of Economic Development of
the Department of Commerce.

(b) Prepare and submit an annual report to the Governor and the
Legislature by February 15, detailing the information provided
pursuant to subsection (1) on each bond issued in the preceding year.

Section 27 This act shall take effect upon becoming a law
Approved by the Governor June 24, 1983
Filed in Office Secretary of State June 27, 1983

An act relating to aircraft; providing for the imposition of
charges and fees due to the airport or operator of
an airport upon all aircraft landing upon any airport
owned or operated by it for all charges for landing fees and other
fees Such lien may be enforced as provided by law for the
enforcement of warehousemen’s liens in this state

(2) It is unlawful for any person to remove or attempt to remove
any such aircraft from such airport after notice of the lien has been
served upon the owner or operator thereof or after posting of such
notice upon such aircraft. Any person who removes or attempts to
remove any such aircraft from such airport after service or posting
of the notice of lien hereinafore provided, and before payment of the
amount due to the airport for landing fees and charges incurred by
such aircraft, is guilty of a misdemeanor of the second degree,
punishable as provided in s. 775.082 or s. 775.083

Section 2 Section 713.792, Florida Statutes, is created to read
713.792 Liens for aircraft, notice.--Any lien recorded on an
aircraft pursuant to s. 713.78 is enforceable when the lienor records
a verified lien notice with the clerk of the circuit court in the
county where the aircraft was located at the time the labor,
services, or material was last furnished. The notice shall state the
name of the lienor, the name of the owner, a description of the
aircraft upon which the lienor has expended labor, services or
material, the amount for which the lien is claimed, and the date
the expenditure was completed. This section does not affect the priority
of competing interests in any aircraft or the lienor’s obligation to
record his lien pursuant to s. 329.01

Section 3 Aircraft identification --

(1) It is unlawful for any person, firm, corporation, or
association, in the interest of the public welfare it shall be unlawful for any person, firm, corporation, or
association to install, maintain, or operate in his possession any
aircraft which has been equipped or has installed in its wings or
fuselage fuel tanks, bladders, drums, or other containers which will
hold fuel which do not conform to federal aviation regulations or
which have not been approved by the Federal Aviation Administration
by inspection or special permit. This section shall also mean to include all
pipelines, hoses, or auxiliary pumps which by their presence in the
aircraft could be used to introduce fuel into the primary fuel system
of other aircraft. The containers, bladders, drums, or other
containers shall be clearly marked with the name of the owner of the
property or if such aircraft is stored on private property upon the
consent of the owner of the property

Section 4 Aircraft fuel tanks --In the interest of the public
welfare it shall be unlawful for any person, firm, corporation, or
association to install, maintain, or operate in his possession any
aircraft which has been equipped or has installed in its wings or
fuselage fuel tanks, bladders, drums, or other containers which will
hold fuel which do not conform to federal aviation regulations or
which have not been approved by the Federal Aviation Administration
by inspection or special permit. This section shall also mean to include all
pipelines, hoses, or auxiliary pumps which by their presence in the
aircraft could be used to introduce fuel into the primary fuel system
of other aircraft. The containers, bladders, drums, or other
containers shall be clearly marked with the name of the owner of the
Any aircraft found to be registered to a nonexistent person, firm, or corporation, or address shall be in violation of this section. Any evidence of a firm or corporation that has no physical location, corporate offices, or has lapsed into such a state as being inactive, and is listed with the Secretary of State, shall have shown to be in violation of this section by attempting to conceal the true ownership of any or all aircraft within its control. Any violation of this section shall be deemed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5 Aircraft registration — It shall be unlawful for any person in this state to have in his possession an aircraft that is not properly registered with the Federal Aviation Administration. Any aircraft found to be registered to a nonexistent person, firm, or corporation, or address shall be in violation of this section. Any evidence of a firm or corporation that has no physical location, corporate offices, or has lapsed into such a state as being inactive, and is listed with the Secretary of State, shall have shown to be in violation of this section by attempting to conceal the true ownership of any or all aircraft within its control. Any violation of this section shall be deemed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. Section 125.021, Florida Statutes, is hereby repealed.

Section 7. This act shall take effect October 1, 1983.

Approved by the Governor June 24, 1983.

Filed in Office Secretary of State June 27, 1983.

CHAPTER 83-273
House Bill No 1257

An act relating to public hearings and meetings, adding s 120 52(15), Florida Statutes, 1982 Supplement, defining "Communications media technology", adding s. 120 53(6), Florida Statutes, requiring agencies to adopt rules for the use of certain communications media technology for the presentation of testimony, evidence, and argument, including oral and written communications, at meetings, hearings, and workshops; providing an effective date

WHEREAS, state agencies and the public should be allowed to employ advances in telecommunication media technology to increase efficiency and convenience of transacting public business with or by a state agency, and

WHEREAS, any communications received should be afforded equal consideration regardless of the method of communication, NOW, THEREFORE

Be It Enacted by the Legislature of the State of Florida

Section 1 Short title — This act shall be cited as the "Telecommunications in Evidence Act"

Section 2 Subsection (15) is added to section 120 52, Florida Statutes, 1982 Supplement, to read

120 52 Definitions — As used in this act

(15) "Communications media technology" means the electronic transmission of printed matter, audio, full motion video, freeze frame video, compressed video, and digital video, by any method available.

Section 3. Subsection (6) is added to section 120 53, Florida Statutes, to read

120 53 Adoption of rules of procedure and public inspection —

(6) Each state agency, as defined in s. 216.011, shall adopt rules providing a procedure for conducting meetings, hearings, and workshops, and for receiving evidence, testimony, and argument at such meetings, hearings, and workshops, by means of communications media technology. The rules shall provide that all evidence, testimony, and argument presented shall be afforded equal consideration, regardless of the method of communication. If a meeting, hearing, or workshop is to be conducted by means of communications media technology, or if attendance may be provided by such means, the notice shall so state. The notice shall state the notice for meetings, hearings, and workshops utilizing communications media technology shall state how persons interested in attending may do so and shall name locations.

Section 4. This act shall take effect October 1, 1983.

Approved by the Governor June 24, 1983.

Filed in Office Secretary of State June 27, 1983.

CHAPTER 83-274
House Bill No 1262

An act relating to corrections, adding a subsection to s 944.033, Florida Statutes, prohibiting the placement of certain sex offenders in community correctional centers, amending s 945.091(2) and 958.09(2), Florida Statutes, and adding a new subsection (2) to s. 951.24, Florida Statutes, declaring certain sex offenders ineligible for any extension of the limits of confinement by the state or a county or for any county work-release program, amending s. 916.11(2), Florida Statutes, 1982 Supplement, requiring the Department of Health and Rehabilitative Services' diagnosis and evaluation team to examine defendants petitioned of being mentally retarded, amending s. 916.13(1), Florida Statutes, and adding subsection (3) thereto, providing for the placing of a defendant adjudicated incompetent to stand trial due to mental retardation, amending s. 916.16, Florida Statutes,
I. SUMMARY:

A. Present Situation.

Section 125.021, F.S., which applies only to Dade County, provides that the county shall have a lien upon all aircraft landing upon any airport owned and operated by it for all charges for landing fees and other fees and charges for the use of the facilities of the airport by any aircraft, when payment of the charges and fees is not made immediately upon demand to the operator or owner of the aircraft by a duly authorized employee of the county. The lien for the full amount of the charges and fees due to the county attaches to any aircraft owned or operated by the person owing the charges and fees. The lien may be enforced as provided by law for the enforcement of warehousemen's liens in this state.

It is unlawful for any person to remove or attempt to remove the aircraft from the airport after notice of the lien has been served on the owner or operator thereof or after posting of the notice on the aircraft. Any person who removes or attempts to remove the aircraft from the airport after service or posting of the notice of lien and before payment of the amount due to the county for landing fees and charges incurred by the aircraft, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

In 1981, a similar local law was passed which applies only to Lee County. Ch. Law 81-415.

B. Effect of Proposed Changes:

This bill repeals s. 125.021, F.S., and recreates the same language, but extends the application to all governing bodies of any publicly owned and operated airport rather than to just Dade County.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Those persons landing aircraft on publicly owned airports may be required to pay all charges and fees immediately upon demand.

B. Government:

The governing body of any publicly owned airport will be more able to enforce payment of those charges and fees that are owed to it.
III. COMMENTS:

Similar bill, HB 1239, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:

§1 by Judiciary-Civil
Clarifies that the governing body of any publicly owned and operated airport is entitled to a lien.
A bill to be entitled
An act relating to publicly owned and operated
airports; providing for the imposition of a
lien on certain aircraft landing on certain
publicly owned and operated airports;
prohibiting the removal of such aircraft after
notice of lien has been served or posted;
providing penalties; repealing s. 125.021,
Florida Statutes, relating to liens on aircraft
landing at county airports; providing an
effective date.

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

Section 1. Airport facilities; lien for landing and
other fees.--

(1) The governing body of any publicly owned and
operated airport shall have a lien upon all aircraft landing
upon any airport owned and operated by it for all charges for
landing fees and other fees and charges for the use of the
facilities of such airport by any such aircraft, when payment
of such charges and fees is not made immediately upon demand
therefor to the operator or owner of the aircraft by a duly
authorized employee of the airport. The lien for the full
amount of the charges and fees due to the airport attaches to
any aircraft owned or operated by the person owing such
charges and fees. Such lien may be enforced as provided by
law for the enforcement of warehousemen's liens in this state.

(2) It is unlawful for any person to remove or attempt
to remove any such aircraft from such airport after notice of
the lien has been served upon the owner or operator thereof or
after posting of such notice upon such aircraft. Any person who removes or attempts to remove any such aircraft from such airport after service or posting of the notice of lien as herein provided, and before payment of the amount due to the airport for landing fees and charges incurred by such aircraft, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 125.021, Florida Statutes, is hereby repealed.

Section 3. This act shall take effect October 1, 1983.

SENATE SUMMARY

Provides for liens on aircraft for charges accrued at publicly owned and operated airports. Prohibits the removal of an aircraft after the imposition of such liens and provides criminal penalties for the removal. Repeals provisions imposing liens on aircraft landing at county airports.
By Senator Langley-

A bill to be entitled
An act relating to aircraft, prohibiting
 certain actions with respect to aircraft the
 identification of which is concealed or
 altered; providing a penalty, providing for
 seizure and inspection of aircraft for certain
 purposes; prohibiting the possession or
 maintenance of aircraft with illegal fuel
 capacity; providing a penalty, declaring
 aircraft to be a dangerous instrumentality,
 providing liability, prohibiting the possession
 of unregistered aircraft and restricting such
 registration, providing a penalty, providing an
 effective date

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

Section 1 Aircraft identification —
(1) It is unlawful for any person, firm, association,
or corporation to buy, sell, offer for sale, receive, dispose
of, conceal, or have in his possession, or to endeavor to buy,
sell, offer for sale, receive, dispose of, conceal, or
possess, any aircraft or part thereof on which the assigned
identification number has been altered, removed, destroyed,
covered, or defaced or maintain such aircraft in any manner
which conceals or misrepresents the true identity of the
aircraft Any person violating any provision of this
subsection is guilty of a felony of the third degree,
punishable as provided in s 775 082, s 775 083, or s
775 084, Florida Statutes

CODING Words in strike through type are deletions from existing law, words underlined are additions
(2) Failure to have the aircraft identification numbers clearly displayed on the aircraft and in compliance with federal aviation regulations shall be probable cause for any law enforcement officer in the state to make further inspection of the aircraft in question to ascertain the true identity thereof. The state may seize the aircraft and search for the identification numbers if the aircraft is on public property or if it is stored on private property upon the consent of the owner of the property on which the aircraft is stored.

Section 2 Aircraft fuel tanks -- In the interests of the public welfare it shall be unlawful for any person, firm, corporation, or association to install, maintain, or have in his possession any aircraft which has been equipped or had installed in its wings or fuselage fuel tanks, bladders, drums, or other containers which will hold fuel which do not conform to federal aviation regulations or which have not been approved by the Federal Aviation Administration by inspection or special permit. This shall also mean to include all pipes, hoses, or auxiliary pumps which by their presence in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers. Any person violating any provision of this section is guilty of a felony of the third degree, punishable as provided in § 775.082, § 775.083, or § 775.084, Florida Statutes.

Section 3 Aircraft declared dangerous instrumentality; civil and criminal liability -- All aircraft, of whatever classification, shall be considered dangerous instrumentalities in this state and any pilot of such aircraft shall, during any utilization of said aircraft, exercise the

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
highest degree of care in order to prevent injuries to others. Liability for negligent operation of an aircraft shall be the responsibility of not only the pilot of the aircraft but also the owner or person giving permission for the aircraft's use. This responsibility shall be assumed when any injury or damage is occasioned by the negligent operation of such aircraft, whether such negligence consists of a violation of the provisions of the statutes of this state or negligence in observing such care and operation as the rules of the common law require.

Section 4 Aircraft registration.--It shall be unlawful for any person in this state to have in his possession an aircraft that is improperly registered. Any aircraft found to be registered to a nonexistent person, firm, corporation, or address shall be in violation of this section. Furthermore, any aircraft that is registered to a firm or corporation must be registered to a firm or corporation that is duly registered and doing business. Any evidence of a firm or corporation that has no physical location, corporate officers, or has lapsed into such a state as being inactive shall have shown to be in violation of this section by attempting to conceal the true ownership of any or all aircraft within its control. Any violation of this section shall be deemed a felony of the third degree, punishable as provided in ss 775.082, 775.083, or 775.084, Florida Statutes.

Section 5 This act shall take effect October 1, 1983.
House Summary

Prohibits the purchase, sale, receipt, disposal, concealment, or possession of aircraft on which the identification numbers have been altered or concealed.

Provides a third degree felony penalty. Authorizes certain inspection and seizure of aircraft upon probable cause. Prohibits the installation, maintenance, or possession of aircraft with illegal fuel capacity.

Provides a third degree felony penalty. Declares aircraft to be dangerous instrumentalities necessitating the highest degree of care in the operation thereof.

Provides that liability for negligence may extend beyond the operator to the owner or person authorizing use of the aircraft. Requires aircraft to be properly registered. Requires firms and corporations which register aircraft to actually be doing business.

Provides a third degree felony penalty.

Coding: Words in square through type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to aircraft; prohibiting
certain actions with respect to aircraft the
identification of which is concealed or
altered; providing a penalty; providing for
seizure and inspection of aircraft for certain
purposes; prohibiting the possession or
maintenance of aircraft with illegal fuel
capacity; providing a penalty; declaring
aircraft to be a dangerous instrumentality;
providing liability; prohibiting the possession
of unregistered aircraft and restricting such
registration; providing a penalty; providing an
effective date.

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

Section 1. Aircraft identification.--
(1) It is unlawful for any person, firm, association,
or corporation to buy, sell, offer for sale, receive, dispose
of, conceal, or have in his possession, or to endeavor to buy,
sell, offer for sale, receive, dispose of, conceal, or
possess, any aircraft or part thereof on which the assigned
identification number has been altered, removed, destroyed,
covered, or defaced or maintain such aircraft in any manner
which conceals or misrepresents the true identity of the
aircraft. Any person violating any provision of this
subsection is guilty of a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.
(2) Failure to have the aircraft identification numbers clearly displayed on the aircraft and in compliance with federal aviation regulations shall be probable cause for any law enforcement officer in the state to make further inspection of the aircraft in question to ascertain the true identity thereof. The state may seize the aircraft and search for the identification numbers if the aircraft is on public property or if it is stored on private property upon the consent of the owner of the property on which the aircraft is stored.

Section 2. Aircraft fuel tanks.—In the interests of the public welfare it shall be unlawful for any person, firm, corporation, or association to install, maintain, or have in his possession any aircraft which has been equipped or had installed in its wings or fuselage fuel tanks, bladders, drums, or other containers which will hold fuel which do not conform to federal aviation regulations or which have not been approved by the Federal Aviation Administration by inspection or special permit. This shall also mean to include all pipes, hoses, or auxiliary pumps which by their presence in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers. Any person violating any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Aircraft declared dangerous instrumentality; civil and criminal liability.—All aircraft, of whatever classification, shall be considered dangerous instrumentalities in this state and any pilot of such aircraft shall, during any utilization of said aircraft, exercise the highest degree of care in order to prevent injuries to others.
Liability for negligent operation of an aircraft shall be the responsibility of not only the pilot of the aircraft but also the owner or person giving permission for the aircraft's use. This responsibility shall be assumed when any injury or damage is occasioned by the negligent operation of such aircraft, whether such negligence consists of a violation of the provisions of the statutes of this state or negligence in observing such care and operation as the rules of the common law require.

Section 4. Aircraft registration.--It shall be unlawful for any person in this state to have in his possession an aircraft that is improperly registered. Any aircraft found to be registered to a nonexistent person, firm, corporation, or address shall be in violation of this section. Furthermore, any aircraft that is registered to a firm or corporation must be registered to a firm or corporation that is duly registered and doing business. Any evidence of a firm or corporation that has no physical location, corporate officers, or has lapsed into such a state as being inactive shall have shown to be in violation of this section by attempting to conceal the true ownership of any or all aircraft within its control. Any violation of this section shall be deemed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. This act shall take effect October 1, 1983.
HOUSE SUMMARY

Prohibits the purchase, sale, receipt, disposal, concealment, or possession of aircraft on which the identification numbers have been altered or concealed. Provides a third degree felony penalty. Authorizes certain inspection and seizure of aircraft upon probable cause. Prohibits the installation, maintenance, or possession of aircraft with illegal fuel capacity. Provides a third degree felony penalty. Declares aircraft to be dangerous instrumentalities necessitating the highest degree of care in the operation thereof. Provides that liability for negligence may extend beyond the operator to the owner or person authorizing use of the aircraft. Requires aircraft to be properly registered. Requires firms and corporations which register aircraft to actually be doing business. Provides a third degree felony penalty.
any law enforcement officer in the state to make further
inspection of the aircraft in question to ascertain the true
identity thereof. Law enforcement officers are authorized to
inspect aircraft for identification numbers on public property
or if such aircraft is stored on private property upon the
consent of the owner of the property.

Section 2. Aircraft fuel tanks.--In the interests of
the public welfare it shall be unlawful for any person, firm,
corporation, or association to install, maintain, or have in
his possession any aircraft which has been equipped or had
installed in its wings or fuselage fuel tanks, bladders,
drums, or other containers which will hold fuel which do not
conform to federal aviation regulations or which have not been
approved by the Federal Aviation Administration by inspection
or special permit. This shall also mean to include all pipes,
hoses, or auxiliary pumps which by their presence in the
aircraft could be used to introduce fuel into the primary fuel
system of the aircraft from such tanks, bladders, drums, or
containers. Any person violating any provision of this
section is guilty of a felony of the third degree, punishable
as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Aircraft declared dangerous
instrumentality; civil liability.--All aircraft, of whatever
classification, shall be considered dangerous
instrumentalities in this state and any pilot of such aircraft
shall, during any utilization of said aircraft, exercise due
care in order to prevent injuries to others. Liability for
negligent operation of an aircraft shall be the responsibility
of not only the pilot of the aircraft but also the owner or
person giving permission for the aircraft's use. This
responsibility shall be assumed when any injury or damage is

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to aircraft; prohibiting certain actions with respect to aircraft the identification of which does not meet federal requirements; providing a penalty; providing for inspection of aircraft for certain purposes; prohibiting the possession or maintenance of aircraft with illegal fuel capacity; providing a penalty; declaring aircraft to be a dangerous instrumentality; providing liability; prohibiting the possession of unregistered aircraft and restricting such registration; providing a penalty; providing an effective date.

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

Section 1. Aircraft identification.--

(1) It is unlawful for any person, firm, association, or corporation to knowingly buy, sell, offer for sale, receive, dispose of, conceal, or have in his possession, or to endeavor to buy, sell, offer for sale, receive, dispose of, conceal, or possess, any aircraft or part thereof on which the assigned identification number does not meet the display requirements of the federal aviation regulations. Any person violating any provision of this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Failure to have the aircraft identification numbers clearly displayed on the aircraft and in compliance with federal aviation regulations shall be probable cause for
occasioned by the negligent operation of such aircraft,
whether such negligence consists of a violation of the
provisions of the statutes of this state or negligence in
observing such care and operation as the rules of the common
law require. The use of any aircraft in the perpetration of
any criminal activity shall constitute negligence per se.

Section 4. Aircraft registration.--It shall be
unlawful for any person in this state to have in his
possession an aircraft that is not properly registered with
the Federal Aviation Administration. Any aircraft found to be
registered to a nonexistent person, firm, corporation, or
address shall be in violation of this section. Any evidence
of a firm or corporation that has no physical location,
corporate officers, or has lapsed into such a state as being
inactive, and is so listed with the Secretary of State, shall
have shown to be in violation of this section by attempting to
conceal the true ownership of any or all aircraft within its
control. Any violation of this section shall be deemed a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

Section 5. This act shall take effect October 1, 1983.