1983

Session Law 83-067

Florida Senate & House of Representatives

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Recommended Citation
1. Joint Legislative Management Committee, Division of Legislative Information. History of Legislation, 1983 Regular Session. Senate Bill (SB) 671 (pp. 222-223) and House Bill (HB) 831 (pp. 263-264).


4. SB 671 First Engrossed.


7. House. Committee on Judiciary. Undated summary of HB 831, with undated memorandum re. proposed amendment to FS §708.08 attached.


### LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

<table>
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<tr>
<th>Sess. Law #</th>
<th>83-67</th>
<th>Sec. #</th>
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<tr>
<td>Prime Bill #</td>
<td>58-67</td>
<td>Comp./Sim. Bills</td>
<td>H8 831 (substitute)</td>
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<td>Hist. Cites House</td>
<td>263-64</td>
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### COMMITTEE RECORDS

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- 5/4 Subme
- 5/6 Full

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### Senate/House Journals

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### Committee/Floor Tapes

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### Other Documentation

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**NOTES**
07/25/83 13199

05/24/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE GOVERNMENTAL OPERATIONS
04/03/83 SENATE INTRODUCED, POSTPONED & W/O SCJR 12093; WAS IN COMMITTEE, BILL PASSED, SEE SB 35% (CH. 83-78)

5 069 GENERAL BILL/CS BY EDUCATION; MEEK (IDENTICAL CS/H 0593)
BILLS: PROVIDES FOR REIMBURSEMENT OF PERSONS REGUIDED TO MOVE FROM PROPERTY ACQUIRED BY A BOARD, INCLUDING THE BOARD OF REGENTS, FOR MOVING & RELOCATION EXPENSES; PROVIDES LIMITATIONS. CREATES §35.056.
EFFECTIVE DATE: 07/01/83.
04/11/83 SENATE FILED
04/13/83 SENATE INTRODUCED, REFERRED TO EDUCATION; APPROPRIATIONS
04/27/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE EQUATION; ON COMMITTEE AGENDA—EDUCATION, NO ACTION
05/03/83 SENATE ON COMMITTEE AGENDA—EDUCATION; 05/05/83, 2:00 PM, RM. A
05/05/83 SENATE COMMITTEE REPORT: C/S BY EDUCATION — SJ 0022; C/S READ FIRST TIME 05/10/83 — SJ 00239
05/08/83 SENATE NOW IN APPROPRIATIONS — SJ 0024; EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
06/03/83 SENATE INDEFINITELY POSTPONED & W/O SCJR 12093; WAS IN COMMITTEE ON APPROPRIATIONS

5 0670 GENERAL BILL/CS BY COMMERCE, KIRKPATRICK AND OTHERS (SIMILAR CS/H 0896)
INSURANCE: Provides for a limited agent's license for crop hail and multiple peril crop insurance; permits sharing of commissions derived from sale of such insurance; provides for termination of limited licenses; provides for filing of names, etc. AMENDS 262.6321, 6323., .51, .51.
EFFECTIVE DATE: 07/01/83.
04/11/83 SENATE FILED
04/13/83 SENATE INTRODUCED, REFERRED TO COMMERCE — SJ 00093
04/14/83 SENATE ON COMMITTEE AGENDA—COMMERCE, 04/19/83, 2:00 PM, RM. A
04/19/83 SENATE COMMITTEE REPORT: C/S PLACED ON CALENDAR BY COMMERCE — SJ 00134
04/21/83 SENATE C/S READ FIRST TIME — SJ 00153
04/28/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED; YEAS 39 NAYS 0 — SJ 00186
05/03/83 HOUSE RECEIVED, PLACED ON CALENDAR — HJ 00370
05/12/83 HOUSE READING PLACED ON CALENDAR
05/15/83 HOUSE AMENDED FOR C/S HB 944; READ SECOND TIME — HJ 00420
05/17/83 HOUSE PLACED THIRD READING; PASSED; YEAS 118 NAYS 0 — HJ 00437
05/19/83 SENATE ORDINARILY EMBARGOED — SJ 00306
05/23/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR — SJ 00333
05/26/83 APPROVED BY GOVERNOR; CHAPTER NO. 83-54 — SJ 00451

5 0671 GENERAL BILL BY SCOTT AND OTHERS (SIMILAR H 0896)
MAILED; WOMEN'S PROPERTY: DELETES LANGUAGE RE ABOLISHED RIGHT OF GOWER; PROVIDES THAT CERTAIN TRANSACTIONS ARE VALID IF EXECUTED BY MARRIED WOMAN BEFORE OR AFTER EFFECTIVE DATE OF 1988 STATE CONSTITUTION; PROVIDES STATUTE OF LIMITATIONS FOR FILING NOTICE OF LIS PENDENS, ETC.
AMENDS 703.18; EFFECTIVE DATE: 07/01/83.
04/11/83 SENATE FILED
04/13/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL — SJ 00093
04/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL ON COMMITTEE AGENDA—JUDICIARY-CIVIL, 04/20/83, 2:00 PM, RM. A
04/20/83 SENATE COMMITTEE REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY JUDICIARY-CIVIL — SJ 00134
05/05/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED AS AMENDED; YEAS 36 NAYS 0 — SJ 00235
05/07/83 HOUSE IN MESSAGGS
05/12/83 HOUSE RECEIVED, PLACED ON CALENDAR — HJ 00370
05/19/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/24/83 HOUSE SUBSTITUTED FOR HB 831; READ SECOND TIME — HJ 00422
CONTINUED ON NEXT PAGE
S 0672

GENERAL BILL/CS BY EDUCATION, GRANT, FRANK, MANN AND OTHERS
(SIMILAR UN/H 0463, S 0943, S 1147)

EDUCATION: PROVIDES FOR ULTRACOND SCHOOL PERSONNEL TO ASSIST STUDENTS IN ADMINISTRATION OF PRESCRIBED MEDICATION UNDER CERTAIN CIRCUMSTANCES; REQUIRES WRITTEN PARENTAL PERMISSION TO INCLUDE AN EXPLANATION OF NECESSITY FOR MEDICATION; CREATES PROPER STORAGE, ETC. CREATES 232.0316. EFFECTIVE DATE: 07/01/83.

04/11/83 SENATE FILED
04/13/83 SENATE INTRODUCED, REFERRED TO EDUCATION -SJ 00093
04/27/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION
05/05/83 SENATE ON COMMITTEE AGENDA- EDUCATION, NO ACTION
05/06/83 SENATE ON COMMITTEE AGENDA- EDUCATION, NO ACTION
05/10/83 SENATE C/S COMBINES THIS BILL AND SB 943 AND SB 1147; COMM. REPORT: C/S PLACED ON CALENDAR BY EDUCATION -SJ 00250
05/12/83 SENATE C/S READ FIRST TIME -SJ 00257
05/25/83 SENATE PLACED ON CONSENT CALENDAR; IDEN./SIM. 1-0 USE BILL SUBSTITUTE D -SJ 00356; LAID ON TABLE UNDER RULE, IDEN./SIM./COMPARE BILL PASSED, REFER TO HB 463 (CH. 83-121) -SJ 00357

S 0673

HARNESS RACING: INCREASES NUMBER OF RACING DAYS ALLOWED FOR HANNESS RACING; ENACTS NEW LAW REGARDING LIMITATION ON TORT LIABILITY OF STATE, ITS AGENCIES, & SUBDIVISIONS. AMENDS 768.28. EFFECTIVE DATE: 07/01/83.

04/11/83 SENATE FILED
04/13/83 SENATE INTRODUCED, REFERRED TO JUDICIARY-CIVIL, FINANCE, TAXATION AND CLAIMS -SJ 00093
04/18/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CIVIL
04/20/83 SENATE ON COMMITTEE AGENDA— JUDICIARY-CIVIL, 04/27/83, 2:00 PM, RM. A
04/20/83 SENATE COMMITTEE REPORT: FAVORABLE WITH AMEND. -COMM. ON COMMITTEE AGENDA— COMMERCIAL, 05/17/83, 2:00 PM, RM. B
05/19/83 SENATE WITHDRAWN FROM COMMITTEE FINANCE, TAXATION AND CLAIMS -SJ 00329
05/23/83 SENATE NOW IN COMMITTEE FINANCE, TAXATION AND CLAIMS -SJ 00329
05/25/83 SENATE WITHDRAWN FROM COMMITTEE FINANCE, TAXATION AND CLAIMS -SJ 00337; PLACED ON CALENDAR
06/03/83 SENATE INDEFINITELY POSTPONED & W/D (SCR 1209) - WAS IN CONTINUED ON NEXT PAGE
H 0829

GENERAL BILL BY SELPH AND OTHERS (IDENTICAL S 0451; COMPARE CS/H 1217)

MYFUEL TAX—REPEALS S. 62 OF CH. 83-3, LAWS OF FLORIDA, WHICH PROVIDES FOR REPEAL OF PROVISIONS WHICH ALLOW REFUND OF COUNTY GAS & SALES TAX PAID ON MOTOR FUEL USED IN VEHICLES OPERATED BY COUNTIES, MUNICIPALITIES & SCHOOL DISTRICTS. EFFECTIVE DATE: UPON BECOMING LAW.

04/05/83 HOUSE FILED

CONTINUED ON NEXT PAGE

H 0830

GENERAL BILL/CSS BY CORRECTIONS, PROBATION & PAROLE, SELPH (IDENTICAL CS/S 0260)

COUNTY & MUNICIPAL LAW ENFORCEMENT—PROVIDES FOR FINANCIAL RESPONSIBILITY FOR CERTAIN EXPENSES PROVIDED TO ARRESTED PERSONS; AUTHORIZES COUNTY & MUNICIPAL DETENTION FACILITIES TO SEEK REIMBURSEMENT FOR MEDICAL EXPENSES PAID ON BEHALF OF PRISONERS, ETC. CREATES 901.85, 951.032. EFFECTIVE DATE: 10/01/83.

04/05/83 HOUSE FILED

04/11/83 HOUSE INTRODUCED; REFERRED TO CORRECTIONS & PAROLE APPROPRIATIONS—HJ 00319

05/05/83 HOUSE REFERRED TO SUBCOMMITTEE ON INSTITUTIONS

05/06/83 HOUSE REFERRED TO SUBCOMMITTEE ON CORRECTIONS, 317 C, 110 PM, 05/16/83; ON COMMITTEE AGENDA—CORRECTIONS, 317 C, 2:30 PM, 05/10/83

05/17/83 HOUSE REPORT: CSS BY CORRECTIONS, PROBATION & PAROLE—HJ 00461; NON IN APPROPRIATIONS

05/20/83 HOUSE INCREASED FUND APPROPRIATIONS—HJ 00529; PLACED ON CALENDAR

05/30/83 HOUSE CSS READ FIRST AND SECOND TIMES; READ THIRD TIME; CSS PASSED; YEAS 34 NAYS 7—HJ 00837

05/30/83 SENATE IN MESSAGES

06/01/83 SENATE RECEIVED; PLACED ON SPECIAL ORDER CALENDAR; SUBSTITUTE FOR CS/S 2002 PASSED YEAS 34 NAYS 0—SJ 00448

06/01/83 HOUSE ORDERED ENROLLED

04/09/83 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR

06/22/83 APPROVED BY GOVERNOR: CHAPTER NO. 83-189

H 0831

GENERAL BILL BY RICHMOND (SIMILAR ENG/S 0471)

MARITAL WOMAN’S PROPERTY: PROVIDES THAT CONVEYANCES ON MORTGAGES OF REAL PROPERTY EXECUTED BY A MARITAL WOMAN WITHOUT JOINER OF HER HUSBAND BEFORE CERTAIN DATE ARE VALID; PROVIDES TIME LIMITATION FOR ACTIONS CONTESTING VALIDITY OF SUCH CONVEYANCES OR MORTGAGES, ETC. AMENDS 708.08. EFFECTIVE DATE: UPON BECOMING LAW.

04/05/83 HOUSE FILED

CONTINUED ON NEXT PAGE
H 0832 LOCAL BILL BY JOHNSON, R. C.

Establishes solid waste disposal & resource recovery system within territorial boundaries of Bay County; provides for disposal of all solid waste generated or brought within area; affects municipalities to regulate collection & disposal of solid waste, etc. Effective date: 07/01/83.

H 0833 LOCAL BILL BY JOHNSON, R. C.

Establishes Bay County Bridge Authority; authorizes county to construct, acquire, maintain & operate bridge project over North Bay in Bay County; authorizes use of rights-of-way, easements & other similar property rights of State & its local agencies, etc. Effective date: upon becoming law.

H 0834 GENERAL BILL BY BURKE (IDENTICAL S 0900)

Revises & amends Fredro Lee Pitts & Wilbert Lee for being convicted of a crime they did not commit; claim with appropriation: $300,000. Effective date: 07/01/83.
A bill to be entitled
An act relating to married women's property;
amending s. 708.08, Florida Statutes; deleting
language relating to the abolished right of
dower; providing that certain transactions are
valid if executed by a married woman before or
after the effective date of the 1968 State
Constitution; providing a statute of
limitations for filing a notice of lis pendens
and contesting a married woman's conveyance or
mortgage of her separate property without her
husband's joinder before the effective date of
such Constitution; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 708.08, Florida Statutes, is
amended to read:

708.08 Married women's rights; separate property;
release of dower.--

(1) Every married woman is empowered to take charge of
to control and manage her separate property, to contract and
to be contracted with, to sue and be sued, to sell, convey,
transfer, mortgage, use, and pledge her real and personal
property and to make, execute, and deliver instruments of
every character without the joinder or consent of her husband
in all respects as fully as if she were unmarried. Every
married woman has and may exercise all rights and powers with
respect to her separate property, income, and earnings and may
enter into, obligate herself to perform, and enforce contracts
or undertakings to the same extent and in like manner as if

CODING: Words in italics through type are deletions from existing law; words underlined are additions.
she were unmarried and without the joinder or consent of her husband. Any claim or judgment against a married woman shall not be a claim or lien against her inchoate right of dower in her husband’s separate property. All conveyances, contracts, transfers, or mortgages of real property or any interest in it, executed by a married woman without the joinder of her husband before or after the effective date of the 1968 Constitution of Florida, are as valid and effective as though the husband had joined.

(2) Any married woman who conveyed or mortgaged her separate real property without joinder of her husband before the effective date of the 1968 State Constitution and any person claiming by, through, or under her shall have 2 years after the effective date of this act to file a notice of lis pendens and to bring an action contesting the validity of any such conveyance or mortgage and, if the action is not brought and a notice of lis pendens is not filed within the time allowed, she and any person claiming by, through, or under her shall be forever barred from bringing an action to contest the validity of the conveyance or mortgage having a right of dower in real property as relinquished by joining in a conveyance or mortgage of the property or by a separate instrument without the joinder of her husband, executed in the same manner as conveyances.

Section 2. This act shall take effect upon becoming a law.

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

SENATE SUMMARY

Deletes certain obsolete language pertaining to dower. Validated certain property transactions executed by a married woman without her husband’s joinder. Creates a CODING: Words in struck through type are deletions from existing law; words in initial type are additions.
statute of limitations for contesting conveyances or mortgages of her separate property that a married woman made without her spouse's joinder before the 1906 State Constitution took effect.
I. SUMMARY:

A. Present Situation:

Section 708.08, F.S. (1981), is entitled "Married Woman's Rights; separate property; release of dower." Under this section, every married woman is empowered to take charge of and control her separate property, to contract, sue, sell, convey, transfer, use, and pledge her real and personal property, and to execute and deliver instruments of every character without the joinder or consent of her husband. She has and may exercise all rights and powers with respect to her separate property, earnings, and income to the same extent as if she were unmarried.

Any claim or judgment against a married woman shall not be a claim or lien against her inchoate right of dower in her husband's separate property.

All conveyances, contracts, transfers, or mortgages of real property or any interest in it, executed by a married woman without joinder of her husband after the effective date of the 1968 Constitution of Florida, are as valid and effective as though the husband had joined.

Any woman having a right of dower in real property may relinquish it by joining in a conveyance or mortgage of the property or by a separate instrument without the joinder of her husband, executed in the same manner as conveyances.

The Constitution of 1968 provides that there shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law. Art. X, s. 5. Dower and curtesy were subsequently abolished in Florida. S. 732.111, F.S. (1981).

B. Effect of Proposed Changes:

The bill deletes reference in the title to dower, and deletes the above-noted provisions regarding dower.

The bill validates all conveyances, contracts, transfers, or mortgages of real property or any interest in it executed by a married woman without the joinder of her husband before, as well as after, the effective date of the 1968 Constitution of Florida.

Finally, the bill provides that a married woman who conveyed or mortgaged her separate real property without joinder of her
husband before the effective date of the 1968 Constitution, and any person claiming by, through or under her, shall have 2 years after the effective date of this act to file a notice of lis pendens and to bring an action contesting the validity of any such conveyance or mortgage. If an action is not commenced and a notice of lis pendens is not filed within the above time period, such married woman, and persons claiming by, through and under her, are forever barred from contesting the validity of the conveyance or mortgage.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

While a conveyance of real property by a married woman, before the effective date of the 1968 Constitution, without joinder of her husband may be void, even a void deed may be sufficient color of title to establish adverse possession under s. 95.16, F.S. (1981). Commercial Building Co. v. Parslow, 93 Fla. 143, 112 So. 378 (1927).

A similar bill, HB 831, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:

#1 by Judiciary-Civil:
Technical amendment.

#2 by Judiciary-Civil:
Specifies that an action to challenge the validity of a conveyance or mortgage by a married women prior to the 1968 Constitution is limited to an action based on the nonjoinder of the husband.

#3 by Judiciary-Civil:
Adds a statement to s. 708.08(2), F.S., that the subsection shall not be construed to revive a claim which is already barred.
A bill to be entitled

An act relating to married women's property;

amending s. 708.08, Florida Statutes; deleting
language relating to the abolished right of
dower; providing that certain transactions are
valid if executed by a married woman before or
after the effective date of the 1968 State
Constitution; providing a statute of
limitations for filing a notice of lis pendens
and contesting a married woman's conveyance or
mortgage of her separate property without her
husband's joinder before the effective date of
such Constitution; providing an effective date.

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

Section 1. Section 708.08, Florida Statutes, is
amended to read:

708.08 Married women's rights; separate property;

release of dower.--

(1) Every married woman is empowered to take charge of
and manage and control her separate property, to contract and
to be contracted with, to sue and be sued, to sell, convey,
transfer, mortgage, use, and pledge her real and personal
property and to make, execute, and deliver instruments of
every character without the joinder or consent of her husband
in all respects as fully as if she were unmarried. Every
married woman has and may exercise all rights and powers with
respect to her separate property, income, and earnings and may
enter into, obligate herself to perform, and enforce contracts
or undertakings to the same extent and in like manner as if

CODING: Words in .........i, � type are deletions from existing law; words _!J_11_derlined are additions.
she were unmarried and without the joinder or consent of her husband. Any claim or judgment against a married woman shall not be a claim or lien against her separate right of dower in her husband's separate property. All conveyances, contracts, transfers, or mortgages of real property or any interest in it, executed by a married woman without the joinder of her husband before or after the effective date of the 1968 Constitution of Florida, are as valid and effective as though the husband had joined.

(2) Any married woman who conveyed or mortgaged her separate real property without the joiner of her husband before the effective date of the 1968 State Constitution and any person claiming by, through, or under her shall have 2 years after the effective date of this act to file a notice of lis pendens and to bring an action contesting the validity of any such conveyance or mortgage and, if the action is not brought and a notice of lis pendens is not filed within the time allowed, she and any person claiming by, through, or under her shall be forever barred from bringing an action to contest the validity of the conveyance or mortgage having a right of dower in real property may relinquish it by joining in a conveyance or mortgage of the property or by a separate instrument without the joinder of her husband; executed in the same manner as conveyances.

Section 2. This act shall take effect upon becoming a law.

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

SENATE SUMMARY

Deletes certain obsolete language pertaining to dower. Validates certain property transactions executed by a married woman without her husband's joinder. Creates a
statute of limitations for contesting conveyances or mortgages of her separate property that a married woman made without her spouse's joinder before the 1968 State Constitution took effect.
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<td>DATE April 20, 1983</td>
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<td>TIME 2:00 - 5:00 p.m.</td>
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<td>PLACE Committee Room &quot;B&quot;</td>
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<td>OTHER COMMITTEE REFERENCES: None</td>
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<td>OTHER: Favorably with Committee Substitute</td>
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<td>THE VOTE WAS: Motion by Sen. Fox to report favorably/3</td>
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<td>Aye</td>
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<tr>
<td>X GERSTEN, Joseph M. &quot;Joe&quot;</td>
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<td>X HAIR, Mattox</td>
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<td>X JENNE, Kenneth C.</td>
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<td>X JOHNSTON, Harry A., II</td>
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<td>X LANGLEY, Richard M.</td>
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<td>X FOX, Roberta</td>
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<td>X SCOTT, James A.</td>
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Please Complete: The key sponsor appeared (X) Scott
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance (X) Wiley
A bill to be entitled
An act relating to married women’s property;
amending s. 708.08, Florida Statutes; deleting
language relating to the abolished right of
dower; providing that certain transactions are
valid if executed by a married woman before or
after the effective date of the 1968 State
Constitution; providing a statute of
limitations for filing a notice of lis pendens
and contesting a married woman’s conveyance or
mortgage of her separate property without her
husband’s joinder before the effective date of
such Constitution; providing an effective date.

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

Section 1. Section 708.08, Florida Statutes, is
amended to read:

708.08 Married women’s rights; separate property;
reissuance of dower.--

(1) Every married woman is empowered to take charge of
and manage and control her separate property, to contract and
to be contracted with, to sue and be sued, to sell, convey,
transfer, mortgage, use, and pledge her real and personal
property and to make, execute, and deliver instruments of
every character without the joinder or consent of her husband
in all respects as fully as if she were unmarried. Every
married woman has and may exercise all rights and powers with
respect to her separate property, income, and earnings and may
enter into, obligate herself to perform, and enforce contracts
or undertakings to the same extent and in like manner as if
she were unmarried and without the joinder or consent of her husband. Any claim or judgment against a married woman shall not be a claim or lien against her interest in her husband's separate property. All conveyances, contracts, transfers, or mortgages of real property or any interest in it, executed by a married woman without the joinder of her husband before or after the effective date of the 1968 Constitution of Florida, are as valid and effective as though the husband had joined.

(2) Any married woman who conveyed or mortgaged her separate real property without joinder of her husband before the effective date of the 1968 State Constitution and any person claiming by, through, or under her shall have 2 years after the effective date of this act to file a notice of lis pendens and to bring an action based on the nonjoinder of the husband contesting the validity of any such conveyance or mortgage and, if the action is not brought and a notice of lis pendens is not filed within the time allowed, she and any person claiming by, through, or under her shall be forever barred from bringing an action to contest the validity of the conveyance or mortgage. This subsection shall not be construed to revive any action that has been barred having a right of dower in real property may relinquish it by joining in a conveyance or mortgage of the property or by a separate instrument without the joinder of her husband; executed in the same manner as conveyances.

Section 2. This act shall take effect upon becoming a law.
Journal of the
SENATE
State of Florida

FIFTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 5 THROUGH JUNE 13, 1983
providing for preaudit review under certain circumstances; repealing s.
troller to limit uses of revolving funds; creating s. 17.31, Florida Statutes;
renumbering ss. 658.12(4)-(31), Florida Statutes, and adding a new sub-

Yeas-37

Barron Gordon Langley Rehm

The Committee on Governmental Operations recommended the follow­

Amendment 1—On page 2, strike all of lines 15-25

(Reumber subsequent sections.)

Amendment 2—In title, on page 1, lines 3-5, strike “amending s. 17.31,
Florida Statutes, requiring the Comptroller to provide a bond in a

section (4) thereto; defining “banker’s bank”; creating s. 658.165, Florida
Statutes; providing for the creation of banker’s banks; providing for

YEAS-35

Mr. President Gersten Kirkpatrick Plummer
Barron Gordon Langley Rehm
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Castor Hair Margolis Thuman
Children, D. Henderson Maxwell Vogt
Children, W. D. Hill McPherson Weinstein
Crawford Jesse Meek
Dunn Jennings Myers
Fox Johnston Neal

SB 875—A bill to be entitled An act relating to banker’s banks, renum­
bering as 658.12(4)-(31), Florida Statutes, and adding a new sub­
section (4) thereto; defining “banker’s bank”; creating s. 658.165, Florida
Statutes; providing for the creation of banker’s banks; providing for

Yeas-38

Mr. President Gersten Kirkpatrick Plummer
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Children, D. Henderson Maxwell Vogt
Crawford Hill McPherson Weinstein
Fox Jennings Myers
Frank Johnston Neal

SB 602—A bill to be entitled An act relating to the Beverage Law;
amending s. 561.422, Florida Statutes, modifying provisions authorizing
the Director of the Division of Alcoholic Beverages and Tobacco of the
Department of Business Regulation to issue permits to nonprofit civic
organizations for the sale of alcoholic beverages on the premises; provid­
ing an effective date.

Yeas-None

Mr. President Gersten Kirkpatrick Plummer
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Castor Hair Margolis Thuman
Children, W. D. Henderson Maxwell Vogt
Crawford Hill McPherson Weinstein
Dunn Jesse Meek
Fox Jennings Myers
Frank Johnston Neal

SB 103—A bill to be entitled An act relating to former jus­
tices and judges assigned to duty in a court; amending s. 25.073, Florida
Statutes; providing a definition; repealing Rule 2.030(a)(3)(B) of the
Florida Rules of Judicial Administration, which defines the term “retired
judge’’ for purposes of judicial administration; providing an effective date.

Yeas-2

Mr. President Gersten Kirkpatrick Plummer
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Children, W. D. Hair Margolis Thuman
Children, W. D. Henderson Maxwell Vogt
Crawford Hill McPherson Weinstein
Dunn Jesse Meek
Fox Jennings Myers
Frank Johnston Neal

SB 871—A bill to be entitled An act relating to married women’s property;
amending s. 708.08, Florida Statutes; deleting language relating to
the absolute right of dower; providing that certain transactions are
valid if executed by a married woman before or after the effective date of
the 1980 State Constitution; providing a statute of limitations for filing a
notice of its perfection containing a married woman’s conveyance or
mortgage of her separate property without her husband’s joinder before
the effective date of such Constitution; providing an effective date.

Yeas-None

Mr. President Gersten Kirkpatrick Plummer
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Castor Hair Margolis Thuman
Children, W. D. Henderson Maxwell Vogt
Crawford Hill McPherson Weinstein
Dunn Jesse Meek
Fox Jennings Myers
Frank Johnston Neal

SB 602 was read the third time by title, passed, ordered engrossed and then cer­
tified to the House. The vote on passage was:

Mr. President Langley

CS for SB 103 as amended was read the third time by title, passed, ordered engrossed and then cer­
tified to the House. The vote on passage was:

Mr. President Langley

THE COMMITTEE ON CONSTITUTIONAL AMENDMENTS.—The Commis­
sioner of the Senate moved to amend the Constitution by the following

Yeas-33

Aye—Barron Gordon Langley Rehm
Beard Grant Malchon Stuart
Carlucci Grizzle Mann Thomas
Castor Hair Margolis Thuman
Children, W. D. Henderson Maxwell Vogt
Crawford Hill McPherson Weinstein
Dunn Jesse Meek
Fox Jennings Myers
Gersten Johnston Neal

Mr. President Langley

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten

Mr. President Gersten
Amendment 1—On page 2, line 11, strike “pious” and insert “pious”.

Amendment 2—On page 2, line 15, after “action” insert: based on the non-support of the husband.

Amendment 3—On page 2, line 20, after “mortgage” insert: This subsection shall not be construed to revive any action that has been barred.

On motion by Senator Scott, by two-thirds vote SB 613 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Year—38

Mr. President Frank Johnston Neal
Baron Gersten Kidpatrick Plummer
Beard Girardeau Langley Rahn
Carlini Gordon Malchon Scott
Castor Grant Mann Stuart
Children, D. Grizzle Margolis Thurman
Children, W. D. Hair Maxwell Vogt
Crawford Henderson McPherson Weinstein
Dunn Hill Meek
Fox Jennings Myers
Nays—None

Consideration of CS for SB 1051 was deferred.

SB 1051—A bill to be entitled An act relating to garnishment; amending s. 77.031, Florida Statutes; providing for the issuance of writs of garnishment before judgment; amending s. 77.07(1), Florida Statutes; providing for the dissolution of writs of garnishment; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendment which was adopted:

Amendment 1—On page 2, line 2, after “claim.” insert: The writ of garnishment shall set forth a notice to the defendant of his right to an immediate hearing for dissolution of such writ pursuant to s. 77.07. Upon issuance of the writ of garnishment, the clerk of the court shall provide by mail a copy of the writ to the defendant.

Pending further consideration of SB 1051 as amended, on motion by Senator Hair, the rules were waived and by two-thirds vote HB 472 was withdrawn from the Committee on Judiciary-Civil and Finance, Taxation and Claims.

On motion by Senator Hair—

HB 472—A bill to be entitled An act relating to garnishment; amending s. 77.031, Florida Statutes; providing for the issuance of writs of garnishment before judgment; amending s. 77.07(1), Florida Statutes; providing for the dissolution of writs of garnishment; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 25, strike everything after the enactment clause and insert:

Section 1. Section 77.031, Florida Statutes, is amended to read:

1. Writs of garnishment shall be issued by the court or by the clerk on order of the court.

2. To obtain issuance of the writ the plaintiff, or his agent or attorney, shall file in the court where the action is pending a verified motion or affidavit alleging by specific facts the nature of the cause of action, the amount of the debt and that the debt for which the plaintiff is just, due, and unpaid, that the garnishment is not sued out to injure either the defendant or the garnishee, and that the plaintiff believes that the defendant will not have in his possession, after execution is issued, tangible or intangible property in this state and in the county in which the action is pending on which a levy can be made sufficient to satisfy the plaintiff's claim. The writ of garnishment shall set forth a notice to the defendant of his right to an immediate hearing for dissolution of such writ pursuant to s. 77.07. Upon issuance of the writ of garnishment, the clerk of the court shall provide by mail a copy of the writ to the defendant.

(3) Except when the plaintiff has had an attachment writ issued, no writ of garnishment before judgment shall issue until the plaintiff, or his agent or attorney, gives a bond with surety to be approved by the clerk payable to the defendant in at least double the debt demanded, conditioned to pay all costs, damages, and attorney's fees that the defendant sustains in consequence of the plaintiff's improperly suing out the writ of garnishment. A garnishment bond is not void or voidable because of an informality in it, nor shall the obligors be discharged because of the informality, even though the garnishment is dissolved because of the informality.

(4) The motion or pleading need not negative any exemptions of the defendant.

Section 2. Subsection (1) of section 77.07, Florida Statutes, is amended to read:

77.07 Dissolution of writs of garnishment.

1. The defendant, by motion, may obtain the dissolution of a writ of garnishment, unless the petitioner proves the grounds upon which the writ was issued and unless, in the case of a prejudgment writ, there is a reasonable probability that the final judgment in the underlying action will be rendered in his favor. The court shall set down such motion for an immediate hearing. If the writ is dissolved, the action shall then proceed as if no writ had been issued. The court in which a garnishment is removable shall always be open for hearing motions to dissolve the garnishment.

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

Amendment 2—in title, on page 1, strike all of lines 2-21 and insert:

An act relating to garnishment; amending s. 77.031, Florida Statutes; permitting certain persons who are not members of The Florida Bar to seek action and to serve as a county court judge in certain counties; providing an effective date.

On motion by Senator Hair, by two-thirds vote HB 472 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Year—34

Mr. President Frank Johnston Neal
Baron Gersten Kidpatrick Plummer
Beard Girardeau Langley Rahn
Carlini Gordon Malchon Scott
Castor Grant Mann Stuart
Children, D. Grizzle Margolis Thurman
Children, W. D. Hair Maxwell Vogt
Crawford Henderson McPherson Weinstein
Dunn Hill Meek
Fox Jennings Myers
Nays—1

Mebek

SB 1068 was laid on the table.

SB 830—A bill to be entitled An act relating to the judiciary; amending s. 34.021(3), Florida Statutes; permitting certain persons who are not members of The Florida Bar to seek action and to serve as a county court judge in certain counties; providing an effective date.

—was read the second time by title.
A bill to be entitled
An act relating to married women's property;
amending s. 708.08, Florida Statutes; providing
that conveyances or mortgages of real property
executed by a married woman without the joinder
of her husband before the effective date of the
1968 State Constitution are valid; providing a
time limitation for actions contesting the
validity of such conveyances or mortgages;
deleting provisions which specify that a claim
against a married woman shall not be a claim
against her inchoate right of dower in her
husband's separate property; deleting
provisions relating to relinquishing right of
dower; providing an effective date.

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

Section 1. Section 708.08, Florida Statutes, is
amended to read:

708.08 Married women's rights; separate property
release-of-dower.--
(1) Every married woman is empowered to take charge of
and manage and control her separate property, to contract and
to be contracted with, to sue and be sued, to sell, convey,
transfer, mortgage, use, and pledge her real and personal
property and to make, execute, and deliver instruments of
every character without the joinder or consent of her husband
in all respects as fully as if she were unmarried. Every
married woman has and may exercise all rights and powers with
respect to her separate property, income, and earnings and may
1. enter into, obligate herself to perform, and enforce contracts or undertakings to the same extent and in like manner as if she were unmarried and without the joinder or consent of her husband. Any claim or judgment against a married woman shall not be a claim or lien against her husband's separate property. All conveyances, contracts, transfers, or mortgages of real property or any interest in it, executed by a married woman without the joinder of her husband before and after the effective date of the 1968 Constitution of Florida, are as valid and effective as though the husband had joined.

2. Any married woman who conveyed or mortgaged her separate real property without joinder of her husband before the effective date of the 1968 Constitution of Florida and any person claiming by, through, or under her shall have 2 years after the effective date of this act to file a lis pendens and to bring an action contesting the validity of any such conveyance or mortgage and, if the action is not brought and a lis pendens is not filed within the time allowed, she and any person claiming by, through, or under her shall be forever barred from bringing an action to contest the validity of the conveyance or mortgage, having a right of dower in real property, or by joining in a conveyance or mortgage of the property or by a separate instrument without the joinder of her husband, executed in the same manner as conveyances.

Section 2. This act shall take effect upon becoming a law.
Provided that conveyances or mortgages of real property executed by a married woman without the joinder of her husband before the effective date of the 1968 State Constitution are valid. Provides a time limitation for actions contesting the validity of such conveyances or mortgages. Deletes provisions which specify that a claim against a married woman shall not be a claim against her inchoate right of dower in her husband's separate property. Deletes provisions relating to relinquishing right of dower.

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
COMMITTEE ON JUDICIARY

HB 831
SPONSOR(S) Rep. Richmond
SUBJECT: Married Women's Property
SUMMARY:
A. Present Situation:
Prior to amendment of the Florida Constitution in 1968, a married woman was unable to convey or encumber her separate property without joinder in the instrument by her husband. Fla. Const. Art X, §5(1968) provides that "[t]here shall be no distinction between married women and married men in the holding, control, disposition or encumbering of their property, both real and personal...." Therefore, conveyances or mortgages entered into by a woman as to her separate property without joinder of her husband are ineffective if executed prior to November 5, but effective if executed November 5 or later.

B. Probable Effect of Proposed Changes:
HB 831 provides that conveyances and mortgages of separate property by a married woman without joinder of her husband, executed before, as well as after, the effective date of the 1968 Constitution are valid conveyances or encumbrances. The invalidity of any such conveyance or mortgage must be asserted within two years of the effective date of this bill.

The bill further amends §708.08 by deleting all references to dower.

I. FISCAL IMPACT:
None

I. COMMENTS: None

I. AMENDMENTS:
This bill was amended to clarify that its application is to suits based on non-joinder of the husband, and to specify that this bill does not revive any previously barred actions.
MEMORANDUM REGARDING PROPOSED AMENDMENT TO SECTION 708.08, FLORIDA STATUTES--MARRIED WOMEN'S PROPERTY

NECESSITY AND PURPOSE

The purpose of the bill is to correct title to real property problems caused by a conveyance or mortgage of a married woman's separately held real property, without the joinder of her husband, prior to the effective date of the 1968 Florida Constitution, November 5, 1968.

The adoption of the bill will validate such conveyances or mortgages prior to November 5, 1968 and eliminate the necessity of tracing down husbands at the time of conveyance or mortgage to obtain quit-claim deeds to clear title to the real property involved.

The 1968 Florida Constitution provides in Article I, Section 21:

All natural persons are equal before the law and have inalienable rights, among which are the right to...acquire, possess and protect property...

All natural persons are equal before the law and have inalienable rights, among which are the right to acquire, possess and protect property.

Article X, Section V provides:

There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal, except that dower or curtesy may be established and regulated by law.

The above amendments to the Florida Constitution enable a married woman, after November 5, 1968, to convey or mortgage her separately held property without the joinder of her husband. Prior to this date, a married woman needed to have her husband join in a conveyance or mortgage on her separately held property in order to effectively pass good title to it. If such joinder did not take place, it would be necessary to secure a quit-claim deed from the husband to clear the title problem.

This bill seeks to solve the problem when, during the course of examination of title, a pre-November 5, 1968 conveyance or mortgage by a married woman of her separately held property is found in the chain of title and there was no joinder by her husband.

Bill drafted by Bar's Real Property Section

Lawyer's Title Insurance Fund has signed off on...
WHAT THE BILL DOES

The bill simply provides an amendment to Section 708.08 that conveyances or mortgages of real property executed by a married woman without joinder of her husband "before and after" the effective date of the 1968 Florida Constitution are as valid and effective as though the husband had joined in. The new language inserted in the present law is "before and." In the next subsection of the bill, a two year period is provided for anyone who wants to contest the validity of a conveyance or mortgage by a married woman without the joinder of her husband prior to the effective date of the 1968 Florida Constitution. This provides the opportunity for anyone who wishes to contest the validity of such a conveyance or mortgage to file suit to preserve whatever rights they feel they may have.

Finally, the bill deletes references to dower, which has been eliminated from Florida law. These deletions are technical in nature.
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**Final Action:**
- **Favorable**
- **Favorable with amendments**
- **Favorable with substitute**
- **Unfavorable**

**Total Yeas:** 11
**Total Nays:** 0

---

**Committee Appearance Record**

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
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</table>

**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.)

Filing copy with Clerk: H-22(1976)
House of Representatives

SUBCOMMITTEE REPORT

To: Chairman, Committee on Judiciary

The Subcommittee on Consumer, Probate and Family Law

met at 8:00 a.m. o'clock on May 4, 1983.

In Room 212 HOB, and considered HB 831.

On motion to report the bill FAVORABLE

the vote was:

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FAVORABLE WITH 2 AMENDMENTS

(number)

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Total Yeas: 4

Total Nays: 0

SIGNED

Subcommittee Chairman

SUBCOMMITTEE APPEARANCE RECORD

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

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<th>Name</th>
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(If additional persons, enter on reverse side and check here _)

Received by Parent Committee:

Date

Received by
SB 671

Enrolled
First Engrossed

A bill to be entitled

An act relating to married women's property;

amending s. 708.08, Florida Statutes, deleting
language relating to the abolished right of
dower; providing that certain transactions are
valid if executed by a married woman before or
after the effective date of the 1968 State
Constitution; providing a statute of
limitations for filing a notice of lis pendens
and contesting a married woman's conveyance or
mortgage of her separate property without her
husband's joinder before the effective date of
such Constitution; providing an effective date.

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

Section 1. Section 708.08, Florida Statutes, is
amended to read:

708.08 Married women's rights; separate property;
repealed.--

(1) Every married woman is empowered to take charge of
and manage and control her separate property, to contract
and be contracted with, to sue and be sued, to sell, convey,
transfer, mortgage, use, and pledge her real and personal
property and to make, execute, and deliver instruments of
every character without the joinder or consent of her husband
in all respects as fully as if she were unmarried. Every
married woman has and may exercise all rights and powers with
respect to her separate property, income, and earnings and may
enter into, obligate herself to perform, and enforce contracts
or undertakings to the same extent and in like manner as if
she were unmarried and without the joinder or consent of her
husband. Any conveyance or judgment against a married woman shall
be a conveyance or judgment against her husband's rights of dower in
her husband's separate property. All conveyances, contracts,
transfers, or mortgages of real property or any interest in
it, executed by a married woman without the joinder of her
husband before or after the effective date of the 1968
Constitution of Florida, are as valid and effective as though
the husband had joined.

(2) Any married woman who conveyed or mortgaged her
separate real property without the joinder of her husband before
the effective date of the 1968 State Constitution and any
person claiming by, through, or under her shall have 2 years
after the effective date of this act to file a notice of lis
pendens and to bring an action based on the nonjoinder of the
husband contesting the validity of any such conveyance or
mortgage and, if the action is not brought and a notice of lis
pendens is not filed within the time allowed, she and any
person claiming by, through, or under her shall be forever
barred from bringing an action to contest the validity of the
conveyance or mortgage. This subsection shall not be
construed to revive any action that has been barred having a
right of dower in real property may reenforce it by joining
in a conveyance or mortgage of the property or by a separate
instrument without the joinder of her husband executed in the
same manner as conveyances.

Section 2. This act shall take affect upon becoming a
law.

671

671
FLORIDA LEGISLATURE

1983 SUMMARY OF GENERAL LEGISLATION

Regular Extended Session
April 5 - June 13

Special Sessions
March 1-3, June 15-24
and July 12-13
COURTS and CIVIL LAW*

The 1983 Florida Legislature enacted a variety of measures related to the courts and civil law. With respect to court officers, the Legislature adopted acts relating to guardianship, acceptance of personal checks by court clerks, service by nonlawyer county judges, service of process, disqualification of judges and assignment of state attorneys. Also adopted were laws relating to jury service, witness fees, confidentiality of communications between a sexual assault victim and counselor, fees of court-appointed counsel and garnishment. In the field of housing, major new legislation was enacted on mobile home parks and fair housing and many provisions of the landlord-tenant law were substantially revised. Areas of property and commerce affected in 1983 include married women's property, unfair trade practices, nonprofit corporations and aircraft. Medical matters covered by the Legislature include the anatomical gifts program and release of patient records. In tort law, the Legislature clarified the sovereign immunity status of National Guard members and changed the time limits for filing actions against the state.

*Prepared by the staff of Senate Legal Research and Drafting Services
SENATE BILL 261 (CHAPTER 83-151) revises various statutory provisions relating to the landlord-tenant law. The act limits the circumstances in which a landlord may recover possession of the premises; specifies notice required for removal of tenant; provides for attorney's fees for the prevailing party in an action to enforce a residential lease or to enforce Part II of Chapter 83, F.S.; generally revises provisions relating to deposit of advance rent; prohibits retaliatory conduct by a landlord against a tenant; and changes the dates for notices to mobile home park tenants. The act creates a new Part V of Chapter 83, F.S., the "Disposition of Personal Property Landlord and Tenant Act," which provides for the holding of a former tenant's personal property by the landlord and the reclaiming of the property by the former tenant and provides for the sale of property not reclaimed.

Property and Commerce

SENATE BILL 671 (CHAPTER 83-67) amends Section 708.08, F.S., to delete statutory language relating to the abolished right of dower and to provide that any married woman who conveyed or mortgaged her separate real property before the effective date of the 1968 State Constitution without the joinder of her husband, has 2 years after the effective date of this act (June 2, 1983) to bring an action challenging the validity of the conveyance or mortgage. If the action is not brought within that period, it is forever barred.
GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
EIGHTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the First Regular Session
April 5, 1983 through June 13, 1983
and the Special Sessions
March 1, 1983 through March 3, 1983
June 15, 1983 through June 24, 1983
July 12, 1983 through July 13, 1983

Volume I, Part One
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
TALLAHASSEE
1983
CHAPTER 83-66

An act relating to married women's property; amending s. 708.08, Florida Statutes; deleting language relating to the abolished right of dower; providing that certain transactions are valid if executed by a married woman before or after the effective date of the 1968 State Constitution; providing a statute of limitations for filing a notice of lis pendens and contesting a married woman's conveyance or mortgage of her separate property without her husband's joinder before the effective date of such Constitution; providing an effective date.

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

Section 1. Section 708.08, Florida Statutes, is amended to read:

708.08 Married women's rights; separate property; release of dower.--

(1) Every married woman is empowered to take charge of and manage and control her separate property, to contract and to be contracted with, to sue and be sued, to sell, convey, transfer, mortgage, use, and pledge her real and personal property and to make, execute, and deliver instruments of every character without the joinder or consent of her husband in all respects as fully as if she were unmarried. Every married woman has and may exercise all rights and powers with respect to her separate property, income, and earnings and may enter into, obligate herself to perform, and enforce contracts or undertakings to the same extent and in like manner as if she were unmarried and without the joinder or consent of her husband. Every conveyance, contract, transfer, or mortgage of real property or any interest in it, executed by a married woman without the joinder of her husband before or after the effective date of the 1968 Constitution of Florida, is as valid and effective as though the husband had joined.

(2) Any married woman who conveyed or mortgaged her separate real property without joinder of her husband before the effective date of the 1968 State Constitution and any person claiming by, through, or under her shall have 2 years after the effective date of this act to file a notice of lis pendens and to bring an action based on the nonjoinder of the husband contesting the validity of any such conveyance or mortgage and, if the action is not brought and a notice of lis pendens is not filed within the time allowed, she and any person claiming by, through, or under her shall be forever barred from bringing an action to contest the validity of the conveyance or mortgage. This subsection shall not be construed to revive any claim that has been barred having a right of dower in real property by reason of being married.
CHAPTER 83-67
LAWS OF FLORIDA

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 1983.

Filed in Office Secretary of State June 2, 1983.

CHAPTER 83-68

House Bill No. 225

An act relating to bicycle safety; amending s. 316.003(2) and (64), Florida Statutes, 1982 Supplement; redefining the terms "bicycle" and "vehicle" with respect to the "Florida Uniform Traffic Control Law"; amending s. 316.130(15), Florida Statutes; requiring the driver of a vehicle to exercise due care; amending s. 316.151(1) and (2), Florida Statutes, and adding a new subsection (3); providing turning procedures; amending s. 316.155(2), Florida Statutes; providing an exception to the requirement that a bicycle operator give continuous hand turn signals; amending s. 316.1945(1)(a) and (b), Florida Statutes; prohibiting parking on a bicycle path or lane; amending s. 316.1995, Florida Statutes; providing that no person shall drive any vehicle other than by human power on a sidewalk; amending s. 316.3005, Florida Statutes; providing conditions for opening vehicle doors; amending s. 316.2005, Florida Statutes; prohibiting parking on a bicycle path or lane; amending s. 316.2065(1)-(11), Florida Statutes, and adding a new subsection; regulating the operation of bicycles; providing an effective date.

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

Section 1. Subsections (2) and (64) of section 316.003, Florida Statutes, 1982 Supplement, are amended to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(2) BICYCLE.--Every vehicle propelled solely by human power, or any moped propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of 1 1/2 brake horsepower, upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels, except such vehicles with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position, and except scooters and similar devices.

(64) VEHICLE.--Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excluding excepting bicycles or segments as defined in subsection (2) or devices used exclusively upon stationary rails or tracks.

Section 2. Subsection (15) of section 316.130, Florida Statutes, is amended to read:

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