

1985

Session Law 85-101

Florida Senate & House of Representatives

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FLORIDA LEGISLATURE—REGULAR SESSION—1985

HISTORY OF HOUSE BILLS

H 886 (CONTINUED)

04/24/85 HOUSE On subcommittee agenda—Judiciary, 04/23/85, 1:15 pm, 214C
 04/29/85 HOUSE Subcommittee Recommendation: Unfavorable
 05/31/85 HOUSE Died in Committee on Judiciary

H 888 GENERAL BILL by Irvine (Identical S 1035)

State Planning; requires Governor's Office to use, to extent feasible, services & plans of local & regional planning agencies when preparing & revising state comprehensive plan. Amends 188.007. Effective Date: Upon becoming law.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Natural Resources -HJ 83
 04/10/85 HOUSE Subreferred to Subcommittee on Growth Management
 05/31/85 HOUSE Died in Committee on Natural Resources

H 887 GENERAL BILL by Irvine and others (Identical S 1105)

State Planning; restricts implementation & enforcement of state comprehensive plan by state agencies. Amends 188.008. Effective Date: Upon becoming law.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Natural Resources; Appropriations -HJ 83
 04/10/85 HOUSE Subreferred to Subcommittee on Growth Management
 05/31/85 HOUSE Died in Committee on Natural Resources

H 888 JOINT RESOLUTION by Messersmith (Identical S 25, Compare H 838, S 245)

State Spending; constitutional amendment to provide limits on rates of increase of operating budgets of state & counties, municipalities, school boards, & special districts. Creates s. 17, Art. VII.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Judiciary, Finance & Taxation; Appropriations -HJ 83
 04/24/85 HOUSE Withdrawn from Judiciary; Finance & Taxation; Appropriations; Withdrawn from further consideration -HJ 201

H 889 GENERAL BILL/CS/ENG by Judiciary; Drage (Similar CS/S 1062, Compare CS/S 131)

Garnishment & Judgment Levy; provides for certain notice by plaintiff to defendant & interested parties; requires certain disclosures by garnishee & for an answer by garnishee; provides for default judgments upon failure of certain persons to move to dissolve writ of garnishment, etc. Amends 77.06, .07, .28, 222.11; creates 77.055, 222.061. Effective Date: 10/01/88.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Judiciary -HJ 83
 04/18/85 HOUSE Subreferred to Subcommittee on Court Systems and Miscellaneous; On subcommittee agenda—Judiciary, 04/22/85, 1:00 pm, 214C
 04/22/85 HOUSE Subcommittee Recommendation pending ratification by full Committee—Favorable, with amendment(s); On Committee agenda; pending subcommittee action—Judiciary, 04/23/85, 1:15 pm, 214C—Temporarily postponed
 04/24/85 HOUSE On Committee agenda—Judiciary, 04/23/85, 2:15 pm, 214C
 04/29/85 HOUSE Preliminary Committee Report by Judiciary: Favorable, as a Committee Substitute, to Calendar
 05/01/85 HOUSE Comm. Report: CS by Judiciary, placed on Calendar -HJ 242
 05/20/85 HOUSE Placed on Special Order Calendar
 05/22/85 HOUSE CS read first and second times; Amendments adopted -HJ 504
 05/23/85 HOUSE Read third time; CS passed as amended; YEAS 109 NAYS 0 -HJ 522
 05/23/85 SENATE In Messages
 05/28/85 SENATE Received, referred to Judiciary-Civil -SJ 584; Withdrawn from Judiciary-Civil; Substituted for CS/SB 1062; Passed; YEAS 33 NAYS 0 -SJ 555
 05/28/85 Ordered enrolled
 06/12/85 Signed by Officers and presented to Governor
 06/19/85 Approved by Governor, Chapter No. 85-272

H 890 GENERAL BILL/CS by Transportation; Drage

Orlando-Orange Co. Expressway Auth.; provides the authority with certain eminent domain & right of entry powers of D.O.T. Amends 348.764. Effective Date: 10/01/88.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Transportation; Appropriations -HJ 83
 04/11/85 HOUSE On Committee agenda—Transportation, 04/15/85, 1:15 pm, 214C, for subreferral
 04/15/85 HOUSE Subreferred to Subcommittee on Transportation; On subcommittee agenda—Transportation, 04/17/85, 8:00 am, 214C
 04/17/85 HOUSE Subcommittee Recommendation pending ratification by full Committee—Favorable, with 1 amendment
 04/19/85 HOUSE On Committee agenda—Transportation; 04/23/85, 8:00 am, 214C—No action
 04/23/85 HOUSE On Committee agenda—Transportation, 04/25/85, 8:00 am, 214C

H 890 (CONTINUED)

04/28/85 HOUSE Comm. Report: CS by Transportation -HJ 211; Now in Appropriations
 05/14/85 HOUSE Withdrawn from Appropriations -HJ 341; Placed on Calendar
 05/31/85 HOUSE Died on Calendar

H 891 GENERAL BILL by Stewart

Education; specifies unique graduation consideration for adult education students; eliminates physical fitness credit requirement; provides for optional science laboratory requirement, work experience credit, & grandfathering; authorizes rulemaking by State Board of Education. Creates 232.2475. Effective Date: 09/01/85.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Education, K - 12 -HJ 83
 04/11/85 HOUSE On subcommittee agenda—Education, K - 12, 04/15/85, 4:30 pm, 214C—Not taken up
 04/15/85 HOUSE On Committee agenda, pending subcommittee action—Education, K - 12, 04/17/85, 10:00 am, 214C
 04/19/85 HOUSE On subcommittee agenda—Education, K - 12, 04/23/85, 10:00 am, 214C
 04/23/85 HOUSE Subcommittee Recommendation pending ratification by full Committee: Favorable; On Committee agenda, pending subcommittee action—Education, K - 12, 04/24/85, 3:30 pm, 214C—Not taken up
 04/29/85 HOUSE On Committee agenda—Education, K - 12, 05/01/85, 6:00 am, 214C
 05/01/85 HOUSE Preliminary Committee Report by Education K - 12: Favorable, with 1 amendment, to Calendar
 05/14/85 HOUSE Comm. Report: Favorable with 1 amendment(s) by Education, K - 12, placed on Calendar -HJ 347
 05/31/85 HOUSE Died on Calendar

H 892 GENERAL BILL by Dantaler

Real Estate; provides that brokers or salesmen shall not be precluded from rendering judgments rendered by a Fla. court. Amends 475.42. Effective Date: 10/01/88.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Regulatory Reform -HJ 83
 04/05/85 HOUSE Subreferred to Subcommittee on Business Regulation; On subcommittee agenda—Regulatory Reform, 04/09/85, 1:15 pm, 24 HOB
 04/09/85 HOUSE Subcommittee Recommendation pending ratification by full Committee—Favorable; On Committee agenda, pending subcommittee action—Regulatory Reform, 04/10/85, 3:30 pm, 21 HOB
 04/11/85 HOUSE Comm. Report: Favorable by Regulatory Reform, placed on Calendar -HJ 132
 04/18/85 HOUSE Placed on Special Order Calendar; Read second time -HJ 155
 04/22/85 HOUSE Read third time; Passed; YEAS 114 NAYS 0 -HJ 188
 04/24/85 SENATE In Messages
 04/29/85 SENATE Received, referred to Economic, Community and Consumer Affairs -SJ 200
 05/09/85 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/13/85, 2:00 pm, Room H
 05/13/85 SENATE Comm. Report: Favorable by Economic, Community and Consumer Affairs, placed on Calendar -SJ 294
 05/23/85 SENATE Placed on Special Order Calendar
 05/24/85 SENATE Placed on Special Order Calendar -SJ 416; Passed; YEAS 36 NAYS 0 -SJ 494
 05/27/85 Ordered enrolled
 06/04/85 Signed by Officers and presented to Governor
 06/10/85 Approved by Governor, Chapter No. 85-101

H 893 GENERAL BILL/ENG by Bell (Similar CS/S 584)

Trust Funds; transfers, consolidates, & abolishes certain trust funds; provides for disposition of assets & liabilities of certain trust funds; deletes requirement that certain fines & fees be deposited in Hazardous Waste Management Trust Fund; repeals provisions re various trust funds, etc. Amends 206.60, 875, 207.028, 285.28, 403.725; repeals 240.509, 288.32, 420.425. Effective Date: 07/01/85.
 04/02/85 HOUSE Filed
 04/03/85 HOUSE Introduced, referred to Finance & Taxation; Appropriations -HJ 83
 05/08/85 HOUSE Subreferred to Subcommittee on General Taxation
 05/27/85 HOUSE Withdrawn from Finance & Taxation -HJ 647; Now in Appropriations; Withdrawn from Appropriations -HJ 647; Placed on Calendar
 05/28/85 HOUSE Placed on Special Order Calendar
 05/29/85 HOUSE Read second time; Amendments adopted, Read third time; Passed as amended; YEAS 113 NAYS 0 -HJ 772; Recalled from Engraving -HJ 781; Reconsidered; Amendments reconsidered, failed; Passed as amended; YEAS 111 NAYS 0 -HJ 781
 05/29/85 SENATE In Messages; Received -SJ 685; Passed as amended; YEAS 29 NAYS 0 -SJ 688

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SECCA 5/13

APPEARANCE CARD

Harold Huff / RE Real Estate Comm

By Representative Dantzer

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A bill to be entitled

An act relating to real estate brokers and salesmen; amending s. 475.42, F.S., providing that brokers or salesmen shall not be precluded from recording judgments rendered by a Florida court; providing an effective date.

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

Section 1. Paragraph (j) of subsection (1) of section 475.42, Florida Statutes, is amended to read:

475.42 Violations and penalties.--

(1) VIOLATIONS.--

(j) No broker or salesman shall place, or cause to be placed, upon the public records of any county, any contract, assignment, deed, will, mortgage, lien, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or salesman or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or a salesman from recording a judgment rendered by a Florida court.

Section 2. This act shall take effect October 1, 1985.

HOUSE SUMMARY

Provides that the prohibition precluding any real estate broker or salesman from placing upon the public records of any county any writing which purports to affect the title of, or encumber, any real property which writing is known to the broker or salesman to be false or void shall not be construed to prohibit the broker or salesman from recording a judgment rendered by a Florida court.

Publication was produced at an average cost of 5 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

Approved by the Governor June 10, 1985.

Filed in Office Secretary of State June 10, 1985.

CHAPTER 85-101

House Bill No. 892

An act relating to real estate brokers and salesmen; amending s. 475.42, F.S., providing that brokers or salesmen shall not be precluded from recording judgments rendered by a Florida court; providing an effective date.

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

Section 1. Paragraph (j) of subsection (1) of section 475.42, Florida Statutes, is amended to read:

475.42 Violations and penalties.--

(1) VIOLATIONS.--

(j) No broker or salesman shall place, or cause to be placed, upon the public records of any county, any contract, assignment, deed, will, mortgage, lien, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or salesman or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or a salesman from recording a judgment rendered by a Florida court.

Section 2. This act shall take effect October 1, 1985.

Approved by the Governor June 10, 1985.

Filed in Office Secretary of State June 10, 1985.

CHAPTER 85-102

Committee Substitute for House Bill No. 910

An act relating to communication; amending s. 229.8361, F.S., directing the Florida Council for the Hearing Impaired to oversee service affecting communications and to administer the provisions of part II of chapter 364, F.S.; creating part II of chapter 364, F.S., creating the "Telephone Communication Services for the Deaf Act of 1985"; providing legislative findings and purpose; providing definitions; providing additional duties of the Florida Council for the Hearing Impaired; creating a trust fund; providing for administration of the fund; providing for investments and expenditures; providing for

STORAGE NAME: 85Sum-HB892

Date: April 8, 1985

Revised: _____

Final: June 12, 1985

HOUSE OF REPRESENTATIVES
COMMITTEE ON REGULATORY REFORM
STAFF ANALYSIS

BILL# HB 892 SPONSOR Dantzler

EFFECTIVE DATE 10-1-85 IDENTICAL/SIMILAR BILLS _____

RELATING TO Real Estate Brokers and Salesmen

OTHER COMMITTEES OF REFERENCE _____

I. SUMMARY:

Proposed Changes:

HB 892 amends Section 475.42(1)(j), Florida Statutes, to allow a real estate broker or salesman to record upon the public record of a county a judgment rendered by a Florida court.

II. ECONOMIC IMPACT:

A. Public:

None.

B. Government:

No fiscal impact.

III. COMMENTS:

Section 475.42(1)(j), Florida Statutes, specifically mentions lien as a tool that cannot be recorded.

Section 55.10, Florida Statutes, states "a judgment or decree becomes a lien on real estate in any county when a certified copy of it is recorded..." Thus, a broker recording a judgment of the court might risk prosecution.

IV. AMENDMENTS:

None.



V. PREPARED BY Tom Batchelor

VI. STAFF DIRECTOR Ken Sarvis 

TB:njd

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Terry <i>DT</i></u>	<u>Burnside <i>BB</i></u>	1. <u>ECCA</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Real Estate Brokers and Salesmen

BILL NO. AND SPONSOR:

HB 892 by Representative Dantzler

I. SUMMARY:

A. Present Situation:

Chapter 475, Florida Statutes, provides for the regulation of real estate brokers, salesmen, and schools. Section 475.42, Florida Statutes, provides that certain acts are deemed to be violations of the chapter punishable as second degree misdemeanors. Section 475.42(1)(j), Florida Statutes, prohibits brokers and salesmen from recording in a county's public records any document which affects the title of or encumbers any real property if: 1) the broker or salesman knows the document is false or void or that the execution or recording of the document has not been authorized by the property owner, and 2) such recording is done maliciously; to coerce the payment of money or a commission to the broker, salesman, or another person; or for any unlawful purpose. Under the section, a broker or salesman may obtain a judgement against a party for compensation due for services rendered, but such judgement may not be recorded. As a result, a broker or salesman who has obtained a judgement is unable to enforce it because he cannot proceed against any property of the debtor in the county in which the judgement was rendered. Thus, the debt, as established by the judgement, may be uncollectable.

B. Effect of Proposed Changes:

Section 475.42(1)(j), Florida Statutes, is amended to provide that nothing in the paragraph shall be construed to prohibit a broker or salesman from recording a judgement rendered by a Florida court.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Brokers and salesmen to whom money is owed and who have received judgements establishing such debt will be able to record the judgements. Such recorded judgements will have the effect of becoming a cloud on the title of any other real property owned by the judgement debtor in the county. In order to remove such cloud, the judgement debtor will have to satisfy the judgement by paying the broker or salesman the amount awarded in the judgement.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Terry DA</u>	<u>Burnside S13</u>	1. <u>ECCA</u>	<u>Favorable</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Real Estate Brokers and Salesmen

BILL NO. AND SPONSOR:

HB 892 by Representative Dantzler

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B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Terry <i>ST</i>	Burnside <i>BB</i>	1. ECCA	Favorable
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Real Estate Brokers and
Salesmen

BILL NO. AND SPONSOR:

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Representative Dantzler

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A. Public:

Brokers and salesmen to whom money is owed and who have received judgements establishing such debt will be able to record the judgements. Such recorded judgements will have the effect of becoming a cloud on the title of any other real property owned by the judgement debtor in the county. In order to remove such cloud, the judgement debtor will have to satisfy the judgement by paying the broker or salesman the amount awarded in the judgement.

B. Government:

None.

III. COMMENTS:

This bill was signed by the Officers and presented to the Governor on June 4, 1985.

IV. AMENDMENTS:

None.