

By Senator Latvala

19-65-98

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A bill to be entitled  
An act relating to liens; creating s. 713.596,  
F.S.; creating a molder's lien and specifying  
rights of a molder; providing definitions;  
providing for ownership rights to molds;  
providing procedures; providing an effective  
date.

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

Section 1. Section 713.596, Florida Statutes, is  
created to read:

713.596 Molder's liens.--

(1) DEFINITIONS.--As used in this section:

(a) "Customer" means any person who causes a molder to  
fabricate, cast, or otherwise make a mold, or who provides a  
molder with a mold with which to manufacture, assemble, cast,  
fabricate, or otherwise make a product for a customer.

(b) "Mold" means a die, mold, form, or pattern.

(c) "Molder" means any person who fabricates, casts,  
or otherwise makes or uses a mold for the purpose of  
manufacturing, assembling, casting, fabricating, or otherwise  
making a product for a customer. The term includes a tool or  
die maker.

(d) "Within 3 years following the last prior use"  
means within the 3-year period following the last prior use of  
a die, mold, form, or pattern, regardless of whether or not  
that period ends before July 1, 1998.

(2) OWNERSHIP RIGHTS TO MOLDS.--

1           (a) In the absence of any agreement to the contrary,  
2 the customer has all rights and title to any mold in the  
3 possession of a molder.

4           (b) If a customer does not claim possession of a mold  
5 from a molder within 3 years after the last prior use, all  
6 rights and title to the mold are transferred by operation of  
7 law as provided in this section to the molder for the purpose  
8 of destroying or otherwise disposing of such mold.

9           (c) If a molder chooses to have all rights and title  
10 to a mold transferred to the molder by operation of law, the  
11 molder must send written notice by registered mail to the  
12 chief executive office of the customer or, if the customer is  
13 not a business entity, to the customer at the customer's last  
14 known address. The notice must state that the molder intends  
15 to terminate the customer's rights and title by having all  
16 such rights and title transferred to the molder by operation  
17 of law under this section. The notice must include a statement  
18 of the customer's rights as set forth in paragraph (d).

19           (d)1. If a customer does not respond to the notice, in  
20 person or by mail, to claim possession of the mold within 120  
21 days after the date the notice was sent, or does not make  
22 other contractual arrangements with the molder for storage of  
23 the mold, all rights and title of the customer, except patents  
24 and copyrights, are transferred by operation of law to the  
25 molder. Thereafter, the molder may destroy or otherwise  
26 dispose of the particular mold as the molder's own property  
27 without any risk of liability to the customer.

28           2. This paragraph does not affect any right of the  
29 customer under federal patent or copyright law or federal law  
30 relating to unfair competition.

31           (3) LIENS.--

1           (a) A molder has a lien on any mold belonging to a  
2 customer in the molder's possession for the balance due the  
3 molder from such customer for any manufacturing or fabrication  
4 work and for the value of all material related to such work.  
5 The molder may retain possession of the mold until the debts  
6 are paid .

7           (b) Before enforcing such lien, a molder must notify  
8 the customer in writing, whether delivered personally or sent  
9 by registered mail to the last known address of the customer.  
10 The notice must state that the molder claims a lien for the  
11 debts for manufacturing or fabrication work specified in the  
12 notice that has been contracted or performed for the customer.  
13 The notice must also include a demand for payment.

14           (c) If a molder has not been paid the amount due and  
15 stated in the notice within 60 days after the notice has been  
16 delivered, the molder may sell the mold at a public auction.

17           (4) SALE.--

18           (a) Before a molder may sell a mold the molder must  
19 notify the customer by registered mail, return receipt  
20 requested. The notice must include:

21           1. Notice of the molder's intention to sell the mold  
22 30 days after the customer's receipt of the notice.

23           2. A description of the mold to be sold.

24           3. The time and place of the sale.

25           4. An itemized statement of the amount due.

26           (b) If there is not a return of the receipt of the  
27 mailing or if the postal service returns the notice as being  
28 nondeliverable, the molder must publish notice, at least 10  
29 days before the date of sale, in a newspaper of general  
30 circulation in the county of the customer's last known place  
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1 of business of the molder's intent to sell the mold. The  
2 notice must include a description of the mold.

3 (c)1. If the proceeds of the sale exceed the amount of  
4 the lien, the excess must be paid to any prior lienholder  
5 known to the molder at the time of the sale and any remainder  
6 to the customer, if the customer's address is known, or to the  
7 state treasurer for deposit in the General Revenue Fund if the  
8 customer's address is unknown to the molder at the time of the  
9 sale.

10 2. A sale may not be made under this section if it  
11 would be in violation of any right of a customer under federal  
12 patent or copyright law.

13 Section 2. This act shall take effect July 1, 1998.

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15 SENATE SUMMARY

16 Creates a molder's lien and specifies rights of a molder  
17 to possession of a mold under certain conditions.  
18 Provides definitions. Provides procedures.

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