

HB 0181

2004

1 A bill to be entitled
 2 An act relating to enforcement of instruments; amending s.
 3 673.3091, F.S.; providing additional instrument
 4 enforcement authority under certain circumstances;
 5 providing an effective date.

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

9 Section 1. Subsection (1) of section 673.3091, Florida
 10 Statutes, is amended to read:

11 673.3091 Enforcement of lost, destroyed, or stolen
 12 instrument.--

13 (1) A person not in possession of an instrument is
 14 entitled to enforce the instrument if:

15 (a) The person was ~~in possession of the instrument and~~
 16 entitled to enforce the instrument ~~it~~ when loss of possession of
 17 the instrument occurred or the person directly or indirectly
 18 acquired ownership of the instrument from a person who was
 19 entitled to enforce the instrument when loss of possession of
 20 the instrument occurred;

21 (b) The loss of possession was not the result of a
 22 transfer by the person or a lawful seizure; and

23 (c) The person cannot reasonably obtain possession of the
 24 instrument because the instrument was destroyed, its whereabouts
 25 cannot be determined, or it is in the wrongful possession of an
 26 unknown person or a person that cannot be found or is not
 27 amenable to service of process.

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