

Amendment No. 15

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing PCB: Transportation & Highway  
2 Safety Subcommittee  
3 Representative Perry offered the following:

**Amendment (with title amendment)**

6 Remove line 1 and insert:

7 Section 63. Subsections (1), (2), (3), (4), (9), and (13)  
8 of section 713.585, Florida Statutes, are amended to read:

9 713.585 Enforcement of lien by sale of motor vehicle.—A  
10 person claiming a lien under s. 713.58 for performing labor or  
11 services on a motor vehicle may enforce such lien by sale of the  
12 vehicle in accordance with the following procedures:

13 (1) The lienor must give notice, by certified mail, return  
14 receipt requested, within 15 business days, excluding Saturday  
15 and Sunday, from the beginning date of the assessment of storage  
16 charges on said motor vehicle, to the registered owner of the  
17 vehicle, to the customer as indicated on the order for repair,  
18 and to all other persons claiming an interest in or lien  
19 thereon, as disclosed by the records of the Department of

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20 Highway Safety and Motor Vehicles or ~~of a~~ as disclosed by the  
21 records of any corresponding agency of any other state in which  
22 the vehicle is identified through a records check of the  
23 National Motor Vehicle Title Information System, as being the  
24 current state where the vehicle is titled. ~~appears registered.~~

25 Such notice must contain:

26 (a) A description of the vehicle (year, make, vehicle  
27 identification number) and its location.

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

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

32 (d) Notice that the lienor claims a lien on the vehicle  
33 for labor and services performed and storage charges, if any,  
34 and the cash sum which, if paid to the lienor, would be  
35 sufficient to redeem the vehicle from the lien claimed by the  
36 lienor.

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

40 (f) If known, the date, time, and location of any proposed  
41 or scheduled sale of the vehicle. No vehicle may be sold earlier  
42 than 60 days after completion of the repair work.

43 (g) Notice that the owner of the vehicle or any person  
44 claiming an interest in or lien thereon has a right to a hearing  
45 at any time prior to the scheduled date of sale by filing a  
46 demand for hearing with the clerk of the circuit court in the  
47 county in which the vehicle is held and mailing copies of the

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48 demand for hearing to all other owners and lienors as reflected  
49 on the notice.

50 (h) Notice that the owner of the vehicle has a right to  
51 recover possession of the vehicle without instituting judicial  
52 proceedings by posting bond in accordance with the provisions of  
53 s. 559.917.

54 (i) Notice that any proceeds from the sale of the vehicle  
55 remaining after payment of the amount claimed to be due and  
56 owing to the lienor will be deposited with the clerk of the  
57 circuit court for disposition upon court order pursuant to  
58 subsection (8).

59 (2) If attempts to locate the owner or lienholder are  
60 unsuccessful after a check of the records of the Department of  
61 Highway Safety and Motor Vehicles and any state disclosed by the  
62 check of the National Motor Vehicle Title Information System,  
63 the lienor must notify the local law enforcement agency in  
64 writing by certified mail or acknowledged hand delivery that the  
65 lienor has been unable to locate the owner or lienholder, that a  
66 physical search of the vehicle has disclosed no ownership  
67 information, and that a good faith effort, including records  
68 checks of the Department of Highway Safety and Motor Vehicles  
69 database and the National Motor Vehicle Title Information System  
70 have ~~has~~ been made. A description of the motor vehicle which  
71 includes the year, make, and identification number must be given  
72 on the notice. This notification must take place within 15  
73 business days, excluding Saturday and Sunday, from the beginning  
74 date of the assessment of storage charges on said motor vehicle.  
75 For purposes of this paragraph, the term "good faith effort"

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76 means that the following checks have been performed by the  
77 company to establish the prior state of registration and title:

78 (a) A check of the Department of Highway Safety and Motor  
79 Vehicles database for the owner and any lienholder.

80 (b) A check of the federally mandated electronic National  
81 Motor Vehicle Title Information System to determine the state of  
82 registration when there is not a current title or registration  
83 record for the vehicle on file with the Department of Highway  
84 Safety and Motor Vehicles.

85 (c)~~(a)~~ A check of vehicle for any type of tag, tag record,  
86 temporary tag, or regular tag;

87 (d)~~(b)~~ A check of vehicle for inspection sticker or other  
88 stickers and decals that could indicate the state of possible  
89 registration; and

90 (e)~~(e)~~ A check of the interior of the vehicle for any  
91 papers that could be in the glove box, trunk, or other areas for  
92 the state of registration.

93 (3) If the date of the sale was not included in the notice  
94 required in subsection (1), notice of the sale must be sent by  
95 certified mail, return receipt requested, not less than 15 days  
96 before the date of sale, to the customer as indicated on the  
97 order for repair, and to all other persons claiming an interest  
98 in or lien on the motor vehicle, as disclosed by the records of  
99 the Department of Highway Safety and Motor Vehicles or of a  
100 corresponding agency of any other state in which the vehicle  
101 appears to have been registered after completion of a check of  
102 the National Motor Vehicle Title Information System. ~~After~~  
103 ~~diligent search and inquiry, if the name and address of the~~

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104 ~~registered owner or the owner of the recorded lien cannot be~~  
105 ~~ascertained, the requirements for this notice may be~~  
106 ~~disregarded.~~

107 (4) The lienor, at least 15 days before the proposed or  
108 scheduled date of sale of the vehicle, shall publish the notice  
109 required by this section once in a newspaper circulated in the  
110 county where the vehicle is held. A certificate of compliance  
111 with the notification provisions of this section, verified by  
112 the lienor, together with a copy of the notice and return  
113 receipt for mailing of the notice required by this section, ~~and~~  
114 proof of publication, and checks of the Department of Highway  
115 Safety and Motor Vehicles and the National Motor Vehicle Title  
116 Information System, must be duly and expeditiously filed with  
117 the clerk of the circuit court in the county where the vehicle  
118 is held. The lienor, at the time of filing the certificate of  
119 compliance, must pay to the clerk of that court a service charge  
120 of \$10 for indexing and recording the certificate.

121 (9) A copy of the certificate of compliance and the report  
122 of sale, certified by the clerk of the court, and proof of the  
123 required check of the National Motor Vehicle Title Information  
124 System shall constitute satisfactory proof for application to  
125 the Department of Highway Safety and Motor Vehicles for transfer  
126 of title, together with any other proof required by any rules  
127 and regulations of the department.

128 (13) A failure to make good faith efforts as defined in  
129 subsection (2) precludes the imposition of any storage charges  
130 against the vehicle. If a lienor fails to provide notice to any  
131 person claiming a lien on a vehicle under subsection (1) within

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132 15 business days after the assessment of storage charges have  
133 begun, then the lienor is precluded from charging for more than  
134 15 days of storage, but failure to provide timely notice does  
135 not affect charges made for repairs, adjustments, or  
136 modifications to the vehicle or the priority of liens on the  
137 vehicle.

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**T I T L E   A M E N D M E N T**

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Remove line 213 and insert:

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F.S.; amending s. 713.585, F.S.; relating to enforcement of a

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lien by sale of motor vehicle; correcting cross-references and

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conforming