

1 (5) A marina's possessory lien may be satisfied as
2 follows:

3 (a) The marina shall provide written notice to the
4 vessel's owner, delivered in person or by certified mail to
5 the owner's last known address. The notice shall also be ~~and~~
6 conspicuously posted at the marina and on the vessel. In
7 addition, the marina must ~~shall~~ provide written notice to each
8 person or entity that holds a security interest on the vessel
9 as shown in the records of the Department of Highway Safety
10 and Motor Vehicles with respect to state-titled vessels, holds
11 a preferred ship mortgage or has filed a claim of lien with
12 the United States Coast Guard Vessel Documentation Center, or
13 is known by the marina to possess a maritime lien against the
14 vessel under 46 U.S.C. ss. 31301-31343 or a judgment lien
15 under ss. 55.201-55.209 or other applicable federal maritime
16 law. In furtherance of these requirements, the marina must
17 obtain a copy of the title for the vessel, and trailer if
18 applicable, from the Department of Highway Safety and Motor
19 Vehicles or a similar agency in the jurisdiction where the
20 vessel is registered or an abstract from the United States
21 Coast Guard for a vessel that is "documented" as defined in 46
22 U.S.C. s. 30101. The written notices required by this
23 paragraph shall be made by certified mail at least 60 days
24 before any proposed sale under this section. ~~recorded~~
25 ~~lienholder of such vessel registered with this state as shown~~
26 ~~by the records of the Department of Highway Safety and Motor~~
27 ~~Vehicles, at least 30 days prior to the proposed sale.~~

28 (11) Unless otherwise provided by law, a purchaser in
29 good faith of a vessel sold to satisfy a lien provided for in
30 this section takes the property free of any claims other than
31 a prior lien perfected under state or federal law ~~the Uniform~~

1 ~~Commercial Code~~, despite noncompliance by the marina with the
2 requirements of this section.

3 (12) In the event of a sale under this section, the
4 marina may satisfy its lien from the proceeds of the sale,
5 provided the marina's lien has priority over all other liens
6 on the vessel ~~other than a prior lien perfected under the~~
7 ~~Uniform Commercial Code~~. The lien rights of secured
8 lienholders are automatically transferred to the remaining
9 proceeds of the sale. The balance, if any, shall be held by
10 the marina for delivery on demand to the owner. A notice of
11 any balance shall be delivered by the marina to the owner in
12 person or by certified mail to the last known address of the
13 owner. If the owner does not claim the balance of the proceeds
14 within 1 year after the date of sale, the proceeds shall be
15 deemed abandoned, and the marina shall have no further
16 obligation with regard to the payment of the balance. In the
17 event that the marina's lien does not have priority over all
18 other liens, the sale proceeds shall be held for the benefit
19 of the holders of those liens having priority. A notice of the
20 amount of the sale proceeds shall be delivered by the marina
21 to the owner or secured lienholder in person or by certified
22 mail to the owner's or the secured lienholder's last known
23 address. If the owner or the secured lienholder does not claim
24 the sale proceeds within 1 year after the date of sale, the
25 proceeds shall be deemed abandoned, and the owner or the
26 secured lienholder shall have no further obligation with
27 regard to the payment of the proceeds.

28 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Revises the method by which a person with a security interest in or lien on a vessel must have perfected it in order to be entitled to receive notice of a marina's possessory lien. Revises the types of liens the holders of which have precedence over a purchaser in good faith of a nonjudicially sold vessel.