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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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03/02/2016 11:48 AM

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Senator Richter moved the following:

**Senate Amendment (with title amendment)**

Delete lines 1939 - 2088

and insert:

him. A lienholder has standing to allege any violation of part IX of chapter 559 in a proceeding instituted pursuant to this subsection. Any person who files a demand for hearing shall mail copies of the demand to all other owners and lienors as reflected on the notice required in subsection (1).

(a) Upon the filing of a demand for hearing, a hearing shall be held before ~~prior to~~ the proposed or scheduled date of



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12 sale of the vehicle.

13 (b) Upon the posting of the bond and payment of the  
14 applicable fee set forth in s. 28.24, the clerk of the court  
15 shall issue a certificate notifying the lienor of the posting of  
16 the bond and directing the lienor to release the vehicle to the  
17 lienholder or the owner, based upon whomever posted the bond.

18 (c) If a lienholder obtains the vehicle and the owner of  
19 the vehicle is not in default under the installment sales  
20 contract or title loan at the time the lienholder has possession  
21 of the vehicle, the lienholder must return the vehicle to the  
22 owner within 5 days after the owner repays the lienholder for  
23 the amount of the bond, or makes arrangements to repay the  
24 lienholder for the bond under terms agreeable to the lienholder.  
25 A lienholder may retain possession of the vehicle if the owner  
26 is in default until such time as the default is cured and the  
27 amount of the bond is repaid by the owner, or an arrangement  
28 agreeable to the lienholder is made with the owner.

29 (7) At a ~~the~~ hearing on a complaint relating to the  
30 requirements of this section ~~on the complaint~~, the court shall  
31 ~~forthwith~~ issue ~~an its~~ order determining:

32 (a) Whether the vehicle is subject to a valid lien by the  
33 lienor and the amount thereof;

34 (b) The priority of the lien of the lienor as against any  
35 existing security interest in the vehicle;

36 (c) The distribution of any proceeds of the sale by the  
37 clerk of the circuit court;

38 (d) The awarding of damages, if any;

39 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and  
40 costs, at the court's discretion, to the prevailing party; and



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41            (f)~~(e)~~ The reasonableness of storage charges.

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43 A final order, by the court, must also provide for immediate  
44 payment of any proceeds or awards, and the immediate release of  
45 the bond to the posting party, if applicable.

46            (13) A failure to make good faith efforts as defined in  
47 subsection (2) precludes the imposition of any storage charges  
48 against the vehicle. If a lienor fails to provide notice to any  
49 person claiming a lien on a vehicle under subsection (1) within  
50 7 ~~15~~ business days after the assessment of storage charges has  
51 begun, then the lienor is precluded from charging for more than  
52 7 ~~15~~ days of storage, but failure to provide timely notice does  
53 not affect charges made for repairs, adjustments, or  
54 modifications to the vehicle or the priority of liens on the  
55 vehicle.

56            Section 40. Subsections (2), (4), (5), and (10) of section  
57 790.06, Florida Statutes, are amended, and paragraph (f) is  
58 added to subsection (6) of that section, to read:

59            790.06 License to carry concealed weapon or firearm.—

60            (2) The Department of Agriculture and Consumer Services  
61 shall issue a license if the applicant:

62            (a) Is a resident of the United States and a citizen of the  
63 United States or a permanent resident alien of the United  
64 States, as determined by the United States Bureau of Citizenship  
65 and Immigration Services, or is a consular security official of  
66 a foreign government that maintains diplomatic relations and  
67 treaties of commerce, friendship, and navigation with the United  
68 States and is certified as such by the foreign government and by  
69 the appropriate embassy in this country;



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- 70           (b) Is 21 years of age or older;
- 71           (c) Does not suffer from a physical infirmity which  
72 prevents the safe handling of a weapon or firearm;
- 73           (d) Is not ineligible to possess a firearm pursuant to s.  
74 790.23 by virtue of having been convicted of a felony;
- 75           (e) Has not been committed for the abuse of a controlled  
76 substance or been found guilty of a crime under the provisions  
77 of chapter 893 or similar laws of any other state relating to  
78 controlled substances within a 3-year period immediately  
79 preceding the date on which the application is submitted;
- 80           (f) Does not chronically and habitually use alcoholic  
81 beverages or other substances to the extent that his or her  
82 normal faculties are impaired. It shall be presumed that an  
83 applicant chronically and habitually uses alcoholic beverages or  
84 other substances to the extent that his or her normal faculties  
85 are impaired if the applicant has been committed under chapter  
86 397 or under the provisions of former chapter 396 or has been  
87 convicted under s. 790.151 or has been deemed a habitual  
88 offender under s. 856.011(3), or has had two or more convictions  
89 under s. 316.193 or similar laws of any other state, within the  
90 3-year period immediately preceding the date on which the  
91 application is submitted;
- 92           (g) Desires a legal means to carry a concealed weapon or  
93 firearm for lawful self-defense;
- 94           (h) Demonstrates competence with a firearm by any one of  
95 the following:
- 96           1. Completion of any hunter education or hunter safety  
97 course approved by the Fish and Wildlife Conservation Commission  
98 or a similar agency of another state;



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99           2. Completion of any National Rifle Association firearms  
100 safety or training course;

101           3. Completion of any firearms safety or training course or  
102 class available to the general public offered by a law  
103 enforcement agency, junior college, college, or private or  
104 public institution or organization or firearms training school,  
105 using ~~utilizing~~ instructors certified by the National Rifle  
106 Association, Criminal Justice Standards and Training Commission,  
107 or the Department of Agriculture and Consumer Services;

108           4. Completion of any law enforcement firearms safety or  
109 training course or class offered for security guards,  
110 investigators, special deputies, or any division or subdivision  
111 of a law enforcement agency or security enforcement;

112           5. Presents evidence of equivalent experience with a  
113 firearm through participation in organized shooting competition  
114 or military service;

115           6. Is licensed or has been licensed to carry a firearm in  
116 this state or a county or municipality of this state, unless  
117 such license has been revoked for cause; or

118           7. Completion of any firearms training or safety course or  
119 class conducted by a state-certified or National Rifle  
120 Association certified firearms instructor;

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122 A photocopy of a certificate of completion of any of the courses  
123 or classes; ~~or~~ an affidavit from the instructor, school, club,  
124 organization, or group that conducted or taught such ~~said~~ course  
125 or class attesting to the completion of the course or class by  
126 the applicant; or a copy of any document that ~~which~~ shows  
127 completion of the course or class or evidences participation in



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128 firearms competition shall constitute evidence of qualification  
129 under this paragraph. ~~A; any~~ person who conducts a course  
130 pursuant to subparagraph 2., subparagraph 3., or subparagraph  
131 7., or who, as an instructor, attests to the completion of such  
132 courses, must maintain records certifying that he or she  
133 observed the student safely handle and discharge the firearm in  
134 his or her physical presence and that the discharge of the  
135 firearm included live fire using a firearm and ammunition as  
136 defined in s. 790.001;

137 (i) Has not been adjudicated an incapacitated person under  
138 s. 744.331, or similar laws of any other state, unless 5 years  
139 have elapsed since the applicant's restoration to capacity by  
140 court order;

141 (j) Has not been committed to a mental institution under  
142 chapter 394, or similar laws of any other state, unless the  
143 applicant produces a certificate from a licensed psychiatrist  
144 that he or she has not suffered from disability for at least 5  
145 years before ~~prior to~~ the date of submission of the application;

146 (k) Has not had adjudication of guilt withheld or  
147 imposition of sentence suspended on any felony ~~or misdemeanor~~  
148 ~~crime of domestic violence~~ unless 3 years have elapsed since  
149 probation or any other conditions set by the court have been  
150 fulfilled, or expunction has occurred ~~the record has been sealed~~  
151 ~~or expunged;~~

152 (l) Has not had adjudication of guilt withheld or  
153 imposition of sentence suspended on any misdemeanor crime of  
154 domestic violence unless 3 years have elapsed since probation or  
155 any other conditions set by the court have been fulfilled, or  
156 the record has been expunged;



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 168

and insert:

vehicle held by a lienor; specifying that lienholders  
have standing in certain proceedings to allege  
violations of the Florida Motor Vehicle Repair Act;  
requiring the clerk of the