

26 title of certain motor vehicles or vessels and in the
 27 department's records; amending s. 319.24, F.S.;
 28 prohibiting the department from issuing a motor
 29 vehicle certificate of title under certain
 30 circumstances; specifying procedures for a judgment
 31 lienholder to place a lien on motor vehicles or
 32 vessels; revising requirements for the department if a
 33 certificate of title is not forwarded or returned to
 34 the department under certain circumstances; revising
 35 the authority of certain persons to demand and receive
 36 a lien satisfaction; requiring a lienholder to enter a
 37 satisfaction in a certificate of title upon
 38 satisfaction or lapse of a judgment lien; amending s.
 39 319.241, F.S.; revising circumstances under which the
 40 department may not remove a lien from the department's
 41 records or a certificate of title and specifying a
 42 requirement for the department; providing an effective
 43 date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

46
 47 Section 1. This act may be cited as the "Judgment Lien
 48 Improvement Act."

49 Section 2. Subsections (2) and (5) of section 55.202,
 50 Florida Statutes, are amended to read:

51 55.202 Judgments, orders, and decrees; lien on personal
 52 property.—

53 (2) A judgment lien may be acquired on a judgment debtor's
 54 interest in all personal property in this state subject to
 55 execution under s. 56.061, including payment intangibles and
 56 accounts and the proceeds thereof, as those terms are defined in
 57 s. 679.1021(1), but excluding ~~other than~~ fixtures, money,
 58 negotiable instruments, and mortgages.

59 (a) For payment intangibles and accounts and the proceeds
 60 thereof:

61 1. The rights of a judgment lienholder under this section
 62 are subject to the rights under chapter 679 of a secured party,
 63 as defined in s. 679.1021(1), who has a prior filed financing
 64 statement encumbering such payment intangibles or accounts and
 65 the proceeds thereof.

66 2. This section does not affect the obligation under s.
 67 679.607(1) of an account debtor as defined in s. 679.1021(1),
 68 except as the rights and obligations under this paragraph are
 69 otherwise adjudicated under applicable law in a legal proceeding
 70 to which the secured party and account debtor are joined as
 71 parties.

72 (b) A judgment lien is acquired by filing a judgment lien
 73 certificate in accordance with s. 55.203 with the Department of
 74 State after the judgment has become final and if the time to
 75 move for rehearing has lapsed, no motion for rehearing is

76 pending, and no stay of the judgment or its enforcement is then
 77 in effect. A court may authorize, for cause shown, the filing of
 78 a judgment lien certificate before a judgment has become final
 79 when the court has authorized the issuance of a writ of
 80 execution in the same matter. A judgment lien certificate not
 81 filed in compliance with this subsection is permanently void and
 82 of no effect.

83 (c)~~(b)~~ For any lien, warrant, assessment, or judgment
 84 collected by the Department of Revenue, a judgment lien may be
 85 acquired by filing the judgment lien certificate information or
 86 warrant with the Department of State in accordance with
 87 subsection (5).

88 (d)~~(e)~~ Except as provided in s. 55.208, the effective date
 89 of a judgment lien is the date, including the time of day, of
 90 filing. Although no lien attaches to property, and a creditor
 91 does not become a lien creditor as to liens under chapter 679,
 92 until the debtor acquires an interest in the property, priority
 93 among competing judgment liens is determined in order of filing
 94 date and time.

95 (e)~~(d)~~ Except as provided in s. 55.204(3), a judgment
 96 creditor may file only one effective judgment lien certificate
 97 based upon a particular judgment.

98 (5) Liens, assessments, warrants, or judgments filed
 99 pursuant to paragraph (2) (c) ~~(2) (b)~~ may be filed directly into
 100 the central database by the Department of Revenue, or its

101 designee as determined by its executive director, through
 102 electronic or information data exchange programs approved by the
 103 Department of State. Such filings must contain the information
 104 set forth in s. 55.203(1).

105 Section 3. Subsection (1) of section 55.205, Florida
 106 Statutes, is amended, and subsections (5), (6), and (7) are
 107 added to that section, to read:

108 55.205 Effect of judgment lien.—

109 (1) A judgment creditor who has not acquired a judgment
 110 lien as provided in s. 55.202 or whose lien has lapsed may
 111 nevertheless proceed against the judgment debtor's property
 112 through any appropriate judicial process. Such judgment creditor
 113 proceeding by writ of execution acquires a lien as of the time
 114 of levy and only on the property levied upon. ~~Except as provided~~
 115 ~~in s. 55.208, such judgment creditor takes subject to the claims~~
 116 ~~and interest of priority judgment creditors.~~

117 (5)(a) If the judgment debtor's personal property, to the
 118 extent not exempt from execution, includes a motor vehicle or a
 119 vessel for which a Florida certificate of title has been issued,
 120 a judgment lien acquired under this section on such property not
 121 yet noted on the certificate of title is valid and enforceable
 122 against the judgment debtor. However, such judgment lien is not
 123 enforceable against creditors or subsequent purchasers of such
 124 property for valuable consideration whose interests have been
 125 noted on the certificate of title as provided in s. 319.27.

126 (b) A judgment lienholder may obtain an order instructing
 127 the Department of Highway Safety and Motor Vehicles to note the
 128 lien on the certificate of title through a court of competent
 129 jurisdiction conducting proceedings supplementary to execution
 130 under s. 56.29(6) (b) .

131 (6) A judgment lien acquired under s. 55.202 may be
 132 enforced only through judicial process, including attachment
 133 under chapter 76; execution under chapter 56; garnishment under
 134 chapter 77; a charging order under s. 605.0503, s. 620.1703, or
 135 s. 620.8504; or proceedings supplementary to execution under s.
 136 56.29. A holder of a judgment lien acquired pursuant to this
 137 chapter may not enforce his or her rights under this section
 138 through self-help repossession or replevin without the express
 139 consent of the judgment debtor in a record authenticated after
 140 default.

141 (7) Notwithstanding the attachment of a judgment lien
 142 acquired under s. 55.202 to payment intangibles or accounts and
 143 the proceeds thereof, the account debtor may, absent receipt of
 144 notice under s. 679.607(1)(a) from a secured party, discharge
 145 the account debtor's obligation to pay payment intangibles or
 146 accounts or the proceeds thereof by paying the judgment debtor
 147 until, but not after, the account debtor is served by process
 148 with a complaint or petition by the judgment creditor seeking
 149 judicial relief with respect to the payment intangibles or
 150 accounts. Thereafter, the account debtor may discharge the

151 account debtor's obligation to pay payment intangibles or
 152 accounts or the proceeds thereof under this section only in
 153 accordance with a final order or judgment issued in such
 154 judicial process that complies with this section.

155 Section 4. Section 55.208, Florida Statutes, is amended to
 156 read:

157 55.208 Effect of prior liens on payment intangibles and
 158 accounts; effect of filed judgment lien on writs of execution
 159 previously delivered to a sheriff.-

160 (1) A judgment lien under s. 55.202 existing before
 161 October 1, 2022, becomes enforceable and perfected as of October
 162 1, 2022, as to payment intangibles and accounts and the proceeds
 163 thereof of a judgment debtor under s. 55.202(2). Any security
 164 interest or lien on payment intangibles or accounts and the
 165 proceeds thereof of a judgment debtor which is enforceable and
 166 perfected before October 1, 2022, continues to have the same
 167 rights and priority as existed before October 1, 2022, and may
 168 not be primed as to payment intangibles or accounts by a
 169 judgment lien certificate filed before October 1, 2022 ~~Any lien~~
 170 ~~created by a writ of execution which has been delivered to the~~
 171 ~~sheriff of any county before October 1, 2001, remains in effect~~
 172 ~~for 2 years thereafter as to any property of the judgment debtor~~
 173 ~~located in that county before October 1, 2001, and remaining~~
 174 ~~within that county after that date. As to any property of the~~
 175 ~~judgment debtor brought into the county on or after October 1,~~

176 ~~2001, such writs create no lien, inchoate or otherwise.~~

177 (2) If a judgment creditor who has delivered a writ of
 178 execution to a sheriff in any county prior to October 1, 2001,
 179 properly files a judgment lien certificate with the Department
 180 of State by October 1, 2003, the resulting judgment lien is
 181 deemed filed on the date the writ was delivered to the sheriff
 182 as to all property of the judgment debtor subject to execution
 183 in this state under s. 56.061 which is located in that county on
 184 October 1, 2001, and that remains continuously in that county
 185 thereafter. Priority of such judgment liens is determined as of
 186 the effective date they are considered to have been filed. As to
 187 all other property of the judgment debtor, the effective date of
 188 the judgment lien is as provided in s. 55.202. The duration of
 189 all judgment liens is as provided in s. 55.204.

190 (3) If a judgment creditor who has delivered a writ of
 191 execution to a sheriff in any county before October 1, 2001,
 192 does not properly file a judgment lien certificate with the
 193 Department of State by October 1, 2003, such writ is considered
 194 to have been abandoned and to be of no effect after October 1,
 195 2003.

196 Section 5. Subsection (1) of section 55.209, Florida
 197 Statutes, is amended to read:

198 55.209 Department of State; processing fees,
 199 responsibilities.—

200 (1) Except for liens, assessments, warrants, or judgments

201 filed electronically as provided in s. 55.202(2)(c) ~~s.~~
 202 ~~55.202(2)(b)~~, the Department of State shall collect the
 203 following nonrefundable processing fees for all documents filed
 204 in accordance with ss. 55.201-55.209:

205 (a) For any judgment lien certificate or other documents
 206 permitted to be filed, \$20.

207 (b) For the certification of any filed document, \$10.

208 (c) For copies of judgment lien documents which are
 209 produced by the Department of State, \$1 per page or part
 210 thereof. However, no charge may be collected for copies provided
 211 in an online electronic format via the Internet.

212 (d) For indexing a judgment lien by multiple judgment
 213 debtor names, \$5 per additional name.

214 (e) For each additional facing page attached to a judgment
 215 lien certificate or document permitted to be filed, \$5.

216 Section 6. Subsection (6) of section 56.29, Florida
 217 Statutes, is amended to read:

218 56.29 Proceedings supplementary.—

219 (6)(a) The court may order any property of the judgment
 220 debtor, not exempt from execution, or any property, debt, or
 221 other obligation due to the judgment debtor, in the hands of or
 222 under the control of any person subject to the Notice to Appear,
 223 to be levied upon and applied toward the satisfaction of the
 224 judgment debt. The court may enter any orders, judgments, or
 225 writs required to carry out the purpose of this section,

226 including those orders necessary or proper to subject property
227 or property rights of any judgment debtor to execution, and
228 including entry of money judgments as provided in ss. 56.16-
229 56.19 against any person to whom a Notice to Appear has been
230 directed and over whom the court obtained personal jurisdiction
231 irrespective of whether such person has retained the property,
232 subject to applicable principles of equity, and in accordance
233 with chapters 76 and 77 and all applicable rules of civil
234 procedure. Sections 56.16-56.20 apply to any order issued under
235 this subsection.

236 (b) If the personal property of the judgment debtor
237 includes a motor vehicle or a vessel that is nonexempt to any
238 extent from execution and for which a Florida certificate of
239 title has been issued, on presentation of a copy of a valid
240 judgment lien certificate acquired under s. 55.202, the court
241 must order the Department of Highway Safety and Motor Vehicles
242 to note the liens of the judgment creditor on the certificate of
243 title and in the records of the department.

244 Section 7. Subsections (2) and (4) and paragraphs (a) and
245 (b) of subsection (5) of section 319.24, Florida Statutes, are
246 amended to read:

247 319.24 Issuance in duplicate; delivery; liens and
248 encumbrances.—

249 (2) A duly authorized person shall sign the original
250 certificate of title and each corrected certificate and, if

251 | there are no liens or encumbrances on the motor vehicle or
252 | mobile home, as shown in the records of the department or as
253 | shown in the application, shall deliver the certificate to the
254 | applicant or to another person as directed by the applicant or
255 | person, agent, or attorney submitting such application. The
256 | motor vehicle dealer license number must be submitted to the
257 | department when a dealer applies for or receives a duplicate
258 | title. The current odometer reading must be submitted on an
259 | application for a duplicate title. If there are one or more
260 | liens or encumbrances on the motor vehicle or mobile home, the
261 | certificate shall be delivered by the department to the first
262 | lienholder as shown by department records or to the owner as
263 | indicated in the notice of lien filed by the first lienholder
264 | pursuant to s. 319.27. If the notice of lien filed by the first
265 | lienholder indicates that the certificate should be delivered to
266 | the first lienholder, the department shall deliver to the first
267 | lienholder, along with the certificate, a form to be
268 | subsequently used by the lienholder as a satisfaction. If the
269 | notice of lien filed by the first lienholder directs the
270 | certificate of title to be delivered to the owner, then, upon
271 | delivery of the certificate of title by the department to the
272 | owner, the department shall deliver to the first lienholder
273 | confirmation of the receipt of the notice of lien and the date
274 | the certificate of title was issued to the owner at the owner's
275 | address shown on the notice of lien and a form to be

276 subsequently used by the lienholder as a satisfaction. If the
277 application for certificate shows the name of a first lienholder
278 different from the name of the first lienholder as shown by the
279 records of the department or if the application does not show
280 the name of a judgment lienholder as shown by the records of the
281 department, the certificate shall not be issued to any person
282 until after all parties who appear to hold a lien and the
283 applicant for the certificate have been notified of the conflict
284 in writing by the department by certified mail. If the parties
285 do not amicably resolve the conflict within 10 days from the
286 date such notice was mailed, then the department shall serve
287 notice in writing by certified mail on all persons appearing to
288 hold liens on that particular vehicle, including the applicant
289 for the certificate, to show cause within 15 days from the date
290 the notice is mailed why it should not issue and deliver the
291 certificate to the person indicated in the notice of lien filed
292 by the lienholder whose name appears in the application as the
293 first lienholder without showing any lien or liens as
294 outstanding other than those appearing in the application or
295 those which may have been filed subsequent to the filing of the
296 application for the certificate. If, within the 15-day period,
297 any person other than the lienholder shown in the application or
298 a party filing a subsequent lien, in answer to such notice to
299 show cause, appears in person or by a representative, or
300 responds in writing, and files a written statement under oath

301 that his or her lien on that particular vehicle is still
302 outstanding, the department shall not issue the certificate to
303 anyone until after such conflict has been settled by the lien
304 claimants involved or by a court of competent jurisdiction. If
305 the conflict is not settled amicably within 10 days of the final
306 date for filing an answer to the notice to show cause, the
307 complaining party shall have 10 days to obtain a ruling, or a
308 stay order, from a court of competent jurisdiction; if no ruling
309 or stay order is issued and served on the department within the
310 10-day period, it shall issue the certificate showing no liens
311 except those shown in the application or thereafter filed to the
312 original applicant if there are no liens shown in the
313 application and none are thereafter filed, or to the person
314 indicated in the notice of lien filed by the lienholder whose
315 name appears in the application as the first lienholder if there
316 are liens shown in the application or thereafter filed. A
317 duplicate certificate or corrected certificate shall only show
318 such lien or liens as were shown in the application and
319 subsequently filed liens that may be outstanding.

320 (4) (a)1. If the owner of the motor vehicle or mobile home,
321 as shown on the title certificate, or the director of the state
322 child support enforcement program, or the director's designee,
323 desires to place a second or subsequent lien or encumbrance
324 against the motor vehicle or mobile home when the title
325 certificate is in the possession of the first lienholder, the

326 | owner shall send a written request to the first lienholder by
 327 | certified mail, and such first lienholder shall forward the
 328 | certificate to the department for endorsement. If the title
 329 | certificate is in the possession of the owner, the owner shall
 330 | forward the certificate to the department for endorsement.

331 | 2. If the holder of a judgment lien acquired under s.
 332 | 55.202(2) on personal property of the owner desires to place a
 333 | lien on the motor vehicle or a vessel, the judgment lienholder
 334 | must send a written request to the department together with a
 335 | copy of the lienholder's judgment lien certificate. The
 336 | department shall add the name of the judgment lienholder to the
 337 | records of the department. The judgment lienholder must also
 338 | send a written request to the person in possession of the title
 339 | certificate by certified mail, and that person shall forward the
 340 | certificate to the department for endorsement.

341 | (b) The department shall return the certificate to either
 342 | the first lienholder or to the owner, as indicated in the notice
 343 | of lien filed by the first lienholder, after endorsing the
 344 | second or subsequent lien on the certificate and on the
 345 | duplicate. If the first lienholder or owner fails, neglects, or
 346 | refuses to forward the certificate of title to the department
 347 | within 10 days after ~~from~~ the date of the owner's, the judgment
 348 | lienholder's, or the director's or designee's request, the
 349 | department, on the written request of the subsequent lienholder
 350 | or an assignee thereof, shall demand of the first lienholder or

351 the owner the return of such certificate for the notation of the
 352 second or subsequent lien or encumbrance. If the first
 353 lienholder or owner fails, neglects, or refuses to return the
 354 certificate to the department as requested, the department must
 355 void the certificate of title and issue a replacement
 356 certificate showing the notation of the subsequent lien or
 357 encumbrance.

358 (5) (a) Upon satisfaction of any first lien, judgment lien,
 359 or encumbrance recorded at the department or upon lapse of a
 360 judgment lien, the owner of the motor vehicle or mobile home, as
 361 shown on the title certificate, or the person satisfying the
 362 lien is ~~shall be~~ entitled to demand and receive from the
 363 lienholder a satisfaction of the lien. If the lienholder, upon
 364 satisfaction of the lien and upon demand, fails or refuses to
 365 furnish a satisfaction thereof within 30 days after demand, he
 366 or she shall be held liable for all costs, damages, and
 367 expenses, including reasonable attorney ~~attorney's~~ fees,
 368 lawfully incurred by the titled owner or person satisfying the
 369 lien in any suit brought in this state for cancellation of the
 370 lien. A motor vehicle dealer acquiring ownership of a motor
 371 vehicle with an outstanding purchase money lien, shall pay and
 372 satisfy the outstanding lien within 10 working days of acquiring
 373 ownership. The lienholder receiving final payment as defined in
 374 s. 674.215 shall mail or otherwise deliver a lien satisfaction
 375 and the certificate of title indicating the satisfaction within

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376 10 working days of receipt of such final payment or notify the
377 person satisfying the lien that the title is not available
378 within 10 working days of receipt of such final payment. If the
379 lienholder is unable to provide the certificate of title and
380 notifies the person of such, the lienholder shall provide a lien
381 satisfaction and shall be responsible for the cost of a
382 duplicate title, including fast title charges as provided in s.
383 319.323. The provisions of this paragraph shall not apply to
384 electronic transactions pursuant to subsection (9).

385 (b) Following satisfaction of a lien or upon satisfaction
386 or lapse of a judgment lien, the lienholder shall enter a
387 satisfaction thereof in the space provided on the face of the
388 certificate of title. If the certificate of title was retained
389 by the owner, the owner shall, within 5 days of the satisfaction
390 of a lien, deliver the certificate of title to the lienholder
391 and the lienholder shall enter a satisfaction thereof in the
392 space provided on the face of the certificate of title. If there
393 are no subsequent liens shown thereon, the certificate shall be
394 delivered by the lienholder to the person satisfying the lien or
395 encumbrance and an executed satisfaction on a form provided by
396 the department shall be forwarded to the department by the
397 lienholder within 10 days of satisfaction of the lien.

398 Section 8. Section 319.241, Florida Statutes, is amended
399 to read:

400 319.241 Removal of lien from records.—The owner of a motor

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401 vehicle or mobile home upon which a lien has been filed with the
402 department or noted upon a certificate of title for a period of
403 5 years may apply to the department in writing for such lien to
404 be removed from the department files or from the certificate of
405 title. The application shall be accompanied by evidence
406 satisfactory to the department that the applicant has notified
407 the lienholder by certified mail, not less than 20 days prior to
408 the date of the application, of his or her intention to apply to
409 the department for removal of the lien. Ten days after receipt
410 of the application, the department may remove the lien from its
411 files or from the certificate of title, as the case may be, if
412 no statement in writing protesting removal of the lien is
413 received by the department from the lienholder within the 10-day
414 period. If, however, the lienholder files with the department
415 within the 10-day period a written statement that the lien is
416 still outstanding or that a second judgment lien certificate has
417 been filed with the Department of State, the department shall
418 not remove the lien until the lienholder presents a satisfaction
419 of lien to the department. If a second judgment lien certificate
420 was filed with the Department of State, the department must
421 remove the notice of the first judgment lien certificate and add
422 notation of the second judgment lien certificate at the end of
423 all noted liens. Ten days after the receipt of an application
424 for a derelict motor vehicle certificate and notification to the
425 lienholder, the department may remove the lien from the derelict

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426 | motor vehicle record if a written statement protesting removal
427 | of the lien is not received by the department from the
428 | lienholder within the 10-day period.

429 | Section 9. This act shall take effect July 1, 2022.