

By Senator Torres

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1                   A bill to be entitled  
2           An act relating to judgment liens; providing a short  
3           title; amending s. 55.202, F.S.; specifying that  
4           payment intangibles, accounts, and the proceeds  
5           thereof are subject to judgment liens; providing  
6           construction; amending s. 55.205, F.S.; deleting a  
7           provision specifying the priority of certain judgment  
8           creditor liens; specifying the validity and  
9           enforceability of judgment liens against motor  
10          vehicles and vessels; providing a procedure for noting  
11          the lien on the certificate of title; specifying  
12          restrictions on the enforcement of judgment liens;  
13          specifying an account debtor's authority to discharge  
14          the account debtor's obligation to pay payment  
15          intangibles, accounts, or the proceeds thereof;  
16          amending s. 55.208, F.S.; providing construction  
17          relating to the effect of liens existing before a  
18          specified date on payment intangibles and accounts and  
19          the proceeds thereof; deleting an obsolete provision  
20          relating to judgment liens on writs of execution  
21          previously delivered to a sheriff; amending s. 55.209,  
22          F.S.; conforming a cross-reference; amending s. 56.29,  
23          F.S.; requiring a court, under certain circumstances,  
24          to order the Department of Highway Safety and Motor  
25          Vehicles to note certain liens on the certificate of  
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 or mobile home certificate of title under

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

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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).

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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.~~

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117 (5) (a) If the judgment debtor's personal property, to the  
118 extent not exempt from execution, includes a motor vehicle or  
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

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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 October  
161 1, 2022, becomes enforceable and perfected as of October 1,  
162 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~~

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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

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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



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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 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

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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

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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.

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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 a 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 shall 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

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349 department, on the written request of the subsequent lienholder  
350 or an assignee thereof, must ~~shall~~ demand of the first  
351 lienholder or the owner the return of such certificate for the  
352 notation of the second or subsequent lien or encumbrance. If the  
353 first lienholder or owner fails, neglects, or refuses to return  
354 the certificate to the department as requested, the department  
355 must 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  
376 10 working days of receipt of such final payment or notify the  
377 person satisfying the lien that the title is not available

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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 to  
399 read:

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

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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  
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.