

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 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, as those terms are defined in s. 679.1021(1), and the  
57 proceeds thereof, 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, enforceability under this  
123 chapter of such judgment lien against creditors or subsequent  
124 purchasers is determined as provided under s. 319.27(2) or s.  
125 328.14, as applicable.

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 under s. 55.202, who  
137 is not enforcing separate lien rights in a judgment debtor's  
138 property, may not enforce his or her rights under this section  
139 through self-help repossession or replevin without a court order  
140 or without the express consent of the judgment debtor contained  
141 in a record authenticated in accordance with s. 668.50 or s.  
142 679.1021(1)(g) after the judgment lien attaches.

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

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

157 Section 4. Section 55.208, Florida Statutes, is amended to  
 158 read:

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

162 (1) A judgment lien under s. 55.202 existing before  
 163 October 1, 2023, becomes enforceable and perfected as of October  
 164 1, 2023, as to payment intangibles and accounts and the proceeds  
 165 thereof of a judgment debtor under s. 55.202(2). Any security  
 166 interest or lien on payment intangibles or accounts and the  
 167 proceeds thereof of a judgment debtor which is enforceable and  
 168 perfected before October 1, 2023, continues to have the same  
 169 rights and priority as existed before October 1, 2023, and may  
 170 not be primed as to payment intangibles or accounts by a  
 171 judgment lien certificate filed before October 1, 2023.

172 ~~(1) Any lien created by a writ of execution which has been~~  
 173 ~~delivered to the sheriff of any county before October 1, 2001,~~  
 174 ~~remains in effect for 2 years thereafter as to any property of~~  
 175 ~~the judgment debtor located in that county before October 1,~~

176 | ~~2001, and remaining within that county after that date. As to~~  
 177 | ~~any property of the judgment debtor brought into the county on~~  
 178 | ~~or after October 1, 2001, such writs create no lien, inchoate or~~  
 179 | ~~otherwise.~~

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

193 | (3) If a judgment creditor who has delivered a writ of  
 194 | execution to a sheriff in any county before October 1, 2001,  
 195 | does not properly file a judgment lien certificate with the  
 196 | Department of State by October 1, 2003, such writ is considered  
 197 | to have been abandoned and to be of no effect after October 1,  
 198 | 2003.

199 | Section 5. Subsection (1) of section 55.209, Florida  
 200 | Statutes, is amended to read:



201           55.209 Department of State; processing fees,  
202 responsibilities.—

203           (1) Except for liens, assessments, warrants, or judgments  
204 filed electronically as provided in s. 55.202(2)(c) ~~s.~~  
205 ~~55.202(2)(b)~~, the Department of State shall collect the  
206 following nonrefundable processing fees for all documents filed  
207 in accordance with ss. 55.201-55.209:

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

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

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

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

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

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

221           56.29 Proceedings supplementary.—

222           (6) (a) The court may order any property of the judgment  
223 debtor, ~~not exempt from execution,~~ or any property, debt, or  
224 other obligation due to the judgment debtor, in the hands of or  
225 under the control of any person subject to the Notice to Appear,

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

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

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

250 319.24 Issuance in duplicate; delivery; liens and

251 encumbrances.—

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

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

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

323 (4) (a)1. If the owner of the motor vehicle or mobile home,  
324 as shown on the title certificate, or the director of the state  
325 child support enforcement program, or the director's designee,

326 | desires to place a second or subsequent lien or encumbrance  
 327 | against the motor vehicle or mobile home when the title  
 328 | certificate is in the possession of the first lienholder, the  
 329 | owner shall send a written request to the first lienholder by  
 330 | certified mail, and such first lienholder shall forward the  
 331 | certificate to the department for endorsement. If the title  
 332 | certificate is in the possession of the owner, the owner shall  
 333 | forward the certificate to the department for endorsement.

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

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

351 lienholder's, or the director's or designee's request, the  
352 department, on the written request of the subsequent lienholder  
353 or an assignee thereof, shall demand of the first lienholder or  
354 the owner the return of such certificate for the notation of the  
355 second or subsequent lien or encumbrance. If the first  
356 lienholder or owner fails, neglects, or refuses to return the  
357 certificate to the department as requested, the department must  
358 void the certificate of title and issue a replacement  
359 certificate showing the notation of the subsequent lien or  
360 encumbrance.

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

376 ownership. The lienholder receiving final payment as defined in  
377 s. 674.215 shall mail or otherwise deliver a lien satisfaction  
378 and the certificate of title indicating the satisfaction within  
379 10 working days of receipt of such final payment or notify the  
380 person satisfying the lien that the title is not available  
381 within 10 working days of receipt of such final payment. If the  
382 lienholder is unable to provide the certificate of title and  
383 notifies the person of such, the lienholder shall provide a lien  
384 satisfaction and shall be responsible for the cost of a  
385 duplicate title, including fast title charges as provided in s.  
386 319.323. The provisions of this paragraph shall not apply to  
387 electronic transactions pursuant to subsection (9).

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



401 Section 8. Section 319.241, Florida Statutes, is amended  
 402 to read:

403 319.241 Removal of lien from records.—The owner of a motor  
 404 vehicle or mobile home upon which a lien has been filed with the  
 405 department or noted upon a certificate of title for a period of  
 406 5 years may apply to the department in writing for such lien to  
 407 be removed from the department files or from the certificate of  
 408 title. The application shall be accompanied by evidence  
 409 satisfactory to the department that the applicant has notified  
 410 the lienholder by certified mail, not less than 20 days prior to  
 411 the date of the application, of his or her intention to apply to  
 412 the department for removal of the lien. Ten days after receipt  
 413 of the application, the department may remove the lien from its  
 414 files or from the certificate of title, as the case may be, if  
 415 no statement in writing protesting removal of the lien is  
 416 received by the department from the lienholder within the 10-day  
 417 period. If, however, the lienholder files with the department  
 418 within the 10-day period a written statement that the lien is  
 419 still outstanding or that a second judgment lien certificate has  
 420 been filed with the Department of State, the department shall  
 421 not remove the lien until the lienholder presents a satisfaction  
 422 of lien to the department. If a second judgment lien certificate  
 423 was filed with the Department of State, the department must  
 424 remove the notice of the first judgment lien certificate and add  
 425 notation of the second judgment lien certificate at the end of

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426 | all noted liens. Ten days after the receipt of an application  
427 | for a derelict motor vehicle certificate and notification to the  
428 | lienholder, the department may remove the lien from the derelict  
429 | motor vehicle record if a written statement protesting removal  
430 | of the lien is not received by the department from the  
431 | lienholder within the 10-day period.

432 | Section 9. This act shall take effect July 1, 2023.