



INFORMATION NOTICE

DIVISION OF MOTORIST SERVICES

DATE: 3/31/2021	Information Notice (INFO) INFO21-004R
SUBJECT: UPDATE - 3rd Party Mailing Services for Notice of Lien and Notice of Sale for Tow Companies and Repair Shops	

Overview:

Motor vehicle repair shops may place liens on motor vehicles for labor or services performed on the vehicles to recover the costs of repair and storage. Similarly, the operators of towing and storage companies may place liens on vehicles or vessels to recover the costs of towing and storage. The notice of claim of lien must be sent by certified mail to the registered owner, customer, the insurance company insuring the vehicle and all other persons claiming a lien.

Effective February 1, 2021, repair shops and tow companies will use approved 3rd party service vendors to send notice of lien and notice of sale documents to owners, insurance companies and lienholders, in accordance with 713.78 and 713.585, F.S.

This requirement applies to notice of lien and notice of sale documents mailed and postmarked after February 1, 2021.

Details:

Effective February 1, 2021, repair shops and tow companies are required to use 3rd party mailing services approved by FLHSMV to send notice of lien and notice of sale documents to owners, customers, insurance companies and lienholders. FLHSMV has approved two 3rd party service vendors to offer mailing services for tow companies and repair shops. These services provide a trackable database for tow companies and repair shops to go online and request claim of lien and claim of sale notices be mailed out and track the mailing progress of the notices. The services also perform the required database checks to access owner and insurance information.

- The two vendors are Beacon Software and Auto Data Direct.

www.towlien.com

www.add123.com

When a tow company or repair shop presents an application for certificate of title or certificate of destruction, they must show copies of the notice of lien and the notice of sale documents that were mailed by an approved 3rd party mailing service, as required by law, or the application must be rejected. The tow companies and repair shops must still provide the other applicable requirements listed in TL-25 and TL-26.

Sample notices are provided below for review.

Conclusion:

If you need additional information, please contact your next level of management or the Policy and Procedure Unit at (850) 617-3001.

(REPAIR SHOP)

NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF MOTOR VEHICLE

DATE _____

TO: REGISTERED OWNER

LIENHOLDER

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

CITY _____

CITY _____

STATE, ZIP _____

STATE, ZIP _____

CUSTOMER (WHO AUTHORIZED WORK AS SHOWN ON REPAIR ORDER)

OTHER PERSON (CLAIMING INTEREST IN VEHICLE)

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

CITY _____

CITY _____

STATE, ZIP _____

STATE, ZIP _____

LIENOR - REPAIR SHOP (AS REGISTERED WITH THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES)

NAME _____

SHOP OWNER'S NAME _____

PHYSICAL ADDRESS _____

LIENOR'S REPAIR SHOP REGISTRATION NO. _____

CITY _____

DESCRIPTION OF VEHICLE INCLUDING, AT A MINIMUM

STATE, ZIP _____

YEAR MAKE VIN _____

TELEPHONE _____

VEHICLE STORAGE _____

EACH OF YOU IS HEREBY NOTIFIED THAT THE ABOVE NAMED LIENOR CLAIMS A LIEN PURSUANT TO SECTION 713.585, FLORIDA STATUTES, ON THE ABOVE DESCRIBED MOTOR VEHICLE FOR REPAIRS, ADJUSTMENTS, MODIFICATION AND STORAGE CHARGES IN THE AMOUNT OF \$_____. THE VEHICLE REPAIRS WERE AUTHORIZED BY _____ ON (DATE AUTHORIZED)_____, REPAIRS WERE COMPLETED AND OWNER/CUSTOMER WAS NOTIFIED ON (DATE COMPLETED)_____ THAT THE ABOVE VEHICLE REPAIRS WERE COMPLETE.

ITEMIZED STATEMENT OF CHARGES: REPAIR COSTS \$_____ PLUS CHARGES FOR _____ DAYS AT \$_____ PER DAY, PLUS ADMINISTRATIVE FEES (NOT EXCEED \$250) \$_____. STORAGE FEE WILL CONTINUE TO ACCRUE AT A RATE OF \$_____ PER DAY.

THE LIEN CLAIMED BY THE ABOVE NAMED LIENOR IS SUBJECT TO ENFORCEMENT PURSUANT TO SECTION 713.585, FLORIDA STATUTES, AND UNLESS SAID MOTOR VEHICLE IS REDEEMED FROM THE SAID LIENOR BY PAYMENT AS ALLOWED BY LAW, THE ABOVE DESCRIBED MOTOR VEHICLE MAY BE SOLD TO SATISFY THE LIEN. IF THE MOTOR VEHICLE IS NOT REDEEMED AND REMAINS UNCLAIMED OR CHARGES FOR REPAIR AND STORAGE REMAIN UNPAID, THE VEHICLE MAY BE SOLD AFTER 60 DAYS FREE OF ALL PRIOR LIENS WHATSOEVER, UNLESS OTHERWISE PROVIDED BY COURT ORDER. THE ABOVE DESIGNATED LIENOR PROPOSES TO SELL THE MOTOR VEHICLE AS FOLLOWS.

PUBLIC SALE TO BE HELD AT _____ COMMENCING AT _____ AM/PM ON THE _____ DAY OF _____, 20_____.

STATEMENT OF OWNERS RIGHTS

NOTICE THAT THE OWNER OF THE MOTOR VEHICLE OR ANY PERSON CLAIMING INTEREST IN OR LIEN THEREON HAS A RIGHT TO A HEARING AT ANY TIME BEFORE THE SCHEDULED DATE OF SALE BY FILING A DEMAND FOR A HEARING WITH THE CLERK OF THE CIRCUIT COURT IN THE COUNTY IN WHICH THE MOTOR VEHICLE IS HELD BY THE LIENOR AND BY MAILING COPIES OF THE DEMAND FOR HEARING TO ALL OTHER OWNERS AND LIENORS AS REFLECTED IN THE NOTICE.

NOTICE THAT THE OWNER OF THE MOTOR VEHICLE HAS A RIGHT TO RECOVER POSSESSION OF THE VEHICLE WITHOUT INSTITUTING JUDICIAL PROCEEDINGS BY POSTING A BOND IN ACCORDANCE WITH SUBSECTION (5) 559.917, FLORIDA STATUTES.

NOTICE THAT ANY PROCEEDS FROM THE SALE OF THE MOTOR VEHICLE REMAINING AFTER PAYMENT OF THE AMOUNT CLAIMED TO BE DUE AND OWING TO THE LIENOR WILL BE DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT FOR DISPOSITION UPON COURT ORDER PURSUANT TO SUBSECTION (8) OF SECTION 713.585, FLORIDA STATUTES.

NOTICE THAT THE LIENOR WILL MAKE THE VEHICLE AVAILABLE FOR INSPECTION DURING REGULAR BUSINESS HOURS WITHIN 3 BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO INSPECT THE VEHICLE FROM A NOTICE RECIPIENT, WHO MAY PRESENT EITHER A COPY OF AN ELECTRONIC TITLE OR A PAPER TITLE AS EVIDENCE OF HIS OR HER INTEREST IN AND RIGHT TO INSPECT THE VEHICLE.

NOTE: THE 60- DAY TIME FRAME THAT THE MOTOR VEHICLE MUST BE HELD DOES NOT INCLUDE THE DAY THE WORK WAS COMPLETED OR THE DAY OF SALE. THE NEWSPAPER AD MUST BE PLACED 15 DAYS PRIOR TO THE SCHEDULED DATE OF SALE BUT THE 15 DAYS DOES NOT INCLUDE THE DATE NOTICE WAS PLACED IN THE NEWSPAPER OR THE DATE OF SALE. ADDITIONALLY, IN NO EVENT, SHALL THE SALE BE LESS THAN 30 DAYS AFTER THE LIEN NOTICE WAS SENT BY CERTIFIED MAIL.

THIS IS A SUGGESTED FORM

LIENOR SIGNATURE _____

(TOWING AND STORAGE)

NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF A MOTOR VEHICLE, MOBILE HOME OR VESSEL

DATE _____

TO: REGISTERED OWNER
NAME _____
ADDRESS _____
CITY, STATE, ZIP _____

LIENHOLDER
NAME _____
ADDRESS _____
CITY, STATE, ZIP _____

NAMES AND ADDRESSES OF ANY OTHER PERSONS, INCLUDING ANY OTHER LIENHOLDERS OR INSURANCE COMPANY, CLAIMING AN INTEREST IN THE MOTOR VEHICLE, MOBILE HOME OR VESSEL.

NAME _____ ADDRESS _____
CITY, STATE, ZIP _____ CITY, STATE, ZIP _____

LIENOR-TOWING AND STORAGE COMPANY (As registered with Division of Corporations)
NAME _____ DESCRIPTION OF MOTOR VEHICLE, MOBILE HOME OR VESSEL
PHYSICAL ADDRESS _____ YEAR MAKE VIN/HIN _____
CITY, STATE, ZIP _____ LOCATION OF MOTOR VEHICLE, MOBILE HOME OR VESSEL
TELEPHONE _____

NAME OF PERSON OR ENTITY AUTHORIZING TOW _____
EACH OF YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL WAS TOWED AT THE REQUEST OF _____ ON _____ AND THE ABOVE NAMED TOWING OR TRANSPORT COMPANY IS IN POSSESSION OF (PERSON WHO AUTHORIZED TOW) (DATE)

AND CLAIMS A LIEN ON THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL FOR RECOVERY, TOWING, AND STORAGE CHARGES ACCUMULATED IN THE AMOUNT OF: (TOTAL)\$ _____.

ITEMIZED CHARGES: (TOWING CHARGES) \$ _____, (TOTAL STORAGE CHARGES) \$ _____, FOR _____ DAYS, AT \$ _____ PER DAY, (RECOVERY CHARGES, IF APPLICABLE) \$ _____, AND (ADMINISTRATIVE FEES - MAY NOT EXCEED \$250.00) _____. THE STORAGE CHARGES WILL CONTINUE TO ACCUMULATE AT THE RATE OF \$ _____ PER DAY.

THE LIEN CLAIMED BY THE ABOVE NAMED TOWING OR TRANSPORT COMPANY IS SUBJECT TO ENFORCEMENT PURSUANT TO S. 713.78 OR 713.785, F.S., AND UNLESS SAID MOTOR VEHICLE, MOBILE HOME OR VESSEL IS REDEEMED FROM SAID TOWING OR TRANSPORT COMPANY BY PAYMENT AS ALLOWED BY LAW, THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL MAY BE SOLD TO SATISFY THE LIEN. IF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL IS NOT REDEEMED AND THAT MOTOR VEHICLE, MOBILE HOME OR VESSEL REMAINS UNCLAIMED, OR FOR WHICH THE CHARGES FOR RECOVERY, TOWING, OR STORAGE SERVICES REMAIN UNPAID, MAY BE SOLD FREE OF ALL PRIOR LIENS AFTER 35 DAYS IF THE VEHICLE OR VESSEL IS MORE THAN 3 YEARS OF AGE AND AFTER 50 DAYS IF THE VEHICLE OR VESSEL IS 3 YEARS OF AGE OR LESS. THE MOBILE HOME MAY BE SOLD AFTER 35 DAYS. THE OWNER, LIENHOLDER, OR INSURANCE COMPANY, IF ANY, HAS THE RIGHT TO A HEARING AS SET FORTH IN SUBSECTION (5). THE ABOVE DESIGNATED TOWING OR TRANSPORT COMPANY PROPOSES TO SELL THE MOTOR VEHICLE, MOBILE HOME OR VESSEL AS FOLLOWS:

PUBLIC SALE TO BE HELD AT _____ COMMENCING AT _____ AM/PM ON THE _____ DAY OF _____, 20_____.

STATEMENT OF OWNERS RIGHTS

NOTICE THAT THE OWNER, LIENHOLDER OR INSURANCE COMPANY WITHIN 10 DAYS AFTER THE TIME THEY HAVE KNOWLEDGE OF THE LOCATION OF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL, MAY FILE A COMPLAINT IN THE COUNTY COURT IN WHICH THE MOTOR VEHICLE, MOBILE HOME OR VESSEL IS STORED TO DETERMINE IF THEIR PROPERTY WAS WRONGFULLY TAKEN OR WITHHELD FROM THEM.

NOTICE THAT ANY TIME BEFORE THE SALE OF THE MOTOR VEHICLE OR VESSEL, AN OWNER OR LIENHOLDER MAY HAVE THEIR MOTOR VEHICLE, MOBILE HOME OR VESSEL RELEASED UPON POSTING WITH THE COURT A CASH OR SURETY BOND OR OTHER ADEQUATE SECURITY EQUAL TO THE AMOUNT OF THE CHARGES FOR TOWING AND STORAGE TO ENSURE THE PAYMENT OF SUCH CHARGES IN THE EVENT THEY DO NOT PREVAIL.

NOTICE THAT ANY PROCEEDS FROM THE SALE OF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL REMAINING AFTER PAYMENT OF THE AMOUNT CLAIMED TO BE DUE AND OWING TO THE TOWING OR TRANSPORT COMPANY WILL BE DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT FOR DISPOSITION UPON COURT ORDER PURSUANT TO SUBSECTION (5) OF S. 713.785, F.S., (FOR A MOBILE HOME).

NOTE: THE 35 OR 50 DAY TIME FRAME THAT THE MOTOR VEHICLE, MOBILE HOME OR VESSEL MUST BE HELD SHOULD NOT INCLUDE THE DAY OF TOWING AND STORAGE, OR THE DATE OF THE SALE. IF THIS NOTICE IS NOT SENT WITHIN 7 DAYS, NOT INCLUDING SATURDAY, SUNDAY, OR HOLIDAYS OR IF A SEPARATE NOTICE IS SENT 15 DAYS PRIOR TO THE SALE DATE, THE DATE THE NOTICE WAS MAILED OR THE DATE OF SALE SHOULD NOT BE INCLUDED IN THE 15 DAYS AND IN NO EVENT, SHALL THE SALE BE LESS THAN 30 DAYS AFTER THE NOTICE OF LIEN WAS SENT BY CERTIFIED MAIL. THE NEWSPAPER AD MUST BE PLACED 10 DAYS PRIOR TO THE SCHEDULED DATE OF SALE, BUT THE 10 DAYS SHOULD NOT INCLUDE THE DATE THE NOTICE WAS PLACED IN THE NEWSPAPER OR THE DATE OF THE SALE.

DATED THIS _____ DAY OF _____, 20_____.

THIS IS A SUGGESTED FORM TOWING COMPANY OR TRANSPORT COMPANY _____ (SIGNATURE OF AUTHORIZED AGENT)