

Motor Vehicle Procedure Manual

Title and Lien

Transfer of Certificate of Title Upon Sale for Labor, Service and Storage Lien

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Legal Authority

- [Section 50.041, Florida Statutes](#) – Proof of Publication, uniform affidavits required.
- [Section 319.28, Florida Statutes](#) – Titles Certificates, Transfer of ownership by operation of law.
- [Section 320.01, Florida Statutes](#) – Motor Vehicle Licenses, definition of motor vehicle but term does not include traction engines, road rollers, special mobile equipment as defined in s.316.003(48) vehicles that run only upon a track, bicycles, swamp buggies or mopeds.
- [Section 559.901, Florida Statutes](#) – Florida Motor Vehicle Repair Act.
- [Section 559.903, Florida Statutes](#) – Definitions as used in the Florida Motor Vehicle Repair Act.
- [Section 559.905, Florida Statutes](#) – Written motor vehicle repair estimate and disclosure statement required.
- [Section 559.911, Florida Statutes](#) – **Invoice required of motor vehicle repair shop.**
- [Section 559.917, Florida Statutes](#) – **Bond to release possessory lien claimed by motor vehicle repair shop.**
- [Section 713.585, Florida Statutes](#) – **Enforcement of lien by sale of motor vehicle.**

FEDERAL ACT:

This section is for information ONLY. This information is not required to file a lien under this procedure since it is not required by Florida law.

The Servicemembers Civil Relief Act (SCRA) - Benefit and Protection No. 4 - Installment contracts and repossessions – 50 U.S.C. § 3952. The SCRA states that a creditor may not repossess a vehicle during a borrower's period of military service without a court order as long as the servicemember- borrower either placed a deposit for the vehicle or made at least one installment payment on the contract before entering military service. 50 U.S.C. § 3952.

Department of Defense's Defense Manpower Data Center – database to search for active duty military members.

Definitions

1. "Customer" means the person who signs the written repair estimate, or any other person whom the person who signs the written repair estimate, designates on the written repair estimate as a person who may authorize repair work.
2. "Department" means the Department of Agriculture and Consumer Services.
3. "Employee" means an individual who is employed full time or part time by a motor vehicle repair shop and performs motor vehicle repair.
4. "Final estimate" means the last estimate approved by the customer either in writing or orally, as evidenced by the written repair estimate.
5. "Motor vehicle" means any automobile, truck, bus, recreational vehicle, motorcycle, motor scooter, or other motor powered vehicle, but does not include trailers, mobile homes, travel trailers, trailer coaches without independent motive power, watercraft or aircraft, or special mobile equipment as defined in s. 316.003.
6. "Motor vehicle repair shop" means any person who, for compensation, engages or attempts to engage in the repair of motor vehicles owned by other persons and includes, but is not limited to: mobile motor vehicle repair shops, motor vehicle and recreational vehicle dealers; garages; service stations; self-employed individuals; truck stops; paint and body shops; brake, muffler, or transmission shops; and shops doing glass work. Any person who engages solely in the maintenance or repair of the coach portion of a recreational vehicle is not a motor vehicle repair shop.
7. "Place of business" means a physical place where the business of motor vehicle repair is conducted, including any vehicle constituting a mobile motor vehicle repair shop from which the business of motor vehicle repair is conducted.
8. "Motor vehicle repair" means all maintenance of and modifications and repairs to motor vehicles, and diagnostic work incident thereto, including, but not limited to, the rebuilding or restoring of rebuilt vehicles, body work, painting, warranty work, and other work customarily undertaken by motor vehicle repair shops.

Description and Use

This procedure provides information and instructions to guide employees of the Tax Collector, license plate agents, and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in the issuance of a Certificate of Title upon sale for labor, service or storage lien.

Motor Vehicle Repair Shop

A. MOTOR VEHICLE REPAIR SHOP CERTIFICATE OF REGISTRATION:

The Florida Department of Agriculture and Consumer Services (FDACS) issues each applicant a motor vehicle repair shop registration certificate in accordance with s. 120.60.

In the case of an applicant with more than one place of business, FDACS issues a registration certificate for each place of business. The certificate must show at least the name and address of the motor vehicle repair shop and the registration number for that place of business.

In the case of a mobile motor vehicle repair shop, the certificate must show the home address of the owner, if different from the business address.

Each registration must be renewed biennially on or before the expiration date of the current registration.

A copy of the Motor Vehicle Repair Shop Certificate of Registration, valid on the date that the vehicle was dropped off for repairs, with the same business location on the certificate as shown on the written motor vehicle repair estimate, must be provided with the documentation for issuance of title.

If the Motor Vehicle Repair Shop Certificate of Registration is not provided, the transaction must be rejected until the copy is received by the processing office.

If the certificate was not valid at the time the vehicle was dropped off for repairs, the transaction must be rejected as the repair shop was not licensed to make repairs on the vehicle. The customer must obtain a court order for title.

If the business location on the certificate is not the same as the location on the repair estimate, the transaction must be rejected. The customer must present the certificate for the location where the repairs took place.

Exception: An upholstery shop to register in accordance with s. 713.585, F.S. However, they may receive an exemption from registering with the FDACS if they are only doing minor cosmetic repairs to interior trim pieces. Therefore, in lieu of the “Motor Vehicle Repair Registration Certificate”, they must submit the letter they obtained from FDACS, issued only after onsite inspection, that confirms they are exempt from the requirement of registering.

B. MOTOR VEHICLE REPAIR SHOP ESTIMATE:

In accordance with the Florida Motor Vehicle Repair Act s.559.905, F.S., the motor vehicle repair estimate must include at least the following items:

- (a) The name, address, and telephone number of the motor vehicle repair shop.
- (b) The name, address, and telephone number of the customer.
- (c) The date and time of the written repair estimate.
- (d) The year, make, model, odometer reading, and license tag number of the motor vehicle.
- (e) The proposed work completion date.
- (f) A general description of the customer’s problem or request for repair work or service relating to the motor vehicle.
- (g) A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both.

- (h) The estimated cost of repair which shall include any charge for shop supplies or for hazardous or other waste removal and, if a charge is included, the estimate shall include the following statement:

“This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal.”

If a charge is mandated by state or federal law, the estimate shall contain a statement identifying the law and the specific amount charged under the law.

- (i) The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated.
- (j) The customer’s intended method of payment.
- (k) The name and telephone number of another person who may authorize repair work, if the customer desires to designate such person.
- (l) A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective.
- (m) A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return.
- (n) A statement indicating the daily charge for storing the customer’s motor vehicle after the customer has been notified that the repair work has been completed. However, no storage charges shall accrue or be due and payable for a period of 3 working days from the date of such notification.
 - (1) If the cost of repair work will exceed \$100, the shop shall present to the customer a written notice conspicuously disclosing, in a separate, blocked section, only the following statement, in capital letters of at least 12-point type:

PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:

_____ I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$100.

_____ I REQUEST A WRITTEN ESTIMATE.

_____ I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED ____\$. THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

_____ I DO NOT REQUEST A WRITTEN ESTIMATE.

SIGNED _____ DATE _____

- (2) The information required by paragraphs (1)(h) and (i) need not be provided if the customer waives in writing her or his right to receive a written estimate.

The motor vehicle repair shop can be a shop for mechanical issues or a shop for paint and body work. The estimate form from a paint and body shop will include a breakout of the labor hours for each area of repair, body, paint, frame and mechanical.

C. MOTOR VEHICLE REPAIR SHOP INVOICE:

The motor vehicle repair shop shall provide each customer, upon completion of any repair, with a legible copy of an invoice for such repair. The invoice may be provided on the same form as the written repair estimate and shall include the following information:

- (a) The current date and odometer reading of the motor vehicle.
- (b) A statement indicating what was done to correct the problem or a description of the service provided.
- (c) An itemized description of all labor, parts and merchandise supplied and the costs thereof, indicating what is supplied to the customer without cost or at a reduced cost because of a shop or manufacturer's warranty.
- (d) A statement identifying any replacement part as being used, rebuilt, or reconditioned, as the case may be.
- (e) A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage for which the guarantee is effective.
- (f) The registration number from the motor vehicle repair shop certificate issued by the FDACS.

D. CHAPTER 713 SECTION 585 – ENFORCEMENT OF LIEN BY SALE OF MOTOR VEHICLE:

A person claiming a lien under Section 713.58, F.S., for performing labor or services on a motor vehicle may enforce the lien by sale of the vehicle in accordance with the following procedures outlined in s. 713.585, F.S.

“Motor vehicle” means any automobile, truck, bus, recreational vehicle, motorcycle, motor scooter, or other motor powered vehicle, but does not include trailers, mobile homes, travel trailers, trailer coaches without independent motive power, watercraft or aircraft, or special mobile equipment as defined in s. 316.003, F.S.

E. ADMINISTRATIVE FEE:

A lienor or the lienor's agent may charge an administrative fee to the registered owner or a person of record claiming a lien against the vehicle to obtain release of the vehicle from the claim of lien imposed under s.713.585. The administrative fee may not exceed \$250. For purposes of s.713.585(15)(a), the term “administrative fee” means a lien fee or any fee imposed by the lienor or the lienor's agent for administrative costs added to the amount due for storage, repairs, adjustments, or modifications to the vehicle. The lienor or the lienor's agent may not charge fees or costs, other than those authorized in s.713.585, that exceed \$250.

Notice of Claim of Lien

A. THE NOTICE OF CLAIM OF LIEN:

The lienor or the lienor's agent must give notice of the lien by certified mail to the ***registered owner of the vehicle, to the customer as indicated on the order for repair, and to all other persons claiming an interest therein or lien thereon,** as disclosed by the records of FLHSMV or as disclosed by the records of any corresponding agency of any other state in which the vehicle is identified through a records check of National Motor Vehicle Title Information System (NMVTIS), or an equivalent commercially available system as being the current state where the vehicle is titled.

The notice must:

- (a) Be sent to the registered owner, the customer, and all other persons claiming an interest therein or lien thereon **within 7 business days, excluding Saturday and Sunday, after the date on which storage charges begin to accrue on the vehicle. However, in no event shall the notice of lien be sent less than 30 days before the sale of the motor vehicle.**
- (b) **Be sent by certified mail with the last 8 digits of the vehicle identification number of the motor vehicle subject to the lien clearly printed in the delivery address box and on the outside of the envelope sent to the registered owner, the customer, and all other persons claiming an interest therein or lien thereon.**
- (c) Contain a description of the vehicle, including, at minimum, its year, make, vehicle identification number, and location.
- (d) Contain the name and address of the owner of the vehicle, the customer as indicated on the order for repair, and any person claiming an interest therein or lien thereon.
- (e) Contain the name, address, and telephone number of the lienor.
- (f) Contain notice that the lienor claims a lien on the vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the lienor, would be sufficient to redeem the vehicle from the lien claimed by the lienor.
- (g) **Contain the motor vehicle repair shop's registration number, owner's name, and physical address and the entity name, as registered with the Florida Department of Agriculture and Consumer Services, of the business where the repair work or storage occurred, which must also appear on the outside of the envelope sent to the registered owner, the customer, and all other persons claiming an interest in or lien on the vehicle.**
- (h) **Contain the full name of the person or entity that authorized the labor or services on the vehicle.**
- (i) **Contain an itemized statement of the amount claimed to be owed to the lienor, including the date the vehicle was dropped off for repairs; the date the repairs were completed; the date the customer was notified of the completion of the repairs; the amount due for**

repairs, adjustments, or modifications to the vehicle; any administrative fees; and any daily storage charges. Section 713.585(15)(a), states administrative fees may not exceed \$250.

- (j) Contain notice that the lien claimed by the lienor is subject to enforcement pursuant to s.713.585(1)(j), F.S., and that the vehicle may be sold to satisfy the lien.
- (k) Contain the date, time, and location of any proposed or scheduled sale of the vehicle. A vehicle may not be sold earlier than 60 days after completion of the repair work. If the date, time, and location of any proposed or scheduled sale of the motor vehicle is specified on the Notice of Lien, the Notice of Sale is not required.
- (l) Contain notice that the owner of the vehicle or any person claiming an interest therein or lien thereon has a right to a hearing at any time before the scheduled date of sale by filing a demand for hearing with the Clerk of the Circuit Court in the county in which the vehicle is held and mailing copies of the demand for hearing to all other owners and lienors as reflected on the notice.
- (m) Contain notice that the owner of the vehicle has a right to recover possession of the vehicle without instituting judicial proceedings by posting bond in accordance with s.559.917.
- (n) Contain notice that any proceeds from the sale of the 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 s.713.585(8).
- (o) Contain notice that a lienholder, if any, has the right, as specified in subsection s.713.585(5), to demand a hearing or to post a bond.
- (p) **Contain a statement 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.**
- (q) Contain the address at which the vehicle is physically located.

At any time before the proposed or scheduled date of the sale of a vehicle, the owner, the customer, or a person claiming an interest therein or lien thereon may request to inspect the vehicle. The lienor must make the vehicle available for inspection during regular business hours within 3 business days after receiving a written request to inspect the vehicle.

A lienor must accept either a copy of an electronic title or a paper title as evidence of a person's interest in a vehicle.

A lienor must release to the owner, lienholder, or agent thereof all of the personal property found in but not affixed to the vehicle. Upon payment of the charges owed, the lienor must release the vehicle to the paying owner, lienholder, or agent thereof.

B. LAW ENFORCEMENT NOTIFICATION (GOOD FAITH NOTICE):

If attempts to locate the owner or lienholder are unsuccessful after a check of the records of the Florida Department of Highway Safety and Motor Vehicles and any state disclosed by the check of the NMVTIS or an equivalent commercially available system, the lienor must notify the local law enforcement agency in writing by certified mail or acknowledged hand delivery that the lienor has been unable to locate the owner or lienholder, that a physical search of the vehicle has disclosed no ownership information, and that a good faith effort, including records checks of the FLHSMV database and the National Motor Vehicle Title Information System or an equivalent commercially available system, has been made.

A description of the motor vehicle which includes the year, make, and identification number must be given on the notice. The notice must be signed by the lienor verifying the good faith effort has been performed. This notification must take place within 7 business days, excluding Saturday and Sunday, after the date on which storage charges begin to accrue on the vehicle.

Proof of notification to the local law enforcement agency, within 7 business days, excluding Saturdays or Sundays, after the date on which storage charges being to accrue, must be submitted with all other required documents to process the title. If the notice is hand-delivered, a copy of the notice acknowledged with a signature of the person completing the search on behalf of the law enforcement agency or if it is a certified letter the original or a certified copy of the returned USPS receipt card.

The term “good faith effort” means that the following checks have been performed by the company to establish the prior state of registration and title:

- (a) A check of FLHSMV’s database for the owner and any lienholder.
- (b) A check of the federally mandated electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current title or registration record for the vehicle on file with FLHSMV.
 - (1) A list of approved NMVTIS Data providers is located on the website of the National Motor Vehicle Title Information System Research Vehicle History webpage.
- (c) A check of the vehicle for any type of tag, tag record, temporary tag, or regular tag.
- (d) A check of the vehicle for an inspection sticker or other stickers and decals that could indicate the state of possible registration.
- (e) A check of the interior of the vehicle for any papers that could be in the glove box, trunk, or other areas for the state of registration.

A failure to make good faith efforts as defined in s.713.585(2) precludes the imposition of any storage charges against the vehicle. If a lienor fails to provide notice to any person claiming a lien on a vehicle under subsection s.713.585(1) within 7 business days after the date of storage of the vehicle, the lienor may not charge the person for more than 7 days of storage, but such failure does not affect charges made for repairs, adjustments, or modifications to the vehicle or the priority of liens on the vehicle.

C. LAW ENFORCEMENT BLOCK OR PRIVACY ACT BLOCK:

When a “Law Enforcement Block” is reflected on the database record of the registered owner, the customer, and any other persons claiming an interest in the vehicle, the lienor must provide a completed Notice of Lien and Proposed Sale of Vehicle, or a Notice of Lien and a Notice of Sale by certified mail to this address: FLHSMV Division of Motorist Services, Attn: Law Enforcement Block, 2900 Apalachee Parkway MS#57, Room B239, Tallahassee, FL 32399. The letter will be mailed by FLHSMV and if the vehicle is not claimed by payment of the lien prior to the sale, the vehicle may be sold. The original USPS certified mail receipt card sent to DMS must be submitted with the other required documentation to obtain a title to the vehicle.

When a “Privacy Act Block” is reflected on the database record of the registered owner, the customer, and any other persons claiming an interest in the vehicle, the lienor may obtain the address information from the local tax collector’s office or license plate agency.

D. PROOF OF CERTIFIED MAILING:

Proof of certified mailing of the Notice of Claim of Lien and Notice of Sale (if not included in the Notice of Lien) is required to be presented with all other required documents to process the title. The USPS Track & Confirm screen is **NOT** accepted in lieu of an “electronic return receipt”. Examples of certified mailing proof:

The original or certified copy of the USPS return receipt card for certified mail or the returned, unclaimed certified letter. If the return receipt card for the certified mail is not signed and dated within the 7 business days from the beginning date of the assessment of storage charges, the original or a certified copy of the paid receipt is required to prove the letter was sent within the 7 business days.

OR,

A copy of the Direct Post Delivery Detail and Return Receipt Electronic, “electronic return receipt” which is verification from the USPS that the certified letter was mailed and delivered or mailed and returned.

If a certified letter is returned “unclaimed” the clerk processing the transactions must open the envelope, after placing their initials and the date opened on the outside, then verify the contents of the envelope by placing their initials and the date on the enclosed letter.

Returned letters marked “Forwarding Order Expired” are acceptable; however, the clerk must open the envelope, after placing their initials and the date opened on the outside, then verify the contents of the envelope by placing their initials and the date on the enclosed letter.

E. THIRD PARTY SERVICE:

A motor vehicle repair shop, garage, automotive service facility, or storage operator must use a third-party service approved by FLHSMV to transmit all notices required by this section. If there is no third-party service approved by FLHSMV, the motor vehicle repair shop, garage, automotive service facility, or storage operator may mail the notices and provide evidence of compliance with this section upon submission of an application for certificate of title or certificate of destruction.

For purposes of s.713.585, the term “third-party service” means a qualified business entity that, upon a request submitted through a website by a motor vehicle repair shop, garage, automotive service facility, or storage operator:

- (a) Accesses the NMVTIS records to obtain the last state of record of the vehicle.
- (b) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle from FLHSMV.
- (c) Electronically generates the notices required of a motor vehicle repair shop, an automotive service facility, a garage, and a towing-storage operator by this section through the website.
- (d) Prints and sends the notices required under this section to each owner, lienholder, and insurer of record by certified mail.
- (e) Electronically returns tracking information or other proof of mailing and delivery of the notices to the motor vehicle repair shop, automotive service facility, garage, and towing-storage operator.
- (f) Electronically reports to FLHSMV, via an electronic data exchange process using a web interface, the following information related to the repair and storage notices:
 1. The vehicle identification number.
 2. The license plate number.
 3. The name and address of the repair shop or lienor.
 4. The physical location of the vehicle.
 5. The date on which the vehicle was dropped off for repairs.
 6. The date on which the repairs were completed.
 7. The amount due for repairs and the storage amount per day.
 8. The dates on which the notice was mailed and delivered.
 9. The date on which the owner was notified that the repairs were completed.
 10. Other information required by FLHSMV.

A third-party service must apply to and be approved by FLHSMV in order to provide notices under this section. The department has two approved third-party service providers:

- Auto Data Direct www.ADD123.com
- Beacon Software www.Towlien.com

A third-party service must maintain a publicly available website that allows owners, registrants, lienholders, insurance companies, or their agents to search for notices sent pursuant to s.713.585, F.S.

The search results must exclude personal identifying information but provide the same information provided to FLHSMV.

Notice of Sale

A. NOTICE OF SALE:

A vehicle may not be sold earlier than 60 days after completion of the repair work.

If the date of the sale was not included in the notice of lien required in subsection s.713.585(1), notice of the sale must be sent by certified mail at least 15 days before the date of sale to the customer as

indicated on the order for repair and to all other persons claiming an interest in or lien on the motor vehicle, as disclosed by the records of FLHSMV or of a corresponding agency of any other state in which the vehicle appears to have been registered after completion of a check of NMVTIS or an equivalent commercially available system.

Such notice must:

- (a) Be sent by certified mail with the last 8 digits of the vehicle identification number of the motor vehicle subject to the sale clearly identified and printed in the delivery address box and on the outside of the envelope sent to the registered owner, the customer, and all other persons claiming an interest therein or lien thereon.
- (b) Contain the motor vehicle repair shop's registration number, owner's name, physical address and the entity name, as registered with the FDACS, of the business where the repair work or storage occurred, which must also appear on the outside of the envelope containing the notice of sale in the return address section of the envelope.

B. NEWSPAPER ADVERTISEMENT:

Section 50.041, F.S. provides for a uniform affidavit for proof of publication of a public notice or legal advertisement and states in part:

Each such affidavit shall be printed upon white paper and shall be 8 1/2 inches in width and of convenient length, not less than 5 1/2 inches. A white margin of no less than 2 1/2 inches shall be left at the right side of each affidavit form and upon or in this space shall be substantially pasted a clipping which shall be a true copy of the public notice or legal advertisement for which proof is executed.

Section 50.051, F.S. provides that printed form upon which all such affidavits establishing proof of publication are to be executed shall be substantially as shown in this section.

The lienor, at least 15 days before the proposed or scheduled date of sale of the vehicle, shall publish the notice required by this section once in a newspaper circulated in the county where the vehicle repair work was completed and where the sale is to take place. The 15 calendar days do not include the date of the advertisement or the date of the sale.

The newspaper advertisement must include the following:

- (a) The date, time, and location of the proposed or scheduled sale.
- (b) The year, make, and vehicle identification number of the vehicle.
- (c) The location of the vehicle.
- (d) The name, address, and telephone number of the repair shop claiming the lien for unpaid charges.
- (e) The statement that the lien claimed by the lienor is subject to enforcement pursuant to Section 713.585, F.S., and the vehicle may be sold to satisfy the lien.
- (f) The statement that the lien is claimed for labor, services performed, and storage charges, if any, and the amount due in cash on the day of the sale, if paid to the lienor, would redeem the motor vehicle.

- (g) The statement that at any time before the date of the sale or proposed sale the owner or any person claiming an interest or a lien on the vehicle may file a demand for hearing with the Clerk of the Circuit Court in the county where the vehicle is held to determine whether the vehicle has been wrongfully taken or withheld from him or her.
- (h) The statement that at any time before the date of the sale or proposed sale a customer or a person of record claiming a lien on the vehicle may post a cash or surety bond in the amount stated on the invoice with the Clerk of the Circuit Court where the disputed transaction occurred.

C. CERTIFICATE OF COMPLIANCE:

The Certificate of Compliance and its accompanying required documentation must be filed expeditiously with the Clerk of the Circuit Court in the county where the vehicle is held, prior to the sale of the vehicle.

A certificate of compliance with the notification provisions of this section, which includes the vehicle identification number, verified by the lienor, together with a copy of the notice of lien required by s.713.585 (1) and the notice of sale, if the sale information was not included in the notice of lien, proof of publication, and checks of FLHSMV and NMVTIS, or an equivalent commercially available system, must be duly and **expeditiously** filed with the Clerk of the Circuit Court in the county where the vehicle is held. The lienor, at the time of filing the certificate of compliance, must pay to the clerk of that court a service charge of \$10 for indexing and recording the certificate.

A copy of the certificate of compliance that has been certified, recorded, and filed with the Clerk of the Circuit Court in the county where the motor vehicle was held must be submitted with the documents required to obtain a title.

D. DEMAND FOR HEARING:

At any time before the proposed or schedule date of a sale of a vehicle, the owner of the vehicle, or any person claiming an interest in the vehicle or a lien thereon, may file a demand for hearing with the Clerk of the Circuit Court in the county in which the vehicle is held to determine whether the vehicle has been wrongfully taken or withheld from him or her. A lienholder has standing to allege any violation of part IX of Chapter 559, Repair of Motor Vehicles, 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 of Lien required by s. 713.585(1), F.S. Upon the filing of a demand for hearing, a hearing shall be held before the proposed or scheduled date of sale of the vehicle.

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

E. POSTING OF BOND:

At any time before the proposed or scheduled date of sale a customer or a person of record claiming a lien against a motor vehicle may obtain the release of the motor vehicle from any lien claimed under part II of chapter 713 by a motor vehicle repair shop for repair work performed under a written repair estimate by filing with the Clerk of the Circuit Court in which the disputed transaction occurred a cash or surety bond, payable to the person claiming the lien and conditioned for the payment of any judgment which may be entered on the lien.

The customer or person shall not be required to institute judicial proceedings in order to post the bond in the registry of the court and shall not be required to use a particular form for posting the bond unless the clerk provides such form to the customer or person for filing.

Upon the posting of such bond, the clerk of the court shall automatically issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the motor vehicle.

Public Sale

A. PUBLIC SALE:

A vehicle subject to lien enforcement pursuant to s.713.585, F.S., must be sold by the lienor at a public sale, with payment in cash.

When the vehicle is sold by a lienor in accordance with law, a purchaser for value takes title to the vehicle free and clear of all claims, liens, and encumbrances whatsoever, unless otherwise provided by court order.

When the vehicle is sold, whether to an individual or a licensed Florida motor vehicle dealer, the purchaser must obtain a certificate of title in their name or in the dealership's name before selling the vehicle to a new owner.

If the vehicle is not sold at the public sale, the motor vehicle repair shop must obtain the title in their name.

B. REPORT OF SALE:

Immediately upon the sale of the vehicle and payment in cash of the purchase price, the lienor shall deposit with the Clerk of the Circuit Court the proceeds of the sale, less the amount claimed by the lienor for work done and storage, if any, and all reasonable costs and expenses incurred in conducting the sale, including any attorney's fees and costs ordered by the court.

Simultaneously with depositing the proceeds of sale remaining after payment to the lienor, the lienor shall file with the clerk a verified report of the sale containing the following:

- (a) A description of the vehicle sold, including the vehicle identification number.
- (b) The name and address of the purchaser.
- (c) The date of the sale and the selling price.
- (d) The itemized amount retained by the lienor pursuant to s.713.585, F.S.
- (e) State if a hearing was demanded and held.

All proceeds held by the court shall be held for the benefit of the owner of the vehicle or any lienholder whose lien is discharged by the sale and shall be disbursed only upon order of the court. Unless a proceeding is initiated to validate a claim to such proceeds within 1 year and a day from the date of the sale, the proceeds shall be deemed abandoned property and disposition thereof shall be governed by s. 705.103. The clerk shall receive 5 percent of the proceeds deposited with her or him, not to exceed \$25, for her or his services under this section.

Application for Title

A. APPLICATION FOR TITLE:

When applying for title for a vehicle that was purchased at a public sale as shown in s.713.585 the following documents are required. Each document must be legible and signed.

- (a) **Form HSMV 82040**, completed in the name of the purchaser from the public sale. If the vehicle did not sell the lienor must be titled in the name of the motor vehicle repair shop. If the vehicle purchaser is a licensed Florida motor vehicle dealer, the vehicle must be titled in the name of the dealership before it can be sold.
 - (1) If the vehicle was previously titled out-of-state or out of country, a **confidential VIN inspection** is required at a Bureau of Dealer Services Regional Office.
- (b) If the “state of title” is unknown, you must provide proof of certified mailing or hand delivery of the **Good Faith Notice** to local law enforcement. Acceptable proof includes a copy of the notice and an original USPS return receipt card or a copy of the notice with an acknowledgment of hand delivery by the law enforcement agency.
 - (1) Proof of a records check through **NMVTIS** or an equivalent commercially available system.
- (c) A copy of the written **Motor Vehicle Repair Estimate**, itemizing all charges and reflecting authorization by the customer. The motor vehicle repair estimate must reflect the actual work to be performed and estimated charges. Computer-generated estimates such as a Mitchell Insurance report cannot be accepted.
 - (1) The estimate requirements for a motor vehicle repair shop and a motor vehicle body shop are not the same; Please verify that you have the correct form for the work performed. All invoices must conform with s.559.905, F.S. and include the minor details such as mileage in and mileage out.
 - (2) If the estimate for repairs is less than \$100 a Motor Vehicle Repair Estimate form is not required; however, a notarized or perjury clause affidavit stating that fact is required.
- (d) A copy of the **Notice of Claim of Lien**, along with the original USPS return receipt card for each person/business that was required to be notified, or the returned unclaimed certified mail, unopened, with proof that it was mailed within 7 days of the assessment of storage charges. Saturdays, Sundays, and federal holidays are excluded from the 7 days.
- (e) A copy of the Notice of Sale (if not included in the Notice of Lien) along with the original USPS return receipt card for each person/business that was required to be notified or the returned unclaimed certified mail, unopened, which was sent no less than 15 calendar days prior to the date of sale.

For items (d) and (e) above: Proof of certified mailing of the Notice of Claim of Lien and Notice of Sale (if not included in the Notice of Lien) is required to be presented with all other required documents to process the title, including:

The original or certified copy of the USPS return receipt card for certified mail or the returned, unclaimed certified letter. If the return receipt card for the certified mail is not signed and dated within the 7 business days from the beginning date of the assessment of storage charges, the original or a certified copy of the paid receipt is required to prove the letter was sent within the 7 business days.

or,

A copy of the Direct Post Delivery Detail and Return Receipt Electronic, “electronic return receipt” which is verification from the USPS that the certified letter was mailed and delivered or mailed and returned.

If a certified letter is returned “unclaimed”, the clerk processing the transactions must open the envelope, after placing their initials and the date opened on the outside, then verify the contents of the envelope by placing their initials and the date on the enclosed letter.

Returned letters marked “Forwarding Order Expired” are acceptable; however, the clerk must open the envelope, after placing their initials and the date opened on the outside, then verify the contents of the envelope by placing their initials and the date on the enclosed letter.

The USPS Track & Confirm screen is **NOT** accepted in lieu of an “electronic return receipt”.

- (f) **Newspaper Advertisement** includes a copy of the affidavit for proof of publication as specified in s.50.041, F.S. and includes the advertisement of the vehicle as provided in s.50.051.F.S., which was published at least 15 days before the sale in a newspaper circulated in the county where the vehicle work was completed and the sale takes place. The 15 calendar days do not include the date of the advertisement or the date of the sale. The advertisement must be clear and legible upon acceptance.
- (g) **Certificate of Compliance** with the notification requirements of s.713.585(4), F.S., must be filed with the Clerk of the Circuit Court in the county where the vehicle is held, in conjunction with the publishing of the newspaper advertisement.
- (h) **Report of Sale** filed with the Clerk of the Circuit Court in the county where the vehicle is held; at the conclusion of the sale, and containing the information as required in s.713.585(8), F.S.
- (i) Copy of the valid **Motor Vehicle Repair Registration Certificate** issued by the FDACS.
- (j) **Bill of sale** from the lienor to the purchaser at the public sale.
- (k) Valid **identification** for the purchaser or lienor, if the vehicle was not sold at the public sale.
- (l) **Power of attorney**, if someone other than the lienor is processing on behalf of the lienor.
- (m) **Registration** to transfer or non-use affidavit.
- (n) Title and registration **fees**, and sales tax, when applicable. If the application for title is not made within 30 days of the date of sale, the penalty fee is due.
 - (1) If the lienor is applying for the title, the comment “Obtained per s.713.585, F.S., for Labor, Service or Storage Charges Only” should appear on form HSMV 82040 for the Transfer Type, “other” field, and “other” in the Sales Tax Exemption Certification field.

B. REJECTION OF TITLE WORK:

If any of the documents required by s.713.585, F.S. are incomplete, incorrect, illegible, or missing, the transaction shall be rejected. Rejection of any of the documents may result in the complete restart of the process, or a re-notice or re-publish of some of the required documents or a requirement for the motor vehicle repair shop to obtain a court order for title.

An error or omission on the Notice of Claim of Lien will cause the notice to be re-mailed at least *15 calendar days before the date of sale.

List of Exhibits

1. Exhibit A – Labor, Service, and Storage Lien Checklist
2. Exhibit B – Labor, Service and Storage Lien Timeline
3. Exhibit C – Notice of Claim Lien and Proposed Sale of Motor Vehicle
4. Exhibit D – Certificate of Compliance
5. Exhibit E – Report of Sale
6. Exhibit F – Good Faith Notice
7. Exhibit G – Motor Vehicle Repair Registration Certificate (Sample)
8. Exhibit H – Florida Department of Agriculture and Consumer Services Motor Vehicle Repair Estimate and Invoice Requirements
9. Exhibit I – Motor Vehicle Repair Shop Estimate
10. Exhibit J – Paint and Body Shop Estimate

EXHIBIT A
LABOR, SERVICE and STORAGE LIEN CHECK LIST

FORMS

FLORIDA RECORD

_____ [HSMV 82040](#)

OUT-OF-STATE RECORD

_____ [HSMV 82040](#)

_____ [HSMV 82042](#), or VIN verification section on form
[HSMV 82040](#)

_____ Verification of title/lien status

OR

When the state is "UNKNOWN,"

_____ Proof of law enforcement notification:

A copy of the Notice and original or certified copy of the post office returned receipt card for the certified mail.

A copy of the Notice with an acknowledgment of hand delivery.

A copy of the proof verifying a record check of the National Motor Vehicle Title Information System or an equivalent commercially available system was performed.

_____ Copy of the Notice of Claim of Lien along with the original or certified copy of the post office returned receipt card for the certified mail, or the returned unclaimed certified letter(s), within 7 days from the date of the assessment of storage charges, excluding Saturday, Sunday, or any federal holiday which may occur within this time frame.

_____ Notice of Sale along with the original or certified copy of the post office returned receipt card for the certified mail or the returned unclaimed certified letter(s), which was sent no less than 15 calendar days prior to the date of sale.

EXHIBIT A (page 2, cont.)

If the date, time, and location of the sale is shown in the Notice of Claim of Lien, the Notice of Sale is not required.

_____ Copy of newspaper ad, showing name of newspaper and date published (at least 15 calendar days prior to the date of the sale).

_____ One of the following:

Copy of the order of repair itemizing all charges with authorization from the customer.

or

A notarized/perjury clause affidavit stating that the repairs were less than \$100.

_____ Copy of the Certificate of Compliance certified by the Clerk of the Court.

_____ Copy of the Report of Sale certified by the Clerk of the Court.

_____ Copy of the Motor Vehicle Repair Registration Certificate.

EXCEPTION: An upholstery shop may legally act in accordance with Section 713.585, Florida Statutes. However, they are not required to register with the Department of Agriculture and Consumer Services. Therefore, in lieu of the "Motor Vehicle Repair Registration Certificate," they must submit an affidavit stating they are exempt from the requirement of registering with the Department of Agriculture and Consumer Services.

_____ Bill of sale, if the motor vehicle was sold.

_____ Florida sales tax or specify the sales tax exemption information on form HSMV 82040.

_____ License plate number or a non-use affidavit.

_____ Title and lien fees.

EXHIBIT B

Labor, Service and Storage Lien Timeline

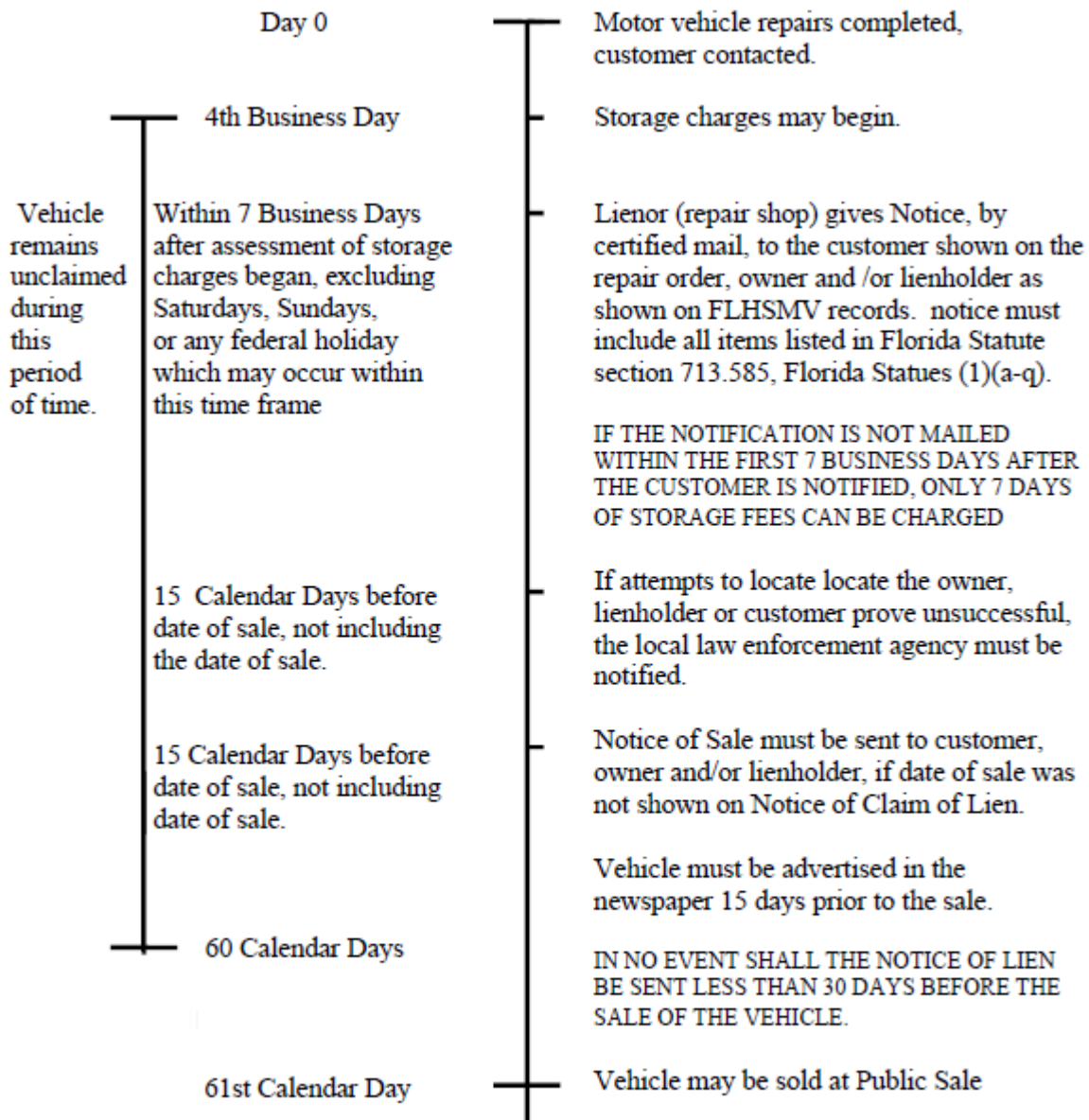


EXHIBIT C

NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF MOTOR VEHICLE

NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF MOTOR VEHICLE

DATE, TO: REGISTERED OWNER, VIN, LIENHOLDER, NAME, ADDRESS, CITY, STATE, ZIP, CUSTOMER (WHO AUTHORIZED WORK AS SHOWN ON REPAIR ORDER), OTHER PERSON (CLAIMING INTEREST IN VEHICLE)

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 LOCATION

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... REPAIRS WERE COMPLETED AND OWNER/CUSTOMER WAS NOTIFIED ON... THAT THE ABOVE VEHICLE REPAIRS WERE COMPLETE. ITEMIZED STATEMENT OF CHARGES: REPAIR COSTS \$... PLUS CHARGES FOR... DAYS AT \$... PER DAY, PLUS ADMINISTRATIVE FEES (NOT TO 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) 599.917, FLORIDA STATUTES. NOTICE THAT ANY PROCEEDS FROM THE SALE OF THE MOTOR VEHICLE REMAINING AFTER PAYMENT OF THE AMOUNT CLAIMED TO BE DUE AND OWED 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

This is not a prescribed form, however all information required by s. 713.585 (1a-q) is included in this suggested f

EXHIBIT D

TO: CLERK OF THE CIRCUIT COURT OF COUNTY, FLORIDA
CERTIFICATE OF COMPLIANCE

IN RE: NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF MOTOR VEHICLE

(DESCRIPTION OF MOTOR VEHICLE - YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER)

BY: _____ AS LIENOR
(NAME OF LIENOR)

STATE OF FLORIDA
COUNTY OF _____

DATE: _____

I hereby certify the following:

- 1. I am the (lienor) or (agent or attorney for lienor) or (duly authorized corporate officer or representative of lienor) designated in that certain Notice of Claim of Lien and Proposed Sale of Motor Vehicle, a true copy of which is attached hereto.
- 2. The attached Notice of Claim of Lien and Proposed Sale of Motor Vehicle was sent by certified mail to each of the persons or entities as required by [Section 713.585, Florida Statutes](#), and such Notice was posted to said persons or entities within 7 days of the commencement of assessing storage charges. The return receipts or confirmation evidencing such mailing are attached hereto.
- 3. For those persons or entities required to be notified as required by [Section 713.585, Florida Statutes](#) who have not acknowledged receipt of the aforementioned Notice mailed by lienor as herein above described, a true copy of sale Notice was published once in

_____, which is a newspaper circulated
(Name of Newspaper)

in _____ County, Florida, at least 15 days prior to the proposed or scheduled date of sale of the motor vehicle and proof of such publication is attached hereto.

Under penalties of perjury, I declare that I have read the foregoing (document) and that the facts stated in it are true and correct.

Signature of Affiant

This is not a prescribed form, however all information required by s. 713.585(9) is included in this suggested form.

EXHIBIT E

TO: CLERK OF THE CIRCUIT COURT OF _____ COUNTY, FLORIDA

REPORT OF SALE

IN RE: NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF MOTOR VEHICLE

(DESCRIPTION OF MOTOR VEHICLE - YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER)

BY _____ AS LIENOR

(NAME OF LIENOR)

STATE OF FLORIDA

COUNTY OF _____

DATE: _____

I hereby certify the following:

1. I am the (lienor) or (agent or attorney for lienor) or (duly authorized corporate officer or representative of lienor) designated in a Notice of Claim of Lien and Proposed Sale of Motor Vehicle, a true copy of which was heretofore filed with this court.

2. On the _____ day of _____, 20____, commencing at _____ AM/PM, at _____,

(Location of Sale)

lienor caused the motor vehicle described in said Notice of Claim of Lien and Proposed Sale of Motor Vehicle, to wit: _____

(Year, Make, Model, Vehicle Identification Number)

to be sold at public sale at which said motor vehicle was purchased by:

_____,

(Name & Address of Purchaser)

for the sum of \$ _____.

3. Lienor herewith deposits with the Clerk of the Circuit Court the sum of \$ _____, which represents all the proceeds from the sale of the above described motor vehicle, less the following amounts retained by lienor pursuant to Section 713.585, Florida Statutes (8).

\$ _____ - Labor

\$ _____ - Storage Charges

\$ _____ - Cost of Publication

\$ _____ - Other

\$ _____ - Total Amount Retained by Lienor

4. No demand or request for a hearing pursuant to Section 713.585 has been made or filed and no such hearing has been demanded and held pursuant to Section 713.585, Florida Statutes, and a court order was issued allowing the sale of the motor vehicle by the lienor.

5. This Report of Sale is submitted and filed for certification in compliance with the requirements of Section 713.585 (9) Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing (document) and that the facts stated in it are true and correct.

Signature of Affiant

This is not a prescribed form, however all information required by s. 713.585(8) is included in this suggested form.

EXHIBIT F
GOOD FAITH NOTICE

(This Notice must be sent by certified mail, return receipt requested or must be hand delivered.)

DATE _____

TO: LOCAL LAW ENFORCEMENT AGENCY

AGENCY'S NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

FROM: LIENOR (REPAIR SHOP)

NAME OF LIENOR _____

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE # (if applicable) _____

FAX # (if applicable) _____

DESCRIPTION OF MOTOR VEHICLE

YEAR _____ MAKE _____ VIN _____

The above named lienor claims a lien pursuant to section 713.585, Florida Statutes, on the above described motor vehicle for repair and storage charges.

A "good faith effort" has been made by the lienor to include: a physical search of the vehicle, a check of the Florida Department of Highway Safety and Motor Vehicles database and of the National Motor Vehicle Title Information System (NMVTIS). The lienor has been unable to locate any owner and lienholder information for the motor vehicle.

If any information is located for the owner and lienholder by the law enforcement agency, please forward that information to the above listed lienor.

Under penalties of perjury, I declare that I have read the foregoing (document) and that the facts stated in it are true and correct.

Signature of Lienor

This is not a prescribed form, however all information required by s. 713.585 (2(a-e)) is included in this suggested form.

EXHIBIT G



Florida Department of Agriculture and Consumer Services
Division of Consumer Services
2005 Apalachee Pkwy
Tallahassee, Florida 32399-6500

March 7, 2019

ARROW AUTO GLASS
220 DIVISION ST UNIT 2
KINGSTON, PA 18704-2740

SUBJECT: Motor Vehicle Repair Shop Registration MV97193

Your application for registration as a motor vehicle repair shop as required by section 559.904, Florida Statutes, has been received and processed.

Your registration certificate appears below. This registration certificate will expire March 1, 2021.

Your registration number is required by law to be placed on your invoice forms. The registration number is also required to be included in advertisements which are placed in a newspaper, magazine or directory.

If you have any questions, please do not hesitate to call the Division of Consumer Services, Bureau of Compliance, at 800-435-7352 or 850-410-3800.

SAMPLE

Cut Here



State of Florida
Department of Agriculture and Consumer Services
Division of Consumer Services
2005 Apalachee Pkwy
Tallahassee, Florida 32399-6500

Registration No.: **MV97193**
Issue Date: March 7, 2019
Expiration Date: March 1, 2021

**POST CERTIFICATE
CONSPICUOUSLY**

**Motor Vehicle Repair
Registration Certificate**

Chapter 559, Florida Statutes
GOOD ONLY FOR THE LOCATION LISTED BELOW

**ARROW AUTO GLASS
5086 TENNESSEE CAPITAL BLVD
TALLAHASSEE, FL 32303-7812**

**OWNED BY:
ARROW AUTO GLASS OPERATING COMPANY LLC**

This is to certify that the Motor Vehicle Repair Shop whose name and address are shown above has registered and paid the prescribed fee (based on the declared number of mechanics, technicians, and helpers) as required by s. 559.904 F.S. and is authorized to perform Motor Vehicle Repairs at the location shown above.

Nicole Fried

NICOLE "NIKKI" FRIED
COMMISSIONER OF AGRICULTURE

EXHIBIT H



Nicole "Nikki" Fried
Commissioner

Florida Department of Agriculture and Consumer Service Division of Consumer Services

Motor Vehicle Repair Estimate and Invoice Requirements

(Disclaimer: This checklist is provided for general informational purposes only and is not intended to provide legal advice. Each motor vehicle repair shop should consult with its own legal counsel with respect to its particular circumstances and obligations under the Florida Motor Vehicle Repair Act.)

Estimate Requirements 559.905(1), F.S.

In accordance with the Florida Motor Vehicle Repair Act s. 559.905, F.S., the motor vehicle repair estimate must include at least the following items:

- a. The name, address, and telephone number of the motor vehicle repair shop.
- b. The name, address, and telephone number of the customer.
- c. The date and time of the written repair estimate.
- d. The year, make, model, odometer reading, and license tag number of the motor vehicle.
- e. The proposed work completion date. (form may say promised)
- f. A general description of the customer's problem or request for repair work or service relating to the motor vehicle.
- g. A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both.
- h. * The estimated cost of repair. The following must appear:
 - The form must state whether the estimate includes a separate charge for shop supplies or hazardous/other waste removal
 - If the estimate includes a separate charge for shop supplies or hazardous/other waste removal, the form shall include the following statement: "This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal."
 - The estimate shall contain a statement identifying charges mandated by state or federal law, as follows:
 - If the estimate includes the sale of new tires it must state: F.S. 403.718 mandates a \$1.00 fee for each new tire sold in the State of Florida.
 - If the estimate includes the sale of a new or remanufactured battery it must state: F.S. 403.7185 mandates a \$1.50 fee for each new or remanufactured battery sold in the State of Florida.
- i. The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated.
- j. The customer's intended method of payment.
- k. The name and telephone number of another person who may authorize repair work, if the customer desires to designate such person.
- l. A statement indicating what, if anything is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective.

EXHIBIT H (cont., page 2)

- m. A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return.
- n. *A statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed. However, no storage charges shall accrue or be due and payable for a period of 3 working days from the date of such notification.

* IF CHARGES ARE ASSESSED FOR ITEMS "h" AND/OR "n" THEN A STATEMENT IS REQUIRED.

Estimate Requirements 559.905(2), F.S.

If the cost of repair work will exceed \$100, the shop shall present to the customer a written notice conspicuously disclosing, in a separate, blocked section, only the following statement, in capital letters of at least 12-point type:

PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:

I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$100.

_____ I REQUEST A WRITTEN ESTIMATE.

_____ I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED \$_____. THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

_____ I DO NOT REQUEST A WRITTEN ESTIMATE.

SIGNED _____ DATE _____

Invoice Requirements 559.911, F.S.

In accordance with the Repair of Motor Vehicles Act s. 559.91, F.S., the motor vehicle repair invoice shall include the following information:

1. The current date and odometer reading of the motor vehicle.
2. A statement indicating what was done to correct the problem or a description of the service provided.
3. An itemized description of all labor, parts, and merchandise supplied and the costs thereof, indicating what is supplied to the customer without cost or at a reduced cost because of a shop or manufacturer's warranty.
4. A statement identifying any replacement part as being used, rebuilt, or reconditioned, as the case may be.
5. A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective.
6. The registration number from the certificate issued by the Department pursuant to this part.
New MVR shops that do not possess a registration number may provide an area designated for the registration number.

EXHIBIT I

Motor Vehicle Repair Invoice

<p>PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN: I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$100. <input type="checkbox"/> I REQUEST A WRITTEN ESTIMATE. <input type="checkbox"/> I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED \$_____. THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL. <input type="checkbox"/> I DO NOT REQUEST A WRITTEN ESTIMATE.</p> <p>SIGNED _____ DATE _____</p>					ABC AUTO REPAIR SHOP 123 ANY STREET ANY PLACE, FL 33333 (123) 456-7890 ****SAMPLE**** FLORIDA REGISTRATION: MV- 00000			___ month/ ___ mile warranty on all parts and labor unless otherwise specified.		
					Intended Payment Method:		Date: _____ Time: _____			
					CASH CHECK VISA MC AMEX		Proposed Completion Date: _____			
					Name: _____		Home Ph: _____			
Address: _____					Work Ph: _____					
City: _____ State: _____ Zip: _____					Phone: _____					
Other Authorized Person: _____					Tag: _____					
Year/Make: _____ Model: _____			Miles In: _____		Miles Out: _____					
VIN#: _____										
*U/Used R/Rebuilt RC/Reconditioned NC/ No Chg/Warranty RD/Reduced/					Save Old Parts: Yes No (Core may apply)					
Customer Complaint/Problem: _____										
LABOR CHARGES BASED ON: FLAT RATE _____ HOURLY RATE _____ BOTH APPLY					ESTIMATE/DIAGNOSTIC FEE: \$ _____ /OR HOURLY AT \$ _____ PER HOUR					
A storage fee of \$ _____ per day may be applied to vehicles which are not claimed within 3 working days of notification of completion										
DESCRIPTION OF REPAIRS					LABOR		CHARGES			
<input type="checkbox"/> ESTIMATE <input type="checkbox"/> INVOICE										
							PARTS:			
							\$ _____			
							LABOR:			
							\$ _____			
							SUBLET/OTHER			
							\$ _____			
							** SHOP SUPPLIES			
							\$ _____			
Estimate good for 30 days. Not responsible for damage caused by theft, fire or acts of nature. I hereby authorize the above repairs, including sublet work, along with the necessary materials. You and your employees may operate my vehicle for the purpose of testing, inspection and delivery at my risk. If I cancel repairs prior to their completion for any reason, a tear down and reassembly fee of \$ _____ will be applied. X _____ Date _____							***FEES\$			
							Subtotal \$			
							Tax: \$			
							TOTAL: \$			
This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal. *F3403.718 mandates a \$1.00 fee for each new tire sold in the State of Florida. ****F3403.7185 mandates a \$1.50 fee for each new or remanufactured battery sold in the State of Florida.										

EXHIBIT J

Paint & Body Shop Estimate

PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:

I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$100.

I REQUEST A WRITTEN ESTIMATE.

I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE REPAIR COSTS DO NOT EXCEED \$_____.

THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

I DO NOT REQUEST A WRITTEN ESTIMATE.

SIGNED _____ DATE _____

ABC Auto Repair
1234 Anystreet
Anyplace, FL 33333
(123) 456-7890
*****SAMPLE*****
Florida Registration: MV-00000

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Home #: _____ Work #: _____
Other Authorized Person: _____ Phone #: _____
Date: _____ Time: _____ Proposed Completion Date: _____

INVOICE ESTIMATE

*U/Used R/Repaired A/Aftermarket S/Straightened M/Manufacturers Part				LABOR HOURS				All parts and labor are warranted for _____ months/_____ miles unless otherwise stated.
Qty	*	Part No.	Description	Body	Paint	Frame	Mech	
								Vehicle Information: Vin: _____ Yr/Make: _____ Model: _____ Tag: _____ Miles In: _____ Miles Out: _____ Save Parts: [] No Core may apply ----[] Yes Charges based on: [] Hourly Rate _____ [] Flat Rate _____ [] Both Apply _____ Estimate/Diagnosis: Fee: \$ _____ or Hourly at \$ _____/hr. Payment Method: [] Cash [] Check [] Visa [] MC [] Amex

Customer Complaint/Problem: _____ Estimated Cost: \$ _____

This charge represents costs and profits to the motor vehicle repair facility for miscellaneous shop supplies or waste disposal. *s. 403.718, F.S. mandates a \$1.00 fee for each new tire sold in the State of Florida. ****s. 403.7185, F.S. mandates a \$1.50 fee for each new or remanufactured battery sold in the State of Florida. Estimate good for 30 days. Facility is not responsible for damage caused by theft, fire or acts of nature. I authorize the above repairs to my vehicle including the necessary materials and sublet work. You and your employees may operate my vehicle for the purpose of testing, inspection and delivery at my risk. If I cancel repairs to my vehicle for any reason, I understand that a teardown and reassemble fees of \$_____ will apply. I understand that a charge of \$_____ per day will be charged if I fail to pick up my vehicle within (3) working days of notification of completion. Signature: _____ Date: _____	Body Hours/@	\$	Parts:	\$
	Paint Hours/@	\$	Labor:	\$
	Mech Hours/@	\$	**Shop Sup:	\$
	Paint Supplies	\$	Sublet:	\$
	Body Supplies	\$	***Fees:	\$
	Tow/Storage	\$	Subtotal:	\$
	Epa/Waste	\$	Tax:	\$
Miscellaneous	\$	Total:	\$	

Revision(s) to Procedure

Implemented 2019 legislation to reflect revision pursuant to Florida Statute 713.585. Added information about the Servicemembers Civil Relief Act. Added information about the Department of Defense's Defense Manpower Data Center. Added language to section A (a,b,g,h,i, and p). Updated Exhibit G with Motor Vehicle Repair Register Certificate; Added links to statute and forms. Listed Auto Data Direct and Beacon Software (Towlien) as the two (2) approved, third-party service providers for FLHSMV.