

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
TL-25	TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR LABOR, SERVICE OR STORAGE LIEN
<p>DESCRIPTION:</p> <p>This procedure provides information and instructions to guide employees and agents of the department in establishing requirements for transfer and issuance of a certificate of title upon sale for a labor, service or storage lien.</p> <p>PROVISIONS OF LAW:</p> <p>This procedure is governed by:</p> <p>Chapter 317, Florida Statutes Chapter 319, Florida Statutes Chapter 713, Florida Statutes Chapter 320, Florida Statutes Chapter 316, Florida Statutes Chapter 559, Florida Statutes</p> <p>DOCUMENTATION AND SPECIAL INSTRUCTIONS:</p> <p>The procedures listed below are used in the transactions described in this procedure:</p> <p>Procedure TL-07 Application for Certificate of Title on a Motor Vehicle With Alternate Proof of Ownership and Procedure for Securing a Florida Court Order Awarding Ownership Procedure TL-37 Application for Certificate of Title for a Rebuilt Motor Vehicle, Mobile Home or Motorcycle Previously Declared Salvage or Junk Procedure TL-44 Application for Certificate of Title for an Off-Highway Vehicle</p> <p>FORMS:</p> <p>The forms listed below are used in the transactions described in this procedure:</p> <p>Form HSMV 82040 Application for Certificate of Title With/Without Registration Form HSMV 82042 Vehicle Identification Number and Odometer Verification</p>	
<p><i>Revision(s) to this Procedure: Revised some notice requirements; authorized the owner of or a person claiming interest in a vehicle or a lien to post bond to recover possession of a vehicle held by a lienor; specifying that lienholders have standing in certain proceedings to allege violations of the Florida Motor Vehicle Repair Act; requiring the clerk of the court to issue a certificate notifying the lienor of the posting of bond; establishing procedures and requirements for a vehicle owner to reclaim such vehicles recovered by a lienholder; authorizing courts to award damages based on claims relating to the enforcement of certain lien and recovery rights.</i></p>	
EFFECTIVE DATE	REVISION DATE
July 1, 2016	06/23/16

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DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

After the provisions of [section 713.585, Florida Statutes](#), have been met, the following documentation should be submitted to your local county tax collector office or license plate agency to apply for a Florida Certificate of title:

A. NOTICE OF CLAIM OF LIEN:

A copy of the Notice of Claim of Lien, (Exhibit A), which was mailed certified to the owner (and registered owner, if different and/or more current than the titled owner) and lienholder (a lien satisfaction for the lien is acceptable, from the lienholder, in lieu of a certified letter to the lienholder) of record, at the address(es) shown on motor vehicle records of this or any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being the current state where the vehicle is titled **AND** to the customer as indicated on the repair estimate, within 7 business days, excluding Saturday, Sunday or any federal holiday which may occur within this timeframe, from the beginning date of the assessment of storage charges on said motor vehicle.

Pursuant to [section 559.905\(1\)\(n\), Florida Statutes](#), storage charges cannot be assessed until three business days after BOTH the repair work has been completed and the customer, has been notified, NOT including the day of notification. Therefore, a date must be shown for the completion of repairs AND the date the customer was notified (may be the same date), in order to calculate the 7 business days, UNLESS the repair shop is only charging for 7 days of storage (along with their charges for repairs, adjustments or modifications made to the motor vehicle).

The original or certified copy of the post office returned receipt card for the certified mail or the returned unclaimed certified letter(s) must be submitted with all other required documentation. If the returned 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 certified copy of the paid receipt is required in order to prove the letter was sent within the 7 business days, from the beginning date of the assessment of storage charges.

or

A copy of the "electronic return receipt (Direct Post Delivery Detail and Return Receipt Electronic)," which provides verification from the United States Postal Service (USPS) that the certified letter was sent, delivered returned, etc. If the certified letter was returned unclaimed, it must be submitted in addition to the electronic return receipt and other required documentation.

The "Track & Confirm" screen from the postal service is NOT acceptable in lieu of the "electronic return receipt."

Tax collector office or license plate agency personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. **The initials of the clerk opening the envelope** and the date opened **must be written** on the outside envelope. Letters marked "Forwarding Order Expired" are acceptable.

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If the notification is not mailed within 7 business days, excluding Saturdays and Sundays or any federal holiday which may occur within this time frame, after the assessment of storage charges, the repair shop is prohibited from charging storage for more than 7 days. However, this does not affect the remaining charges due for repairs, adjustments or modifications made to the motor vehicle. For more information, see the Time Line included in this procedure as Exhibit B.

The Notice of Claim of Lien must contain all of the following:

1. A description of the vehicle, **including, at a minimum, its year, make, vehicle identification number, and the vehicle's location.**
2. The name and address of the owner(s) of the vehicle and any lienholder, as indicated on motor vehicle records of this state or any other state AND the name and address of the customer as it appears on the order of repair **and any person claiming an interest in the lien thereon.**
3. The name, address and telephone number of the lienor (repair shop claiming the lien for unpaid charges).
4. Notice that the repair shop (**lienor**) claims a lien on the motor vehicle for labor and services performed and storage charges, if any, and the cash sum which, if paid to the repair shop (**lienor**), would be sufficient to redeem the motor vehicle from the lien claimed by the repair shop.
5. Notice that the lien claimed by the repair shop (**lienor**) is subject to enforcement pursuant to, and that the vehicle may be sold to satisfy the lien.
6. If known, the date, time and location of any proposed or scheduled sale of the motor vehicle. **A vehicle may not be sold earlier than 60 days after completion of the repair work.**

If the date, time and location of the sale are specified in the Notice of Claim of Lien, the Notice of Sale is not required.
7. Notice that the owner of the vehicle or any person claiming an interest in or a lien on the vehicle 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 of Claim of Lien.**
8. 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 [section 559.917, Florida Statutes](#) (Motor Vehicle Repair Act).
9. Notice that any proceeds remaining from the sale of the motor vehicle after payment of the amount claimed by the repair shop will be deposited with the clerk of the circuit court for disposition.
10. **Notice that a lienholder, if any, has the right, as specified in subsection (5), to demand a hearing or to post a bond.**

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B. LAW ENFORCEMENT NOTIFICATION (if applicable):

If all attempts to locate the owner or lienholder prove unsuccessful, the repair shop (**lienor**) shall, within 7 business days, excluding Saturdays and Sundays, from the beginning date of assessment of storage charges, notify the local law enforcement agency that they have been unable to locate the owner and lienholder and that a physical search of the motor vehicle (including the additional "checks" listed below under the good faith effort) disclosed no ownership information and a "good faith effort" to locate the owner or lienholder was made by them (see Exhibit F). The notification must include a complete and accurate description of the motor vehicle, including year, make and vehicle identification number, and must be signed by the person (lienor) verifying the good faith effort has been performed.

"Good Faith Effort" means that the following checks have been performed by the repair shop to establish the prior state of registration and title:

- A check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder;
 - A check of the federally mandated electronic National Motor Vehicle Title Information System or an equivalent commercially available system (see **Documentation Required and Special Instructions**, M, of this procedure for a definition) to determine the state of registration when there is not a current title or registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles;
 - A check of the vehicle for any type of license plate, license plate record, temporary license plate, or decal;
 - A check of the vehicle for an inspection sticker or other stickers and decals that could indicate the state of possible registration;
 - A check of the interior of the vehicle for any papers that could be in the glove box, trunk or other areas, that could disclose the state of registration.
1. Proof of notification (see Exhibit F) to the local law enforcement agency (within 7 business days, excluding Saturday and Sunday, from the beginning date of the assessment of storage charges), must be submitted with the certificate of title application and must be **ONE** of the following documents:
 - (a) A copy of the Notice/letter and the original or certified copy of the post office returned receipt card for the certified mail, signed by an official of the law enforcement agency;or,
 - (b) A copy of the Notice/letter with an acknowledgment of hand delivery, signed by an official of the law enforcement agency.
 2. 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. Refer to **Special Note, D**, of this procedure for a list of approved NMVTIS data providers.

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C. NOTICE OF SALE (IF APPLICABLE):

A copy of the Notice of Sale (Exhibit A), which was mailed certified to the owner(s), lienholder(s) and the customer as indicated on the order of repair, at the address shown on motor vehicle records of this or any other state or the order of repair. The original or certified copy of the post office returned receipt card for the certified mail or the returned unclaimed letter(s) must be submitted with all other required documents. This notice must be mailed no less than 15 calendar days prior to the date of the sale. The 15 calendar days do not include the date the notice was mailed or the date of sale.

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

D. NEWSPAPER ADVERTISEMENT:

The repair shop (**lienor**), at least 15 calendar days before the proposed or scheduled date of sale of the motor vehicle, shall publish the notice required once in a newspaper circulated in the county where the motor vehicle is held. The newspaper advertisement must contain the following information:

- A description of the vehicle (year, make and vehicle identification number) and its location.
- The name, address, and telephone number of the lienor (repair shop claiming the lien for unpaid charges).
- Notice that the lienor claims a lien on the vehicle for labor and services performed and storage charges, if any, and the cash sum at the date of sale which, if paid to the lienor, would be sufficient to redeem the vehicle from the lien claimed by the lienor.
- Notice that the lien claimed by the lienor is subject to enforcement pursuant to [section 713.585, Florida Statutes](#), and that the vehicle may be sold to satisfy the lien.
- The date, time, and location of any proposed or scheduled sale of the vehicle is required. **A** vehicle may **not** be sold earlier than 60 days after completion of the repair work.
- Notice that the owner of the vehicle or any person claiming an 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 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.
- 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 the provisions of [section 559.917, Florida Statutes](#) (Motor Vehicle Repair Act).
- 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.

The 15 calendar days do not include the date of the advertisement or the date of the sale.

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E. At any time **before** the proposed or scheduled date of sale of a vehicle, the owner of the vehicle, or any person claiming an interest in the vehicle or a lien thereon, may **post a bond following the procedures outlined in section 559.917, Florida Statutes, or** 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 her or him. **A lienholder has standing to allege any violation of part IX of Chapter 559 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 required in subsection (1).

The name and address of the owner(s) of the vehicle have been removed from the requirements on the newspaper advertisement due to the DPPA requirements.

1. Upon the filing of a demand for hearing, a hearing shall be held **before** the proposed or scheduled date of sale of the vehicle.
2. **Upon the posting of the bond and payment of the applicable fee set forth in, section 28.24, Florida Statutes, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle to the lienholder or the owner, based upon whomever posted the bond.**
3. **If a lienholder obtains the vehicle and the owner of the vehicle is not in default under the installment sales contract or title loan at the time the lienholder has possession of the vehicle, the lienholder must return the vehicle to the owner within 5 days after the owner repays the lienholder for the amount of the bond, or makes arrangements to repay the lienholder for the bond under terms agreeable to the lienholder. A lienholder may retain possession of the vehicle if the owner is in default until such time as the default is cured and the amount of the bond is repaid by the owner, or an arrangement agreeable to the lienholder is made with the owner.**

F. **At the hearing on a complaint relating to the requirements of this section, the court shall issue an order determining:**

- (1) **Whether the vehicle is subject to a valid lien by the lienor and the amount thereof;**
- (2) **The priority of the lien of the lienor as against any existing security interest in the vehicle;**
- (3) **The distribution of any proceeds of the sale by the clerk of the circuit court;**
- (4) **The awarding of damages, if any;**
- (5) **The award of reasonable attorney's fees and costs, at the court's discretion, to the prevailing party; and**
- (6) **The reasonableness of storage charges.**

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

G. CERTIFICATE OF COMPLIANCE:

A copy of the Certificate of Compliance (see Exhibit C), that has been certified, recorded and filed by the Clerk of the Circuit Court in the county where the motor vehicle is being held, must be submitted with the application for a certificate of title.

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The information contained in the certificate must be verified by an authorized agent for the repair shop and is given as proof of the notification provisions of [section 713.585, Florida Statutes](#).

If the certified copy of the Certificate of Compliance does not display the filing information, submit a receipt (from the Clerk of the Circuit Court) which shows the fees that were paid to index and record the certificate.

or

The original Certificate of Compliance may be submitted in lieu of certified copies, as long as it is recorded and filed with the Clerk of the Circuit Court in the county where the motor vehicle is being held.

H. REPORT OF SALE:

A copy of the Report of Sale (see Exhibit D), certified by the Clerk of the Circuit Court. The Report of Sale must include the following:

1. the year, make and identification number of the motor vehicle,
2. the name and address of the purchaser,
3. the date of the sale,
4. the selling price,
5. the itemized amount deducted from the sale price and retained by the repair shop,
and
6. a disclosure of whether a hearing was demanded by the owner and held.

If the certified copy of the Report of Sale does not display the filing information, submit a receipt (from the clerk of the court), which shows the fees that were paid to index and record the Report of Sale.

A failure to make good faith efforts as defined in [section 713.585\(2\), Florida Statutes](#), 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 [section 713.585\(1\), Florida Statutes](#), within 7 business days after the assessment of storage charges has begun, then the lienor is precluded from charging for more than 7 days of storage, but failure to provide timely notice does not affect charges made for repairs, adjustments, or modifications to the vehicle or the priority of liens on the vehicle.

or

The original Report of Sale may be submitted in lieu of certified copies, as long as it is recorded with the Clerk of the Circuit Court in the county where the motor vehicle is being held.

I. CERTIFICATE OF REGISTRATION FOR REPAIR SHOP:

Submit a copy of the repair shop's "Motor Vehicle Repair Registration Certificate" (see Exhibit E) issued by the Florida Department of Agriculture and Consumer Services (DOA) pursuant to the requirements of [section 559.905, Florida Statutes](#), which was valid during the time the vehicle was taken in for repairs.

The certificate of registration is to provide proof the repair shop is/was currently registered with the Department of Agriculture and Consumer Services during the time the vehicle was taken in for repairs. If this information is verified on line, the agency must submit a copy of the screen print of the repair shop's certificate.

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For additional assistance in verifying this information, please go to [Florida Department of Agriculture and Consumer Services Find a Business or Individual License/Complaint Lookup](#).

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. 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.

J. REPAIR ORDER/ESTIMATE:

A copy of the order of repair, which itemizes all charges for repairs and storage and shows the written or oral authorization from the registered owner or customer for the repair shop to perform the needed repair(s) is required, unless the cost of repair work is less than \$100. If authorization is obtained orally, the repair shop shall legibly note the authorization on the order of repair.

The order of repair must contain a place for the repair shop to enter the daily charge for storing the customer's motor vehicle, and a complete description of the motor vehicle.

It is necessary for the order of repair to show the date the work was completed and the date the customer was notified. If the cost of the repair work is less than \$100, the repair shop does not have to submit a copy of the order of repair with the application for certificate of title. However, the repair shop must submit a notarized affidavit stating that the repairs were less than \$100.

K. FORMS:

1. Form [HSMV 82040](#), Application for Certificate of Title with/without Registration.
2. If the motor vehicle was previously titled in another state or no record of ownership can be located, the following additional documentation is required:
 - a. Form [HSMV 82042](#), Vehicle Identification Number and Odometer Verification Affidavit, accurately completed by the customer(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form. Form [HSMV 82040](#), Application for Certificate of Title with/without Vehicle Registration, may be used in lieu of the above listed form.

or,

An affidavit from the seller(s) and the purchaser(s) verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.

L. BILL OF SALE (IF APPLICABLE):

The original bill of sale from the repair shop to the purchaser showing a complete description of the vehicle, if the motor vehicle is sold. If the vehicle is not sold at the public sale, the repair shop **MUST** get a title issued in their name.

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M. SALES TAX:

Florida sales tax or specify the sales tax exemption information on an accurately completed form [HSMV 82040](#), Application for Certificate of title with/without Registration. If the repair shop is applying for a certificate of title, specify on form [HSMV 82040](#) (accurately completed), the following statutory language: "OBTAINED PER FLORIDA STATUTES, [section 713.585, Florida Statutes](#), FOR LABOR, SERVICE AND STORAGE CHARGES ONLY."

N. LICENSE PLATE:

The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit.

O. FEES:

Title fees.

If the application for certificate of title is not made within 30 days of the date of the public sale, a penalty fee is due. Refer to the [Schedule of Motor Vehicle, Mobile Home, Off-Highway and Vessel Title and Lien Fees Chart](#).

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MISCELLANEOUS INFORMATION:

A. When a licensed Florida motor vehicle dealer or an individual purchases a motor vehicle from a repair and storage company through operation of law, a certificate of title must be obtained in the dealer's or individual's name before the motor vehicle can be sold to another person.

B. If an application for a certificate of title for a mobile home, travel trailer or trailer coach is submitted under Labor, Service and Storage Lien, it will be rejected. The customer will be advised that the only way to obtain a certificate of title on these types of vehicles is by obtaining a court order. See [Procedure TL-07](#).

C. If any of the documents required by [section 713.585, Florida Statutes](#), are incomplete or incorrect, the application for a certificate of title must be rejected. This may mean the Notice of Claim of Lien, Notice of Sale, newspaper advertisement, Certificate of Compliance, or Report of Sale must be re-mailed, republished or re-filed. The need for re-mailing, republishing or re-filing would depend on where in the process the error(s) or omission(s) exists. For example:

1. "Notice of Claim of Lien" (see Exhibit A)

If any of the information required by [section 713.585, Florida Statutes](#), is incorrect in the Notice of Claim of Lien, it must be re-mailed at least 15 calendar days **before** the date of sale. The 15 calendar days do not include the date the certified letter was mailed or the date of the sale.

The Notice of Sale must be re-mailed since the Notice of Claim of Lien contains errors. The Notice of Sale may be included in the Notice of Claim of Lien or it may be mailed separately (at least 15 calendar days **before** the date of sale), by certified mail, return receipt requested.

The newspaper advertisement must also be republished 15 calendar days **before** the date of sale. The 15 calendar days do not include the date of the advertisement or the date of the sale.

An amended Certificate of Compliance and Report of Sale with the correct information must be certified, recorded and filed by the Clerk of the Circuit Court.

2. "Notice of Sale" (see Exhibit A)

If the Notice of Sale sent separately was incorrect, it must be re-mailed at least 15 calendar days prior to the date of sale. The 15 calendar days do not include the date the notice was mailed or the date of sale. The Notice of Sale must include:

The date, time and location of the sale and a complete description of the motor vehicle including the year, make and identification number.

The newspaper advertisement must also be republished 15 calendar days prior to the date of sale. The 15 calendar days do not include the date of the advertisement or the date of the sale.

An amended Certificate of Compliance and Report of Sale with the correct information must be certified, recorded and filed by the Clerk of the Circuit Court.

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3. "Newspaper Advertisement"

If any information in the newspaper advertisement is incorrect, it must be republished with the correct information at least 15 calendar days before the date of sale.

The Notice of Sale must be re-mailed, by certified mail, return receipt requested, at least 15 calendar days prior to the date of sale, unless the newspaper advertisement can be corrected and republished within the 15 calendar day period and would not affect the date of sale as stated in the original Notice of Sale (which may have been included in the Notice of Claim of Lien).

An amended Certificate of Compliance and Report of Sale with the correct information must be certified, recorded and filed by the Clerk of the Circuit Court.

4. "Certificate of Compliance" (see Exhibit C)

If any of the information contained in the Certificate of Compliance is incorrect, the repair shop must submit an amended Certificate of Compliance with the correct information to the Clerk of the Circuit Court to be certified, recorded and filed.

5. "Report of Sale" (see Exhibit D)

If any of the information contained in the Report of Sale is incorrect, the repair shop must submit an amended Report of Sale with the correct information to the Clerk of the Circuit Court to be certified, recorded and filed.

D. If an application for a certificate of title is submitted following a public sale to satisfy a Labor, Service and Storage Lien and a certificate of title has been issued or is pending to another individual or company, a letter will be written by the Department of Highway Safety and Motor Vehicles to the individual or company advising them that they have 15 days to show cause as to why the certificate of title should not be issued to the customer applying under a Labor, Service and Storage Lien. If the individual or company fails to show cause why the certificate of title should not be issued to the repair shop or the person who purchased the motor vehicle at the public sale, a certificate of title will be issued by the Department.

E. If an application for a certificate of title is submitted following the sale of a motor vehicle to satisfy a Labor, Service and Storage Lien and the Department's database reflects that a Salvage Certificate of Title branded "Rebuildable" has been issued or is pending to an insurance company, a letter will be written by the Department of Highway Safety and Motor Vehicles, advising the individual or insurance company that they have 15 days to show a cause why the certificate of title should not be issued to the repair shop or the person who purchased the motor vehicle at the public sale.

If the insurance company fails to show cause why the certificate of title should not be issued to the repair shop or the person who purchased the motor vehicle at the public sale, the customer for the certificate of title must follow the requirements for a rebuilt motor vehicle as contained in [Section 319.14\(1\)\(b\), Florida Statutes](#), and [Procedure TL-37](#). A certificate of title branded "Rebuilt" will be issued as long as all requirements, under **this procedure** and [Procedure TL-37](#) have been met.

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If the insurance company or the customer for a certificate of title has been notified, along with the owner, lienholder and customer at the time the Notice of Claim of Lien was mailed, a 15 day "show cause" letter does not have to be written.

- F. If an application for a certificate of title is submitted to the Department and a Salvage Unrebuildable Certificate of Title (issued prior to 10/01/00) or a Certificate of Destruction has been issued, the application must be rejected. The Department is prohibited from issuing a certificate of title for a motor vehicle that has previously been branded as Salvage "Unrebuildable" or a Certificate of Destruction.
- G. If after a certificate of title has been issued through the operation of law procedure covering Labor, Service and Storage and the certificate of title is returned to the Department for an identification number correction, a correspondence letter must be written asking for a Law Enforcement official to check the confidential motor vehicle identification number. If the Department receives a response which states the motor vehicle identification number is different from that on the certificate of title, the certificate of title must be cancelled as notification requirements were not met.
- H. When the Post Office or customer loses the green receipt for a certified letter, the customer MUST submit an affidavit stating that fact along with one of the three following options to prove the certified letter was sent to whom it was mailed:
 - 1. ONE of the following:
 - a. The mailer must complete [United States Postal Service form 3811-A](#), Request for Delivery Information/Return Receipt, (available at the US Post Office), so that records of delivery can be checked. The post office uses the date of delivery and the name of the individual or organization to which the letter was delivered. The [United States Postal Service form 3811-A](#) will specify whether the letter was delivered or not.
 - b. A copy of the postal service's tracking screen which confirms delivery.

The United States Postal Service (USPS) has implemented a new electronic process, where delivery records are scanned and stored for customer inquiry purposes (tracing). The postal service can access their USPS Intranet to conduct a trace and print the tracking screen for the customer.

- c. A letter of verification from the United States Postal Service (USPS) which confirms that the certified letter was sent.

If the customer does not wish to follow the above steps to obtain a copy of a green receipt or a copy of the delivery records, they must re-mail the certified letter to the previous owner, lienholder and customer (as indicated on the repair estimate) named in the Notice of Claim of Lien.
 - 2. A certified copy of the [United States Postal Service form 3877](#), Firm Mailing Book For Accountable Mail, may be submitted as proof the certified mail was sent. The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, verifying the listed information is accurate.

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A copy of the postal confirmation would also be required in addition to the [United States Postal Service form 3877](#), Firm Mailing Book For Accountable Mail.

3. If the signed green receipt for a certified letter has been lost or destroyed, a request for a duplicate copy of the green return receipt or a copy of the delivery records must be filed. United States Postal Service form 1510 (available at the US Post Office) will be sent to the addressee by the Postal Service. If the reply indicates that the addressee has received the certified letter, the completed form 1510 along with delivery records may be used as a receipt. If form 1510 specifies the certified letter was not received, they must re-mail the Notice of Claim of Lien, by certified mail, to the previous owner, lienholder, and customer as indicated on the repair estimate.
- I. All liens will be removed from the certificate of title issued under [section 713.585, Florida Statutes](#), unless otherwise provided by court order.
- J. When the Division of Motorist Services (DMS) database shows a "Law Enforcement Block" for a motor vehicle which has been repaired, the repair shop must submit a completed copy of the Notice of Claim of Lien and Notice of Sale, which would exclude the owner's address, by certified mail, return receipt requested to:

Division of Motorist Services
ATTN: Law Enforcement Block, MS# 91
2900 Apalachee Parkway
Tallahassee, FL 32399

The Department would then forward the Notice of Claim of Lien and Notice of Sale to the owner. If the owner does not respond or make arrangements with the repair shop to retrieve the vehicle prior to the date of the sale, the vehicle may be sold pursuant to [section 713.585, Florida Statutes](#). The original or certified copy of the post office returned receipt card for the certified mail, which was sent to the Department, must be submitted along with a copy of the Notice of Claim of Lien and Notice of Sale and the other required documentation.

- K. When the DMS database shows a "Privacy Act" Block for a motor vehicle which has been repaired, the repair shop would be authorized to receive the information.
- L. 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. 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.
- M. The definition of "Equivalent commercially available system" is:

A service that charges a fee to provide vehicle information and that at a minimum maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System.
- N. Procedure TL-25 may apply to off-highway vehicles (OHV). See [Procedure TL-44](#) to define the different types of off-highway vehicles.

STATE OF FLORIDA
Florida Motor Vehicles

PROCEDURE #	SUBJECT:
TL-25	TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR LABOR, SERVICE OR STORAGE LIEN

SPECIAL NOTE:

- A. When processing an application for labor and storage, make sure the form [HSMV 82040](#), Application for Certificate of Title with/without Registration.
- B. The following forms included in this procedure are suggested forms. They are not prescribed HSMV forms; however, the information contained in the forms is required. A copy of these forms may be given to any repair shop to use at their request. These forms are:
 - 1. "Notice of Claim of Lien" (see Exhibit A).
 - 2. "Certificate of Compliance" (see Exhibit C).
 - 3. "Report of Sale" (see Exhibit D).
 - 4. "Good Faith Notice" (see Exhibit F).
- C. All numbered HSMV forms referred to in this procedure can be found in the DMS Procedures Manual Forms Appendix.
- D. A list of the various approved NMVTIS Data providers is located on the website of The National Motor Vehicle Title Information System (NMVTIS) at the [National Motor Vehicle Title Information System Research Vehicle History](#) webpage.

EXHIBIT A

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 _____

NAMES AND ADDRESSES OF ANY OTHER PERSONS, INCLUDING ANY OTHER LIENHOLDERS OR PERSONS LEAVING MOTOR VEHICLE FOR REPAIR AND NOT THE OWNER CLAIMING INTEREST IN VEHICLE:

LIENOR (REPAIR SHOP)	DESCRIPTION OF VEHICLE, INCLUDING, AT A MINIMUM,
NAME _____	YEAR ____ MAKE ____ VIN _____
ADDRESS _____	THE VEHICLE'S LOCATION _____
CITY _____	_____
STATE, ZIP _____	_____
TELEPHONE _____	_____

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 REPAIR AND STORAGE CHARGES ACCRUED IN THE AMOUNT OF \$ _____. THESE STORAGE CHARGES WILL CONTINUE TO ACCRUE AT THE 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 AUCTION 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 [SECTION 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 (6) OF [SECTION 713.585, FLORIDA STATUTES](#).

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 DO NOT INCLUDE THE DATE NOTICE WAS PLACED IN THE NEWSPAPER OR THE DATE OF SALE.

(SIGNATURE OF LIENOR)

NOTE: This is a suggested form. It is not a prescribed form; however, it does contain all the information required.

EXHIBIT B

Labor, Service and Storage Lien

TIME LINE

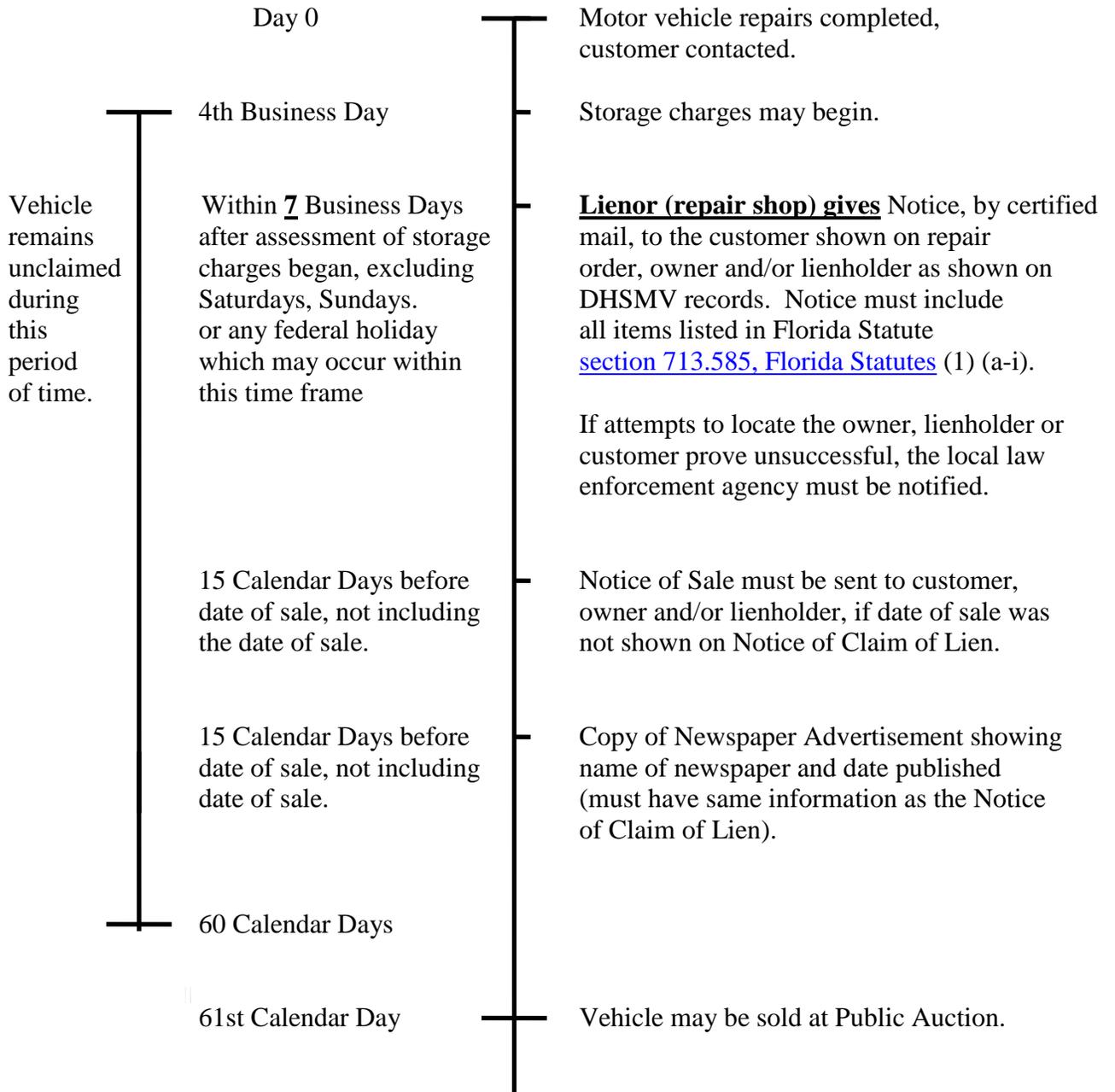


EXHIBIT C

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 were 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](#) and 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

NOTE: This is a suggested form. It is not a prescribed form; however, it does contain all information required.

EXHIBIT D

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:

- 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.
- On the _____ day of _____, 20_____, commencing at _____AM/PM, at

_____, the above named
(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 \$_____.

- 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 and service
 \$_____ - Storage charges
 \$_____ - Cost of publication
 \$_____ - Other
 \$_____ - Total amount retained by Lienor
- No demand or request for a hearing pursuant to [section 713.585, Florida Statutes](#) has been made or filed, and no such hearing has been held or a hearing was 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.
- This Report of Sale is submitted and filed for certification in compliance with the requirements of [section 713.585, Florida Statutes \(9\)](#).

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

NOTE: This is a suggested form. It is not a prescribed form, however it does contain all the information required.

EXHIBIT E



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

August 21, 2002

SUBJECT: Motor Vehicle Repair Shop Registration MV32904

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 certificate should be detached along the dotted line and affixed to the sign which will be mailed to you under separate cover. The sign must be posted in a conspicuous location at your place of business. This registration certificate will expire August 29, 2002.

Your registration number is required by law to be placed on your invoices and estimate 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 850-922-2966.

SAMPLE

Cut Here



POST CERTIFICATE
CONSPICUOUSLY

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

Registration No.: **MV32904**
Issue Date: August 8, 2001
Expiration Date: August 29, 2002

**Motor Vehicle Repair
Registration Certificate**

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

Charles H. Bronson

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

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.

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 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)

NOTE: This is a suggested form. It is not a prescribed form. However, it does contain all the information required.

EXHIBIT G

LABOR, SERVICE AND STORAGE LIEN CHECK LIST

FORMS

FLORIDA RECORD

_____ [HSMV 82040](#) or HSMV 82041

OUT-OF-STATE RECORD

_____ [HSMV 82040](#) or HSMV 82041

_____ [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.

OR

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

NOTE: 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 Saturdays, Sundays 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.

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).

EXHIBIT G (page 2, cont.)

_____ **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. 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.

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

_____ Florida sales tax or specify the sales tax exemption information on form [HSMV 82040](#) or HSMV 82041.

_____ License plate number or a non-use affidavit.

_____ Title and lien fees.