

By the Committee on Transportation and Senator Silver

306-1968-00

1                                   A bill to be entitled  
2           An act relating to towed vehicles; requiring  
3           local law enforcement agencies to enter certain  
4           information into the state FCIC/NCIC computer  
5           system; requiring law enforcement agencies to  
6           inquire into the reported theft or recovery of  
7           vehicles or certain vehicle identification  
8           information and requiring them to enter such  
9           information into the state FCIC/NCIC computer  
10          system; amending s. 715.05, F.S.; revising  
11          provisions relating to unclaimed motor  
12          vehicles; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Any law enforcement agency that authorizes  
17 the removal of a motor vehicle under section 715.05, Florida  
18 Statutes, that receives notification of the removal of a motor  
19 vehicle from private property under section 715.07, Florida  
20 Statutes, or that receives notification of the repossession of  
21 a motor vehicle under section 493.6118, Florida Statutes,  
22 shall, within 24 hours after removal of the motor vehicle or  
23 receipt of such notification, enter the vehicle identification  
24 information by electronic communication into the state  
25 FCIC/NCIC computer system.

26           Section 2. (1) When a law enforcement agency is  
27 notified that a vehicle, license plate, registration decal, or  
28 a vehicle vin plate has been stolen or recovered, the agency  
29 shall make due and diligent inquiry into the circumstance of  
30 the reported theft or recovery, or shall immediately refer the  
31 person reporting such information to the law enforcement

1 agency having jurisdiction over the place where the item was  
2 removed or recovered.

3 (2) Upon notification of such theft or recovery, the  
4 law enforcement agency that has jurisdiction over the place  
5 where the item was removed or recovered shall, within 24 hours  
6 after receipt of this notification, enter the information by  
7 electronic communication into the state FCIC/NCIC computer  
8 system.

9 Section 3. Effective July 1, 2000, subsection (1) of  
10 section 715.05, Florida Statutes, as amended by section 318 of  
11 chapter 99-248, Laws of Florida, is amended to read:

12 (1) Whenever any law enforcement agency authorizes the  
13 removal of a vehicle or whenever any towing service, garage,  
14 repair shop, or automotive service, storage, or parking place  
15 notifies the law enforcement agency of possession of a vehicle  
16 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
17 agency shall contact the Department of Highway Safety and  
18 Motor Vehicles, or the appropriate agency of the state of  
19 registration, if known, within 24 hours through the medium of  
20 electronic communications giving the full description of the  
21 vehicle. Upon receipt of the full description of the vehicle,  
22 the department shall search its files to determine the owner's  
23 name, ~~the name of the insurance company insuring the vehicle,~~  
24 and whether any person has filed a lien upon the vehicle as  
25 provided in s. 319.27(2) and (3) and notify the applicable law  
26 enforcement agency within 72 hours. The person in charge of  
27 the towing service, garage, repair shop, or automotive  
28 service, storage, or parking place shall obtain such  
29 information from the applicable law enforcement agency within  
30 5 days from the date of storage and shall, by certified mail,  
31 return receipt requested, notify the owner, ~~the insurer, and~~

1 all lienholders of the location of the vehicle and of the fact  
2 that it is unclaimed. Such notice shall be given within 7  
3 days, excluding Saturday and Sunday, from the date of storage  
4 and shall be complete upon mailing; however, if the state of  
5 registration is unknown, the person in charge of the towing  
6 service, garage, repair shop, or automotive service, storage,  
7 or parking place shall make a good faith best effort in so  
8 notifying the owner, ~~the insurer,~~ and any lienholders, and  
9 such notice shall be given within a reasonable period of time  
10 from the date of storage.

11 Section 4. This act shall take effect July 1, 2000.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 SB 2520

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16 The CS provides for the continued operation of existing law  
17 enforcement notification requirements when a motor vehicle is  
18 removed or repossessed.

18 The CS provides that law enforcement agencies must enter  
19 vehicle identification information into the FCIC/NCIC computer  
20 system within 24 hours of the removal of a vehicle or receipt  
21 of notification that a vehicle has been removed or  
22 repossessed. The CS also provides the same 24 hour data entry  
23 requirement for notification of the theft or recovery of  
24 motor vehicles.

22 The CS deletes the requirement that the Department of Highway  
23 Safety and Motor Vehicles provide the name of the applicable  
24 insurance company for notification purposes in instances of  
25 unclaimed motor vehicles.

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