

By Senator Burt

16-774A-01

1                                   A bill to be entitled  
2           An act relating to motor vehicles, vessels, and  
3           mobile homes; amending s. 320.03, F.S.;  
4           prohibiting the issuance of license plates or  
5           revalidation stickers to persons against whom a  
6           wrecker operator's lien has been filed;  
7           amending s. 713.78, F.S.; providing procedures  
8           for wrecker operators to notify the department  
9           of the existence of a wrecker operator's lien  
10          and providing procedures for the discharge of  
11          such liens; providing for fees and service  
12          charges; requiring the department to maintain a  
13          list of persons against whom such liens are  
14          filed and prohibiting the issuance of license  
15          plates or revalidation stickers to such  
16          persons; providing guidelines and providing for  
17          the adoption of rules; creating s. 328.25,  
18          F.S.; requiring the seller of a vessel to  
19          notify the Department of Highway Safety and  
20          Motor Vehicles of the sale of the vessel;  
21          providing an effective date.

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

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25           Section 1. Subsection (8) of section 320.03, Florida  
26 Statutes, is amended to read:

27           320.03 Registration; duties of tax collectors;  
28 International Registration Plan.--

29           (8) If the applicant's name appears on the list  
30 referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), or s.  
31 713.78(13), a license plate or revalidation sticker may not be

1 issued until that person's name no longer appears on the list  
2 or until the person presents a receipt from the clerk showing  
3 that the fines outstanding have been paid. The tax collector  
4 and the clerk of the court are each entitled to receive  
5 monthly, as costs for implementing and administering this  
6 subsection, 10 percent of the civil penalties and fines  
7 recovered from such persons, excluding wrecker operators'  
8 liens under s. 713.78(13). If the tax collector has private  
9 tag agents, such tag agents are entitled to receive a pro rata  
10 share of the amount paid to the tax collector, based upon the  
11 percentage of license plates and revalidation stickers issued  
12 by the tag agent compared to the total issued within the  
13 county. The authority of any private agent to issue license  
14 plates shall be revoked, after notice and a hearing as  
15 provided in chapter 120, if he or she issues any license plate  
16 or revalidation sticker contrary to the provisions of this  
17 subsection. This section applies only to the annual renewal in  
18 the owner's birth month of a motor vehicle registration and  
19 does not apply to the transfer of a registration of a motor  
20 vehicle sold by a motor vehicle dealer licensed under this  
21 chapter, except for the transfer of registrations which is  
22 inclusive of the annual renewals. This section does not affect  
23 the issuance of the title to a motor vehicle, notwithstanding  
24 s. 319.23(7)(b).

25 Section 2. Subsection (13) is added to section 713.78,  
26 Florida Statutes, to read:

27 713.78 Liens for recovering, towing, or storing  
28 vehicles and documented vessels.--

29 (13)(a) Upon receipt by the Department of Highway  
30 Safety and Motor Vehicles of written notice from a wrecker  
31 operator who claims a wrecker operator's lien under paragraph

1 (2)(c) for the recovery, towing, or storage of a vehicle,  
2 vessel, or mobile home, upon instructions from any law  
3 enforcement agency, for which a certificate of destruction has  
4 been issued under subsection (11), the department shall place  
5 the name of all registered owners of that property on the list  
6 of those persons who may not be issued a license plate or  
7 revalidation sticker for a motor vehicle under s. 320.03(8).  
8 The notice of wrecker operator's lien must be submitted on  
9 forms provided by the department, which must include the  
10 following information concerning the vehicle, vessel, or  
11 mobile home:

12       1. The name, address, and telephone number of the  
13 wrecker operator.

14       2. The name of all registered owners of the property  
15 and the address to which the wrecker operator provided notice  
16 pursuant to subsection (4).

17       3. A general description of the property, including  
18 the color, make, model, body style, and year.

19       4. The vehicle identification number (VIN);  
20 registration license plate number, state, and year; validation  
21 decal number, state, and year; mobile home sticker number,  
22 state, and year; vessel registration number; hull  
23 identification number; or other identification number, as  
24 applicable.

25       5. The name of the person and the corresponding law  
26 enforcement agency that requested the property to be  
27 recovered, towed, or stored.

28       6. The amount of the wrecker operator's lien.  
29       (b) The amount of the wrecker operator's lien that  
30 will prevent the issuance of a license plate or revalidation  
31 sticker may not exceed the amount of the charges for recovery,

1 towing, and storage of the property for 7 days. The charges  
2 may not exceed the maximum rates imposed by ordinance of the  
3 respective county or municipality under ss. 125.0103(1)(c) and  
4 166.043(1)(c). This paragraph does not limit the amount of a  
5 wrecker operator's lien claimed under subsection (2) or  
6 prevent a wrecker operator from from seeking civil remedies  
7 for enforcement of the entire amount of the lien.

8 (c)1. The registered owner of the property may dispute  
9 a wrecker operator's lien, by notifying the department on  
10 departmental forms and attaching:

11 a. A notarized bill of sale providing that the  
12 vehicle, vessel, or mobile home was sold in a private or  
13 casual sale before it was recovered, towed, or stored;

14 b. Proof that the Florida certificate of title was  
15 sold to a licensed dealer as defined in s. 319.001 before the  
16 vehicle, vessel, or mobile home was recovered, towed, or  
17 stored.

18 c. Proof that the registered owner submitted to the  
19 department a notice of transfer of the certificate of title  
20 under s. 319.227 or s. 328.25 before the vehicle, vessel, or  
21 mobile home was recovered, towed, or stored.

22 2. If the owner's proof is satisfactory, the  
23 department shall immediately allow the issuance of a license  
24 plate or revalidation sticker.

25 3. If the wrecker operator submits a certified copy of  
26 a court order that requires the owner to pay the wrecker  
27 operator's lien, the license plate or revalidation sticker may  
28 not be issued. However, the wrecker operator's lien may be  
29 increased to include no more than \$500 of reasonable costs and  
30 attorney's fees incurred in obtaining the judgment.

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1           (d) Upon discharge of the lien, the wrecker operator  
2 must issue a certificate of discharged wrecker operator's lien  
3 on departmental forms to each registered owner of the vehicle,  
4 vessel, or mobile home attesting that the lien has been  
5 discharged. Upon receipt of the certificate of discharged  
6 lien, the department shall issue a license plate or  
7 revalidation sticker to the owner upon request.

8           (e) The department shall charge a fee of \$2 to file a  
9 notice of wrecker operator's lien, \$1 of which shall be  
10 deposited into the Florida Motor Vehicle Theft Prevention  
11 Trust Fund and \$1 of which shall be retained by the department  
12 to defray the operating costs of implementing this section. A  
13 service charge of \$2.50 shall be charged by the tax collector  
14 who processes the notice.

15           (f) This subsection applies only to the annual renewal  
16 in the regisfered owner's birth month and does not apply to  
17 the transfer of a registration of a motor vehicle sold by a  
18 motor vehicle dealer, except for the transfer of registrations  
19 which is inclusive of the annual renewals. This subsection  
20 does not affect the issuance of the title to a motor vehicle,  
21 notwithstanding s. 319.23(7)(b).

22           (g) The Department of Highway Safety and Motor  
23 Vehicles may adopt rules necessary to administer this  
24 subsection.

25           Section 3. Section 328.25, Florida Statutes, is  
26 created to read:

27           328.25 Notice of transfer of vessel.--The seller of a  
28 vessel must notify the Department of Highway Safety and Motor  
29 Vehicles within 30 days after transferring by assignment of  
30 and delivery of a Florida certificate of title. The notice  
31 must be submitted on departmental forms that include:

1 certificate of title number; name and address of each seller;  
2 name and address of each purchaser; a general description of  
3 the vessel, including its make, length, and type of  
4 propulsion; its hull identification number; its vessel  
5 registration number; and its selling price.

6 Section 4. This act shall take effect July 1, 2001.

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9 SENATE SUMMARY

10 Revises provisions relating to the private sale of motor  
11 vehicles, motor homes, or vessels. Prohibits the issuance  
12 of a license plate or revalidation stickers to a person  
13 against whom a wrecker operator's lien has been filed.  
Provides procedures for the creation and discharge of  
such liens. Provides for the adoption of rules. (See bill  
for details.)