

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Council for Smarter Government offered the following:

**Amendment to Amendment (751657)**

On page 2, lines 21 -24  
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 2. Subsections (4)(b) and (6) of section  
713.78, Florida Statutes, is amended, and subsection (13) is  
added to said section to read:

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

(4)(b) Notice by certified mail, return receipt  
requested, shall be sent within 7 business days after the date  
of storage of the vehicle or vessel to the registered owner  
and to all persons of record claiming a lien against the  
vehicle or vessel. It shall state the fact of possession of  
the vehicle or vessel, that a lien as provided in subsection  
(2) is claimed, that charges have accrued and the amount  
thereof, that the lien is subject to enforcement pursuant to  
law, and that the owner or lienholder, if any, has the right

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1 to a hearing as set forth in subsection (5), and that any  
2 vehicle or vessel which remains unclaimed, or for which the  
3 charges for recovery, towing, or storage services remain  
4 unpaid, may be sold ~~after 35 days~~ free of all prior liens  
5 after 35 days if the vehicle or vessel is more than 3 years of  
6 age and after 50 days if the vehicle or vessel is 3 years of  
7 age or less.

8 (6) Any vehicle or vessel which is stored pursuant to  
9 subsection (2) and which remains unclaimed, or for which  
10 reasonable charges for recovery, towing, or storing remain  
11 unpaid or for which a lot rental amount is due and owing to  
12 the mobile home park owner, as evidenced by a judgment for  
13 unpaid rent, and any contents not released pursuant to  
14 subsection (10), may be sold by the owner or operator of the  
15 storage space for such towing or storage charge or unpaid lot  
16 rental amount after 35 days from the time the vehicle or  
17 vessel is stored therein if the vehicle or vessel is more than  
18 3 years of age and after 50 days from the time the vehicle or  
19 vessel is stored therein if the vehicle or vessel is 3 years  
20 of age or less. The sale shall be at public auction for cash.  
21 If the date of the sale was not included in the notice  
22 required in subsection (4), notice of the sale shall be given  
23 to the person in whose name the vehicle, vessel, or mobile  
24 home is registered, to the mobile home park owner, and to all  
25 persons claiming a lien on the vehicle or vessel as shown on  
26 the records of the Department of Highway Safety and Motor  
27 Vehicles or of the corresponding agency in any other state.  
28 Notice shall be sent by certified mail, return receipt  
29 requested, to the owner of the vehicle or vessel and the  
30 person having the recorded lien on the vehicle or vessel at  
31 the address shown on the records of the registering agency and

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1 shall be mailed not less than 15 days before the date of the  
2 sale. After diligent search and inquiry, if the name and  
3 address of the registered owner or the owner of the recorded  
4 lien cannot be ascertained, the requirements of notice by mail  
5 may be dispensed with. In addition to the notice by mail,  
6 public notice of the time and place of sale shall be made by  
7 publishing a notice thereof one time, at least 10 days prior  
8 to the date of the sale, in a newspaper of general circulation  
9 in the county in which the sale is to be held. The proceeds  
10 of the sale, after payment of reasonable towing and storage  
11 charges, costs of the sale, and the unpaid lot rental amount,  
12 in that order of priority, shall be deposited with the clerk  
13 of the circuit court for the county if the owner is absent,  
14 and the clerk shall hold such proceeds subject to the claim of  
15 the person legally entitled thereto. The clerk shall be  
16 entitled to receive 5 percent of such proceeds for the care  
17 and disbursement thereof. The certificate of title issued  
18 under this law shall be discharged of all liens unless  
19 otherwise provided by court order.

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