

By Representative Barreiro

1                                   A bill to be entitled  
2           An act relating to wrecker liens; creating s.  
3           319.227, F.S.; providing for notice of transfer  
4           of motor vehicle or mobile home; amending s.  
5           320.03, F.S.; including a cross reference;  
6           providing that the term "civil penalties and  
7           fines" does not include reference to a wrecker  
8           operator's lien; amending s. 713.78, F.S.;  
9           providing that the Department of Highway Safety  
10          and Motor Vehicles shall not issue a license  
11          plate or revalidation sticker for certain motor  
12          vehicles, vessels, or motor homes for which a  
13          wrecker operator's lien has been issued;  
14          providing procedures with respect to such  
15          liens; creating s. 328.25, F.S.; providing for  
16          notice of transfer of vessel; providing an  
17          effective date.

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

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21           Section 1. Section 319.227, Florida Statutes, is  
22           created to read:

23           319.227 Notice of transfer of motor vehicle or mobile  
24           home.--The seller of a motor vehicle or mobile home shall  
25           notify the department within 30 days after transferring by  
26           assignment of and delivery of a Florida certificate of title  
27           in connection with the transfer of ownership of the motor  
28           vehicle or mobile home. This notice shall be submitted on  
29           forms provided by the department, which must include:

30           (1) The Florida certificate of title number.

31           (2) The name and address of each seller.

- 1           (3) The name and address of each purchaser.  
2           (4) A general description of the motor vehicle or  
3 mobile home, including its color, make, model, body style, and  
4 year.  
5           (5) The vehicle identification number (VIN);  
6 registration license plate number, state, and year; validation  
7 decal number, state, and year; and mobile home sticker number,  
8 state, and year, as applicable.  
9           (6) The price at which the motor vehicle or mobile  
10 home was sold.

11           Section 2. Subsection (8) of section 320.03, Florida  
12 Statutes, is amended to read:

13           320.03 Registration; duties of tax collectors;  
14 International Registration Plan.--

15           (8) If the applicant's name appears on the list  
16 referred to in s. 316.1001(4), ~~or~~ s. 316.1967(6), or s.  
17 713.78(13), a license plate or revalidation sticker may not be  
18 issued until that person's name no longer appears on the list  
19 or until the person presents a receipt from the clerk showing  
20 that the fines outstanding have been paid. The tax collector  
21 and the clerk of the court are each entitled to receive  
22 monthly, as costs for implementing and administering this  
23 subsection, 10 percent of the civil penalties and fines  
24 recovered from such persons. As used in this subsection, the  
25 term "civil penalties and fines" does not include a wrecker  
26 operator's lien as described in s. 713.78(13). If the tax  
27 collector has private tag agents, such tag agents are entitled  
28 to receive a pro rata share of the amount paid to the tax  
29 collector, based upon the percentage of license plates and  
30 revalidation stickers issued by the tag agent compared to the  
31 total issued within the county. The authority of any private

1 agent to issue license plates shall be revoked, after notice  
2 and a hearing as provided in chapter 120, if he or she issues  
3 any license plate or revalidation sticker contrary to the  
4 provisions of this subsection. This section applies only to  
5 the annual renewal in the owner's birth month of a motor  
6 vehicle registration and does not apply to the transfer of a  
7 registration of a motor vehicle sold by a motor vehicle dealer  
8 licensed under this chapter, except for the transfer of  
9 registrations which is inclusive of the annual renewals. This  
10 section does not affect the issuance of the title to a motor  
11 vehicle, notwithstanding s. 319.23(7)(b).

12 Section 3. Subsection (13) is added to section 713.78,  
13 Florida Statutes, to read:

14 713.78 Liens for recovering, towing, or storing  
15 vehicles and documented vessels.--

16 (13)(a) Upon receipt by the Department of Highway  
17 Safety and Motor Vehicles of written notice from a wrecker  
18 operator who claims a wrecker operator's lien under paragraph  
19 (2)(c) for recovery, towing, or storage of a vehicle, vessel,  
20 or mobile home, upon instructions from any law enforcement  
21 agency, for which a certificate of destruction has been issued  
22 under subsection (11), the department shall place the name of  
23 the registered owner of that vehicle, vessel, or mobile home  
24 on the list of those persons who may not be issued a license  
25 plate or revalidation sticker for any motor vehicle under s.  
26 320.03(8). If the vehicle, vessel, or mobile home is owned  
27 jointly by more than one person, the name of each registered  
28 owner shall be placed on the list. The notice of wrecker  
29 operator's lien shall be submitted on forms provided by the  
30 department, which must include:

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- 1           1. The name, address, and telephone number of the  
2 wrecker operator.
- 3           2. The name of the registered owner of the vehicle,  
4 vessel, or mobile home and the address to which the wrecker  
5 operator provided notice of the lien to the registered owner  
6 under subsection (4).
- 7           3. A general description of the vehicle, vessel, or  
8 mobile home, including its color, make, model, body style, and  
9 year.
- 10           4. The vehicle identification number (VIN);  
11 registration license plate number, state, and year; validation  
12 decals number, state, and year; mobile home sticker number,  
13 state, and year; vessel registration number; hull  
14 identification number; or other identification number, as  
15 applicable.
- 16           5. The name of the person and the corresponding law  
17 enforcement agency that requested that the vehicle, vessel, or  
18 mobile home be recovered, towed, or stored.
- 19           6. The amount of the wrecker operator's lien, not to  
20 exceed the amount allowed by paragraph (b).
- 21           (b) For purposes of this subsection only, the amount  
22 of the wrecker operator's lien for which the department will  
23 prevent issuance of a license plate or revalidation sticker  
24 may not exceed the amount of the charges for recovery, towing,  
25 and storage of the vehicle, vessel, or mobile home for 7 days.  
26 These charges may not exceed the maximum rates imposed by the  
27 ordinances of the respective county or municipality under ss.  
28 125.0103(1)(c) and 166.043(1)(c). This paragraph does not  
29 limit the amount of a wrecker operator's lien claimed under  
30 subsection (2) or prevent a wrecker operator from seeking  
31 civil remedies for enforcement of the entire amount of the

1 lien, but limits only that portion of the lien for which the  
2 department will prevent issuance of a license plate or  
3 revalidation sticker.

4 (c)1. The registered owner of a vehicle, vessel, or  
5 mobile home may dispute a wrecker operator's lien, by  
6 notifying the department of the dispute in writing on forms  
7 provided by the department, if at least one of the following  
8 applies:

9 a. The registered owner presents a notarized bill of  
10 sale proving that the vehicle, vessel, or mobile home was sold  
11 in a private or casual sale before the vehicle, vessel, or  
12 mobile home was recovered, towed, or stored.

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

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

23 2. If the registered owner's dispute of a wrecker  
24 operator's lien complies with the criteria in subparagraph 1.,  
25 the department shall immediately remove the registered owner's  
26 name from the list of those persons who may not be issued a  
27 licensed plate or revalidation sticker for any motor vehicle  
28 under s. 320.03(8), thereby allowing issuance of a license  
29 plate or revalidation sticker. If the vehicle, vessel, or  
30 mobile home is owned jointly by more than one person, each

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1 registered owner must dispute the wrecker operator's lien in  
2 order to be removed from the list.

3 3. Notwithstanding the registered owner's dispute, the  
4 department shall place the registered owner's name on the list  
5 of those persons who may not be issued a license plate or  
6 revalidation sticker for any motor vehicle under s. 320.03(8)  
7 if the wrecker operator provides the department with a  
8 certified copy of the judgment of a court which orders the  
9 registered owner to pay the wrecker operator's lien claimed  
10 under this section. In such a case, the amount of the wrecker  
11 operator's lien allowed by paragraph (b) may be increased to  
12 include no more than \$500 of the reasonable costs and  
13 attorney's fees incurred in obtaining the judgment.

14 (d) Upon discharge of the amount of the wrecker  
15 operator's lien allowed by paragraph (b), the wrecker operator  
16 must issue a certificate of discharged wrecker operator's lien  
17 on forms provided by the department to each registered owner  
18 of the vehicle, vessel, or mobile home attesting that the  
19 amount of the wrecker operator's lien allowed by paragraph (b)  
20 has been discharged. Upon presentation of the certificate of  
21 discharged wrecker operator's lien by the registered owner,  
22 the department shall immediately remove the registered owner's  
23 name from the list of those persons who may not be issued a  
24 license plate or revalidation sticker for any motor vehicle  
25 under s. 320.03(8), thereby allowing issuance of a license  
26 plate or revalidation sticker. Issuance of a certificate of  
27 discharged wrecker operator's lien under this paragraph does  
28 not discharge the entire amount of the wrecker operator's lien  
29 claimed under subsection (2), but only certifies to the  
30 department that the amount of the wrecker operator's lien  
31 allowed by paragraph (b), for which the department will

1 prevent issuance of a license plate or revalidation sticker,  
2 has been discharged.

3 (e) When a wrecker operator files a notice of wrecker  
4 operator's lien under this subsection, the department shall  
5 charge the wrecker operator a fee of \$2, of which \$1 shall be  
6 deposited into the Florida Motor Vehicle Theft Prevention  
7 Trust Fund established under s. 860.158 and \$1 shall be  
8 retained by the department to defray the operating costs of  
9 implementing this subsection. A service charge of \$2.50 shall  
10 be collected and retained by the tax collector who processes a  
11 notice of wrecker operator's lien.

12 (f) This subsection applies only to the annual renewal  
13 in the registered owner's birth month of a motor vehicle  
14 registration and does not apply to the transfer of a  
15 registration of a motor vehicle sold by a motor vehicle dealer  
16 licensed under chapter 320, except for the transfer of  
17 registrations which is inclusive of the annual renewals. This  
18 subsection does not affect the issuance of the title to a  
19 motor vehicle, notwithstanding s. 319.23(7)(b).

20 (g) The Department of Highway Safety and Motor  
21 Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54  
22 to implement this subsection.

23 Section 4. Section 328.25, Florida Statutes, is  
24 created to read:

25 328.25 Notice of transfer of vessel.--The seller of a  
26 vessel shall notify the Department of Highway Safety and Motor  
27 Vehicles within 30 days after transferring by assignment of  
28 and delivery of a Florida certificate of title in connection  
29 with the transfer of ownership of the vessel. This notice  
30 shall be submitted on forms provided by the department, which  
31 must include: the Florida certificate of title number; the

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

6 Section 5. This act shall take effect July 1, 2001.

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9 HOUSE SUMMARY

10 Provides for notice of transfer of a motor vehicle,  
11 mobile home, or vessel and provides information which  
12 must be included on such notice. Provides that the  
13 Department of Highway Safety and Motor Vehicles may not  
14 issue a license plate or revalidation sticker with  
15 respect to motor vehicles, mobile homes, or vessels for  
16 which a wrecker operator's lien has been issued. See bill  
17 for details.  
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