

1 | contact the Department of Highway Safety and Motor Vehicles,
2 | or the appropriate agency of the state of registration, if
3 | known, within 24 hours through the medium of electronic
4 | communications, giving the full description of the vehicle or
5 | vessel. Upon receipt of the full description of the vehicle or
6 | vessel, the department shall search its files to determine the
7 | owner's name, the insurance company insuring the vehicle or
8 | vessel, and whether any person has filed a lien upon the
9 | vehicle or vessel as provided in s. 319.27(2) and (3) and
10 | notify the applicable law enforcement agency within 72 hours.
11 | The person in charge of the towing service, garage, repair
12 | shop, or automotive service, storage, or parking place shall
13 | obtain such information from the applicable law enforcement
14 | agency within 5 days after the date of storage and shall give
15 | notice pursuant to paragraph (a). The department may release
16 | the insurance company information to the requestor
17 | notwithstanding the provisions of s. 627.736.

18 | (c) Notice by certified mail, ~~return receipt~~
19 | ~~requested~~, shall be sent within 7 business days after the date
20 | of storage of the vehicle or vessel to the registered owner,
21 | the insurance company insuring the vehicle notwithstanding the
22 | provisions of s. 627.736, and all persons of record claiming a
23 | lien against the vehicle or vessel. Proof of mailing must be
24 | retained and provided to any person involved in an action upon
25 | request. The notice must ~~it shall~~ state the fact of possession
26 | of the vehicle or vessel, that a lien as provided in
27 | subsection (2) is claimed, that charges have accrued and the
28 | amount thereof, that the lien is subject to enforcement
29 | pursuant to law, ~~and~~ that the owner or lienholder, if any, has
30 | the right to a hearing as set forth in subsection (5), and
31 | that any vehicle or vessel that ~~which~~ remains unclaimed, or

1 for which the charges for recovery, towing, or storage
2 services remain unpaid, may be sold free of all prior liens
3 after 35 days if the vehicle or vessel is more than 3 years of
4 age or after 50 days if the vehicle or vessel is 3 years of
5 age or less.

6 (d) If attempts to locate the name and address of the
7 owner or lienholder prove unsuccessful, the towing-storage
8 operator shall, after 7 working days, excluding Saturday and
9 Sunday, following ~~of~~ the initial tow or storage, notify the
10 public agency of jurisdiction in writing by certified mail or
11 acknowledged hand delivery that the towing-storage company has
12 been unable to locate the name and address of the owner or
13 lienholder and a physical search of the vehicle or vessel has
14 disclosed no ownership information and a good faith effort has
15 been made. Proof of mailing must be retained and provided to
16 any person involved in an action upon request. For purposes of
17 this paragraph and subsection (9), "good faith effort" means
18 that the following checks have been performed by the company
19 to establish prior state of registration and for title:

20 1. Check of vehicle or vessel for any type of tag, tag
21 record, temporary tag, or regular tag.

22 2. Check of law enforcement report for tag number or
23 other information identifying the vehicle or vessel, if the
24 vehicle or vessel was towed at the request of a law
25 enforcement officer.

26 3. Check of trip sheet or tow ticket of tow truck
27 operator to see if a tag was on vehicle or vessel at beginning
28 of tow, if private tow.

29 4. If there is no address of the owner on the impound
30 report, check of law enforcement report to see if an
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1 out-of-state address is indicated from driver license
2 information.

3 5. Check of vehicle or vessel for inspection sticker
4 or other stickers and decals that may indicate a state of
5 possible registration.

6 6. Check of the interior of the vehicle or vessel for
7 any papers that may be in the glove box, trunk, or other areas
8 for a state of registration.

9 7. Check of vehicle for vehicle identification number.

10 8. Check of vessel for vessel registration number.

11 9. Check of vessel hull for a hull identification
12 number which should be carved, burned, stamped, embossed, or
13 otherwise permanently affixed to the outboard side of the
14 transom or, if there is no transom, to the outmost seaboard
15 side at the end of the hull that bears the rudder or other
16 steering mechanism.

17 (6) Any vehicle or vessel ~~that which~~ is stored
18 pursuant to subsection (2) and ~~that which~~ remains unclaimed,
19 or for which reasonable charges for recovery, towing, or
20 storing remain unpaid, and any contents not released pursuant
21 to subsection (10), may be sold by the owner or operator of
22 the storage space for such towing, ~~or~~ storage, and other
23 applicable charges ~~charge~~ after 35 days following ~~from~~ the
24 time the vehicle or vessel is stored therein if the vehicle or
25 vessel is more than 3 years of age or after 50 days following
26 the time the vehicle or vessel is stored therein if the
27 vehicle or vessel is 3 years of age or less. The sale shall be
28 at public auction for cash. If the date of the sale was not
29 included in the notice required in subsection (4), notice of
30 the sale shall be given to the person in whose name the
31 vehicle or vessel is registered and to all persons claiming a

1 | lien on the vehicle or vessel as shown on the records of the
2 | Department of Highway Safety and Motor Vehicles or of the
3 | corresponding agency in any other state. Notice shall be sent
4 | by certified mail, ~~return receipt requested~~, to the owner of
5 | the vehicle or vessel and the person having the recorded lien
6 | on the vehicle or vessel at the address shown on the records
7 | of the registering agency and shall be mailed not less than 15
8 | days before the date of the sale. Proof of mailing must be
9 | retained and provided to any person involved in the action
10 | upon request. After diligent search and inquiry, if the name
11 | and address of the registered owner or the owner of the
12 | recorded lien cannot be ascertained, the requirements of
13 | notice by mail may be dispensed with. In addition to the
14 | notice by mail, public notice of the time and place of sale
15 | shall be made by publishing a notice thereof one time, at
16 | least 10 days prior to the date of the sale, in a newspaper of
17 | general circulation in the county in which the sale is to be
18 | held. The proceeds of the sale, after payment of reasonable
19 | towing and storage charges, and costs of the sale, in that
20 | order of priority, shall be deposited with the clerk of the
21 | circuit court for the county if the owner is absent, and the
22 | clerk shall hold such proceeds subject to the claim of the
23 | person legally entitled thereto. The clerk shall be entitled
24 | to receive 5 percent of such proceeds for the care and
25 | disbursement thereof. The certificate of title issued under
26 | this law shall be discharged of all liens unless otherwise
27 | provided by court order.

28 | Section 2. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Revises certain notice-by-mail requirements relating to
liens for recovering, towing, or storing vehicles and
vessels. Deletes a requirement that certain notices be
sent by certified mail with a return receipt requested.
Requires that proof of mailing be retained and provided
upon request.