

1 A bill to be entitled

2 An act relating to liens against motor vehicles and
3 vessels; amending s. 559.917, F.S.; authorizing a
4 person claiming a lien against a motor vehicle to
5 obtain the release of the vehicle from a lien claimed
6 by a motor vehicle repair shop under certain
7 circumstances; amending s. 559.920, F.S.; prohibiting
8 a motor vehicle repair shop from violating certain
9 provisions; amending s. 713.585, F.S.; revising notice
10 requirements for enforcing a lien by sale of a motor
11 vehicle; revising requirements for notice of lien and
12 notice of sale of a motor vehicle; requiring the
13 lienor to make the motor vehicle available for
14 inspection by notice recipients; revising requirements
15 for transfer of title; authorizing a lienor to charge
16 an administrative fee up to a certain amount; amending
17 s. 713.78, F.S.; revising requirements for notice of
18 lien for recovering, towing, or storing a vehicle or
19 vessel; revising requirements for notice of the sale
20 of such vehicle or vessel; revising requirements for
21 transfer of title; authorizing a lienor to charge an
22 administrative fee up to a certain amount; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 559.917, Florida Statutes, is amended
28 to read:

29 559.917 Bond to release possessory lien claimed by motor
30 vehicle repair shop.—

31 (1) (a) A ~~Any~~ customer, or a person of record claiming a
32 lien against a motor vehicle, may obtain the release of the ~~her~~
33 ~~or his~~ motor vehicle from any lien claimed under part II of
34 chapter 713 by a motor vehicle repair shop for repair work
35 performed under a written repair estimate by filing with the
36 clerk of the court in the circuit in which the disputed
37 transaction occurred a cash or surety bond, payable to the
38 person claiming the lien and conditioned for the payment of any
39 judgment which may be entered on the lien. The bond shall be in
40 the amount stated on the invoice required by s. 559.911, plus
41 accrued storage charges, if any, less any amount paid to the
42 motor vehicle repair shop as indicated on the invoice. The
43 customer or person shall not be required to institute judicial
44 proceedings in order to post the bond in the registry of the
45 court and shall not, ~~nor shall the customer~~ be required to use a
46 particular form for posting the bond, ~~unless the clerk provides~~
47 ~~shall provide~~ such form to the customer or person for filing.
48 Upon the posting of such bond, the clerk of the court shall
49 automatically issue a certificate notifying the lienor of the
50 posting of the bond and directing the lienor to release the

51 ~~customer's~~ motor vehicle.

52 (b) The lienor shall have 60 days to file suit to recover
53 the bond. The prevailing party in that action may be entitled to
54 damages plus court costs and reasonable attorney ~~attorney's~~
55 fees. If the lienor fails to file suit within 60 days after the
56 posting of such bond, the bond shall be discharged.

57 (2) The failure of a lienor to release or return to the
58 customer or any person the motor vehicle upon which any lien is
59 claimed, upon receiving a copy of a certificate giving notice of
60 the posting of the bond and directing release of the motor
61 vehicle, shall subject the lienor to judicial proceedings which
62 may be brought by the customer or person to compel compliance
63 with the certificate. Whenever a customer or any person brings
64 an action to compel compliance with the certificate, the
65 customer or person need only establish that:

66 (a) Bond in the amount of the invoice, plus accrued
67 storage charges, if any, less any amount paid to the motor
68 vehicle repair shop as indicated on the invoice, was posted;

69 (b) A certificate was issued pursuant to this section;

70 (c) The motor vehicle repair shop, or any employee or
71 agent thereof who is authorized to release the motor vehicle,
72 received a copy of a certificate issued pursuant to this
73 section; and

74 (d) The motor vehicle repair shop or employee authorized
75 to release the motor vehicle failed to release the motor

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76 | vehicle.

77 |

78 | The customer or any person, upon a judgment in her or his favor
79 | in an action brought under this subsection, may be entitled to
80 | damages plus court costs and reasonable attorney ~~attorney's~~ fees
81 | sustained by her or him by reason of such wrongful detention or
82 | retention. Upon a judgment in favor of the motor vehicle repair
83 | shop, the shop may be entitled to reasonable attorney ~~attorney's~~
84 | fees.

85 | (3) A ~~Any~~ motor vehicle repair shop that ~~which~~, or an ~~any~~
86 | employee or agent thereof who is authorized to release the motor
87 | vehicle who, upon receiving a copy of a certificate giving
88 | notice of the posting of the bond in the required amount and
89 | directing release of the motor vehicle, fails to release or
90 | return the property to the customer or any person pursuant to
91 | this section commits ~~is guilty of~~ a misdemeanor of the second
92 | degree, punishable as provided in s. 775.082 or s. 775.083.

93 | (4) A ~~Any~~ customer or any person who stops payment on a
94 | credit card charge or a check drawn in favor of a motor vehicle
95 | repair shop on account of an invoice or who fails to post a cash
96 | or surety bond pursuant to this section shall be prohibited from
97 | any recourse under this section with respect to the motor
98 | vehicle repair shop.

99 | Section 2. Subsection (18) is added to section 559.920,
100 | Florida Statutes, to read:

101 559.920 Unlawful acts and practices.—It shall be a
 102 violation of this act for any motor vehicle repair shop or
 103 employee thereof to:

104 (18) Violate any provision of s. 713.585.

105 Section 3. Subsections (1) through (4), (9), and (13) of
 106 section 713.585, Florida Statutes, are amended, and subsections
 107 (14) and (15) are added to that section, to read:

108 713.585 Enforcement of lien by sale of motor vehicle.—A
 109 person claiming a lien under s. 713.58 for performing labor or
 110 services on a motor vehicle may enforce such lien by sale of the
 111 vehicle in accordance with the following procedures:

112 (1) Regardless of whether the lienor intends to collect
 113 storage fees, the lienor or the lienor's agent or designee must
 114 give notice of the lien, by certified mail, return receipt
 115 requested, ~~within 7 business days, excluding Saturday and~~
 116 ~~Sunday, from the beginning date of the assessment of storage~~
 117 ~~charges on said motor vehicle,~~ to the registered owner of the
 118 vehicle, to the customer as indicated on the order for repair,
 119 and to all other persons claiming an interest therein ~~in~~ or lien
 120 thereon, as disclosed by the records of the Department of
 121 Highway Safety and Motor Vehicles or as disclosed by the records
 122 of any corresponding agency of any other state in which the
 123 vehicle is identified through a records check of the National
 124 Motor Vehicle Title Information System or an equivalent
 125 commercially available system as being the current state where

126 | the vehicle is titled. Such notice must ~~contain~~:

127 | (a) Be received by the registered owner, the customer, and
 128 | all other persons claiming an interest therein or lien thereon
 129 | within 7 business days, excluding Saturday and Sunday, after the
 130 | date of storage of the vehicle or within 10 business days,
 131 | excluding Saturday and Sunday, after the date of completion of
 132 | the repairs, whichever is earlier. However, in no event shall
 133 | the notice of lien be received less than 30 days before the sale
 134 | of the motor vehicle.

135 | (b) Be sent by certified mail, return receipt requested,
 136 | with the vehicle identification number of the motor vehicle
 137 | subject to the lien clearly identified and printed in the
 138 | delivery address box or section of the return receipt card and
 139 | on the outside of the envelope received by the registered owner,
 140 | the customer, and all other persons claiming an interest therein
 141 | or lien thereon and clearly visible on the electronic image of
 142 | the return receipt card available on the United States Postal
 143 | Service website.

144 | (c)~~(a)~~ Contain a description of the vehicle, including, at
 145 | minimum, its year, make, vehicle identification number, and ~~the~~
 146 | ~~vehicle's~~ location.

147 | (d)~~(b)~~ Contain the name and address of the owner of the
 148 | vehicle, the customer as indicated on the order for repair, and
 149 | any person claiming an interest therein ~~in~~ or lien thereon.

150 | (e)~~(c)~~ Contain the name, address, and telephone number of

151 the lienor.

152 (f)~~(d)~~ Contain notice that the lienor claims a lien on the
153 vehicle for labor and services performed and storage charges, if
154 any, and the cash sum which, if paid to the lienor, would be
155 sufficient to redeem the vehicle from the lien claimed by the
156 lienor.

157 (g) Contain the motor vehicle repair shop's registration
158 number, owner's name, and physical address and the entity name,
159 as registered with the Division of Corporations, of the business
160 where the repair work or storage occurred, which must also
161 appear on the outside of the envelope containing the notice of
162 lien in the return address section of the envelope.

163 (h) Contain the name of the person or entity that
164 authorized the labor or services on the vehicle.

165 (i) Contain an itemized statement of the amount claimed to
166 be owed to the lienor, including the amount for repairs,
167 adjustments, or modifications to the vehicle, any administrative
168 fee, and any daily storage charges.

169 (j)~~(e)~~ Contain notice that the lien claimed by the lienor
170 is subject to enforcement pursuant to this section and that the
171 vehicle may be sold to satisfy the lien.

172 (k)~~(f)~~ Contain ~~If known,~~ the date, time, and location of
173 any proposed or scheduled sale of the vehicle. A vehicle may not
174 be sold earlier than 60 days after completion of the repair
175 work.

176 (l)~~(g)~~ Contain notice that the owner of the vehicle or any
 177 person claiming an interest therein ~~in~~ or lien thereon has a
 178 right to a hearing at any time before the scheduled date of sale
 179 by filing a demand for hearing with the clerk of the circuit
 180 court in the county in which the vehicle is held and mailing
 181 copies of the demand for hearing to all other owners and lienors
 182 as reflected on the notice.

183 (m)~~(h)~~ Contain notice that the owner of the vehicle has a
 184 right to recover possession of the vehicle without instituting
 185 judicial proceedings by posting bond in accordance with s.
 186 559.917.

187 (n)~~(i)~~ Contain notice that any proceeds from the sale of
 188 the vehicle remaining after payment of the amount claimed to be
 189 due and owing to the lienor will be deposited with the clerk of
 190 the circuit court for disposition upon court order pursuant to
 191 subsection (8).

192 (o)~~(j)~~ Contain notice that a lienholder, if any, has the
 193 right, as specified in subsection (5), to demand a hearing or to
 194 post a bond.

195 (p) Contain notice that the lienor will make the vehicle
 196 available for inspection during regular business hours within 3
 197 business days after receiving a written request to inspect the
 198 vehicle from any recipient of the notice.

199 (2) If attempts to locate the owner or lienholder are
 200 unsuccessful after a check of the records of the Department of

201 Highway Safety and Motor Vehicles and any state disclosed by the
 202 check of the National Motor Vehicle Title Information System or
 203 an equivalent commercially available system, the lienor must
 204 notify the local law enforcement agency in writing by certified
 205 mail or acknowledged hand delivery that the lienor has been
 206 unable to locate the owner or lienholder, that a physical search
 207 of the vehicle has disclosed no ownership information, and that
 208 a good faith effort, including records checks of the Department
 209 of Highway Safety and Motor Vehicles database and the National
 210 Motor Vehicle Title Information System or an equivalent
 211 commercially available system, has been made. A description of
 212 the motor vehicle which includes the year, make, and
 213 identification number must be given on the notice. This
 214 notification must take place within 7 business days, excluding
 215 Saturday and Sunday, after ~~from~~ the ~~beginning~~ date of storage of
 216 the vehicle or within 10 business days, excluding Saturday and
 217 Sunday, after the date of completion of the repairs, whichever
 218 is earlier ~~the assessment of storage charges on said motor~~
 219 ~~vehicle~~. For purposes of this subsection ~~paragraph~~, the term
 220 "good faith effort" means that the following checks have been
 221 performed by the company to establish the prior state of
 222 registration and title:

223 (a) A check of the Department of Highway Safety and Motor
 224 Vehicles database for the owner and any lienholder.†

225 (b) A check of the federally mandated electronic National

226 Motor Vehicle Title Information System or an equivalent
 227 commercially available system to determine the state of
 228 registration when there is not a current title or registration
 229 record for the vehicle on file with the Department of Highway
 230 Safety and Motor Vehicles.~~†~~

231 (c) A check of the vehicle for any type of tag, tag
 232 record, temporary tag, or regular tag.~~†~~

233 (d) A check of the vehicle for an inspection sticker or
 234 other stickers and decals that could indicate the state of
 235 possible registration.~~†~~~~and~~

236 (e) A check of the interior of the vehicle for any papers
 237 that could be in the glove box, trunk, or other areas for the
 238 state of registration.

239 (3) In no event shall a vehicle be sold earlier than 60
 240 days after completion of the repair work. If the date of the
 241 sale was not included in the notice of lien required in
 242 subsection (1), notice of the sale must be sent by certified
 243 mail, return receipt requested, and must be received at least
 244 ~~not less than~~ 15 days before the date of sale by~~to~~ the
 245 customer as indicated on the order for repair~~†~~, and by ~~to~~ all
 246 other persons claiming an interest in or lien on the motor
 247 vehicle, as disclosed by the records of the Department of
 248 Highway Safety and Motor Vehicles or of a corresponding agency
 249 of any other state in which the vehicle appears to have been
 250 registered after completion of a check of the National Motor

251 Vehicle Title Information System or an equivalent commercially
252 available system. Such notice must:

253 (a) Be sent by certified mail, return receipt requested,
254 with the vehicle identification number of the motor vehicle
255 subject to the sale clearly identified and printed in the
256 delivery address box or section of the return receipt card and
257 on the outside of the envelope received by the registered owner,
258 the customer, and all other persons claiming an interest therein
259 or lien thereon and clearly visible on the electronic image of
260 the return receipt card available on the United States Postal
261 Service website.

262 (b) Contain the motor vehicle repair shop's registration
263 number, owner's name, and physical address and the entity name,
264 as registered with the Division of Corporations, of the business
265 where the repair work or storage occurred, which must also
266 appear on the outside of the envelope containing the notice of
267 sale in the return address section of the envelope.

268 (4) The lienor, at least 15 days before the proposed or
269 scheduled date of sale of the vehicle, shall publish the notice
270 required by this section once in a newspaper circulated in the
271 county where the vehicle repair work was completed and the sale
272 is to take place ~~held~~. A certificate of compliance with the
273 notification provisions of this section, which includes the
274 vehicle identification number, verified by the lienor, together
275 with a copy of the notice of lien required by subsection (1) and

276 | the notice of sale required by subsection (3), and a copy of all
277 | return receipts ~~receipt~~ for mailing of the notices ~~notice~~
278 | required by this section, which must include the vehicle
279 | identification number, proof of publication, and checks of the
280 | Department of Highway Safety and Motor Vehicles and the National
281 | Motor Vehicle Title Information System or an equivalent
282 | commercially available system, must be duly and expeditiously
283 | filed with the clerk of the circuit court in the county where
284 | the vehicle is held. The lienor, at the time of filing the
285 | certificate of compliance, must pay to the clerk of that court a
286 | service charge of \$10 for indexing and recording the
287 | certificate.

288 | (9)(a) A copy of the certificate of compliance, which must
289 | include the vehicle identification number, and the report of
290 | sale, certified by the clerk of the court, a copy of the notice
291 | of lien required by subsection (1) and the notice of sale
292 | required by subsection (3), and a copy of all return receipts
293 | for mailing of the notices required by this section, which must
294 | include the vehicle identification number, and proof of the
295 | required check of the National Motor Vehicle Title Information
296 | System or an equivalent commercially available system shall
297 | constitute satisfactory proof for application to the Department
298 | of Highway Safety and Motor Vehicles for transfer of title,
299 | together with any other proof required by any rules and
300 | regulations of the department.

301 (b) The Department of Highway Safety and Motor Vehicles
302 may not approve an application for transfer of title if the
303 application fails to include a copy of the notice of lien
304 required by subsection (1) and the notice of sale required by
305 subsection (3) and a copy of all return receipts for mailing of
306 the notices required by this section indicating timely receipt
307 of the notices. The vehicle identification number on the return
308 receipts must match the vehicle identification number of the
309 vehicle that is the subject of the transfer of title and must be
310 clearly visible on the electronic image of the return receipt
311 card available on the United States Postal Service website.

312 (13) A failure to make good faith efforts as defined in
313 subsection (2) precludes the imposition of any storage charges
314 against the vehicle. If a lienor fails to provide notice to any
315 person claiming a lien on a vehicle under subsection (1) within
316 7 business days after the date ~~assessment~~ of storage of the
317 vehicle ~~charges has begun, then~~ the lienor may not charge the
318 person ~~is precluded from charging~~ for more than 7 days of
319 storage, but failure to provide timely notice does not affect
320 charges made for repairs, adjustments, or modifications to the
321 vehicle or the priority of liens on the vehicle.

322 (14) At any time before the proposed or scheduled date of
323 sale of a vehicle, the owner, the customer, or any person
324 claiming an interest therein or a lien thereon may request to
325 inspect the vehicle during regular business hours. The lienor

326 must make the vehicle available for inspection within 3 business
327 days after receiving a written request to inspect the vehicle.

328 (15) (a) A lienor or the lienor's agent or designee may
329 charge an administrative fee, which means a lien fee or any fee
330 imposed by the lienor or the lienor's agent or designee for
331 administrative costs added to the amount due for storage,
332 repairs, adjustments, or modifications to the vehicle, charged
333 to the registered owner, the insurance company insuring the
334 vehicle, or a person of record claiming a lien against the
335 vehicle to obtain release of the vehicle. Such administrative
336 fee may not exceed \$250. A lienor may not charge any fee other
337 than those specifically authorized in this section.

338 (b) A lienor or the lienor's agent or designee may not
339 charge fees or costs, other than charges for storage, repairs,
340 adjustments, or modifications to the vehicle, as authorized in
341 this section, which total more than \$250.

342 Section 4. Subsection (4), paragraphs (a) and (b) of
343 subsection (5), and subsections (6) and (9) of section 713.78,
344 Florida Statutes, are amended, and subsections (14) and (15) are
345 added to that section, to read:

346 713.78 Liens for recovering, towing, or storing vehicles
347 and vessels.—

348 (4) (a) A ~~Any~~ person regularly engaged in the business of
349 recovering, towing, or storing vehicles or vessels who comes
350 into possession of a vehicle or vessel pursuant to subsection

351 (2), and who claims a lien for recovery, towing, or storage
352 services, shall give notice, by certified mail, return receipt
353 requested, to the registered owner, the insurance company
354 insuring the vehicle notwithstanding ~~the provisions of s.~~
355 627.736, and ~~to~~ all persons claiming a lien thereon, as
356 disclosed by the records in the Department of Highway Safety and
357 Motor Vehicles or as disclosed by the records of any
358 corresponding agency in any other state in which the vehicle is
359 identified through a records check of the National Motor Vehicle
360 Title Information System or an equivalent commercially available
361 system as being titled or registered.

362 (b) Whenever a ~~any~~ law enforcement agency authorizes the
363 removal of a vehicle or vessel or whenever a ~~any~~ towing service,
364 garage, repair shop, or automotive service, storage, or parking
365 place notifies the law enforcement agency of possession of a
366 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
367 enforcement agency of the jurisdiction where the vehicle or
368 vessel is stored shall contact the Department of Highway Safety
369 and Motor Vehicles, or the appropriate agency of the state of
370 registration, if known, within 24 hours through the medium of
371 electronic communications, giving the full description of the
372 vehicle or vessel. Upon receipt of the full description of the
373 vehicle or vessel, the department shall search its files to
374 determine the owner's name, the insurance company insuring the
375 vehicle or vessel, and whether any person has filed a lien upon

376 the vehicle or vessel as provided in s. 319.27(2) and (3) and
377 notify the applicable law enforcement agency within 72 hours.
378 The person in charge of the towing service, garage, repair shop,
379 or automotive service, storage, or parking place shall obtain
380 such information from the applicable law enforcement agency
381 within 5 days after the date of storage and shall give notice
382 pursuant to paragraph (a). The department may release the
383 insurance company information to the requestor notwithstanding
384 ~~the provisions of s. 627.736.~~

385 (c) The notice of lien must be sent by certified mail,
386 return receipt requested, and must be received by the registered
387 owner, the insurance company insuring the vehicle
388 notwithstanding s. 627.736, and all other persons claiming a
389 lien thereon shall be sent within 7 business days, excluding
390 Saturday and Sunday, after the date of storage of the vehicle or
391 vessel or within 10 business days, excluding Saturday and
392 Sunday, after the date of completion of services, whichever is
393 earlier. However, in no event shall the notice of lien be
394 received less than 30 days before the sale of ~~to the registered~~
395 ~~owner, the insurance company insuring the vehicle~~
396 ~~notwithstanding the provisions of s. 627.736, and all persons of~~
397 ~~record claiming a lien against the vehicle or vessel. The notice~~
398 must:

399 1. If the claim of lien is for a vehicle, have clearly
400 identified and printed the vehicle identification number of the

401 motor vehicle subject to the lien:

402 a. In the delivery address box or section of the return
403 receipt card.

404 b. On the outside of the envelope received by the
405 registered owner, the insurance company, and all other persons
406 claiming an interest therein or lien thereon.

407 c. On the electronic image of the return receipt card
408 available on the United States Postal Service website.

409 2. State the name, physical address, and telephone number
410 of the lienor and the entity name, as registered with the
411 Division of Corporations, of the business where the towing and
412 storage occurred, which must also appear on the outside of the
413 envelope containing the notice of lien in the return address
414 section of the envelope.

415 3. ~~It shall~~ State the fact of possession of the vehicle or
416 vessel.

417 4. State the name of the person or entity that authorized
418 the lienor to take possession of the vehicle or vessel.

419 5. State~~r~~ that a lien as provided in subsection (2) is
420 claimed.

421 6. State~~r~~ that charges have accrued and include an
422 itemized statement of the amount thereof, including daily
423 storage charges.

424 7. State that the lien is subject to enforcement pursuant
425 to law~~r~~ and that the owner or lienholder, if any, has the right

426 to a hearing as set forth in subsection (5).

427 8. State,~~and~~ that any vehicle or vessel that ~~which~~
 428 remains unclaimed, or for which the charges for recovery,
 429 towing, or storage services remain unpaid, may be sold free of
 430 all prior liens ~~after~~ 35 days after the vehicle or vessel is
 431 stored by the lienor if the vehicle or vessel is more than 3
 432 years of age or ~~after~~ 50 days after the vehicle or vessel is
 433 stored by the lienor if the vehicle or vessel is 3 years of age
 434 or less.

435 (d) The notice of lien may not be received by the
 436 registered owner, the insurance company insuring the vehicle or
 437 vessel, and all other persons claiming a lien thereon less than
 438 30 days before the sale of the vehicle or vessel.

439 (e)~~(d)~~ If attempts to locate the name and address of the
 440 owner or lienholder prove unsuccessful, the towing-storage
 441 operator shall, after 7 business ~~working~~ days, excluding
 442 Saturday and Sunday, after ~~of~~ the initial tow or storage, notify
 443 the public agency of jurisdiction where the vehicle or vessel is
 444 stored in writing by certified mail or acknowledged hand
 445 delivery that the towing-storage company has been unable to
 446 locate the name and address of the owner or lienholder and a
 447 physical search of the vehicle or vessel has disclosed no
 448 ownership information and a good faith effort has been made,
 449 including records checks of the Department of Highway Safety and
 450 Motor Vehicles database and the National Motor Vehicle Title

451 Information System or an equivalent commercially available
452 system. For purposes of this paragraph and subsection (9), the
453 term "good faith effort" means that the following checks have
454 been performed by the company to establish the prior state of
455 registration and for title:

456 1. A check of the Department of Highway Safety and Motor
457 Vehicles database for the owner and any lienholder.

458 2. A check of the electronic National Motor Vehicle Title
459 Information System or an equivalent commercially available
460 system to determine the state of registration when there is not
461 a current registration record for the vehicle or vessel on file
462 with the Department of Highway Safety and Motor Vehicles.

463 3. A check of the vehicle or vessel for any type of tag,
464 tag record, temporary tag, or regular tag.

465 4. A check of the law enforcement report for a tag number
466 or other information identifying the vehicle or vessel, if the
467 vehicle or vessel was towed at the request of a law enforcement
468 officer.

469 5. A check of the trip sheet or tow ticket of the tow
470 truck operator to see if a tag was on the vehicle or vessel at
471 the beginning of the tow, if a private tow.

472 6. If there is no address of the owner on the impound
473 report, a check of the law enforcement report to determine
474 whether ~~see if~~ an out-of-state address is indicated from driver
475 license information.

476 7. A check of the vehicle or vessel for an inspection
477 sticker or other stickers and decals that may indicate a state
478 of possible registration.

479 8. A check of the interior of the vehicle or vessel for
480 any papers that may be in the glove box, trunk, or other areas
481 for a state of registration.

482 9. A check of the vehicle for a vehicle identification
483 number.

484 10. A check of the vessel for a vessel registration
485 number.

486 11. A check of the vessel hull for a hull identification
487 number which should be carved, burned, stamped, embossed, or
488 otherwise permanently affixed to the outboard side of the
489 transom or, if there is no transom, to the outmost seaboard side
490 at the end of the hull that bears the rudder or other steering
491 mechanism.

492 (5) (a) The owner of a vehicle or vessel removed pursuant
493 to ~~the provisions of~~ subsection (2), or any person claiming a
494 lien, other than the towing-storage operator, within 10 days
495 after the time she or he has knowledge of the location of the
496 vehicle or vessel, may file a complaint in the county court of
497 the county in which the vehicle or vessel is stored to determine
498 whether ~~if~~ her or his property was wrongfully taken or withheld
499 from her or him.

500 (b) At any time before the sale of the vehicle or vessel

501 ~~Upon filing of a complaint,~~ an owner or lienholder may have her
502 or his vehicle or vessel released upon posting with the court a
503 cash or surety bond or other adequate security equal to the
504 amount of the charges for towing or storage and lot rental
505 amount to ensure the payment of such charges in the event she or
506 he does not prevail. Upon the posting of the bond and the
507 payment of the applicable fee set forth in s. 28.24, the clerk
508 of the court shall issue a certificate notifying the lienor of
509 the posting of the bond and directing the lienor to release the
510 vehicle or vessel. At the time of such release, after reasonable
511 inspection, she or he shall give a receipt to the towing-storage
512 company reciting any claims she or he has for loss or damage to
513 the vehicle or vessel or the contents thereof.

514 (6) A ~~Any~~ vehicle or vessel that ~~which~~ is stored pursuant
515 to subsection (2) and that ~~which~~ remains unclaimed, or for which
516 reasonable charges for recovery, towing, or storing remain
517 unpaid, and any contents not released pursuant to subsection
518 (10), may be sold by the owner or operator of the storage space
519 for such towing or storage charge ~~after~~ 35 days after ~~from the~~
520 ~~time~~ the vehicle or vessel is stored by the lienor ~~therein~~ if
521 the vehicle or vessel is more than 3 years of age or ~~after~~ 50
522 days after ~~following the time~~ the vehicle or vessel is stored by
523 the lienor ~~therein~~ if the vehicle or vessel is 3 years of age or
524 less. The sale shall be at public sale for cash. If the date of
525 the sale was not included in the notice required in subsection

526 (4), notice of the sale shall be given to the person in whose
527 name the vehicle or vessel is registered and to all persons
528 claiming a lien on the vehicle or vessel as shown on the records
529 of the Department of Highway Safety and Motor Vehicles or of any
530 corresponding agency in any other state in which the vehicle is
531 identified through a records check of the National Motor Vehicle
532 Title Information System or an equivalent commercially available
533 system as being titled. Notice of the sale must ~~shall~~ be sent by
534 certified mail, return receipt requested. If the claim of lien
535 is for a vehicle, the notice must have clearly identified and
536 printed the vehicle identification number of the motor vehicle
537 subject to the lien in the delivery address box or section of
538 the return receipt card; on the outside of the envelope received
539 by the registered owner and all other persons claiming an
540 interest therein or lien thereon; and on the electronic image of
541 the return receipt card available on the United States Postal
542 Service website. The notice must be received by ~~to~~ the owner of
543 the vehicle or vessel and the person having the recorded lien on
544 the vehicle or vessel at the address shown on the records of the
545 registering agency at least ~~and shall be mailed not less than 15~~
546 ~~days before the~~ sale of the vehicle or vessel ~~date of the sale~~.
547 The notice must state the name, physical address, and telephone
548 number of the lienor, and the vehicle identification number if
549 the claim of lien is for a vehicle, all of which must also
550 appear on the outside of the envelope containing the notice of

551 sale in the return address section of the envelope. After
552 diligent search and inquiry, if the name and address of the
553 registered owner or the owner of the recorded lien cannot be
554 ascertained, the requirements of notice by mail may be dispensed
555 with. In addition to the notice by mail, public notice of the
556 time and place of sale shall be made by publishing a notice
557 thereof one time, at least 10 days before ~~prior to~~ the date of
558 the sale, in a newspaper of general circulation in the county in
559 which the sale is to be held. The proceeds of the sale, after
560 payment of reasonable towing and storage charges, and costs of
561 the sale, in that order of priority, shall be deposited with the
562 clerk of the circuit court for the county if the owner or
563 lienholder is absent, and the clerk shall hold such proceeds
564 subject to the claim of the owner or lienholder legally entitled
565 thereto. The clerk shall be entitled to receive 5 percent of
566 such proceeds for the care and disbursement thereof. The
567 certificate of title issued under this law shall be discharged
568 of all liens unless otherwise provided by court order. The owner
569 or lienholder may file a complaint after the vehicle or vessel
570 has been sold in the county court of the county in which it is
571 stored. Upon determining the respective rights of the parties,
572 the court may award damages, attorney ~~attorney's~~ fees, and costs
573 in favor of the prevailing party.

574 (9) Failure to make good faith ~~best~~ efforts to comply with
575 the notice requirements of this section precludes ~~shall preclude~~

576 | the imposition of any storage charges against the ~~such~~ vehicle
577 | or vessel. If a lienor fails to provide notice to any person
578 | claiming a lien on a vehicle or vessel in accordance with
579 | subsection (4), the lienor may not charge the person for more
580 | than 7 days of storage, but failure to provide timely notice
581 | does not affect charges made for towing the vehicle or vessel or
582 | the priority of liens on the vehicle or vessel.

583 | (14) (a) A copy of the notice of lien required by
584 | subsection (4) and the notice of sale required by subsection
585 | (6), and a copy of all return receipts for mailing of the
586 | notices required by this section, which must include the vehicle
587 | identification number, and proof of the required check of the
588 | National Motor Vehicle Title Information System or an equivalent
589 | commercially available system shall constitute satisfactory
590 | proof for application to the Department of Highway Safety and
591 | Motor Vehicles for transfer of title, together with any other
592 | proof required by any rules and regulations of the department.

593 | (b) The Department of Highway Safety and Motor Vehicles
594 | may not approve an application for transfer of title if the
595 | application fails to include a copy of the notice of lien
596 | required by subsection (4) and the notice of sale required by
597 | subsection (6) and a copy of all return receipts for mailing of
598 | the notices required by this section indicating timely receipt
599 | of the notices. The vehicle identification number on the return
600 | receipts must match the vehicle identification number of the

601 vehicle that is the subject of the transfer of title and must be
602 clearly visible on the electronic image of the return receipt
603 card available on the United States Postal Service website.

604 (15) (a) A lienor or the lienor's agent or designee may
605 charge an administrative fee, which means a lien fee or any fee
606 imposed by the lienor or the lienor's agent or designee for
607 administrative costs added to the amount due for towing and
608 storing the vehicle charged to the registered owner, the
609 insurance company insuring the vehicle or vessel, or a person
610 claiming a lien against the vehicle or vessel to obtain release
611 of the vehicle or vessel. Such administrative fee may not exceed
612 \$250.

613 (b) A lienor or the lienor's agent or designee may not
614 charge fees or costs, other than charges for towing and storage,
615 or any other fee or cost not authorized in this section or ss.
616 125.0103 and 166.043, which total more than \$250.

617 Section 5. This act shall take effect July 1, 2019.