

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; defining  
17          the term "administrative fee"; requiring a motor  
18          vehicle repair shop, garage, automotive service  
19          facility, storage facility, parking place, or towing-  
20          storage operator to use a third-party service to  
21          provide notices of lien and sale; providing an  
22          exception; defining the term "third-party service";  
23          requiring a third-party service to apply to and be  
24          approved by the department; providing requirements;  
25          authorizing the department to deny, suspend, or revoke

26 approval under certain circumstances; providing  
27 recordkeeping requirements; providing requirements for  
28 retaining approved status; requiring maintenance of a  
29 website for access to certain information; requiring a  
30 lienor to release certain personal property; requiring  
31 release of the vehicle upon payment of charges;  
32 requiring a lienor to accept an electronic or paper  
33 title as evidence of a person's interest in a vehicle;  
34 amending s. 713.78, F.S.; revising requirements for  
35 notice of lien for recovering, towing, or storing a  
36 vehicle or vessel; revising requirements for notice of  
37 the sale of such vehicle or vessel; revising  
38 requirements for transfer of title; authorizing a  
39 lienor to charge an administrative fee up to a certain  
40 amount; defining the term "administrative fee";  
41 requiring a motor vehicle or vessel repair shop,  
42 garage, automotive service facility, storage facility,  
43 parking place, or towing-storage operator to use a  
44 third-party service to provide notices of lien and  
45 sale; providing an exception; defining the term  
46 "third-party service"; requiring a third-party service  
47 to apply to and be approved by the department;  
48 providing requirements; authorizing the department to  
49 deny, suspend, or revoke approval under certain  
50 circumstances; providing recordkeeping requirements;

51 providing requirements for retaining approved status;  
 52 requiring maintenance of a website for access to  
 53 certain information; requiring a lienor to accept an  
 54 electronic or paper title as evidence of a person's  
 55 interest in a vehicle or vessel; providing an  
 56 effective date.

57

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

59

60 Section 1. Section 559.917, Florida Statutes, is amended  
 61 to read:

62 559.917 Bond to release possessory lien claimed by motor  
 63 vehicle repair shop.—

64 (1) (a) A Any customer or a person of record claiming a  
 65 lien against a motor vehicle may obtain the release of the her  
 66 ~~er his~~ motor vehicle from any lien claimed under part II of  
 67 chapter 713 by a motor vehicle repair shop for repair work  
 68 performed under a written repair estimate by filing with the  
 69 clerk of the court in the circuit in which the disputed  
 70 transaction occurred a cash or surety bond, payable to the  
 71 person claiming the lien and conditioned for the payment of any  
 72 judgment which may be entered on the lien. The bond shall be in  
 73 the amount stated on the invoice required by s. 559.911, plus  
 74 accrued storage charges, if any, less any amount paid to the  
 75 motor vehicle repair shop as indicated on the invoice. The

76 customer or person shall not be required to institute judicial  
77 proceedings in order to post the bond in the registry of the  
78 court and shall not, ~~nor shall the customer~~ be required to use a  
79 particular form for posting the bond, ~~unless the clerk~~ provides  
80 ~~shall provide~~ such form to the customer or person for filing.  
81 Upon the posting of such bond, the clerk of the court shall  
82 automatically issue a certificate notifying the lienor of the  
83 posting of the bond and directing the lienor to release the  
84 ~~customer's~~ motor vehicle.

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

90 (2) The failure of a lienor to release or return to the  
91 customer or person the motor vehicle upon which any lien is  
92 claimed, upon receiving a copy of a certificate giving notice of  
93 the posting of the bond and directing release of the motor  
94 vehicle, shall subject the lienor to judicial proceedings which  
95 may be brought by the customer or person to compel compliance  
96 with the certificate. Whenever a customer or person brings an  
97 action to compel compliance with the certificate, the customer  
98 or person need only establish that:

99 (a) Bond in the amount of the invoice, plus accrued  
100 storage charges, if any, less any amount paid to the motor

101 vehicle repair shop as indicated on the invoice, was posted;

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

103 (c) The motor vehicle repair shop, or any employee or  
104 agent thereof who is authorized to release the motor vehicle,  
105 received a copy of a certificate issued pursuant to this  
106 section; and

107 (d) The motor vehicle repair shop or employee authorized  
108 to release the motor vehicle failed to release the motor  
109 vehicle.

110

111 The customer or person, upon a judgment in her or his favor in  
112 an action brought under this subsection, may be entitled to  
113 damages plus court costs and reasonable attorney ~~attorney's~~ fees  
114 sustained by her or him by reason of such wrongful detention or  
115 retention. Upon a judgment in favor of the motor vehicle repair  
116 shop, the shop may be entitled to reasonable attorney ~~attorney's~~  
117 fees.

118 (3) A ~~Any~~ motor vehicle repair shop that ~~which~~, or an ~~any~~  
119 employee or agent thereof who is authorized to release the motor  
120 vehicle who, upon receiving a copy of a certificate giving  
121 notice of the posting of the bond in the required amount and  
122 directing release of the motor vehicle, fails to release or  
123 return the property to the customer or person pursuant to this  
124 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
125 punishable as provided in s. 775.082 or s. 775.083.

126 (4) A ~~Any~~ customer or person who stops payment on a credit  
127 card charge or a check drawn in favor of a motor vehicle repair  
128 shop on account of an invoice or who fails to post a cash or  
129 surety bond pursuant to this section shall be prohibited from  
130 any recourse under this section with respect to the motor  
131 vehicle repair shop.

132 Section 2. Subsection (18) is added to section 559.920,  
133 Florida Statutes, to read:

134 559.920 Unlawful acts and practices.—It shall be a  
135 violation of this act for any motor vehicle repair shop or  
136 employee thereof to:

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

138 Section 3. Subsections (1) through (4), (9), and (13) of  
139 section 713.585, Florida Statutes, are amended, and subsections  
140 (14) through (18) are added to that section, to read:

141 713.585 Enforcement of lien by sale of motor vehicle.—A  
142 person claiming a lien under s. 713.58 for performing labor or  
143 services on a motor vehicle may enforce such lien by sale of the  
144 vehicle in accordance with the following procedures:

145 (1) The lienor or the lienor's agent must give notice of  
146 the lien, by certified mail, return receipt requested, ~~within 7~~  
147 ~~business days, excluding Saturday and Sunday, from the beginning~~  
148 ~~date of the assessment of storage charges on said motor vehicle,~~  
149 to the registered owner of the vehicle, to the customer as  
150 indicated on the order for repair, and to all other persons

151 claiming an interest therein ~~in~~ or lien thereon, as disclosed by  
152 the records of the Department of Highway Safety and Motor  
153 Vehicles or as disclosed by the records of any corresponding  
154 agency of any other state in which the vehicle is identified  
155 through a records check of the National Motor Vehicle Title  
156 Information System or an equivalent commercially available  
157 system as being the current state where the vehicle is titled.  
158 Such notice must ~~contain~~:

159 (a) Be sent to the registered owner, the customer, and all  
160 other persons claiming an interest therein or lien thereon  
161 within 7 business days, excluding Saturday and Sunday, after the  
162 date on which storage charges begin to accrue on the vehicle.  
163 However, in no event shall the notice of lien be sent less than  
164 30 days before the sale of the motor vehicle.

165 (b) Be sent by certified mail, return receipt requested,  
166 with the vehicle identification number of the motor vehicle  
167 subject to the lien clearly printed in the delivery address box  
168 or section of the return receipt card; on the outside of the  
169 envelope sent to the registered owner, the customer, and all  
170 other persons claiming an interest therein or lien thereon; and  
171 on the electronic image of the return receipt card available on  
172 the United States Postal Service website.

173 (c) ~~(a)~~ Contain a description of the vehicle, including, at  
174 minimum, its year, make, vehicle identification number, and ~~the~~  
175 ~~vehicle's~~ location.

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

179        (e)~~(c)~~ Contain the name, address, and telephone number of  
180 the lienor.

181        (f)~~(d)~~ Contain notice that the lienor claims a lien on the  
182 vehicle for labor and services performed and storage charges, if  
183 any, and the cash sum which, if paid to the lienor, would be  
184 sufficient to redeem the vehicle from the lien claimed by the  
185 lienor.

186        (g) Contain the motor vehicle repair shop's registration  
187 number, owner's name, and physical address and the entity name,  
188 as registered with the Division of Corporations, of the business  
189 where the repair work or storage occurred, which must also  
190 appear on the outside of the envelope sent to the registered  
191 owner, the customer, and all other persons claiming an interest  
192 in or lien on the vehicle.

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

195        (i) Contain an itemized statement of the amount claimed to  
196 be owed to the lienor, including the date the vehicle was  
197 dropped off for repairs; the date the repairs were completed;  
198 the amount due for repairs, adjustments, or modifications to the  
199 vehicle; any administrative fees; and any daily storage charges.

200        (j)~~(e)~~ Contain notice that the lien claimed by the lienor



201 is subject to enforcement pursuant to this section and that the  
202 vehicle may be sold to satisfy the lien.

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

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

214 (m)~~(h)~~ Contain notice that the owner of the vehicle has a  
215 right to recover possession of the vehicle without instituting  
216 judicial proceedings by posting bond in accordance with s.  
217 559.917.

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

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

226        (p) Contain a statement that the lienor will make the  
227 vehicle available for inspection during regular business hours  
228 within 3 business days after receiving a written request to  
229 inspect the vehicle from a notice recipient, who may present  
230 either an electronic or a paper title as evidence of his or her  
231 interest in and right to inspect the vehicle.

232        (q) Contain the address at which the vehicle is physically  
233 located.

234        (2) If attempts to locate the owner or lienholder are  
235 unsuccessful after a check of the records of the Department of  
236 Highway Safety and Motor Vehicles and any state disclosed by the  
237 check of the National Motor Vehicle Title Information System or  
238 an equivalent commercially available system, the lienor must  
239 notify the local law enforcement agency in writing by certified  
240 mail or acknowledged hand delivery that the lienor has been  
241 unable to locate the owner or lienholder, that a physical search  
242 of the vehicle has disclosed no ownership information, and that  
243 a good faith effort, including records checks of the Department  
244 of Highway Safety and Motor Vehicles database and the National  
245 Motor Vehicle Title Information System or an equivalent  
246 commercially available system, has been made. A description of  
247 the motor vehicle which includes the year, make, and  
248 identification number must be given on the notice. This  
249 notification must take place within 7 business days, excluding  
250 Saturday and Sunday, after ~~from~~ the ~~beginning~~ date on which ~~of~~

251 ~~the assessment of~~ storage charges begin to accrue on the ~~said~~  
252 ~~motor~~ vehicle. For purposes of this subsection ~~paragraph~~, the  
253 term "good faith effort" means that the following checks have  
254 been performed by the company to establish the prior state of  
255 registration and title:

256 (a) A check of the department's ~~Department of Highway~~  
257 ~~Safety and Motor Vehicles~~ database for the owner and any  
258 lienholder. ~~†~~

259 (b) A check of the federally mandated electronic National  
260 Motor Vehicle Title Information System or an equivalent  
261 commercially available system to determine the state of  
262 registration when there is not a current title or registration  
263 record for the vehicle on file with the department. ~~of Highway~~  
264 ~~Safety and Motor Vehicles;~~

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

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

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

273 (3) A vehicle may not be sold earlier than 60 days after  
274 completion of the repair work. If the date of the sale was not  
275 included in the notice of lien required in subsection (1),

276 notice of the sale must be sent by certified mail, return  
277 receipt requested, at least ~~not less than~~ 15 days before the  
278 date of sale, to the customer as indicated on the order for  
279 repair, and to all other persons claiming an interest in or lien  
280 on the motor vehicle, as disclosed by the records of the  
281 Department of Highway Safety and Motor Vehicles or of a  
282 corresponding agency of any other state in which the vehicle  
283 appears to have been registered after completion of a check of  
284 the National Motor Vehicle Title Information System or an  
285 equivalent commercially available system. Such notice must:

286 (a) Be sent by certified mail, return receipt requested,  
287 with the vehicle identification number of the motor vehicle  
288 subject to the sale clearly identified and printed in the  
289 delivery address box or section of the return receipt card and  
290 on the outside of the envelope sent to the registered owner, the  
291 customer, and all other persons claiming an interest therein or  
292 lien thereon and clearly visible on the electronic image of the  
293 return receipt card available on the United States Postal  
294 Service website.

295 (b) Contain the motor vehicle repair shop's registration  
296 number, owner's name, and physical address and the entity name,  
297 as registered with the Division of Corporations, of the business  
298 where the repair work or storage occurred, which must also  
299 appear on the outside of the envelope containing the notice of  
300 sale in the return address section of the envelope.

301           (4) The lienor, at least 15 days before the proposed or  
302 scheduled date of sale of the vehicle, shall publish the notice  
303 required by this section once in a newspaper circulated in the  
304 county where the vehicle repair work was completed and the sale  
305 is to take place ~~held~~. A certificate of compliance with the  
306 notification provisions of this section, which includes the  
307 vehicle identification number, verified by the lienor, together  
308 with a copy of the notice of lien required by subsection (1) and  
309 the notice of sale required by subsection (3), and a copy of all  
310 return receipts ~~receipt~~ for mailing of the notices ~~notice~~  
311 required by this section, which must include proof of  
312 publication, and checks of the Department of Highway Safety and  
313 Motor Vehicles and the National Motor Vehicle Title Information  
314 System or an equivalent commercially available system, must be  
315 duly and expeditiously filed with the clerk of the circuit court  
316 in the county where the vehicle is held. The lienor, at the time  
317 of filing the certificate of compliance, must pay to the clerk  
318 of that court a service charge of \$10 for indexing and recording  
319 the certificate.

320           (9)(a) A copy of the certificate of compliance, which must  
321 include the vehicle identification number, and the report of  
322 sale, certified by the clerk of the court, a copy of the notice  
323 of lien required by subsection (1) and the notice of sale  
324 required by subsection (3), and a copy of all return receipts  
325 for mailing of the notices required by this section, and proof

326 of the required check of the National Motor Vehicle Title  
327 Information System or an equivalent commercially available  
328 system shall constitute satisfactory proof for application to  
329 the Department of Highway Safety and Motor Vehicles for transfer  
330 of title, together with any other proof required by any rules  
331 and regulations of the department.

332 (b) The Department of Highway Safety and Motor Vehicles  
333 may not approve an application for transfer of title if the  
334 application fails to include a copy of the notice of lien  
335 required by subsection (1) and the notice of sale required by  
336 subsection (3) and a copy of all return receipts for mailing of  
337 the notices. The vehicle identification number on the return  
338 receipts must match the vehicle identification number of the  
339 vehicle that is the subject of the transfer of title and must be  
340 clearly visible on the electronic image of the return receipt  
341 card available on the United States Postal Service website.

342 (13) A failure to make good faith efforts as defined in  
343 subsection (2) precludes the imposition of any storage charges  
344 against the vehicle. If a lienor fails to provide notice to any  
345 person claiming a lien on a vehicle under subsection (1) within  
346 7 business days after the date assessment of storage of the  
347 vehicle charges has begun, then the lienor may not charge the  
348 person is precluded from charging for more than 7 days of  
349 storage, but such failure to provide timely notice does not  
350 affect charges made for repairs, adjustments, or modifications

351 to the vehicle or the priority of liens on the vehicle.

352 (14) At any time before the proposed or scheduled date of  
353 sale of a vehicle, the owner, the customer, or a person claiming  
354 an interest therein or lien thereon may request to inspect the  
355 vehicle. The lienor must make the vehicle available for  
356 inspection during regular business hours within 3 business days  
357 after receiving a written request to inspect the vehicle.

358 (15) (a) A lienor or the lienor's agent may charge an  
359 administrative fee to the registered owner, the insurance  
360 company insuring the vehicle, or a person of record claiming a  
361 lien against the vehicle to obtain release of the vehicle. Such  
362 administrative fee may not exceed \$250. For purposes of this  
363 paragraph, the term "administrative fee" means a lien fee or any  
364 fee imposed by the lienor or the lienor's agent for  
365 administrative costs added to the amount due for storage,  
366 repairs, adjustments, or modifications to the vehicle.

367 (b) A lienor or the lienor's agent may not charge fees or  
368 costs, other than those authorized in this section, that exceed  
369 \$250.

370 (16) A motor vehicle repair shop, garage, automotive  
371 service facility, storage facility, parking place, or towing-  
372 storage operator must use a third-party service approved by the  
373 Department of Highway Safety and Motor Vehicles to transmit all  
374 notices required by this section. If there is no third-party  
375 service approved by the department, the motor vehicle repair

376 shop, garage, automotive service facility, storage facility,  
377 parking place, or towing-storage operator may mail the notices  
378 and provide evidence of compliance with this section upon  
379 submission of an application for certificate of title or  
380 certificate of destruction.

381 (a) For purposes of this subsection, the term "third-party  
382 service" means a qualified business entity that, upon a request  
383 submitted through a website by a motor vehicle repair shop,  
384 garage, automotive service facility, storage facility, parking  
385 place, or towing-storage operator:

386 1. Accesses the National Motor Vehicle Title Information  
387 System records to obtain the last state of record of the  
388 vehicle.

389 2. Accesses the owner, lienholder, and insurer  
390 information, as applicable, for a vehicle from the department.

391 3. Electronically generates the notices required of a  
392 motor vehicle repair shop and a towing-storage operator by this  
393 section through the website.

394 4. Prints and sends the notices required under this  
395 section to each owner, lienholder, and insurer of record by  
396 certified mail.

397 5. Electronically returns tracking information or other  
398 proof of mailing and delivery of the notices to the motor  
399 vehicle repair shop and towing-storage operator.

400 6. Electronically reports to the department, via an



401 electronic data exchange process using a web interface, the  
402 following information related to the repair and towing-storage  
403 notices:

- 404 a. The vehicle identification number.  
405 b. The license plate number.  
406 c. The name and address of the repair shop or lienor.  
407 d. The physical location of the vehicle.  
408 e. The date on which the vehicle was dropped off for  
409 repairs.  
410 f. The date on which the repairs were completed.  
411 g. The amount due for repairs.  
412 h. The dates on which the notice was mailed and delivered.  
413 (b) A third-party service must apply to and be approved by  
414 the department in order to provide notices under this section.  
415 The department shall prescribe the format for the application.  
416 The department may approve the applicant as qualified to perform  
417 the services provided in paragraph (a) if the applicant:  
418 1. Provides the department with a \$1 million bond.  
419 2. Submits an acceptable internal control and data  
420 security audit (Level 2) or its equivalent performed by a  
421 licensed certified public accountant.  
422 3. Successfully demonstrates the ability to electronically  
423 provide required data to the department via an electronic data  
424 exchange process using a web interface.  
425 (c) The department may deny, suspend, or revoke approval

426 of a third-party service if the department determines that the  
427 third-party service has committed an act of fraud or  
428 misrepresentation related to a notice required by this section.

429 (d) A third-party service must maintain all records  
430 related to providing notices under this section for 5 years and  
431 allow the department to inspect and copy such records upon  
432 request. The records may be maintained in an electronic format.

433 (e) A third-party service must annually provide the  
434 department with evidence that it maintains a \$1 million bond and  
435 must annually submit an internal control and data security audit  
436 (Level 2) or its equivalent performed by a licensed certified  
437 public accountant to continue its approved status each year.

438 (f) A third-party service must maintain a publicly  
439 available website that allows owners, registrants, lienholders,  
440 insurance companies, or their agents to search for notices sent  
441 pursuant to this section. The search results must exclude  
442 personal identifying information but provide the same  
443 information provided to the department.

444 (17) A lienor must release to the owner, lienholder, or  
445 agent thereof all of the personal property found in but not  
446 affixed to the vehicle. Upon payment of the charges owed, the  
447 lienor must release the vehicle to the paying owner, lienholder,  
448 or agent thereof.

449 (18) A lienor must accept either an electronic or a paper  
450 title as evidence of a person's interest in a vehicle.

451 Section 4. Subsection (4), paragraphs (a) and (b) of  
452 subsection (5), and subsections (6) and (9) of section 713.78,  
453 Florida Statutes, are amended, and subsections (14) through (17)  
454 are added to that section, to read:

455 713.78 Liens for recovering, towing, or storing vehicles  
456 and vessels.—

457 (4) (a) A ~~Any~~ person regularly engaged in the business of  
458 recovering, towing, or storing vehicles or vessels who comes  
459 into possession of a vehicle or vessel pursuant to subsection  
460 (2), and who claims a lien for recovery, towing, or storage  
461 services, shall give notice, by certified mail, return receipt  
462 requested, to the registered owner, the insurance company  
463 insuring the vehicle notwithstanding ~~the provisions of s.~~  
464 627.736, and ~~to~~ all persons claiming a lien thereon, as  
465 disclosed by the records in the Department of Highway Safety and  
466 Motor Vehicles or as disclosed by the records of any  
467 corresponding agency in any other state in which the vehicle is  
468 identified through a records check of the National Motor Vehicle  
469 Title Information System or an equivalent commercially available  
470 system as being titled or registered.

471 (b) Whenever a ~~any~~ law enforcement agency authorizes the  
472 removal of a vehicle or vessel or whenever a ~~any~~ towing service,  
473 garage, repair shop, or automotive service, storage, or parking  
474 place notifies the law enforcement agency of possession of a  
475 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law

476 enforcement agency of the jurisdiction where the vehicle or  
477 vessel is stored shall contact the Department of Highway Safety  
478 and Motor Vehicles, or the appropriate agency of the state of  
479 registration, if known, within 24 hours through the medium of  
480 electronic communications, giving the full description of the  
481 vehicle or vessel. Upon receipt of the full description of the  
482 vehicle or vessel, the department shall search its files to  
483 determine the owner's name, the insurance company insuring the  
484 vehicle or vessel, and whether any person has filed a lien upon  
485 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
486 notify the applicable law enforcement agency within 72 hours.  
487 The person in charge of the towing service, garage, repair shop,  
488 or automotive service, storage, or parking place shall obtain  
489 such information from the applicable law enforcement agency  
490 within 5 days after the date of storage and shall give notice  
491 pursuant to paragraph (a). The department may release the  
492 insurance company information to the requestor notwithstanding  
493 ~~the provisions of s. 627.736.~~

494 (c) The notice of lien must be sent by certified mail,  
495 return receipt requested, to the registered owner, the insurance  
496 company insuring the vehicle notwithstanding s. 627.736, and all  
497 other persons claiming a lien thereon shall be sent within 7  
498 business days, excluding Saturday and Sunday, after the date of  
499 storage of the vehicle or vessel. However, in no event shall the  
500 notice of lien be sent less than 15 days before the sale of ~~to~~

501 ~~the registered owner, the insurance company insuring the vehicle~~  
502 ~~notwithstanding the provisions of s. 627.736, and all persons of~~  
503 ~~record claiming a lien against the vehicle or vessel. The notice~~  
504 ~~must state:~~

505 1. If the claim of lien is for a vehicle, the vehicle  
506 identification number of the vehicle subject to the lien clearly  
507 printed in the delivery address box or section of the return  
508 receipt card; on the outside of the envelope sent to the  
509 registered owner and all other persons claiming an interest  
510 therein or lien thereon; and on the electronic image of the  
511 return receipt card available on the United States Postal  
512 Service website.

513 2. The name, physical address, and telephone number of the  
514 lienor, and the entity name, as registered with the Division of  
515 Corporations, of the business where the towing and storage  
516 occurred, which must also appear on the outside of the envelope  
517 sent to the registered owner and all other persons claiming an  
518 interest in or lien on the vehicle or vessel.

519 3. ~~It shall state~~ The fact of possession of the vehicle or  
520 vessel.

521 4. The name of the person or entity that authorized the  
522 lienor to take possession of the vehicle or vessel.

523 5. That a lien as provided in subsection (2) is claimed.

524 6. That charges have accrued and include an itemized  
525 statement of the amount thereof.

526           7. That the lien is subject to enforcement under ~~pursuant~~  
 527 ~~to law,~~ and that the owner or lienholder, if any, has the right  
 528 to a hearing as set forth in subsection (5).~~7~~ ~~and~~

529           8. That any vehicle or vessel that ~~which~~ remains  
 530 unclaimed, or for which the charges for recovery, towing, or  
 531 storage services remain unpaid, may be sold free of all prior  
 532 liens ~~after~~ 35 days after the vehicle or vessel is stored by the  
 533 lienor if the vehicle or vessel is more than 3 years of age or  
 534 ~~after~~ 50 days after the vehicle or vessel is stored by the  
 535 lienor if the vehicle or vessel is 3 years of age or less.

536           9. The address at which the vehicle or vessel is  
 537 physically located.

538           (d) The notice of lien may not be sent to the registered  
 539 owner, the insurance company insuring the vehicle or vessel, and  
 540 all other persons claiming a lien thereon less than 15 days  
 541 before the sale of the vehicle or vessel.

542           (e) ~~(d)~~ If attempts to locate the name and address of the  
 543 owner or lienholder prove unsuccessful, the towing-storage  
 544 operator shall, after 7 business ~~working~~ days, excluding  
 545 Saturday and Sunday, after ~~of~~ the initial tow or storage, notify  
 546 the public agency of jurisdiction where the vehicle or vessel is  
 547 stored in writing by certified mail or acknowledged hand  
 548 delivery that the towing-storage company has been unable to  
 549 locate the name and address of the owner or lienholder and a  
 550 physical search of the vehicle or vessel has disclosed no

551 ownership information and a good faith effort has been made,  
552 including records checks of the Department of Highway Safety and  
553 Motor Vehicles database and the National Motor Vehicle Title  
554 Information System or an equivalent commercially available  
555 system. For purposes of this paragraph and subsection (9), the  
556 term "good faith effort" means that the following checks have  
557 been performed by the company to establish the prior state of  
558 registration and for title:

559 1. A check of the department's ~~Department of Highway~~  
560 ~~Safety and Motor Vehicles~~ database for the owner and any  
561 lienholder.

562 2. A check of the electronic National Motor Vehicle Title  
563 Information System or an equivalent commercially available  
564 system to determine the state of registration when there is not  
565 a current registration record for the vehicle or vessel on file  
566 with the department ~~of Highway Safety and Motor Vehicles~~.

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

569 4. A check of the law enforcement report for a tag number  
570 or other information identifying the vehicle or vessel, if the  
571 vehicle or vessel was towed at the request of a law enforcement  
572 officer.

573 5. A check of the trip sheet or tow ticket of the tow  
574 truck operator to determine whether ~~see if~~ a tag was on the  
575 vehicle or vessel at the beginning of the tow, if a private tow.

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

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

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

586           9. A check of the vehicle for a vehicle identification  
 587 number.

588           10. A check of the vessel for a vessel registration  
 589 number.

590           11. A check of the vessel hull for a hull identification  
 591 number which should be carved, burned, stamped, embossed, or  
 592 otherwise permanently affixed to the outboard side of the  
 593 transom or, if there is no transom, to the outmost seaboard side  
 594 at the end of the hull that bears the rudder or other steering  
 595 mechanism.

596           (5) (a) The owner of a vehicle or vessel removed pursuant  
 597 to ~~the provisions of~~ subsection (2), or any person claiming a  
 598 lien, other than the towing-storage operator, within 10 days  
 599 after the time she or he has knowledge of the location of the  
 600 vehicle or vessel, may file a complaint in the county court of



601 the county in which the vehicle or vessel is stored to determine  
 602 whether ~~if~~ her or his property was wrongfully taken or withheld  
 603 ~~from her or him.~~

604 (b) At any time before the sale of the vehicle or vessel  
 605 ~~Upon filing of a complaint,~~ an owner or lienholder may have her  
 606 or his vehicle or vessel released upon posting with the court a  
 607 cash or surety bond or other adequate security equal to the  
 608 amount of the charges for towing or storage and lot rental  
 609 amount to ensure the payment of such charges in the event she or  
 610 he does not prevail. Upon the posting of the bond and the  
 611 payment of the applicable fee set forth in s. 28.24, the clerk  
 612 of the court shall issue a certificate notifying the lienor of  
 613 the posting of the bond and directing the lienor to release the  
 614 vehicle or vessel. At the time of such release, after reasonable  
 615 inspection, she or he shall give a receipt to the towing-storage  
 616 company reciting any claims she or he has for loss or damage to  
 617 the vehicle or vessel or the contents thereof.

618 (6) A ~~Any~~ vehicle or vessel that ~~which~~ is stored pursuant  
 619 to subsection (2) and ~~which~~ remains unclaimed, or for which  
 620 reasonable charges for recovery, towing, or storing remain  
 621 unpaid, and any contents not released pursuant to subsection  
 622 (10), may be sold by the owner or operator of the storage space  
 623 for such towing or storage charge ~~after~~ 35 days after ~~from the~~  
 624 ~~time~~ the vehicle or vessel is stored by the lienor ~~therein~~ if  
 625 the vehicle or vessel is more than 3 years of age or ~~after~~ 50

626 days after ~~following the time~~ the vehicle or vessel is stored by  
627 the lienor ~~therein~~ if the vehicle or vessel is 3 years of age or  
628 less. The sale shall be at public sale for cash. If the date of  
629 the sale was not included in the notice required in subsection  
630 (4), notice of the sale shall be given to the person in whose  
631 name the vehicle or vessel is registered and to all persons  
632 claiming a lien on the vehicle or vessel as shown on the records  
633 of the Department of Highway Safety and Motor Vehicles or of any  
634 corresponding agency in any other state in which the vehicle is  
635 identified through a records check of the National Motor Vehicle  
636 Title Information System or an equivalent commercially available  
637 system as being titled. Notice of the sale must ~~shall~~ be sent by  
638 certified mail, return receipt requested. If the claim of lien  
639 is for a vehicle, the notice must have clearly identified and  
640 printed the vehicle identification number of the motor vehicle  
641 subject to the lien in the delivery address box or section of  
642 the return receipt card; on the outside of the envelope sent to  
643 the registered owner and all other persons claiming an interest  
644 therein or lien thereon; and on the electronic image of the  
645 return receipt card available on the United States Postal  
646 Service website. The notice must be sent to the owner of the  
647 vehicle or vessel and the person having the recorded lien on the  
648 vehicle or vessel at the address shown on the records of the  
649 registering agency at least ~~and shall be mailed not less than~~ 15  
650 days before the sale of the vehicle or vessel ~~date of the sale~~.

651 The notice must state the name, physical address, and telephone  
652 number of the lienor, and the vehicle identification number if  
653 the claim of lien is for a vehicle, all of which must also  
654 appear on the outside of the envelope containing the notice of  
655 sale in the return address section of the envelope. After  
656 diligent search and inquiry, if the name and address of the  
657 registered owner or the owner of the recorded lien cannot be  
658 ascertained, the requirements of notice by mail may be dispensed  
659 with. In addition to the notice by mail, public notice of the  
660 time and place of sale shall be made by publishing a notice  
661 thereof one time, at least 10 days before ~~prior to~~ the date of  
662 the sale, in a newspaper of general circulation in the county in  
663 which the sale is to be held. The proceeds of the sale, after  
664 payment of reasonable towing and storage charges, and costs of  
665 the sale, in that order of priority, shall be deposited with the  
666 clerk of the circuit court for the county if the owner or  
667 lienholder is absent, and the clerk shall hold such proceeds  
668 subject to the claim of the owner or lienholder legally entitled  
669 thereto. The clerk shall be entitled to receive 5 percent of  
670 such proceeds for the care and disbursement thereof. The  
671 certificate of title issued under this law shall be discharged  
672 of all liens unless otherwise provided by court order. The owner  
673 or lienholder may file a complaint after the vehicle or vessel  
674 has been sold in the county court of the county in which it is  
675 stored. Upon determining the respective rights of the parties,

676 the court may award damages, attorney ~~attorney's~~ fees, and costs  
677 in favor of the prevailing party.

678 (9) Failure to make good faith ~~best~~ efforts to comply with  
679 the notice requirements of this section precludes ~~shall preclude~~  
680 the imposition of any storage charges against the ~~such~~ vehicle  
681 or vessel. If a lienor fails to provide notice to a person  
682 claiming a lien on a vehicle or vessel in accordance with  
683 subsection (4), the lienor may not charge the person for more  
684 than 7 days of storage, but such failure does not affect charges  
685 made for towing the vehicle or vessel or the priority of liens  
686 on the vehicle or vessel.

687 (14) (a) A copy of the notice of lien required by  
688 subsection (4) and the notice of sale required by subsection  
689 (6), and a copy of all return receipts for mailing of the  
690 notices required by this section, which must include the vehicle  
691 identification number, and proof of the required check of the  
692 National Motor Vehicle Title Information System or an equivalent  
693 commercially available system shall constitute satisfactory  
694 proof for application to the Department of Highway Safety and  
695 Motor Vehicles for transfer of title, together with any other  
696 proof required by any rules and regulations of the department.

697 (b) The Department of Highway Safety and Motor Vehicles  
698 may not approve an application for transfer of title if the  
699 application fails to include a copy of the notice of lien  
700 required by subsection (4) and the notice of sale required by

701 subsection (6) and a copy of all return receipts for mailing of  
702 the notices required by this section. The vehicle identification  
703 number on the return receipts must match the vehicle  
704 identification number of the vehicle that is the subject of the  
705 transfer of title and must be clearly visible on the electronic  
706 image of the return receipt card available on the United States  
707 Postal Service website.

708 (15) (a) A lienor or the lienor's agent may charge an  
709 administrative fee to the registered owner, the insurance  
710 company insuring the vehicle or vessel, or a person claiming a  
711 lien against the vehicle or vessel to obtain release of the  
712 vehicle or vessel. Such administrative fee may not exceed \$250.  
713 For purposes of this paragraph, the term "administrative fee"  
714 means a lien fee or any fee imposed by the lienor or the  
715 lienor's agent for administrative costs added to the amount due  
716 for towing and storing the vehicle or vessel.

717 (b) A lienor or the lienor's agent may not charge fees or  
718 costs, other than those authorized in this section or ss.  
719 125.0103 and 166.043, that exceed \$250.

720 (16) A motor vehicle or vessel repair shop, garage,  
721 automotive service facility, storage facility, parking place, or  
722 towing-storage operator must use a third-party service approved  
723 by the Department of Highway Safety and Motor Vehicles to  
724 transmit all notices required by this section. If there is no  
725 third-party service approved by the department, the motor

726 vehicle or vessel repair shop, garage, automotive service  
727 facility, storage facility, parking place, or towing-storage  
728 operator may mail the notices and provide evidence of compliance  
729 with this section upon submission of an application for  
730 certificate of title or certificate of destruction.

731 (a) For purposes of this subsection, the term "third-party  
732 service" means a qualified business entity that, upon a request  
733 submitted through a website by a motor vehicle or vessel repair  
734 shop, garage, automotive service facility, storage facility,  
735 parking place, or towing-storage operator:

736 1. Accesses the National Motor Vehicle Title Information  
737 System records to obtain the last state of record of the  
738 vehicle.

739 2. Accesses the owner, lienholder, and insurer  
740 information, as applicable, for a vehicle or vessel from the  
741 department.

742 3. Electronically generates the notices required of a  
743 motor vehicle or vessel repair shop and a towing-storage  
744 operator by this section through the website.

745 4. Prints and sends the notices required under this  
746 section to each owner, lienholder, and insurer of record by  
747 certified mail.

748 5. Electronically returns tracking information or other  
749 proof of mailing and delivery of the notices to the motor  
750 vehicle or vessel repair shop and towing-storage operator.

751        6. Electronically reports to the department, via an  
752 electronic data exchange process using a web interface, the  
753 following information related to the towing and storage notice:  
754        a. The vehicle identification number or vessel hull  
755 identification number.  
756        b. The license plate number.  
757        c. The name and address of the towing-storage operator or  
758 lienor.  
759        d. The physical location of the vehicle or vessel.  
760        e. The date on which the vehicle or vessel was towed.  
761        f. The amount of storage fees owed at the time of the  
762 notice.  
763        g. The date of assessment of storage charges.  
764        h. The dates on which the notice was mailed and delivered.  
765        (b) A third-party service must apply to and be approved by  
766 the department in order to provide notices under this section.  
767 The department shall prescribe the format for the application.  
768 The department may approve the applicant as qualified to perform  
769 the services provided in paragraph (a) if the applicant:  
770        1. Provides the department with a \$1 million bond.  
771        2. Submits an acceptable internal control and data  
772 security audit (Level 2) or its equivalent performed by a  
773 licensed certified public accountant.  
774        3. Successfully demonstrates the ability to electronically  
775 provide required data to the department via an electronic data

776 exchange process using a web interface.

777 (c) The department may deny, suspend, or revoke approval  
778 of a third-party service if the department determines that the  
779 third-party service has committed an act of fraud or  
780 misrepresentation related to a notice required by this section.

781 (d) A third-party service must maintain all records  
782 related to providing notices under this section for 5 years and  
783 allow the department to inspect and copy such records upon  
784 request. The records may be maintained in an electronic format.

785 (e) A third-party service must annually provide the  
786 department with evidence that it maintains a \$1 million bond and  
787 must annually submit an internal control and data security audit  
788 (Level 2) or its equivalent performed by a licensed certified  
789 public accountant to continue its approved status each year.

790 (f) A third-party service must maintain a publicly  
791 available website that allows owners, registrants, lienholders,  
792 insurance companies, or their agents to search for notices sent  
793 pursuant to this section. The search results must exclude  
794 personal identifying information but provide the same  
795 information provided to the department.

796 (17) A lienor must accept either an electronic or a paper  
797 title as evidence of a person's interest in a vehicle or vessel.

798 Section 5. This act shall take effect January 1, 2020.