

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McClain offered the following:

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3 **Amendment (with directory and title amendments)**

4 Between lines 270 and 271, insert:

5 (6) A vehicle or vessel that is stored pursuant to
6 subsection (2) and remains unclaimed, or for which reasonable
7 charges for recovery, towing, or storing remain unpaid, and any
8 contents not released pursuant to subsection (10), may be sold
9 by the owner or operator of the storage space for such towing or
10 storage charge 35 days after the vehicle or vessel is stored by
11 the lienor if the vehicle or vessel is more than 3 years of age
12 or 50 days after the vehicle or vessel is stored by the lienor
13 if the vehicle or vessel is 3 years of age or less. The sale

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14 shall be at public sale for cash. If the date of the sale was
15 not included in the notice required in subsection (4), notice of
16 the sale shall be given to the person in whose name the vehicle
17 or vessel is registered and to all persons claiming a lien on
18 the vehicle or vessel as shown on the records of the Department
19 of Highway Safety and Motor Vehicles or of any corresponding
20 agency in any other state in which the vehicle is identified
21 through a records check of the National Motor Vehicle Title
22 Information System or an equivalent commercially available
23 system as being titled. Notice of the sale must be sent by
24 certified mail. The notice must have clearly identified and
25 printed, if the claim of lien is for a motor vehicle, the last 8
26 digits of the vehicle identification number of the motor vehicle
27 subject to the lien, or, if the claim of lien is for a vessel,
28 the hull identification number of the vessel subject to the
29 lien, in the delivery address box and on the outside of the
30 envelope sent to the registered owner and all other persons
31 claiming an interest therein or lien thereon. The notice must be
32 sent to the owner of the vehicle or vessel and the person having
33 the recorded lien on the vehicle or vessel at the address shown
34 on the records of the registering agency at least 30 ~~15~~ days
35 before the sale of the vehicle or vessel. The notice must state
36 the name, physical address, and telephone number of the lienor,
37 and the vehicle identification number if the claim of lien is
38 for a vehicle or the hull identification number if the claim of

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39 | lien is for a vessel, all of which must also appear in the
40 | return address section on the outside of the envelope containing
41 | the notice of sale. After diligent search and inquiry, if the
42 | name and address of the registered owner or the owner of the
43 | recorded lien cannot be ascertained, the requirements of notice
44 | by mail may be dispensed with. In addition to the notice by
45 | mail, public notice of the time and place of sale shall be made
46 | by publishing a notice thereof one time, at least 10 days before
47 | the date of the sale, in a newspaper of general circulation in
48 | the county in which the sale is to be held. The proceeds of the
49 | sale, after payment of reasonable towing and storage charges,
50 | and costs of the sale, in that order of priority, shall be
51 | deposited with the clerk of the circuit court for the county if
52 | the owner or lienholder is absent, and the clerk shall hold such
53 | proceeds subject to the claim of the owner or lienholder legally
54 | entitled thereto. The clerk shall be entitled to receive 5
55 | percent of such proceeds for the care and disbursement thereof.
56 | The certificate of title issued under this law shall be
57 | discharged of all liens unless otherwise provided by court
58 | order. The owner or lienholder may file a complaint after the
59 | vehicle or vessel has been sold in the county court of the
60 | county in which it is stored. Upon determining the respective
61 | rights of the parties, the court may award damages, attorney
62 | fees, and costs in favor of the prevailing party.

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D I R E C T O R Y A M E N D M E N T

Remove lines 246-247 and insert:

Section 6. Subsections (2) and (6) of section 713.78,
Florida Statutes, are amended to read:

T I T L E A M E N D M E N T

Remove line 25 and insert:

to recover specified fees or charges; revising the
timeframe within which the notice of sale must be sent
to certain entities; amending s.