



174996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
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The Committee on Transportation (Rodriguez) recommended the following:

1 **Senate Substitute for Amendment (580454) (with title**
2 **amendment)**

3
4 Delete lines 67 - 90
5 and insert:

6 Section 2. Paragraph (c) of subsection (4), subsection
7 (10), and paragraph (a) of subsection (15) of section 713.78,
8 Florida Statutes, are amended, paragraph (g) is added to
9 subsection (16) of that section, and subsection (18) is added to
10 that section, to read:



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11 713.78 Liens for recovering, towing, or storing vehicles
12 and vessels.—

13 (4)

14 (c) The notice of lien must be sent by certified mail to
15 the registered owner, the insurance company insuring the vehicle
16 notwithstanding s. 627.736, and all other persons claiming a
17 lien thereon no earlier than 6 hours before and no later than
18 ~~within~~ 7 business days, excluding Saturday and Sunday, after the
19 date of storage of the vehicle or vessel. However, in no event
20 shall the notice of lien be sent less than 30 days before the
21 sale of the vehicle or vessel. The notice must state:

22 1. If the claim of lien is for a vehicle, the last 8 digits
23 of the vehicle identification number of the vehicle subject to
24 the lien, or, if the claim of lien is for a vessel, the hull
25 identification number of the vessel subject to the lien, clearly
26 printed in the delivery address box and on the outside of the
27 envelope sent to the registered owner and all other persons
28 claiming an interest therein or lien thereon.

29 2. The name, physical address, and telephone number of the
30 lienor, and the entity name, as registered with the Division of
31 Corporations, of the business where the towing and storage
32 occurred, which must also appear on the outside of the envelope
33 sent to the registered owner and all other persons claiming an
34 interest in or lien on the vehicle or vessel.

35 3. The fact of possession of the vehicle or vessel.

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

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

39 6. That charges have accrued and include an itemized



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40 statement of the amount thereof.

41 7. That the lien is subject to enforcement under law and
42 that the owner or lienholder, if any, has the right to a hearing
43 as set forth in subsection (5).

44 8. That any vehicle or vessel that remains unclaimed, or
45 for which the charges for recovery, towing, or storage services
46 remain unpaid, may be sold free of all prior liens 35 days after
47 the vehicle or vessel is stored by the lienor if the vehicle or
48 vessel is more than 3 years of age or 50 days after the vehicle
49 or vessel is stored by the lienor if the vehicle or vessel is 3
50 years of age or less.

51 9. The address at which the vehicle or vessel is physically
52 located.

53 (10) Persons who provide services pursuant to this section
54 shall permit vehicle or vessel owners, lienholders, insurance
55 company representatives, or their agents, which agency is
56 evidenced by an original writing acknowledged by the owner
57 before a notary public or other person empowered by law to
58 administer oaths, to inspect the towed vehicle or vessel and
59 shall release only to the owner, lienholder, or agent the
60 vehicle, vessel, or all personal property not affixed to the
61 vehicle or vessel which was in the vehicle or vessel at the time
62 the vehicle or vessel came into the custody of the person
63 providing such services. For the purposes of this subsection, a
64 rental car agreement does not constitute evidence that the
65 person who rented a vehicle is an agent of the owner of the
66 vehicle, and a towing company may not release a vehicle owned by
67 a rental car company to the person who rented the vehicle unless
68 the rental car company appoints the person who rented the



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69 vehicle as its agent. Such appointment must be evidenced in an
70 original writing acknowledged by the rental car company before a
71 notary public or other person empowered by law to administer
72 oaths and must authorize the person to inspect and redeem the
73 towed vehicle.

74 (15) (a) A lienor or the lienor's agent may charge a \$75
75 notification ~~an administrative~~ fee plus the actual costs of
76 complying with the requirements of this section to the
77 registered owner or a person claiming a lien against the vehicle
78 or vessel to obtain release of the vehicle or vessel from the
79 claim of lien imposed under this section. Such notification
80 ~~administrative~~ fee plus the actual costs of complying with the
81 requirements of this section may not exceed \$250. ~~For purposes~~
82 ~~of this paragraph, the term "administrative fee" means a lien~~
83 ~~fee or any fee imposed by the lienor or the lienor's agent for~~
84 ~~administrative costs added to the amount due for towing and~~
85 ~~storing the vehicle or vessel.~~

86 (16) A towing-storage operator must use a third-party
87 service approved by the Department of Highway Safety and Motor
88 Vehicles to transmit all notices required by this section. If
89 there is no third-party service approved by the department, the
90 towing-storage operator may mail the notices and provide
91 evidence of compliance with this section upon submission of an
92 application for certificate of title or certificate of
93 destruction.

94 (g) If a towing-storage operator uses a third-party service
95 approved by the department to provide notice required by this
96 section, proof of mailing by the third-party service is proof
97 that the towing-storage operator made a good faith effort to



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98 comply with such notice requirement, regardless of whether the
99 recipient accepts delivery or otherwise receives notice.

100 (18) The regulation of claiming a lien for the recovery,
101 removal, towing, or storage of a vehicle or vessel, including,
102 but not limited to, notification fees, is preempted to the
103 state, and this section supersedes any county or municipal
104 ordinance, resolution, rule, regulation, or otherwise to the
105 contrary.

106
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 12 - 13

110 and insert:

111 certain judicial findings are made; amending s.
112 713.78, F.S.; revising the timeframe required for
113 sending notices of lien; prohibiting towing companies
114 from releasing vehicles owned by rental car companies,
115 which are towed under certain circumstances, to the
116 person who rented the vehicle unless the rental car
117 company appoints the person as its agent; providing
118 requirements for such appointment; revising fees
119 relating to obtaining the release of a vehicle or
120 vessel with a claimed lien; deleting the definition of
121 the term "administrative fee"; specifying that proof
122 of mailing by a third-party service is proof that a
123 towing-storage operator made a good faith effort to
124 comply with specified notice requirements; preempting
125 the regulation of claiming a lien for the recovery,
126 removal, towing, or storage of a vehicle or vessel to



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the state; amending s. 715.07, F.S.; prohibiting
towing companies