

1 A bill to be entitled
2 An act relating to wrecker and towing-storage
3 operators; amending s. 321.051, F.S.; prohibiting the
4 Division of the Florida Highway Patrol from excluding
5 wrecker operators from the wrecker operator system or
6 from being designated as an authorized wrecker
7 operator based solely on a prior felony conviction;
8 providing an exception; amending s. 713.78, F.S.;
9 defining the term "towing-storage operator";
10 authorizing a towing-storage operator to charge
11 certain fees; providing that a lien can only be placed
12 on specified fees; requiring a towing-storage operator
13 to accept credit cards; removing certain requirements
14 for law enforcement agencies and the Department of
15 Highway Safety and Motor Vehicles; revising the
16 timeframe in which certain unclaimed vehicles or
17 vessels may be sold; revising the timeframe in which a
18 notice of lien must be sent for certain unclaimed
19 vehicles or vessels; revising the timeframe in which a
20 towing-storage operator must provide certain notice to
21 the public agency of jurisdiction; requiring that such
22 notice be sent by certified mail; requiring the
23 posting of a bond or other security be done in a
24 specified manner; revising the timeframe in which
25 public notice of the sale of a vehicle or vessel must

26 | be published; restricting the imposition of storage
 27 | charges under certain circumstances; revising the
 28 | amount a lienor may charge as an administrative fee;
 29 | requiring a towing-storage operator to maintain
 30 | certain records; providing the exclusive remedy for
 31 | certain liens; conforming cross-references; making
 32 | technical changes; amending s. 559.917, F.S.;
 33 | providing procedures and requirements for acquiring a
 34 | bond to release certain liens; providing definitions;
 35 | amending ss. 83.09, 83.805, and 677.210, F.S.;
 36 | conforming provisions to changes made by the act;
 37 | amending s. 715.07, F.S.; conforming a cross-
 38 | reference; providing an effective date.

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:

41 |
 42 | Section 1. Subsection (5) is added to section 321.051,
 43 | Florida Statutes, to read:

44 | 321.051 Florida Highway Patrol wrecker operator system;
 45 | penalties for operation outside of system.—

46 | (5) The Division of the Florida Highway Patrol may not
 47 | exclude a wrecker operator from the wrecker operator system or
 48 | fail to designate him or her as an authorized wrecker operator
 49 | based solely on a prior felony conviction, unless such
 50 | conviction is for a forcible felony as defined in s. 776.08.

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51 Section 2. Subsections (1), (2), (4), (5), (6), and (9),
52 paragraph (a) of subsection (11), paragraph (a) of subsection
53 (12), paragraphs (a), (b), and (d) of subsection (13), and
54 paragraph (a) of subsection (15) of section 713.78, Florida
55 Statutes, are amended, and subsections (18) and (19) are added
56 to that section, to read:

57 713.78 Liens for recovering, towing, or storing vehicles
58 and vessels.—

59 (1) For the purposes of this section, the term:

60 (a)~~(e)~~ "Equivalent commercially available system" means a
61 service that charges a fee to provide vehicle information and
62 that at a minimum maintains records from those states
63 participating in data sharing with the National Motor Vehicle
64 Title Information System.

65 (b)~~(d)~~ "National Motor Vehicle Title Information System"
66 means the federally authorized electronic National Motor Vehicle
67 Title Information System.

68 (c) "Towing-storage operator" means a person who regularly
69 engages in the business of transporting vehicles or vessels by
70 wrecker, tow truck, or car carrier.

71 (d)~~(a)~~ "Vehicle" means any mobile item, whether motorized
72 or not, which is mounted on wheels.

73 (e)~~(b)~~ "Vessel" means every description of watercraft,
74 barge, and airboat used or capable of being used as a means of
75 transportation on water, other than a seaplane or a "documented

76 vessel" as defined in s. 327.02.

77 (f)~~(e)~~ "Wrecker" means any truck or other vehicle that
 78 ~~which~~ is used to tow, carry, or otherwise transport motor
 79 vehicles or vessels upon the streets and highways of this state
 80 and ~~which~~ is equipped for that purpose with a boom, winch, car
 81 carrier, or other similar equipment.

82 (2)(a) ~~Whenever A towing-storage operator person regularly~~
 83 ~~engaged in the business of transporting vehicles or vessels by~~
 84 ~~wrecker, tow truck, or car carrier~~ may charge only the following
 85 fees for, or incidental to, the recovery, removal, or storage of
 86 a vehicle or vessel:

- 87 1. A reasonable recovery fee.
- 88 2. A reasonable towing fee.
- 89 3. A reasonable storage fee.
- 90 4. A reasonable fee or charge that is imposed by a county
 91 or municipality.

92 (b) If a towing-storage operator recovers, removes, or
 93 stores a vehicle or vessel upon instructions from:

- 94 1.~~(a)~~ The owner thereof;
- 95 2.~~(b)~~ The owner or lessor, or a person authorized by the
 96 owner or lessor, of property on which such vehicle or vessel is
 97 wrongfully parked, and the removal is done in compliance with s.
 98 715.07;

99 3.~~(c)~~ The landlord or a person authorized by the landlord,
 100 when such motor vehicle or vessel remained on the premises after

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101 the tenancy terminated and the removal is done in compliance
102 with s. 83.806 or s. 715.104; or

103 ~~4.(d)~~ Any law enforcement agency,

104
105 she or he has ~~shall have~~ a lien on the vehicle or vessel for a
106 reasonable recovery fee, a reasonable towing fee, ~~for a~~
107 ~~reasonable administrative fee or charge imposed by a county or~~
108 ~~municipality,~~ and ~~for~~ a reasonable storage fee; except that a
109 storage fee may not be charged if the vehicle or vessel is
110 stored for fewer than 6 hours.

111 (c) A towing-storage operator must accept credit cards, as
112 that term is defined in s. 658.995(2) (a).

113 (4) (a) A towing-storage operator ~~person regularly engaged~~
114 ~~in the business of recovering, towing, or storing vehicles or~~
115 ~~vessels~~ who comes into possession of a vehicle or vessel
116 pursuant to paragraph (2) (b) subsection (2), and who claims a
117 lien for recovery, towing, or storage services, must ~~shall~~ give
118 notice, by certified mail, to the registered owner, the
119 insurance company insuring the vehicle notwithstanding s.
120 627.736, and all persons claiming a lien thereon, as disclosed
121 by the records in the Department of Highway Safety and Motor
122 Vehicles or as disclosed by the records of any corresponding
123 agency in any other state in which the vehicle is identified
124 through a records check of the National Motor Vehicle Title
125 Information System or an equivalent commercially available

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126 system as being titled or registered.

127 ~~(b) Whenever a law enforcement agency authorizes the~~
128 ~~removal of a vehicle or vessel or whenever a towing service,~~
129 ~~garage, repair shop, or automotive service, storage, or parking~~
130 ~~place notifies the law enforcement agency of possession of a~~
131 ~~vehicle or vessel pursuant to s. 715.07(2)(a)2., the law~~
132 ~~enforcement agency of the jurisdiction where the vehicle or~~
133 ~~vessel is stored shall contact the Department of Highway Safety~~
134 ~~and Motor Vehicles, or the appropriate agency of the state of~~
135 ~~registration, if known, within 24 hours through the medium of~~
136 ~~electronic communications, giving the full description of the~~
137 ~~vehicle or vessel. Upon receipt of the full description of the~~
138 ~~vehicle or vessel, the department shall search its files to~~
139 ~~determine the owner's name, the insurance company insuring the~~
140 ~~vehicle or vessel, and whether any person has filed a lien upon~~
141 ~~the vehicle or vessel as provided in s. 319.27(2) and (3) and~~
142 ~~notify the applicable law enforcement agency within 72 hours.~~
143 ~~The person in charge of the towing service, garage, repair shop,~~
144 ~~or automotive service, storage, or parking place shall obtain~~
145 ~~such information from the applicable law enforcement agency~~
146 ~~within 5 days after the date of storage and shall give notice~~
147 ~~pursuant to paragraph (a). The department may release the~~
148 ~~insurance company information to the requestor notwithstanding~~
149 ~~s. 627.736.~~

150 (b)-(e) The notice of lien must be sent by certified mail

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151 to the registered owner, the insurance company insuring the
152 vehicle notwithstanding s. 627.736, and all other persons
153 claiming a lien thereon within 3 ~~7~~ business days, excluding
154 Saturday and Sunday, after the date of storage of the vehicle or
155 vessel. ~~However, in no event shall the notice of lien be sent~~
156 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
157 notice must state:

158 1. If the claim of lien is for a vehicle, the last 8
159 digits of the vehicle identification number of the vehicle
160 subject to the lien, or, if the claim of lien is for a vessel,
161 the hull identification number of the vessel subject to the
162 lien, clearly printed in the delivery address box and on the
163 outside of the envelope sent to the registered owner and all
164 other persons claiming an interest in ~~therein~~ or lien on the
165 vehicle or vessel ~~thereon~~.

166 2. The name, physical address, and telephone number of the
167 lienor, and the entity name, as registered with the Division of
168 Corporations, of the business where the towing and storage
169 occurred, which must also appear on the outside of the envelope
170 sent to the registered owner and all other persons claiming an
171 interest in or lien on the vehicle or vessel.

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

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

175 5. That a lien as provided in paragraph (2) (b) ~~subsection~~

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176 ~~(2)~~ is claimed.

177 6. That charges have accrued and include an itemized
178 statement of the amount thereof.

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

182 8. That any vehicle or vessel that remains unclaimed, or
183 for which the charges for recovery, towing, or storage services
184 remain unpaid, may be sold free of all prior liens 35 days after
185 the vehicle or vessel is stored by the lienor if the vehicle or
186 vessel is more than 3 years of age or 65 ~~50~~ days after the
187 vehicle or vessel is stored by the lienor if the vehicle or
188 vessel is 3 years of age or less.

189 9. The address at which the vehicle or vessel is
190 physically located.

191 (c) ~~(d)~~ The notice of lien may not be sent to the
192 registered owner, the insurance company insuring the vehicle or
193 vessel, and all other persons claiming a lien thereon less than
194 30 days before the sale of a ~~the~~ vehicle or vessel that is more
195 than 3 years of age or less than 60 days before the sale of a
196 vehicle or vessel that is 3 years of age or less.

197 (d) ~~(e)~~ If attempts to locate the name and address of the
198 owner or lienholder prove unsuccessful, the towing-storage
199 operator shall, after 3 ~~7~~ business days, excluding Saturday and
200 Sunday, after the initial tow or storage, notify the public

201 agency of jurisdiction where the vehicle or vessel is stored in
 202 writing by certified mail ~~or acknowledged hand delivery~~ that the
 203 towing-storage company has been unable to locate the name and
 204 address of the owner or lienholder and a physical search of the
 205 vehicle or vessel has disclosed no ownership information and a
 206 good faith effort has been made, including records checks of the
 207 Department of Highway Safety and Motor Vehicles database and the
 208 National Motor Vehicle Title Information System or an equivalent
 209 commercially available system. For purposes of this paragraph
 210 and subsection (9), the term "good faith effort" means that the
 211 following checks have been performed by the company to establish
 212 the prior state of registration and for title:

213 1. A check of the department's database for the owner and
 214 any lienholder.

215 2. A check of the electronic National Motor Vehicle Title
 216 Information System or an equivalent commercially available
 217 system to determine the state of registration when there is not
 218 a current registration record for the vehicle or vessel on file
 219 with the department.

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

222 4. A check of the law enforcement report for a tag number
 223 or other information identifying the vehicle or vessel, if the
 224 vehicle or vessel was towed at the request of a law enforcement
 225 officer.

226 5. A check of the trip sheet or tow ticket of the tow
 227 truck operator to determine whether a tag was on the vehicle or
 228 vessel at the beginning of the tow, if a private tow.

229 6. If there is no address of the owner on the impound
 230 report, a check of the law enforcement report to determine
 231 whether an out-of-state address is indicated from driver license
 232 information.

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

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

239 9. A check of the vehicle for a vehicle identification
 240 number.

241 10. A check of the vessel for a vessel registration
 242 number.

243 11. A check of the vessel hull for a hull identification
 244 number which should be carved, burned, stamped, embossed, or
 245 otherwise permanently affixed to the outboard side of the
 246 transom or, if there is no transom, to the outmost seaboard side
 247 at the end of the hull that bears the rudder or other steering
 248 mechanism.

249 (5) (a) The owner of a vehicle or vessel removed pursuant
 250 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a

251 | lien, other than the towing-storage operator, within 10 days
 252 | after the time she or he has knowledge of the location of the
 253 | vehicle or vessel, may file a complaint in the county court of
 254 | the county in which the vehicle or vessel is stored to determine
 255 | whether her or his property was wrongfully taken or withheld.

256 | (b) At any time before the sale of the vehicle or vessel,
 257 | an owner or lienholder may have her or his vehicle or vessel
 258 | released upon payment of the applicable fee in s. 28.24 and
 259 | posting with the court a cash or surety bond, or other adequate
 260 | security, in accordance with s. 559.917 equal to the amount of
 261 | the charges for towing or storage and lot rental amount to
 262 | ensure the payment of such charges in the event she or he does
 263 | not prevail. ~~Upon the posting of the bond and the payment of the~~
 264 | ~~applicable fee set forth in s. 28.24, the clerk of the court~~
 265 | ~~shall issue a certificate notifying the lienor of the posting of~~
 266 | ~~the bond and directing the lienor to release the vehicle or~~
 267 | ~~vessel. At the time of such release, after reasonable~~
 268 | ~~inspection, she or he shall give a receipt to the towing-storage~~
 269 | ~~company reciting any claims she or he has for loss or damage to~~
 270 | ~~the vehicle or vessel or the contents thereof.~~

271 | (c) Upon determining the respective rights of the parties,
 272 | the court may award damages, attorney ~~attorney's~~ fees, and costs
 273 | in favor of the prevailing party. In any event, the final order
 274 | must ~~shall~~ provide for immediate payment in full of recovery,
 275 | towing, and storage fees by the vehicle or vessel owner or

276 | lienholder; or the agency ordering the tow; or the owner,
 277 | lessee, or agent thereof of the property from which the vehicle
 278 | or vessel was removed.

279 | (6) A vehicle or vessel that is stored pursuant to
 280 | paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
 281 | which reasonable charges for recovery, towing, or storing remain
 282 | unpaid, and any contents not released pursuant to subsection
 283 | (10), may be sold by the owner or operator of the storage space
 284 | for such towing or storage charge 35 days after the vehicle or
 285 | vessel is stored by the lienor if the vehicle or vessel is more
 286 | than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
 287 | stored by the lienor if the vehicle or vessel is 3 years of age
 288 | or less. The sale must ~~shall~~ be at public sale for cash. If the
 289 | date of the sale was not included in the notice required in
 290 | subsection (4), notice of the sale must ~~shall~~ be given to the
 291 | person in whose name the vehicle or vessel is registered and to
 292 | all persons claiming a lien on the vehicle or vessel as shown on
 293 | the records of the Department of Highway Safety and Motor
 294 | Vehicles or of any corresponding agency in any other state in
 295 | which the vehicle is identified through a records check of the
 296 | National Motor Vehicle Title Information System or an equivalent
 297 | commercially available system as being titled. Notice of the
 298 | sale must be sent by certified mail to the owner of the vehicle
 299 | or vessel and the person having the recorded lien on the vehicle
 300 | or vessel at the address shown on the records of the registering

301 agency at least 30 days before the sale of the vehicle or
 302 vessel. ~~The notice must have clearly identified and printed, if~~
 303 ~~the claim of lien is for a motor vehicle,~~ The last 8 digits of
 304 the vehicle identification number of the ~~motor~~ vehicle subject
 305 to the lien, or, if the claim of lien is for a vessel, the hull
 306 identification number of the vessel subject to the lien, must be
 307 clearly identified and printed in the delivery address box and
 308 on the outside of the envelope sent to the registered owner and
 309 all other persons claiming an interest in ~~therein~~ or lien on the
 310 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
 311 ~~of the vehicle or vessel and the person having the recorded lien~~
 312 ~~on the vehicle or vessel at the address shown on the records of~~
 313 ~~the registering agency at least 30 days before the sale of the~~
 314 ~~vehicle or vessel.~~ The notice must state the name, physical
 315 address, and telephone number of the lienor, and the vehicle
 316 identification number if the claim of lien is for a vehicle or
 317 the hull identification number if the claim of lien is for a
 318 vessel, all of which must also appear in the return address
 319 section on the outside of the envelope containing the notice of
 320 sale. After diligent search and inquiry, if the name and address
 321 of the registered owner or the owner of the recorded lien cannot
 322 be ascertained, the requirements of notice by mail may be
 323 dispensed with. In addition to the notice by mail, public notice
 324 of the time and place of sale must ~~shall~~ be made by publishing a
 325 notice thereof one time, at least 30 ~~10~~ days before the date of

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326 the sale, in a newspaper of general circulation in the county in
327 which the sale is to be held. The proceeds of the sale, after
328 payment of reasonable towing and storage charges, and costs of
329 the sale, in that order of priority, must ~~shall~~ be deposited
330 with the clerk of the circuit court for the county if the owner
331 or lienholder is absent, and the clerk shall hold such proceeds
332 subject to the claim of the owner or lienholder legally entitled
333 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
334 such proceeds for the care and disbursement thereof. ~~The~~
335 ~~certificate of title issued under this law shall be discharged~~
336 ~~of~~ All liens on the certificate of title issued under this
337 section must be discharged unless otherwise provided by court
338 order. The owner or lienholder may file a complaint after the
339 vehicle or vessel has been sold in the county court of the
340 county in which it is stored. Upon determining the respective
341 rights of the parties, the court may award damages, attorney
342 fees, and costs in favor of the prevailing party.

343 (9) Failure to make good faith efforts to substantially
344 comply with the ~~notice~~ requirements of this section or ~~precludes~~
345 ~~the imposition of any storage charges against the vehicle or~~
346 ~~vessel. If a lienor fails to provide notice to a person claiming~~
347 a lien on a vehicle or vessel in accordance with subsection (4),
348 precludes the imposition of storage charges against the vehicle
349 or vessel ~~the lienor may not charge the person~~ for more than 3 ~~7~~
350 days of storage, but such failure does not affect charges made

351 for towing the vehicle or vessel or the priority of liens on the
352 vehicle or vessel.

353 (11) (a) Any person regularly engaged in the business of
354 recovering, towing, or storing vehicles or vessels who comes
355 into possession of a vehicle or vessel pursuant to paragraph
356 (2) (b) ~~subsection (2)~~ and who has complied with ~~the provisions~~
357 ~~of~~ subsections (4) ~~(3)~~ and (6), when such vehicle or vessel is
358 to be sold for purposes of being dismantled, destroyed, or
359 changed in such manner that it is not the ~~motor~~ vehicle or
360 vessel described in the certificate of title, must ~~shall~~ report
361 the vehicle to the National Motor Vehicle Title Information
362 System and apply to the Department of Highway Safety and Motor
363 Vehicles for a certificate of destruction. A certificate of
364 destruction, which authorizes the dismantling or destruction of
365 the vehicle or vessel described therein, is ~~shall be~~
366 reassignable a maximum of two times before dismantling or
367 destruction of the vehicle is ~~shall be~~ required, and must ~~shall~~
368 accompany the vehicle or vessel for which it is issued, when
369 such vehicle or vessel is sold for such purposes, in lieu of a
370 certificate of title. The application for a certificate of
371 destruction must include proof of reporting to the National
372 Motor Vehicle Title Information System and an affidavit from the
373 applicant that she or he ~~it~~ has complied with all applicable
374 requirements of this section and, if the vehicle or vessel is
375 not registered in this state or any other state, by a statement

376 from a law enforcement officer that the vehicle or vessel is not
 377 reported stolen, and must ~~shall~~ be accompanied by such
 378 documentation as may be required by the department.

379 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
 380 ~~provision of subsection (1), subsection (2),~~ subsection (4),
 381 subsection (5), subsection (6), or subsection (7) is guilty of a
 382 misdemeanor of the first degree, punishable as provided in s.
 383 775.082 or s. 775.083.

384 (13) (a) Upon receipt by the Department of Highway Safety
 385 and Motor Vehicles of written notice from a wrecker operator who
 386 claims a wrecker operator's lien under subparagraph (2) (b) d.
 387 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
 388 abandoned vehicle or vessel upon instructions from any law
 389 enforcement agency, for which a certificate of destruction has
 390 been issued under subsection (11) and the vehicle has been
 391 reported to the National Motor Vehicle Title Information System,
 392 the department shall place the name of the registered owner of
 393 that vehicle or vessel on the list of those persons who may not
 394 be issued a license plate or revalidation sticker for any motor
 395 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 396 jointly by more than one person, the name of each registered
 397 owner must ~~shall~~ be placed on the list. The notice of wrecker
 398 operator's lien must ~~shall~~ be submitted on forms provided by the
 399 department and, ~~which must~~ include:

- 400 1. The name, address, and telephone number of the wrecker

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401 operator.

402 2. The name of the registered owner of the vehicle or
403 vessel and the address to which the wrecker operator provided
404 notice of the lien to the registered owner under subsection (4).

405 3. A general description of the vehicle or vessel,
406 including its color, make, model, body style, and year.

407 4. The vehicle identification number (VIN); registration
408 license plate number, state, and year; validation decal number,
409 state, and year; vessel registration number; hull identification
410 number; or other identification number, as applicable.

411 5. The name of the person or the corresponding law
412 enforcement agency that requested that the vehicle or vessel be
413 recovered, towed, or stored.

414 6. The amount of the wrecker operator's lien, not to
415 exceed the amount allowed by paragraph (b).

416 (b) For purposes of this subsection only, the amount of
417 the wrecker operator's lien for which the department will
418 prevent issuance of a license plate or revalidation sticker may
419 not exceed the amount of the charges for recovery, towing, and
420 storage of the vehicle or vessel for 7 days. These charges may
421 not exceed the maximum rates imposed by the ordinances of the
422 respective county or municipality under ss. 125.0103(1)(c) and
423 166.043(1)(c). This paragraph does not limit the amount of a
424 wrecker operator's lien claimed under paragraph (2)(b)
425 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil

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426 remedies for enforcement of the entire amount of the lien, but
427 limits only that portion of the lien for which the department
428 will prevent issuance of a license plate or revalidation
429 sticker.

430 (d) Upon discharge of the amount of the wrecker operator's
431 lien allowed by paragraph (b), the wrecker operator must issue a
432 certificate of discharged wrecker operator's lien on forms
433 provided by the department to each registered owner of the
434 vehicle or vessel attesting that the amount of the wrecker
435 operator's lien allowed by paragraph (b) has been discharged.
436 Upon presentation of the certificate of discharged wrecker
437 operator's lien by the registered owner, the department must
438 ~~shall~~ immediately remove the registered owner's name from the
439 list of those persons who may not be issued a license plate or
440 revalidation sticker for any motor vehicle under s. 320.03(8),
441 thereby allowing issuance of a license plate or revalidation
442 sticker. Issuance of a certificate of discharged wrecker
443 operator's lien under this paragraph does not discharge the
444 entire amount of the wrecker operator's lien claimed under
445 paragraph (2)(b) ~~subsection (2)~~, but only certifies to the
446 department that the amount of the wrecker operator's lien
447 allowed by paragraph (b), for which the department will prevent
448 issuance of a license plate or revalidation sticker, has been
449 discharged.

450 (15) (a) A lienor or the lienor's agent may charge an

451 administrative fee to the registered owner or a person claiming
 452 a lien against the vehicle or vessel to obtain release of the
 453 vehicle or vessel from the claim of lien imposed under this
 454 section. ~~The Such~~ administrative fee may not exceed \$250 or the
 455 amount set by the county or municipality, whichever is less. For
 456 purposes of this paragraph, the term "administrative fee" means
 457 a lien fee or any fee imposed by the lienor or the lienor's
 458 agent for administrative costs added to the amount due for
 459 towing and storing the vehicle or vessel.

460 (18) A towing-storage operator must retain records of all
 461 vehicles or vessels recovered, towed, or stored; all notice
 462 publications and certified mailings; and all fees imposed under
 463 this section.

464 (19) This section is the exclusive remedy for the
 465 placement or foreclosure of a storage lien placed on a vehicle
 466 or vessel.

467 Section 3. Section 559.917, Florida Statutes, is amended
 468 to read:

469 559.917 Bond to release possessory lien claimed by motor
 470 vehicle repair shop or towing-storage operator.-

471 (1)(a) A customer or a person of record claiming a lien
 472 against a motor vehicle or vessel may obtain the release of the
 473 motor vehicle or vessel from any lien claimed under part II of
 474 chapter 713 by a motor vehicle repair shop for repair work
 475 performed under a written repair estimate or by a towing-storage

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476 operator for recovery, towing, or storage charges by filing with
477 the clerk of the court in the circuit in which the disputed
478 transaction occurred a cash or surety bond, payable to the
479 person claiming the lien and conditioned for the payment of any
480 judgment which may be entered on the lien. The bond must ~~shall~~
481 be in the amount stated on the notice of lien required under s.
482 713.78(4) or on the invoice required by s. 559.911, plus accrued
483 storage charges, if any, less any amount paid to the motor
484 vehicle repair shop as indicated on the invoice. The customer or
485 person is ~~shall~~ not be required to institute judicial
486 proceedings in order to post the bond in the registry of the
487 court and is ~~shall~~ not be required to use a particular form for
488 posting the bond unless the clerk provides such form to the
489 customer or person for filing. Upon the posting of such bond,
490 the clerk of the court shall automatically issue a certificate
491 notifying the lienor of the posting of the bond and directing
492 the lienor to release the motor vehicle or vessel.

493 (b) The lienor has ~~shall have~~ 60 days to file suit to
494 recover the bond. The prevailing party in that action may be
495 entitled to damages plus court costs and reasonable attorney
496 fees. If the lienor fails to file suit within 60 days after the
497 posting of such bond, the bond must ~~shall~~ be discharged by the
498 clerk.

499 (2) If the failure of a lienor fails to release or return
500 to the customer or person the motor vehicle or vessel upon which

501 any lien is claimed, upon receiving a copy of a certificate
 502 giving notice of the posting of the bond and directing release
 503 of the motor vehicle or vessel, the lienor is shall subject ~~the~~
 504 ~~lienor~~ to judicial proceedings which may be brought by the
 505 customer or person to compel compliance with the certificate. If
 506 ~~Whenever~~ a customer or person brings an action to compel
 507 compliance with the certificate, the customer or person must
 508 ~~need only~~ establish the following that:

509 (a) That the bond in the amount on the notice of lien
 510 required under s. 713.78(4) or on of the invoice, plus accrued
 511 storage charges, if any, less any amount paid to the motor
 512 vehicle repair shop as indicated on the invoice, was posted. ~~;~~

513 (b) That a certificate was issued under ~~pursuant to~~ this
 514 section. ~~;~~

515 (c) That the motor vehicle repair shop or towing-storage
 516 operator, or any employee or agent thereof who is authorized to
 517 release the motor vehicle or vessel, received a copy of a
 518 certificate issued under ~~pursuant to~~ this section. ~~;~~ ~~and~~

519 (d) That the motor vehicle repair shop or towing-storage
 520 operator, or an employee or agent thereof who is authorized to
 521 release the motor vehicle or vessel, failed to release the motor
 522 vehicle or vessel.

523
 524 The customer or person, upon a judgment in her or his favor in
 525 an action brought under this subsection, may be entitled to

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526 damages plus court costs and reasonable attorney fees sustained
 527 by her or him by reason of such wrongful detention or retention.
 528 Upon a judgment in favor of the motor vehicle repair shop or
 529 towing-storage operator, the shop or towing-storage operator may
 530 be entitled to reasonable attorney fees.

531 (3) A motor vehicle repair shop or towing-storage operator
 532 ~~that~~, or an employee or agent thereof who is authorized to
 533 release the motor vehicle or vessel, who~~r~~ upon receiving a copy
 534 of a certificate giving notice of the posting of the bond in the
 535 required amount and directing release of the motor vehicle or
 536 vessel, fails to release or return the property to the customer
 537 or person pursuant to this section commits a misdemeanor of the
 538 second degree, punishable as provided in s. 775.082 or s.
 539 775.083.

540 (4) A customer or person who stops payment on a credit
 541 card charge or a check drawn in favor of a motor vehicle repair
 542 shop on account of an invoice or who fails to post a cash or
 543 surety bond under ~~pursuant to~~ this section is ~~shall be~~
 544 prohibited from any recourse under this section with respect to
 545 the motor vehicle repair shop.

546 (5) For purposes of this section, the terms "towing-
 547 storage operator" and "vessel" have the same meanings as in s.
 548 713.78(1).

549 Section 4. Section 83.09, Florida Statutes, is amended to
 550 read:

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551 83.09 Exemptions from liens for rent.—

552 (1) The No property of any tenant or lessee shall be
 553 ~~exempt from distress and sale for rent, except~~ beds, bedclothes,
 554 and wearing apparel of a tenant or lessee are exempt from
 555 distress and sale for rent.

556 (2) A lien on a vehicle or vessel, as those terms are
 557 defined in s. 713.78(1), of a tenant or lessee must be placed
 558 and foreclosed pursuant to s. 713.78 and may not be placed or
 559 foreclosed under this chapter.

560 Section 5. Section 83.805, Florida Statutes, is amended to
 561 read:

562 83.805 Lien.—

563 (1) The owner of a self-service storage facility or self-
 564 contained storage unit and the owner's heirs, executors,
 565 administrators, successors, and assigns have a lien upon all
 566 personal property, whether or not owned by the tenant, located
 567 at a self-service storage facility or in a self-contained
 568 storage unit for rent, labor charges, or other charges, present
 569 or future, in relation to the personal property and for expenses
 570 necessary for its preservation or expenses reasonably incurred
 571 in its sale or other disposition pursuant to ss. 83.801-83.809.
 572 The lien provided for in this section attaches as of the date
 573 that the personal property is brought to the self-service
 574 storage facility or as of the date the tenant takes possession
 575 of the self-contained storage unit, and the priority of this

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576 | lien shall be the same as provided in s. 83.08; however, in the
577 | event of default, the owner must give notice to persons who hold
578 | perfected security interests under the Uniform Commercial Code
579 | in which the tenant is named as the debtor.

580 | (2) A lien on a vehicle or vessel, as those terms are
581 | defined in s. 713.78(1), of a tenant must be placed and
582 | foreclosed pursuant to s. 713.78 and may not be placed or
583 | foreclosed under this chapter.

584 | Section 6. Subsection (10) is added to section 677.210,
585 | Florida Statutes, to read:

586 | 677.210 Enforcement of warehouse's lien.—

587 | (10) A lien on a vehicle or vessel, as those terms are
588 | defined in s. 713.78(1), must be placed and foreclosed pursuant
589 | to s. 713.78 and may not be placed or foreclosed under this
590 | chapter.

591 | Section 7. Paragraph (a) of subsection (2) of section
592 | 715.07, Florida Statutes, is amended to read:

593 | 715.07 Vehicles or vessels parked on private property;
594 | towing.—

595 | (2) The owner or lessee of real property, or any person
596 | authorized by the owner or lessee, which person may be the
597 | designated representative of the condominium association if the
598 | real property is a condominium, may cause any vehicle or vessel
599 | parked on such property without her or his permission to be
600 | removed by a person regularly engaged in the business of towing

601 vehicles or vessels, without liability for the costs of removal,
602 transportation, or storage or damages caused by such removal,
603 transportation, or storage, under any of the following
604 circumstances:

605 (a) The towing or removal of any vehicle or vessel from
606 private property without the consent of the registered owner or
607 other legally authorized person in control of that vehicle or
608 vessel is subject to substantial compliance with the following
609 conditions and restrictions:

610 1.a. Any towed or removed vehicle or vessel must be stored
611 at a site within a 10-mile radius of the point of removal in any
612 county of 500,000 population or more, and within a 15-mile
613 radius of the point of removal in any county of fewer than
614 500,000 population. That site must be open for the purpose of
615 redemption of vehicles on any day that the person or firm towing
616 such vehicle or vessel is open for towing purposes, from 8:00
617 a.m. to 6:00 p.m., and, when closed, shall have prominently
618 posted a sign indicating a telephone number where the operator
619 of the site can be reached at all times. Upon receipt of a
620 telephoned request to open the site to redeem a vehicle or
621 vessel, the operator shall return to the site within 1 hour or
622 she or he will be in violation of this section.

623 b. If no towing business providing such service is located
624 within the area of towing limitations set forth in sub-
625 subparagraph a., the following limitations apply: any towed or

626 removed vehicle or vessel must be stored at a site within a 20-
627 mile radius of the point of removal in any county of 500,000
628 population or more, and within a 30-mile radius of the point of
629 removal in any county of fewer than 500,000 population.

630 2. The person or firm towing or removing the vehicle or
631 vessel shall, within 30 minutes after completion of such towing
632 or removal, notify the municipal police department or, in an
633 unincorporated area, the sheriff, of such towing or removal, the
634 storage site, the time the vehicle or vessel was towed or
635 removed, and the make, model, color, and license plate number of
636 the vehicle or description and registration number of the vessel
637 and shall obtain the name of the person at that department to
638 whom such information was reported and note that name on the
639 trip record.

640 3. A person in the process of towing or removing a vehicle
641 or vessel from the premises or parking lot in which the vehicle
642 or vessel is not lawfully parked must stop when a person seeks
643 the return of the vehicle or vessel. The vehicle or vessel must
644 be returned upon the payment of a reasonable service fee of not
645 more than one-half of the posted rate for the towing or removal
646 service as provided in subparagraph 6. The vehicle or vessel may
647 be towed or removed if, after a reasonable opportunity, the
648 owner or legally authorized person in control of the vehicle or
649 vessel is unable to pay the service fee. If the vehicle or
650 vessel is redeemed, a detailed signed receipt must be given to

651 the person redeeming the vehicle or vessel.

652 4. A person may not pay or accept money or other valuable
653 consideration for the privilege of towing or removing vehicles
654 or vessels from a particular location.

655 5. Except for property appurtenant to and obviously a part
656 of a single-family residence, and except for instances when
657 notice is personally given to the owner or other legally
658 authorized person in control of the vehicle or vessel that the
659 area in which that vehicle or vessel is parked is reserved or
660 otherwise unavailable for unauthorized vehicles or vessels and
661 that the vehicle or vessel is subject to being removed at the
662 owner's or operator's expense, any property owner or lessee, or
663 person authorized by the property owner or lessee, before towing
664 or removing any vehicle or vessel from private property without
665 the consent of the owner or other legally authorized person in
666 control of that vehicle or vessel, must post a notice meeting
667 the following requirements:

668 a. The notice must be prominently placed at each driveway
669 access or curb cut allowing vehicular access to the property
670 within 10 feet from the road, as defined in s. 334.03(22). If
671 there are no curbs or access barriers, the signs must be posted
672 not fewer than one sign for each 25 feet of lot frontage.

673 b. The notice must clearly indicate, in not fewer than 2-
674 inch high, light-reflective letters on a contrasting background,
675 that unauthorized vehicles will be towed away at the owner's

676 expense. The words "tow-away zone" must be included on the sign
677 in not fewer than 4-inch high letters.

678 c. The notice must also provide the name and current
679 telephone number of the person or firm towing or removing the
680 vehicles or vessels.

681 d. The sign structure containing the required notices must
682 be permanently installed with the words "tow-away zone" not
683 fewer than 3 feet and not more than 6 feet above ground level
684 and must be continuously maintained on the property for not
685 fewer than 24 hours before the towing or removal of any vehicles
686 or vessels.

687 e. The local government may require permitting and
688 inspection of these signs before any towing or removal of
689 vehicles or vessels being authorized.

690 f. A business with 20 or fewer parking spaces satisfies
691 the notice requirements of this subparagraph by prominently
692 displaying a sign stating "Reserved Parking for Customers Only
693 Unauthorized Vehicles or Vessels Will be Towed Away At the
694 Owner's Expense" in not fewer than 4-inch high, light-reflective
695 letters on a contrasting background.

696 g. A property owner towing or removing vessels from real
697 property must post notice, consistent with the requirements in
698 sub-subparagraphs a.-f., which apply to vehicles, that
699 unauthorized vehicles or vessels will be towed away at the
700 owner's expense.

701
 702 A business owner or lessee may authorize the removal of a
 703 vehicle or vessel by a towing company when the vehicle or vessel
 704 is parked in such a manner that restricts the normal operation
 705 of business; and if a vehicle or vessel parked on a public
 706 right-of-way obstructs access to a private driveway the owner,
 707 lessee, or agent may have the vehicle or vessel removed by a
 708 towing company upon signing an order that the vehicle or vessel
 709 be removed without a posted tow-away zone sign.

710 6. Any person or firm that tows or removes vehicles or
 711 vessels and proposes to require an owner, operator, or person in
 712 control or custody of a vehicle or vessel to pay the costs of
 713 towing and storage before redemption of the vehicle or vessel
 714 must file and keep on record with the local law enforcement
 715 agency a complete copy of the current rates to be charged for
 716 such services and post at the storage site an identical rate
 717 schedule and any written contracts with property owners,
 718 lessees, or persons in control of property which authorize such
 719 person or firm to remove vehicles or vessels as provided in this
 720 section.

721 7. Any person or firm towing or removing any vehicles or
 722 vessels from private property without the consent of the owner
 723 or other legally authorized person in control or custody of the
 724 vehicles or vessels shall, on any trucks, wreckers as defined in
 725 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the

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726 towing or removal, have the name, address, and telephone number
727 of the company performing such service clearly printed in
728 contrasting colors on the driver and passenger sides of the
729 vehicle. The name shall be in at least 3-inch permanently
730 affixed letters, and the address and telephone number shall be
731 in at least 1-inch permanently affixed letters.

732 8. Vehicle entry for the purpose of removing the vehicle
733 or vessel shall be allowed with reasonable care on the part of
734 the person or firm towing the vehicle or vessel. Such person or
735 firm shall be liable for any damage occasioned to the vehicle or
736 vessel if such entry is not in accordance with the standard of
737 reasonable care.

738 9. When a vehicle or vessel has been towed or removed
739 pursuant to this section, it must be released to its owner or
740 person in control or custody within 1 hour after requested. Any
741 vehicle or vessel owner or person in control or custody has the
742 right to inspect the vehicle or vessel before accepting its
743 return, and no release or waiver of any kind which would release
744 the person or firm towing the vehicle or vessel from liability
745 for damages noted by the owner or person in control or custody
746 at the time of the redemption may be required from any vehicle
747 or vessel owner or person in control or custody as a condition
748 of release of the vehicle or vessel to its owner or person in
749 control or custody. A detailed receipt showing the legal name of
750 the company or person towing or removing the vehicle or vessel

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751 | must be given to the person paying towing or storage charges at
752 | the time of payment, whether requested or not.

753 | Section 8. This act shall take effect July 1, 2023.