

26 | vehicle or vessel must be published; providing
27 | applicability; requiring the immediate payment of
28 | certain fees if a lienor prevails in court; requiring
29 | certain liens be discharged if a towing-storage
30 | operator complies with certain requirements;
31 | restricting the imposition of storage charges under
32 | certain circumstances; requiring a towing-storage
33 | operator to allow certain persons to inspect a rental
34 | car; prohibiting a towing-storage operator from
35 | releasing certain vehicles under certain
36 | circumstances; requiring a towing-storage operator to
37 | allow certain persons to inspect certain towed
38 | vehicles and vessels; requiring a towing-storage
39 | operator to release such vehicles and vessels within a
40 | specified timeframe; requiring certain documentation
41 | as evidence of a person's interest in a vehicle or
42 | vessel; revising the amount a lienor may charge as an
43 | administrative fee; requiring a towing-storage
44 | operator to maintain certain records for a specified
45 | amount of time; providing the exclusive remedy for
46 | certain liens; conforming cross-references; making
47 | technical changes; amending s. 559.917, F.S.;
48 | providing procedures and requirements for acquiring a
49 | bond to release certain liens; authorizing the award
50 | of court costs and attorney fees for certain customers

51 or persons under certain circumstances; providing
52 definitions; amending ss. 83.19, 83.805, 83.806, and
53 677.210, F.S.; conforming provisions to changes made
54 by the act; amending s. 715.07, F.S.; conforming a
55 cross-reference; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:

58
59 Section 1. Subsection (5) is added to section 321.051,
60 Florida Statutes, to read:

61 321.051 Florida Highway Patrol wrecker operator system;
62 penalties for operation outside of system.—

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

68 Section 2. Subsections (1), (2), (4), (5), (6), (9), and
69 (10), paragraph (a) of subsection (11), paragraph (a) of
70 subsection (12), and paragraphs (a), (b), and (d) of subsection
71 (13) of section 713.78, Florida Statutes, are amended, and
72 subsections (18) and (19) are added to that section, to read:

73 713.78 Liens for recovering, towing, or storing vehicles
74 and vessels.—

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

76 (a)-(e) "Equivalent commercially available system" means a
 77 service that charges a fee to provide vehicle information and
 78 that at a minimum maintains records from those states
 79 participating in data sharing with the National Motor Vehicle
 80 Title Information System.

81 (b)-(d) "National Motor Vehicle Title Information System"
 82 means the federally authorized electronic National Motor Vehicle
 83 Title Information System.

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

87 (d)-(a) "Vehicle" means any mobile item, whether motorized
 88 or not, which is mounted on wheels.

89 (e)-(b) "Vessel" means every description of watercraft,
 90 barge, and airboat used or capable of being used as a means of
 91 transportation on water, other than a seaplane or a "documented
 92 vessel" as defined in s. 327.02.

93 (f)-(c) "Wrecker" means any truck or other vehicle that
 94 ~~which~~ is used to tow, carry, or otherwise transport motor
 95 vehicles or vessels upon the streets and highways of this state
 96 and ~~which~~ is equipped for that purpose with a boom, winch, car
 97 carrier, or other similar equipment.

98 (2) (a) ~~Whenever~~ A towing-storage operator ~~person regularly~~
 99 ~~engaged in the business of transporting vehicles or vessels by~~
 100 ~~wrecker, tow truck, or car carrier~~ may charge only the following

101 fees for, or incidental to, the recovery, removal, or storage of
 102 a vehicle or vessel:

103 1. A reasonable hazardous waste fee.

104 2. A reasonable fee for a service authorized by ordinance
 105 of the county or municipality in which the service is performed.

106 3. A reasonable fee for a service authorized by rule of
 107 the Department of Highway Safety and Motor Vehicles.

108 4. A lien release administrative fee as set forth in
 109 paragraph (15) (a).

110 5. A reasonable administrative fee or charge imposed by a
 111 county or municipality upon the owner of a vehicle or vessel.

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

114 1. ~~(a)~~ The owner thereof;

115 2. ~~(b)~~ The owner or lessor, or a person authorized by the
 116 owner or lessor, of property on which such vehicle or vessel is
 117 wrongfully parked, and the removal is done in compliance with s.
 118 715.07;

119 3. ~~(c)~~ The landlord or a person authorized by the landlord,
 120 when such motor vehicle or vessel remained on the premises after
 121 the tenancy terminated and the removal is done in compliance
 122 with s. 83.806 or s. 715.104; or

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

124
 125 she or he has ~~shall have~~ a lien on the vehicle or vessel for a

126 reasonable recovery fee, a reasonable towing fee, ~~for a~~
127 ~~reasonable administrative fee or charge imposed by a county or~~
128 ~~municipality~~, and ~~for~~ a reasonable storage fee; except that a
129 storage fee may not be charged if the vehicle or vessel is
130 stored for fewer than 6 hours.

131 (c) A towing-storage operator must accept credit cards,
132 debit cards, or other electronic payment methods.

133 (4) (a) A towing-storage operator ~~person regularly engaged~~
134 ~~in the business of recovering, towing, or storing vehicles or~~
135 ~~vessels~~ who comes into possession of a vehicle or vessel
136 pursuant to paragraph (2) (b) subsection (2), and who claims a
137 lien for recovery, towing, or storage services, must ~~shall~~ give
138 notice, by certified mail, to the registered owner, the
139 insurance company insuring the vehicle notwithstanding s.
140 627.736, and all persons claiming a lien thereon, as disclosed
141 by the records in the Department of Highway Safety and Motor
142 Vehicles or as disclosed by the records of any corresponding
143 agency in any other state in which the vehicle is identified
144 through a records check of the National Motor Vehicle Title
145 Information System or an equivalent commercially available
146 system as being titled or registered.

147 ~~(b) Whenever a law enforcement agency authorizes the~~
148 ~~removal of a vehicle or vessel or whenever a towing service,~~
149 ~~garage, repair shop, or automotive service, storage, or parking~~
150 ~~place notifies the law enforcement agency of possession of a~~

151 ~~vehicle or vessel pursuant to s. 715.07(2)(a)2., the law~~
152 ~~enforcement agency of the jurisdiction where the vehicle or~~
153 ~~vessel is stored shall contact the Department of Highway Safety~~
154 ~~and Motor Vehicles, or the appropriate agency of the state of~~
155 ~~registration, if known, within 24 hours through the medium of~~
156 ~~electronic communications, giving the full description of the~~
157 ~~vehicle or vessel. Upon receipt of the full description of the~~
158 ~~vehicle or vessel, the department shall search its files to~~
159 ~~determine the owner's name, the insurance company insuring the~~
160 ~~vehicle or vessel, and whether any person has filed a lien upon~~
161 ~~the vehicle or vessel as provided in s. 319.27(2) and (3) and~~
162 ~~notify the applicable law enforcement agency within 72 hours.~~
163 ~~The person in charge of the towing service, garage, repair shop,~~
164 ~~or automotive service, storage, or parking place shall obtain~~
165 ~~such information from the applicable law enforcement agency~~
166 ~~within 5 days after the date of storage and shall give notice~~
167 ~~pursuant to paragraph (a). The department may release the~~
168 ~~insurance company information to the requestor notwithstanding~~
169 ~~s. 627.736.~~

170 (b)(e) The notice of lien must be sent by certified mail
171 to the registered owner, the insurance company insuring the
172 vehicle notwithstanding s. 627.736, and all other persons
173 claiming a lien thereon within 3 7 business days, excluding
174 Saturday and Sunday, after the date of storage of the vehicle or
175 vessel. ~~However, in no event shall the notice of lien be sent~~

176 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
177 notice must state:

178 1. If the claim of lien is for a vehicle, the last 8
179 digits of the vehicle identification number of the vehicle
180 subject to the lien, or, if the claim of lien is for a vessel,
181 the hull identification number of the vessel subject to the
182 lien, clearly printed in the delivery address box and on the
183 outside of the envelope sent to the registered owner and all
184 other persons claiming an interest in ~~therein~~ or lien on the
185 vehicle or vessel ~~thereon~~.

186 2. The name, physical address, and telephone number of the
187 lienor, and the entity name, as registered with the Division of
188 Corporations, of the business where the towing and storage
189 occurred, which must also appear on the outside of the envelope
190 sent to the registered owner and all other persons claiming an
191 interest in or lien on the vehicle or vessel.

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

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

195 5. That a lien as provided in paragraph (2) (b) ~~subsection~~
196 ~~(2)~~ is claimed.

197 6. That charges have accrued and include an itemized
198 statement of the amount thereof.

199 7. That the lien is subject to enforcement under law and
200 that the owner or lienholder, if any, has the right to a hearing

201 as set forth in subsection (5).

202 8. That any vehicle or vessel that remains unclaimed, or
 203 for which the charges for recovery, towing, or storage services
 204 remain unpaid, may be sold free of all prior liens 35 days after
 205 the vehicle or vessel is stored by the lienor if the vehicle or
 206 vessel is more than 3 years of age or 65 ~~50~~ days after the
 207 vehicle or vessel is stored by the lienor if the vehicle or
 208 vessel is 3 years of age or less.

209 9. The address at which the vehicle or vessel is
 210 physically located.

211 (c) ~~(d)~~ The notice of lien may not be sent to the
 212 registered owner, the insurance company insuring the vehicle or
 213 vessel, and all other persons claiming a lien thereon less than
 214 30 days before the sale of a the vehicle or vessel that is more
 215 than 3 years of age or less than 60 days before the sale of a
 216 vehicle or vessel that is 3 years of age or less.

217 (d) ~~(e)~~ If attempts to locate the name and address of the
 218 owner or lienholder prove unsuccessful, the towing-storage
 219 operator shall, after 3 ~~7~~ business days, excluding Saturday and
 220 Sunday, after the initial tow or storage, notify the public
 221 agency of jurisdiction where the vehicle or vessel is stored in
 222 writing by certified mail ~~or acknowledged hand delivery~~ that the
 223 towing-storage company has been unable to locate the name and
 224 address of the owner or lienholder and a physical search of the
 225 vehicle or vessel has disclosed no ownership information and a

226 good faith effort has been made, including records checks of the
227 Department of Highway Safety and Motor Vehicles database and the
228 National Motor Vehicle Title Information System or an equivalent
229 commercially available system. For purposes of this paragraph
230 and subsection (9), the term "good faith effort" means that the
231 following checks have been performed by the company to establish
232 the prior state of registration and for title:

233 1. A check of the department's database for the owner and
234 any lienholder.

235 2. A check of the electronic National Motor Vehicle Title
236 Information System or an equivalent commercially available
237 system to determine the state of registration when there is not
238 a current registration record for the vehicle or vessel on file
239 with the department.

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

242 4. A check of the law enforcement report for a tag number
243 or other information identifying the vehicle or vessel, if the
244 vehicle or vessel was towed at the request of a law enforcement
245 officer.

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

249 6. If there is no address of the owner on the impound
250 report, a check of the law enforcement report to determine

251 whether an out-of-state address is indicated from driver license
 252 information.

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

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

259 9. A check of the vehicle for a vehicle identification
 260 number.

261 10. A check of the vessel for a vessel registration
 262 number.

263 11. A check of the vessel hull for a hull identification
 264 number which should be carved, burned, stamped, embossed, or
 265 otherwise permanently affixed to the outboard side of the
 266 transom or, if there is no transom, to the outmost seaboard side
 267 at the end of the hull that bears the rudder or other steering
 268 mechanism.

269 (5) (a) The owner of a vehicle or vessel removed pursuant
 270 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a
 271 lien, other than the towing-storage operator, within 10 days
 272 after the time she or he has knowledge of the location of the
 273 vehicle or vessel, may file a complaint in the county court of
 274 the county in which the vehicle or vessel is stored to determine
 275 whether her or his property was wrongfully taken or withheld.

276 (b) Regardless of whether a complaint is filed pursuant to
277 paragraph (a), ~~At~~ any time before the sale of the vehicle or
278 vessel, an owner or lienholder may have her or his vehicle or
279 vessel released upon payment of the applicable fee in s. 28.24
280 and posting with the court a cash or surety bond, or other
281 adequate security, in accordance with s. 559.917 equal to the
282 amount of the charges for towing or storage and lot rental
283 amount to ensure the payment of such charges in the event she or
284 he does not prevail. Section 559.917 applies to the release of a
285 lien on a vehicle, as defined in subsection (1), claimed by a
286 towing-storage operator for recovery, towing, or storage
287 charges. ~~Upon the posting of the bond and the payment of the~~
288 ~~applicable fee set forth in s. 28.24, the clerk of the court~~
289 ~~shall issue a certificate notifying the lienor of the posting of~~
290 ~~the bond and directing the lienor to release the vehicle or~~
291 ~~vessel. At the time of such release, after reasonable~~
292 ~~inspection, she or he shall give a receipt to the towing-storage~~
293 ~~company reciting any claims she or he has for loss or damage to~~
294 ~~the vehicle or vessel or the contents thereof.~~

295 (c) Upon determining the respective rights of the parties,
296 the court may award damages, attorney ~~attorney's~~ fees, and costs
297 in favor of the prevailing party. In the any event the lienor
298 prevails, the final order must ~~shall~~ provide for immediate
299 payment in full of recovery, towing, and storage fees by the
300 vehicle or vessel owner or lienholder; or the agency ordering

301 the tow; or the owner, lessee, or agent thereof of the property
 302 from which the vehicle or vessel was removed.

303 (6) A vehicle or vessel that is stored pursuant to
 304 paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
 305 which reasonable charges for recovery, towing, or storing remain
 306 unpaid, and any contents not released pursuant to subsection
 307 (10), may be sold by the owner or operator of the storage space
 308 for such towing or storage charge 35 days after the vehicle or
 309 vessel is stored by the lienor if the vehicle or vessel is more
 310 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
 311 stored by the lienor if the vehicle or vessel is 3 years of age
 312 or less. The sale must ~~shall~~ be at public sale for cash. If the
 313 date of the sale was not included in the notice required in
 314 subsection (4), notice of the sale must ~~shall~~ be given to the
 315 person in whose name the vehicle or vessel is registered and to
 316 all persons claiming a lien on the vehicle or vessel as shown on
 317 the records of the Department of Highway Safety and Motor
 318 Vehicles or of any corresponding agency in any other state in
 319 which the vehicle is identified through a records check of the
 320 National Motor Vehicle Title Information System or an equivalent
 321 commercially available system as being titled. Notice of the
 322 sale must be sent by certified mail to the owner of the vehicle
 323 or vessel and the person having the recorded lien on the vehicle
 324 or vessel at the address shown on the records of the registering
 325 agency at least 30 days before the sale of the vehicle or

326 vessel. ~~The notice must have clearly identified and printed, if~~
327 ~~the claim of lien is for a motor vehicle,~~ The last 8 digits of
328 the vehicle identification number of the ~~motor~~ vehicle subject
329 to the lien, or, if the claim of lien is for a vessel, the hull
330 identification number of the vessel subject to the lien, must be
331 clearly identified and printed in the delivery address box and
332 on the outside of the envelope sent to the registered owner and
333 all other persons claiming an interest in ~~therein~~ or lien on the
334 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
335 ~~of the vehicle or vessel and the person having the recorded lien~~
336 ~~on the vehicle or vessel at the address shown on the records of~~
337 ~~the registering agency at least 30 days before the sale of the~~
338 ~~vehicle or vessel.~~ The notice must state the name, physical
339 address, and telephone number of the lienor, and the vehicle
340 identification number if the claim of lien is for a vehicle or
341 the hull identification number if the claim of lien is for a
342 vessel, all of which must also appear in the return address
343 section on the outside of the envelope containing the notice of
344 sale. After diligent search and inquiry, if the name and address
345 of the registered owner or the owner of the recorded lien cannot
346 be ascertained, the requirements of notice by mail may be
347 dispensed with. In addition to the notice by mail, public notice
348 of the time and place of sale must ~~shall~~ be made by publishing a
349 notice thereof one time, at least 30 ~~10~~ days before the date of
350 the sale, in a newspaper of general circulation in the county in

351 | which the sale is to be held. The proceeds of the sale, after
 352 | payment of reasonable towing and storage charges, and costs of
 353 | the sale, in that order of priority, must ~~shall~~ be deposited
 354 | with the clerk of the circuit court for the county if the owner
 355 | or lienholder is absent, and the clerk shall hold such proceeds
 356 | subject to the claim of the owner or lienholder legally entitled
 357 | thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
 358 | such proceeds for the care and disbursement thereof. Upon
 359 | compliance by the towing-storage operator with this section, ~~The~~
 360 | ~~certificate of title issued under this law shall be discharged~~
 361 | ~~of all liens on the certificate of title issued under this~~
 362 | section must be discharged unless otherwise provided by court
 363 | order. The owner or lienholder may file a complaint after the
 364 | vehicle or vessel has been sold in the county court of the
 365 | county in which it is stored. Upon determining the respective
 366 | rights of the parties, the court may award damages, attorney
 367 | fees, and costs in favor of the prevailing party.

368 | (9) Failure to make good faith efforts to substantially
 369 | comply with the ~~notice~~ requirements of this section or ~~precludes~~
 370 | ~~the imposition of any storage charges against the vehicle or~~
 371 | ~~vessel. If a lienor fails to provide notice to a person claiming~~
 372 | a lien on a vehicle or vessel in accordance with subsection (4),
 373 | precludes the imposition of storage charges against the vehicle
 374 | or vessel ~~the lienor may not charge the person~~ for more than 3 ~~7~~
 375 | days of storage, but such failure does not affect charges made

376 for towing the vehicle or vessel or the priority of liens on the
 377 vehicle or vessel.

378 (10) (a) A towing-storage operator ~~Persons who provide~~
 379 ~~services pursuant to this section~~ shall permit rental car
 380 ~~vehicle or vessel~~ owners, lienholders, insurance company
 381 representatives, or their agents, which agency is evidenced by
 382 an original writing acknowledged by the owner before a notary
 383 public or other person empowered by law to administer oaths, to
 384 inspect the towed vehicle ~~or vessel~~ and shall release to the
 385 owner, lienholder, or agent the vehicle, ~~vessel,~~ or all personal
 386 property not affixed to the vehicle ~~or vessel~~ which was in the
 387 vehicle ~~or vessel~~ at the time the vehicle ~~or vessel~~ came into
 388 the custody of the towing-storage operator. For purposes of this
 389 paragraph, a rental car agreement is not evidence that the
 390 person who rented the vehicle is an agent of the owner of the
 391 vehicle and a towing-storage operator may not release a vehicle
 392 owned by a rental car company to the person who rented the
 393 vehicle unless the rental car company appoints the person who
 394 rented the vehicle as its agent ~~person providing such services.~~

395 (b) A towing-storage operator shall permit nonrental
 396 vehicle or vessel owners, lienholders, insurance company
 397 representatives, or their agents to inspect the towed vehicle or
 398 vessel. The towing-storage operator must make the vehicle or
 399 vessel available for inspection during regular business hours
 400 within 3 business days after receiving a written request to

401 inspect the vehicle or vessel and shall release to the owner,
402 lienholder, or agent the vehicle, vessel, or all personal
403 property not affixed to the vehicle or vessel which was in the
404 vehicle or vessel at the time the vehicle or vessel came into
405 the custody of the towing-storage operator. A towing-storage
406 operator must accept a copy of an electronic title or a paper
407 title as evidence of a person's interest in a vehicle or vessel.

408 (11) (a) A towing-storage operator ~~Any person regularly~~
409 ~~engaged in the business of recovering, towing, or storing~~
410 ~~vehicles or vessels~~ who comes into possession of a vehicle or
411 vessel pursuant to paragraph (2) (b) subsection (2) and who has
412 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
413 when such vehicle or vessel is to be sold for purposes of being
414 dismantled, destroyed, or changed in such manner that it is not
415 the ~~motor~~ vehicle or vessel described in the certificate of
416 title, must ~~shall~~ report the vehicle to the National Motor
417 Vehicle Title Information System and apply to the Department of
418 Highway Safety and Motor Vehicles for a certificate of
419 destruction. A certificate of destruction, which authorizes the
420 dismantling or destruction of the vehicle or vessel described
421 therein, is ~~shall be~~ reassignable a maximum of two times before
422 dismantling or destruction of the vehicle is ~~shall be~~ required,
423 and must ~~shall~~ accompany the vehicle or vessel for which it is
424 issued, when such vehicle or vessel is sold for such purposes,
425 in lieu of a certificate of title. The application for a

426 certificate of destruction must include proof of reporting to
427 the National Motor Vehicle Title Information System and an
428 affidavit from the applicant that she or he ~~it~~ has complied with
429 all applicable requirements of this section and, if the vehicle
430 or vessel is not registered in this state or any other state, by
431 a statement from a law enforcement officer that the vehicle or
432 vessel is not reported stolen, and must ~~shall~~ be accompanied by
433 such documentation as may be required by the department.

434 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
435 ~~provision of subsection (1), subsection (2),~~ subsection (4),
436 subsection (5), subsection (6), or subsection (7) is guilty of a
437 misdemeanor of the first degree, punishable as provided in s.
438 775.082 or s. 775.083.

439 (13) (a) Upon receipt by the Department of Highway Safety
440 and Motor Vehicles of written notice from a wrecker operator who
441 claims a wrecker operator's lien under subparagraph (2) (b) 4.
442 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
443 abandoned vehicle or vessel upon instructions from any law
444 enforcement agency, for which a certificate of destruction has
445 been issued under subsection (11) and the vehicle has been
446 reported to the National Motor Vehicle Title Information System,
447 the department shall place the name of the registered owner of
448 that vehicle or vessel on the list of those persons who may not
449 be issued a license plate or revalidation sticker for any motor
450 vehicle under s. 320.03(8). If the vehicle or vessel is owned

451 jointly by more than one person, the name of each registered
452 owner must ~~shall~~ be placed on the list. The notice of wrecker
453 operator's lien must ~~shall~~ be submitted on forms provided by the
454 department and, ~~which must~~ include:

455 1. The name, address, and telephone number of the wrecker
456 operator.

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

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

462 4. The vehicle identification number (VIN); registration
463 license plate number, state, and year; validation decal number,
464 state, and year; vessel registration number; hull identification
465 number; or other identification number, as applicable.

466 5. The name of the person or the corresponding law
467 enforcement agency that requested that the vehicle or vessel be
468 recovered, towed, or stored.

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

471 (b) For purposes of this subsection only, the amount of
472 the wrecker operator's lien for which the department will
473 prevent issuance of a license plate or revalidation sticker may
474 not exceed the amount of the charges for recovery, towing, and
475 storage of the vehicle or vessel for 7 days. These charges may

476 not exceed the maximum rates imposed by the ordinances of the
477 respective county or municipality under ss. 125.0103(1) (c) and
478 166.043(1) (c). This paragraph does not limit the amount of a
479 wrecker operator's lien claimed under paragraph (2) (b)
480 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
481 remedies for enforcement of the entire amount of the lien, but
482 limits only that portion of the lien for which the department
483 will prevent issuance of a license plate or revalidation
484 sticker.

485 (d) Upon discharge of the amount of the wrecker operator's
486 lien allowed by paragraph (b), the wrecker operator must issue a
487 certificate of discharged wrecker operator's lien on forms
488 provided by the department to each registered owner of the
489 vehicle or vessel attesting that the amount of the wrecker
490 operator's lien allowed by paragraph (b) has been discharged.
491 Upon presentation of the certificate of discharged wrecker
492 operator's lien by the registered owner, the department must
493 ~~shall~~ immediately remove the registered owner's name from the
494 list of those persons who may not be issued a license plate or
495 revalidation sticker for any motor vehicle under s. 320.03(8),
496 thereby allowing issuance of a license plate or revalidation
497 sticker. Issuance of a certificate of discharged wrecker
498 operator's lien under this paragraph does not discharge the
499 entire amount of the wrecker operator's lien claimed under
500 paragraph (2) (b) ~~subsection (2)~~, but only certifies to the

501 department that the amount of the wrecker operator's lien
 502 allowed by paragraph (b), for which the department will prevent
 503 issuance of a license plate or revalidation sticker, has been
 504 discharged.

505 (18) A towing-storage operator must for 3 years retain
 506 records produced for all vehicles or vessels recovered, towed,
 507 stored, or released. Such records must include at least all of
 508 the following:

509 (a) All notice publications and certified mailings.

510 (b) The purchase price of any unclaimed vehicle or vessel
 511 sold.

512 (c) The name and address of any person to whom a vehicle
 513 or vessel is released.

514 (d) The name and address of the purchaser of any unclaimed
 515 vehicle or vessel.

516 (e) All fees imposed under this section.

517 (19) This section is the exclusive remedy for the
 518 foreclosure of a storage lien placed on a vehicle or vessel
 519 under s. 83.19, s. 83.805, or s. 677.210.

520 Section 3. Section 559.917, Florida Statutes, is amended
 521 to read:

522 559.917 Bond to release possessory lien claimed by motor
 523 vehicle repair shop or towing-storage operator.—

524 (1)(a) A customer or a person of record claiming a lien
 525 against a motor vehicle or vessel may obtain the release of the

526 motor vehicle or vessel from any lien claimed under part II of
527 chapter 713 by a motor vehicle repair shop for repair work
528 performed under a written repair estimate or by a towing-storage
529 operator for recovery, towing, or storage charges by filing with
530 the clerk of the court in the circuit in which the disputed
531 transaction occurred a cash or surety bond, payable to the
532 person claiming the lien and conditioned for the payment of any
533 judgment which may be entered on the lien. The bond must ~~shall~~
534 be in the amount stated on the notice of lien required under s.
535 713.78(4) or on the invoice required by s. 559.911, plus accrued
536 storage charges, if any, less any amount paid to the motor
537 vehicle repair shop as indicated on the invoice. The customer or
538 person is ~~shall~~ not be required to institute judicial
539 proceedings in order to post the bond in the registry of the
540 court and is ~~shall~~ not be required to use a particular form for
541 posting the bond unless the clerk provides such form to the
542 customer or person for filing. Upon the posting of such bond,
543 the clerk of the court shall automatically issue a certificate
544 notifying the lienor of the posting of the bond and directing
545 the lienor to release the motor vehicle or vessel.

546 (b) The lienor has ~~shall have~~ 60 days to file suit to
547 recover the bond. The prevailing party in that action may be
548 entitled to damages plus court costs and reasonable attorney
549 fees. If the lienor fails to file suit within 60 days after the
550 posting of such bond, the bond must ~~shall~~ be discharged by the

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551 clerk.

552 (2) If the failure of a lienor fails to release or return
553 to the customer or person the motor vehicle or vessel upon which
554 any lien is claimed, upon receiving a copy of a certificate
555 giving notice of the posting of the bond and directing release
556 of the motor vehicle or vessel, the lienor is shall subject ~~the~~
557 ~~lienor~~ to judicial proceedings which may be brought by the
558 customer or person to compel compliance with the certificate. If
559 ~~Whenever~~ a customer or person brings an action to compel
560 compliance with the certificate, the customer or person must
561 ~~need only~~ establish the following that:

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

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

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

572 (d) That the motor vehicle repair shop or towing-storage
573 operator, or an employee or agent thereof who is authorized to
574 release the motor vehicle or vessel, failed to release the motor
575 vehicle or vessel.

576
577 The customer or person of record claiming a lien against a motor
578 vehicle or vessel, upon a judgment in her or his favor in an
579 action brought under this subsection, may be entitled to damages
580 plus court costs and reasonable attorney fees sustained by her
581 or him by reason of such wrongful detention or retention. Upon a
582 judgment in favor of the motor vehicle repair shop or towing-
583 storage operator, the shop or towing-storage operator may be
584 entitled to reasonable attorney fees.

585 (3) A motor vehicle repair shop or towing-storage operator
586 ~~that~~, or an employee or agent thereof who is authorized to
587 release the motor vehicle or vessel, who, upon receiving a copy
588 of a certificate giving notice of the posting of the bond in the
589 required amount and directing release of the motor vehicle or
590 vessel, fails to release or return the property to the customer
591 or person pursuant to this section commits a misdemeanor of the
592 second degree, punishable as provided in s. 775.082 or s.
593 775.083.

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

600 (5) For purposes of this section, the terms "towing-

601 storage operator" and "vessel" have the same meanings as in s.
602 713.78(1).

603 Section 4. Subsection (5) is added to section 83.19,
604 Florida Statutes, to read:

605 83.19 Sale of property distrained.—

606 (5) A lien on a vehicle or vessel, as those terms are
607 defined in s. 713.78(1), of a tenant or lessee must be
608 foreclosed pursuant to s. 713.78 and may not be foreclosed under
609 this chapter.

610 Section 5. Section 83.805, Florida Statutes, is amended to
611 read:

612 83.805 Lien.—

613 (1) The owner of a self-service storage facility or self-
614 contained storage unit and the owner's heirs, executors,
615 administrators, successors, and assigns have a lien upon all
616 personal property, whether or not owned by the tenant, located
617 at a self-service storage facility or in a self-contained
618 storage unit for rent, labor charges, or other charges, present
619 or future, in relation to the personal property and for expenses
620 necessary for its preservation or expenses reasonably incurred
621 in its sale or other disposition pursuant to ss. 83.801-83.809.
622 The lien provided for in this section attaches as of the date
623 that the personal property is brought to the self-service
624 storage facility or as of the date the tenant takes possession
625 of the self-contained storage unit, and the priority of this

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

630 | (2) A lien on a vehicle or vessel, as those terms are
631 | defined in s. 713.78(1), of a tenant or lessee must be
632 | foreclosed pursuant to s. 713.78 and may not be foreclosed under
633 | this chapter.

634 | Section 6. Subsection (10) of section 83.806, Florida
635 | Statutes, is amended to read:

636 | 83.806 Enforcement of lien.—An owner's lien as provided in
637 | s. 83.805 may be satisfied as follows:

638 | (10) If a lien is claimed on property that is a motor
639 | vehicle or a watercraft and rent and other charges related to
640 | the property remain unpaid or unsatisfied for 60 days after the
641 | maturity of the obligation to pay the rent and other charges,
642 | the facility or unit owner may sell the property pursuant to s.
643 | 713.78 ~~this section~~ or have the property towed. If a motor
644 | vehicle or watercraft is towed, the facility or unit owner is
645 | not liable for the motor vehicle or watercraft or any damages to
646 | the motor vehicle or watercraft once a wrecker takes possession
647 | of the property. The wrecker taking possession of the property
648 | must comply with all notification and sale requirements provided
649 | in s. 713.78.

650 | Section 7. Subsection (10) is added to section 677.210,

651 Florida Statutes, to read:

652 677.210 Enforcement of warehouse's lien.—

653 (10) A lien on a vehicle or vessel, as those terms are
 654 defined in s. 713.78(1), must be foreclosed pursuant to s.
 655 713.78 and may not be foreclosed under this chapter.

656 Section 8. Paragraph (a) of subsection (2) of section
 657 715.07, Florida Statutes, is amended to read:

658 715.07 Vehicles or vessels parked on private property;
 659 towing.—

660 (2) The owner or lessee of real property, or any person
 661 authorized by the owner or lessee, which person may be the
 662 designated representative of the condominium association if the
 663 real property is a condominium, may cause any vehicle or vessel
 664 parked on such property without her or his permission to be
 665 removed by a person regularly engaged in the business of towing
 666 vehicles or vessels, without liability for the costs of removal,
 667 transportation, or storage or damages caused by such removal,
 668 transportation, or storage, under any of the following
 669 circumstances:

670 (a) The towing or removal of any vehicle or vessel from
 671 private property without the consent of the registered owner or
 672 other legally authorized person in control of that vehicle or
 673 vessel is subject to substantial compliance with the following
 674 conditions and restrictions:

675 1.a. Any towed or removed vehicle or vessel must be stored

676 at a site within a 10-mile radius of the point of removal in any
677 county of 500,000 population or more, and within a 15-mile
678 radius of the point of removal in any county of fewer than
679 500,000 population. That site must be open for the purpose of
680 redemption of vehicles on any day that the person or firm towing
681 such vehicle or vessel is open for towing purposes, from 8:00
682 a.m. to 6:00 p.m., and, when closed, shall have prominently
683 posted a sign indicating a telephone number where the operator
684 of the site can be reached at all times. Upon receipt of a
685 telephoned request to open the site to redeem a vehicle or
686 vessel, the operator shall return to the site within 1 hour or
687 she or he will be in violation of this section.

688 b. If no towing business providing such service is located
689 within the area of towing limitations set forth in sub-
690 subparagraph a., the following limitations apply: any towed or
691 removed vehicle or vessel must be stored at a site within a 20-
692 mile radius of the point of removal in any county of 500,000
693 population or more, and within a 30-mile radius of the point of
694 removal in any county of fewer than 500,000 population.

695 2. The person or firm towing or removing the vehicle or
696 vessel shall, within 30 minutes after completion of such towing
697 or removal, notify the municipal police department or, in an
698 unincorporated area, the sheriff, of such towing or removal, the
699 storage site, the time the vehicle or vessel was towed or
700 removed, and the make, model, color, and license plate number of

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701 the vehicle or description and registration number of the vessel
702 and shall obtain the name of the person at that department to
703 whom such information was reported and note that name on the
704 trip record.

705 3. A person in the process of towing or removing a vehicle
706 or vessel from the premises or parking lot in which the vehicle
707 or vessel is not lawfully parked must stop when a person seeks
708 the return of the vehicle or vessel. The vehicle or vessel must
709 be returned upon the payment of a reasonable service fee of not
710 more than one-half of the posted rate for the towing or removal
711 service as provided in subparagraph 6. The vehicle or vessel may
712 be towed or removed if, after a reasonable opportunity, the
713 owner or legally authorized person in control of the vehicle or
714 vessel is unable to pay the service fee. If the vehicle or
715 vessel is redeemed, a detailed signed receipt must be given to
716 the person redeeming the vehicle or vessel.

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

720 5. Except for property appurtenant to and obviously a part
721 of a single-family residence, and except for instances when
722 notice is personally given to the owner or other legally
723 authorized person in control of the vehicle or vessel that the
724 area in which that vehicle or vessel is parked is reserved or
725 otherwise unavailable for unauthorized vehicles or vessels and

726 that the vehicle or vessel is subject to being removed at the
727 owner's or operator's expense, any property owner or lessee, or
728 person authorized by the property owner or lessee, before towing
729 or removing any vehicle or vessel from private property without
730 the consent of the owner or other legally authorized person in
731 control of that vehicle or vessel, must post a notice meeting
732 the following requirements:

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

738 b. The notice must clearly indicate, in not fewer than 2-
739 inch high, light-reflective letters on a contrasting background,
740 that unauthorized vehicles will be towed away at the owner's
741 expense. The words "tow-away zone" must be included on the sign
742 in not fewer than 4-inch high letters.

743 c. The notice must also provide the name and current
744 telephone number of the person or firm towing or removing the
745 vehicles or vessels.

746 d. The sign structure containing the required notices must
747 be permanently installed with the words "tow-away zone" not
748 fewer than 3 feet and not more than 6 feet above ground level
749 and must be continuously maintained on the property for not
750 fewer than 24 hours before the towing or removal of any vehicles

751 or vessels.

752 e. The local government may require permitting and
753 inspection of these signs before any towing or removal of
754 vehicles or vessels being authorized.

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

761 g. A property owner towing or removing vessels from real
762 property must post notice, consistent with the requirements in
763 sub-subparagraphs a.-f., which apply to vehicles, that
764 unauthorized vehicles or vessels will be towed away at the
765 owner's expense.

766

767 A business owner or lessee may authorize the removal of a
768 vehicle or vessel by a towing company when the vehicle or vessel
769 is parked in such a manner that restricts the normal operation
770 of business; and if a vehicle or vessel parked on a public
771 right-of-way obstructs access to a private driveway the owner,
772 lessee, or agent may have the vehicle or vessel removed by a
773 towing company upon signing an order that the vehicle or vessel
774 be removed without a posted tow-away zone sign.

775 6. Any person or firm that tows or removes vehicles or

776 vessels and proposes to require an owner, operator, or person in
 777 control or custody of a vehicle or vessel to pay the costs of
 778 towing and storage before redemption of the vehicle or vessel
 779 must file and keep on record with the local law enforcement
 780 agency a complete copy of the current rates to be charged for
 781 such services and post at the storage site an identical rate
 782 schedule and any written contracts with property owners,
 783 lessees, or persons in control of property which authorize such
 784 person or firm to remove vehicles or vessels as provided in this
 785 section.

786 7. Any person or firm towing or removing any vehicles or
 787 vessels from private property without the consent of the owner
 788 or other legally authorized person in control or custody of the
 789 vehicles or vessels shall, on any trucks, wreckers as defined in
 790 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
 791 towing or removal, have the name, address, and telephone number
 792 of the company performing such service clearly printed in
 793 contrasting colors on the driver and passenger sides of the
 794 vehicle. The name shall be in at least 3-inch permanently
 795 affixed letters, and the address and telephone number shall be
 796 in at least 1-inch permanently affixed letters.

797 8. Vehicle entry for the purpose of removing the vehicle
 798 or vessel shall be allowed with reasonable care on the part of
 799 the person or firm towing the vehicle or vessel. Such person or
 800 firm shall be liable for any damage occasioned to the vehicle or

801 vessel if such entry is not in accordance with the standard of
802 reasonable care.

803 9. When a vehicle or vessel has been towed or removed
804 pursuant to this section, it must be released to its owner or
805 person in control or custody within 1 hour after requested. Any
806 vehicle or vessel owner or person in control or custody has the
807 right to inspect the vehicle or vessel before accepting its
808 return, and no release or waiver of any kind which would release
809 the person or firm towing the vehicle or vessel from liability
810 for damages noted by the owner or person in control or custody
811 at the time of the redemption may be required from any vehicle
812 or vessel owner or person in control or custody as a condition
813 of release of the vehicle or vessel to its owner or person in
814 control or custody. A detailed receipt showing the legal name of
815 the company or person towing or removing the vehicle or vessel
816 must be given to the person paying towing or storage charges at
817 the time of payment, whether requested or not.

818 Section 9. This act shall take effect July 1, 2023.