



652044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
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The Committee on Transportation (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(5) The Division of the Florida Highway Patrol may not  
exclude a wrecker operator from the wrecker operator system or



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11 fail to designate him or her as an authorized wrecker operator  
12 based solely on a prior felony conviction, unless such  
13 conviction is for a forcible felony as defined in s. 776.08.

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

19 713.78 Liens for recovering, towing, or storing vehicles  
20 and vessels.—

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

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

24 (e)~~(b)~~ "Vessel" means every description of watercraft,  
25 barge, and airboat used or capable of being used as a means of  
26 transportation on water, other than a seaplane or a "documented  
27 vessel" as defined in s. 327.02.

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

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

36 (b)~~(d)~~ "National Motor Vehicle Title Information System"  
37 means the federally authorized electronic National Motor Vehicle  
38 Title Information System.

39 (a)~~(e)~~ "Equivalent commercially available system" means a



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40 service that charges a fee to provide vehicle information and  
41 that at a minimum maintains records from those states  
42 participating in data sharing with the National Motor Vehicle  
43 Title Information System.

44 (2)(a) ~~Whenever~~ A towing-storage operator may charge only  
45 the following fees for, or incidental to, the recovery, removal,  
46 or storage of a vehicle or vessel:

47 1. A reasonable hazardous waste fee.

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

50 3. A reasonable fee for service authorized by rule of the  
51 Department of Highway Safety and Motor Vehicles.

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

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

56 (b) If a towing-storage operator ~~person regularly engaged~~  
57 ~~in the business of transporting vehicles or vessels by wrecker,~~  
58 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle  
59 or vessel upon instructions from:

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

61 2.~~(b)~~ The owner or lessor, or a person authorized by the  
62 owner or lessor, of property on which such vehicle or vessel is  
63 wrongfully parked, and the removal is done in compliance with s.  
64 715.07;

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



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69           ~~4.(d)~~ Any law enforcement agency,  
70  
71 she or he has ~~shall have~~ a lien on the vehicle or vessel for a  
72 reasonable recovery fee, a reasonable towing fee, for a  
73 ~~reasonable administrative fee or charge imposed by a county or~~  
74 ~~municipality,~~ and ~~for~~ a reasonable storage fee; except that a  
75 storage fee may not be charged if the vehicle or vessel is  
76 stored for fewer than 6 hours.

77           (c) A towing-storage operator must accept credit cards,  
78 debit cards, or electronic payment methods.

79           (4) (a) A towing-storage operator ~~person regularly engaged~~  
80 ~~in the business of recovering, towing, or storing vehicles or~~  
81 ~~vessels~~ who comes into possession of a vehicle or vessel  
82 pursuant to paragraph (2) (b) subsection (2), and who claims a  
83 lien for recovery, towing, or storage services, must ~~shall~~ give  
84 notice, by certified mail, to the registered owner, the  
85 insurance company insuring the vehicle notwithstanding s.  
86 627.736, and all persons claiming a lien thereon, as disclosed  
87 by the records in the Department of Highway Safety and Motor  
88 Vehicles or as disclosed by the records of any corresponding  
89 agency in any other state in which the vehicle is identified  
90 through a records check of the National Motor Vehicle Title  
91 Information System or an equivalent commercially available  
92 system as being titled or registered.

93           ~~(b) Whenever a law enforcement agency authorizes the~~  
94 ~~removal of a vehicle or vessel or whenever a towing service,~~  
95 ~~garage, repair shop, or automotive service, storage, or parking~~  
96 ~~place notifies the law enforcement agency of possession of a~~  
97 ~~vehicle or vessel pursuant to s. 715.07(2)(a)2., the law~~



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98 ~~enforcement agency of the jurisdiction where the vehicle or~~  
99 ~~vessel is stored shall contact the Department of Highway Safety~~  
100 ~~and Motor Vehicles, or the appropriate agency of the state of~~  
101 ~~registration, if known, within 24 hours through the medium of~~  
102 ~~electronic communications, giving the full description of the~~  
103 ~~vehicle or vessel. Upon receipt of the full description of the~~  
104 ~~vehicle or vessel, the department shall search its files to~~  
105 ~~determine the owner's name, the insurance company insuring the~~  
106 ~~vehicle or vessel, and whether any person has filed a lien upon~~  
107 ~~the vehicle or vessel as provided in s. 319.27(2) and (3) and~~  
108 ~~notify the applicable law enforcement agency within 72 hours.~~  
109 ~~The person in charge of the towing service, garage, repair shop,~~  
110 ~~or automotive service, storage, or parking place shall obtain~~  
111 ~~such information from the applicable law enforcement agency~~  
112 ~~within 5 days after the date of storage and shall give notice~~  
113 ~~pursuant to paragraph (a). The department may release the~~  
114 ~~insurance company information to the requestor notwithstanding~~  
115 ~~s. 627.736.~~

116 (b) ~~(e)~~ The notice of lien must be sent by certified mail to  
117 the registered owner, the insurance company insuring the vehicle  
118 notwithstanding s. 627.736, and all other persons claiming a  
119 lien thereon within 3 ~~7~~ business days, excluding Saturday and  
120 Sunday, after the date of storage of the vehicle or vessel.  
121 ~~However, in no event shall the notice of lien be sent less than~~  
122 ~~30 days before the sale of the vehicle or vessel. The notice~~  
123 must state:

124 1. If the claim of lien is for a vehicle, the last 8 digits  
125 of the vehicle identification number of the vehicle subject to  
126 the lien, or, if the claim of lien is for a vessel, the hull



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127 identification number of the vessel subject to the lien, clearly  
128 printed in the delivery address box and on the outside of the  
129 envelope sent to the registered owner and all other persons  
130 claiming an interest in ~~therein~~ or lien on the vehicle or vessel  
131 ~~thereon~~.

132         2. The name, physical address, and telephone number of the  
133 lienor, and the entity name, as registered with the Division of  
134 Corporations, of the business where the towing and storage  
135 occurred, which must also appear on the outside of the envelope  
136 sent to the registered owner and all other persons claiming an  
137 interest in or lien on the vehicle or vessel.

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

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

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

143         6. That charges have accrued and include an itemized  
144 statement of the amount thereof.

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

148         8. That any vehicle or vessel that remains unclaimed, or  
149 for which the charges for recovery, towing, or storage services  
150 remain unpaid, may be sold free of all prior liens 35 days after  
151 the vehicle or vessel is stored by the lienor if the vehicle or  
152 vessel is more than 3 years of age or 65 ~~50~~ days after the  
153 vehicle or vessel is stored by the lienor if the vehicle or  
154 vessel is 3 years of age or less.

155         9. The address at which the vehicle or vessel is physically



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156 located.

157 (c)~~(d)~~ The notice of lien may not be sent to the registered  
158 owner, the insurance company insuring the vehicle or vessel, and  
159 all other persons claiming a lien thereon less than 30 days  
160 before the sale of a the vehicle or vessel that is more than 3  
161 years of age or less than 60 days before the sale of a vehicle  
162 or vessel that is 3 years of age or less.

163 (d)~~(e)~~ If attempts to locate the name and address of the  
164 owner or lienholder prove unsuccessful, the towing-storage  
165 operator shall, after 3 ~~7~~ business days, excluding Saturday and  
166 Sunday, after the initial tow or storage, notify the public  
167 agency of jurisdiction where the vehicle or vessel is stored in  
168 writing by certified mail ~~or acknowledged hand delivery~~ that the  
169 towing-storage company has been unable to locate the name and  
170 address of the owner or lienholder and a physical search of the  
171 vehicle or vessel has disclosed no ownership information and a  
172 good faith effort has been made, including records checks of the  
173 Department of Highway Safety and Motor Vehicles database and the  
174 National Motor Vehicle Title Information System or an equivalent  
175 commercially available system. For purposes of this paragraph  
176 and subsection (9), the term "good faith effort" means that the  
177 following checks have been performed by the company to establish  
178 the prior state of registration and for title:

179 1. A check of the department's database for the owner and  
180 any lienholder.

181 2. A check of the electronic National Motor Vehicle Title  
182 Information System or an equivalent commercially available  
183 system to determine the state of registration when there is not  
184 a current registration record for the vehicle or vessel on file



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185 with the department.

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

188           4. A check of the law enforcement report for a tag number  
189 or other information identifying the vehicle or vessel, if the  
190 vehicle or vessel was towed at the request of a law enforcement  
191 officer.

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

195           6. If there is no address of the owner on the impound  
196 report, a check of the law enforcement report to determine  
197 whether an out-of-state address is indicated from driver license  
198 information.

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

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

205           9. A check of the vehicle for a vehicle identification  
206 number.

207           10. A check of the vessel for a vessel registration number.

208           11. A check of the vessel hull for a hull identification  
209 number which should be carved, burned, stamped, embossed, or  
210 otherwise permanently affixed to the outboard side of the  
211 transom or, if there is no transom, to the outmost seaboard side  
212 at the end of the hull that bears the rudder or other steering  
213 mechanism.





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214 (5) (a) The owner of a vehicle or vessel removed pursuant to  
215 paragraph (2) (b) subsection (2), or any person claiming a lien,  
216 other than the towing-storage operator, within 10 days after the  
217 time she or he has knowledge of the location of the vehicle or  
218 vessel, may file a complaint in the county court of the county  
219 in which the vehicle or vessel is stored to determine whether  
220 her or his property was wrongfully taken or withheld.

221 (b) Regardless of whether a complaint is filed pursuant to  
222 paragraph (a), At any time before the sale of the vehicle or  
223 vessel, an owner or lienholder may have her or his vehicle or  
224 vessel released upon payment of the applicable fee in s. 28.24  
225 and posting with the court a cash or surety bond, or other  
226 adequate security, in accordance with s. 559.917 equal to the  
227 amount of the charges for towing or storage and lot rental  
228 amount to ensure the payment of such charges in the event she or  
229 he does not prevail. A vehicle under this paragraph is  
230 considered a motor vehicle for the purposes of s. 559.917 Upon  
231 the posting of the bond and the payment of the applicable fee  
232 set forth in s. 28.24, the clerk of the court shall issue a  
233 certificate notifying the lienor of the posting of the bond and  
234 directing the lienor to release the vehicle or vessel. At the  
235 time of such release, after reasonable inspection, she or he  
236 shall give a receipt to the towing-storage company reciting any  
237 claims she or he has for loss or damage to the vehicle or vessel  
238 or the contents thereof.

239 (c) Upon determining the respective rights of the parties,  
240 the court may award damages, attorney attorney's fees, and costs  
241 in favor of the prevailing party. In the event the lienor  
242 prevails In any event, the final order must shall provide for



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243 immediate payment in full of recovery, towing, and storage fees  
244 by the vehicle or vessel owner or lienholder; or the agency  
245 ordering the tow; or the owner, lessee, or agent thereof of the  
246 property from which the vehicle or vessel was removed.

247 (6) A vehicle or vessel that is stored pursuant to  
248 paragraph (2) (b) subsection (2) and remains unclaimed, or for  
249 which reasonable charges for recovery, towing, or storing remain  
250 unpaid, and any contents not released pursuant to subsection  
251 (10), may be sold by the owner or operator of the storage space  
252 for such towing or storage charge 35 days after the vehicle or  
253 vessel is stored by the lienor if the vehicle or vessel is more  
254 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is  
255 stored by the lienor if the vehicle or vessel is 3 years of age  
256 or less. The sale must ~~shall~~ be at public sale for cash. If the  
257 date of the sale was not included in the notice required in  
258 subsection (4), notice of the sale must ~~shall~~ be given to the  
259 person in whose name the vehicle or vessel is registered and to  
260 all persons claiming a lien on the vehicle or vessel as shown on  
261 the records of the Department of Highway Safety and Motor  
262 Vehicles or of any corresponding agency in any other state in  
263 which the vehicle is identified through a records check of the  
264 National Motor Vehicle Title Information System or an equivalent  
265 commercially available system as being titled. Notice of the  
266 sale must be sent by certified mail to the owner of the vehicle  
267 or vessel and the person having the recorded lien on the vehicle  
268 or vessel at the address shown on the records of the registering  
269 agency at least 30 days before the sale of the vehicle or  
270 vessel. ~~The notice must have clearly identified and printed, if~~  
271 ~~the claim of lien is for a motor vehicle,~~ The last 8 digits of



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272 the vehicle identification number of the ~~motor~~ vehicle subject  
273 to the lien, or, if the claim of lien is for a vessel, the hull  
274 identification number of the vessel subject to the lien, must be  
275 clearly identified and printed in the delivery address box and  
276 on the outside of the envelope sent to the registered owner and  
277 all other persons claiming an interest in ~~therein~~ or lien on the  
278 vehicle or vessel ~~thereon~~. ~~The notice must be sent to the owner~~  
279 ~~of the vehicle or vessel and the person having the recorded lien~~  
280 ~~on the vehicle or vessel at the address shown on the records of~~  
281 ~~the registering agency at least 30 days before the sale of the~~  
282 ~~vehicle or vessel~~. The notice must state the name, physical  
283 address, and telephone number of the lienor, and the vehicle  
284 identification number if the claim of lien is for a vehicle or  
285 the hull identification number if the claim of lien is for a  
286 vessel, all of which must also appear in the return address  
287 section on the outside of the envelope containing the notice of  
288 sale. After diligent search and inquiry, if the name and address  
289 of the registered owner or the owner of the recorded lien cannot  
290 be ascertained, the requirements of notice by mail may be  
291 dispensed with. In addition to the notice by mail, public notice  
292 of the time and place of sale must ~~shall~~ be made by publishing a  
293 notice thereof one time, at least 30 ~~10~~ days before the date of  
294 the sale, in a newspaper of general circulation in the county in  
295 which the sale is to be held. The proceeds of the sale, after  
296 payment of reasonable towing and storage charges, and costs of  
297 the sale, in that order of priority, must ~~shall~~ be deposited  
298 with the clerk of the circuit court for the county if the owner  
299 or lienholder is absent, and the clerk shall hold such proceeds  
300 subject to the claim of the owner or lienholder legally entitled



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301 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of  
302 such proceeds for the care and disbursement thereof. ~~The~~  
303 ~~certificate of title issued under this law shall be discharged~~  
304 ~~of All liens~~ Upon compliance by the towing-storage operator with  
305 this section, all liens on the certificate of title issued under  
306 this section must be discharged unless otherwise provided by  
307 court order. The owner or lienholder may file a complaint after  
308 the vehicle or vessel has been sold in the county court of the  
309 county in which it is stored. Upon determining the respective  
310 rights of the parties, the court may award damages, attorney  
311 fees, and costs in favor of the prevailing party.

312 (9) Failure to make good faith efforts to substantially  
313 comply with the notice requirements of this section ~~or precludes~~  
314 ~~the imposition of any storage charges against the vehicle or~~  
315 ~~vessel. If a lienor fails to provide notice to a person claiming~~  
316 ~~a lien on a vehicle or vessel in accordance with subsection (4),~~  
317 precludes the imposition of storage charges against the vehicle  
318 or vessel ~~the lienor may not charge the person~~ for more than 3 ~~7~~  
319 days of storage, but such failure does not affect charges made  
320 for towing the vehicle or vessel or the priority of liens on the  
321 vehicle or vessel.

322 (10) (a) A towing-storage operator ~~Persons who provide~~  
323 ~~services pursuant to this section~~ shall permit rental car  
324 ~~vehicle or vessel~~ owners, lienholders, insurance company  
325 representatives, or their agents, which agency is evidenced by  
326 an original writing acknowledged by the owner before a notary  
327 public or other person empowered by law to administer oaths, to  
328 inspect the towed vehicle ~~or vessel~~ and shall release to the  
329 owner, lienholder, or agent the vehicle, ~~vessel,~~ or all personal



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330 property not affixed to the vehicle ~~or vessel~~ which was in the  
331 vehicle ~~or vessel~~ at the time the vehicle ~~or vessel~~ came into  
332 the custody of the person providing such services. For the  
333 purposes of this paragraph, a rental car agreement does not  
334 constitute evidence that the person who rented a vehicle is an  
335 agent of the owner of the vehicle, and a towing company may not  
336 release a vehicle owned by a rental car company to the person  
337 who rented the vehicle unless the rental car company appoints  
338 the person who rented the vehicle as its agent. Such appointment  
339 must be evidenced in an original writing acknowledged by the  
340 rental car company before a notary public or other person  
341 empowered by law to administer oaths and must authorize the  
342 person to inspect and redeem the towed vehicle.

343 (b) A towing-storage operator shall permit non-rental  
344 vehicle or vessel owners, lienholders, insurance company  
345 representatives, or their agents to inspect the towed vehicle or  
346 vessel. The towing-storage operator must make the vehicle or  
347 vessel available for inspection during regular business hours  
348 within 3 business days after receiving a written request to  
349 inspect the vehicle or vessel and shall release to the owner,  
350 lienholder, or agent the vehicle, vessel, or all personal  
351 property not affixed to the vehicle or vessel which was in the  
352 vehicle or vessel at the time the vehicle or vessel came into  
353 the custody of the towing-storage operator. A towing-storage  
354 operator must accept a copy of either an electronic title or a  
355 paper title as evidence of a person's interest in a vehicle or  
356 vessel.

357 (11) (a) A towing-storage operator ~~Any person regularly~~  
358 ~~engaged in the business of recovering, towing, or storing~~



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359 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
360 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has  
361 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
362 when such vehicle or vessel is to be sold for purposes of being  
363 dismantled, destroyed, or changed in such manner that it is not  
364 the ~~motor~~ vehicle or vessel described in the certificate of  
365 title, must ~~shall~~ report the vehicle to the National Motor  
366 Vehicle Title Information System and apply to the Department of  
367 Highway Safety and Motor Vehicles for a certificate of  
368 destruction. A certificate of destruction, which authorizes the  
369 dismantling or destruction of the vehicle or vessel described  
370 therein, is ~~shall be~~ reassignable a maximum of two times before  
371 dismantling or destruction of the vehicle is ~~shall be~~ required,  
372 and must ~~shall~~ accompany the vehicle or vessel for which it is  
373 issued, when such vehicle or vessel is sold for such purposes,  
374 in lieu of a certificate of title. The application for a  
375 certificate of destruction must include proof of reporting to  
376 the National Motor Vehicle Title Information System and an  
377 affidavit from the applicant that she or he ~~it~~ has complied with  
378 all applicable requirements of this section and, if the vehicle  
379 or vessel is not registered in this state or any other state, by  
380 a statement from a law enforcement officer that the vehicle or  
381 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
382 such documentation as may be required by the department.

383 (12) (a) Any person who violates paragraph (2) (b) ~~any~~  
384 ~~provision of subsection (1), subsection (2),~~ subsection (4),  
385 subsection (5), subsection (6), or subsection (7) is guilty of a  
386 misdemeanor of the first degree, punishable as provided in s.  
387 775.082 or s. 775.083.



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388           (13) (a) Upon receipt by the Department of Highway Safety  
389 and Motor Vehicles of written notice from a wrecker operator who  
390 claims a wrecker operator's lien under subparagraph (2) (b) 4.  
391 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an  
392 abandoned vehicle or vessel upon instructions from any law  
393 enforcement agency, for which a certificate of destruction has  
394 been issued under subsection (11) and the vehicle has been  
395 reported to the National Motor Vehicle Title Information System,  
396 the department shall place the name of the registered owner of  
397 that vehicle or vessel on the list of those persons who may not  
398 be issued a license plate or revalidation sticker for any motor  
399 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
400 jointly by more than one person, the name of each registered  
401 owner must ~~shall~~ be placed on the list. The notice of wrecker  
402 operator's lien must ~~shall~~ be submitted on forms provided by the  
403 department and, ~~which must~~ include:

404           1. The name, address, and telephone number of the wrecker  
405 operator.

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

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

411           4. The vehicle identification number (VIN); registration  
412 license plate number, state, and year; validation decal number,  
413 state, and year; vessel registration number; hull identification  
414 number; or other identification number, as applicable.

415           5. The name of the person or the corresponding law  
416 enforcement agency that requested that the vehicle or vessel be



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417 recovered, towed, or stored.

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

420           (b) For purposes of this subsection only, the amount of the  
421 wrecker operator's lien for which the department will prevent  
422 issuance of a license plate or revalidation sticker may not  
423 exceed the amount of the charges for recovery, towing, and  
424 storage of the vehicle or vessel for 7 days. These charges may  
425 not exceed the maximum rates imposed by the ordinances of the  
426 respective county or municipality under ss. 125.0103(1)(c) and  
427 166.043(1)(c). This paragraph does not limit the amount of a  
428 wrecker operator's lien claimed under paragraph (2)(b)  
429 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil  
430 remedies for enforcement of the entire amount of the lien, but  
431 limits only that portion of the lien for which the department  
432 will prevent issuance of a license plate or revalidation  
433 sticker.

434           (d) Upon discharge of the amount of the wrecker operator's  
435 lien allowed by paragraph (b), the wrecker operator must issue a  
436 certificate of discharged wrecker operator's lien on forms  
437 provided by the department to each registered owner of the  
438 vehicle or vessel attesting that the amount of the wrecker  
439 operator's lien allowed by paragraph (b) has been discharged.  
440 Upon presentation of the certificate of discharged wrecker  
441 operator's lien by the registered owner, the department must  
442 ~~shall~~ immediately remove the registered owner's name from the  
443 list of those persons who may not be issued a license plate or  
444 revalidation sticker for any motor vehicle under s. 320.03(8),  
445 thereby allowing issuance of a license plate or revalidation





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446 sticker. Issuance of a certificate of discharged wrecker  
447 operator's lien under this paragraph does not discharge the  
448 entire amount of the wrecker operator's lien claimed under  
449 paragraph (2)(b) subsection (2), but only certifies to the  
450 department that the amount of the wrecker operator's lien  
451 allowed by paragraph (b), for which the department will prevent  
452 issuance of a license plate or revalidation sticker, has been  
453 discharged.

454 (18) For 3 years, a towing-storage operator must retain  
455 records produced for all vehicles or vessels recovered, towed,  
456 stored, or released, which records must include at least the  
457 following:

458 (a) All notice publications and certified mailings;

459 (b) The purchase price of unclaimed vehicles or vessels  
460 sold;

461 (c) The names and addresses of persons to which vehicles or  
462 vessels were released;

463 (d) The name and address of vehicle or vessel purchasers;  
464 and

465 (e) All fees imposed under this section.

466 (19) This section is the exclusive remedy for the placement  
467 or foreclosure of a storage lien placed on a vehicle or vessel  
468 pursuant to s. 83.19, s. 83.805, or s. 677.210.

469 Section 3. Section 559.917, Florida Statutes, is amended to  
470 read:

471 559.917 Bond to release possessory lien claimed by motor  
472 vehicle repair shop or towing-storage operator.—

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



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475 motor vehicle or vessel from any lien claimed under part II of  
476 chapter 713 by a motor vehicle repair shop for repair work  
477 performed under a written repair estimate or by a towing-storage  
478 operator for recovery, towing, or storage charges by filing with  
479 the clerk of the court in the circuit in which the disputed  
480 transaction occurred a cash or surety bond, payable to the  
481 person claiming the lien and conditioned for the payment of any  
482 judgment which may be entered on the lien. The bond must ~~shall~~  
483 be in the amount stated on the notice of lien required under s.  
484 713.78(4) or on the invoice required by s. 559.911, plus accrued  
485 storage charges, if any, less any amount paid to the motor  
486 vehicle repair shop as indicated on the invoice. The customer or  
487 person is ~~shall~~ not ~~be~~ required to institute judicial  
488 proceedings in order to post the bond in the registry of the  
489 court and is ~~shall~~ not ~~be~~ required to use a particular form for  
490 posting the bond unless the clerk provides such form to the  
491 customer or person for filing. Upon the posting of such bond,  
492 the clerk of the court shall automatically issue a certificate  
493 notifying the lienor of the posting of the bond and directing  
494 the lienor to release the motor vehicle or vessel.

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

501 (2) If ~~the failure of~~ a lienor fails to release or return  
502 to the customer or person the motor vehicle or vessel upon which  
503 any lien is claimed, upon receiving a copy of a certificate



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

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

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

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

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

525  
526 The customer or person of record, claiming a lien against a  
527 motor vehicle or vessel, upon a judgment in her or his favor in  
528 an action brought under this subsection, may be entitled to  
529 damages plus court costs and reasonable attorney fees sustained  
530 by her or him by reason of such wrongful detention or retention.  
531 Upon a judgment in favor of the motor vehicle repair shop or  
532 towing-storage operator, the shop or towing-storage operator may



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533 be entitled to reasonable attorney fees.

534 (3) A motor vehicle repair shop or towing-storage operator  
535 ~~that~~, or an employee or agent thereof who is authorized to  
536 release the motor vehicle or vessel, who, upon receiving a copy  
537 of a certificate giving notice of the posting of the bond in the  
538 required amount and directing release of the motor vehicle or  
539 vessel, fails to release or return the property to the customer  
540 or person pursuant to this section commits a misdemeanor of the  
541 second degree, punishable as provided in s. 775.082 or s.  
542 775.083.

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

549 (5) For purposes of this section, the terms "towing-storage  
550 operator" and "vessel" have the same meanings as in s.  
551 713.78(1).

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

554 83.19 Sale of property distrained.—

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

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

561 83.805 Lien.—



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562           (1) The owner of a self-service storage facility or self-  
563 contained storage unit and the owner's heirs, executors,  
564 administrators, successors, and assigns have a lien upon all  
565 personal property, whether or not owned by the tenant, located  
566 at a self-service storage facility or in a self-contained  
567 storage unit for rent, labor charges, or other charges, present  
568 or future, in relation to the personal property and for expenses  
569 necessary for its preservation or expenses reasonably incurred  
570 in its sale or other disposition pursuant to ss. 83.801-83.809.  
571 The lien provided for in this section attaches as of the date  
572 that the personal property is brought to the self-service  
573 storage facility or as of the date the tenant takes possession  
574 of the self-contained storage unit, and the priority of this  
575 lien shall be the same as provided in s. 83.08; however, in the  
576 event of default, the owner must give notice to persons who hold  
577 perfected security interests under the Uniform Commercial Code  
578 in which the tenant is named as the debtor.

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

583           Section 6. Subsection (10) of section 83.806, Florida  
584 Statutes, is amended to read:

585           83.806 Enforcement of lien.—An owner's lien as provided in  
586 s. 83.805 may be satisfied as follows:

587           (10) If a lien is claimed on property that is a motor  
588 vehicle or a watercraft and rent and other charges related to  
589 the property remain unpaid or unsatisfied for 60 days after the  
590 maturity of the obligation to pay the rent and other charges,



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591 the facility or unit owner may sell the property pursuant to s.  
592 713.78 ~~this section~~ or have the property towed. If a motor  
593 vehicle or watercraft is towed, the facility or unit owner is  
594 not liable for the motor vehicle or watercraft or any damages to  
595 the motor vehicle or watercraft once a wrecker takes possession  
596 of the property. The wrecker taking possession of the property  
597 must comply with all notification and sale requirements provided  
598 in s. 713.78.

599 Section 7. Subsection (10) is added to section 677.210,  
600 Florida Statutes, to read:

601 677.210 Enforcement of warehouse's lien.—

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

606 Section 8. Paragraph (a) of subsection (2) of section  
607 715.07, Florida Statutes, is amended to read:

608 715.07 Vehicles or vessels parked on private property;  
609 towing.—

610 (2) The owner or lessee of real property, or any person  
611 authorized by the owner or lessee, which person may be the  
612 designated representative of the condominium association if the  
613 real property is a condominium, may cause any vehicle or vessel  
614 parked on such property without her or his permission to be  
615 removed by a person regularly engaged in the business of towing  
616 vehicles or vessels, without liability for the costs of removal,  
617 transportation, or storage or damages caused by such removal,  
618 transportation, or storage, under any of the following  
619 circumstances:



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620 (a) The towing or removal of any vehicle or vessel from  
621 private property without the consent of the registered owner or  
622 other legally authorized person in control of that vehicle or  
623 vessel is subject to substantial compliance with the following  
624 conditions and restrictions:

625 1.a. Any towed or removed vehicle or vessel must be stored  
626 at a site within a 10-mile radius of the point of removal in any  
627 county of 500,000 population or more, and within a 15-mile  
628 radius of the point of removal in any county of fewer than  
629 500,000 population. That site must be open for the purpose of  
630 redemption of vehicles on any day that the person or firm towing  
631 such vehicle or vessel is open for towing purposes, from 8:00  
632 a.m. to 6:00 p.m., and, when closed, shall have prominently  
633 posted a sign indicating a telephone number where the operator  
634 of the site can be reached at all times. Upon receipt of a  
635 telephoned request to open the site to redeem a vehicle or  
636 vessel, the operator shall return to the site within 1 hour or  
637 she or he will be in violation of this section.

638 b. If no towing business providing such service is located  
639 within the area of towing limitations set forth in sub-  
640 subparagraph a., the following limitations apply: any towed or  
641 removed vehicle or vessel must be stored at a site within a 20-  
642 mile radius of the point of removal in any county of 500,000  
643 population or more, and within a 30-mile radius of the point of  
644 removal in any county of fewer than 500,000 population.

645 2. The person or firm towing or removing the vehicle or  
646 vessel shall, within 30 minutes after completion of such towing  
647 or removal, notify the municipal police department or, in an  
648 unincorporated area, the sheriff, of such towing or removal, the



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649 storage site, the time the vehicle or vessel was towed or  
650 removed, and the make, model, color, and license plate number of  
651 the vehicle or description and registration number of the vessel  
652 and shall obtain the name of the person at that department to  
653 whom such information was reported and note that name on the  
654 trip record.

655 3. A person in the process of towing or removing a vehicle  
656 or vessel from the premises or parking lot in which the vehicle  
657 or vessel is not lawfully parked must stop when a person seeks  
658 the return of the vehicle or vessel. The vehicle or vessel must  
659 be returned upon the payment of a reasonable service fee of not  
660 more than one-half of the posted rate for the towing or removal  
661 service as provided in subparagraph 6. The vehicle or vessel may  
662 be towed or removed if, after a reasonable opportunity, the  
663 owner or legally authorized person in control of the vehicle or  
664 vessel is unable to pay the service fee. If the vehicle or  
665 vessel is redeemed, a detailed signed receipt must be given to  
666 the person redeeming the vehicle or vessel.

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

670 5. Except for property appurtenant to and obviously a part  
671 of a single-family residence, and except for instances when  
672 notice is personally given to the owner or other legally  
673 authorized person in control of the vehicle or vessel that the  
674 area in which that vehicle or vessel is parked is reserved or  
675 otherwise unavailable for unauthorized vehicles or vessels and  
676 that the vehicle or vessel is subject to being removed at the  
677 owner's or operator's expense, any property owner or lessee, or





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678 person authorized by the property owner or lessee, before towing  
679 or removing any vehicle or vessel from private property without  
680 the consent of the owner or other legally authorized person in  
681 control of that vehicle or vessel, must post a notice meeting  
682 the following requirements:

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

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

693 c. The notice must also provide the name and current  
694 telephone number of the person or firm towing or removing the  
695 vehicles or vessels.

696 d. The sign structure containing the required notices must  
697 be permanently installed with the words "tow-away zone" not  
698 fewer than 3 feet and not more than 6 feet above ground level  
699 and must be continuously maintained on the property for not  
700 fewer than 24 hours before the towing or removal of any vehicles  
701 or vessels.

702 e. The local government may require permitting and  
703 inspection of these signs before any towing or removal of  
704 vehicles or vessels being authorized.

705 f. A business with 20 or fewer parking spaces satisfies the  
706 notice requirements of this subparagraph by prominently



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707 displaying a sign stating "Reserved Parking for Customers Only  
708 Unauthorized Vehicles or Vessels Will be Towed Away At the  
709 Owner's Expense" in not fewer than 4-inch high, light-reflective  
710 letters on a contrasting background.

711 g. A property owner towing or removing vessels from real  
712 property must post notice, consistent with the requirements in  
713 sub-subparagraphs a.-f., which apply to vehicles, that  
714 unauthorized vehicles or vessels will be towed away at the  
715 owner's expense.

716

717 A business owner or lessee may authorize the removal of a  
718 vehicle or vessel by a towing company when the vehicle or vessel  
719 is parked in such a manner that restricts the normal operation  
720 of business; and if a vehicle or vessel parked on a public  
721 right-of-way obstructs access to a private driveway the owner,  
722 lessee, or agent may have the vehicle or vessel removed by a  
723 towing company upon signing an order that the vehicle or vessel  
724 be removed without a posted tow-away zone sign.

725 6. Any person or firm that tows or removes vehicles or  
726 vessels and proposes to require an owner, operator, or person in  
727 control or custody of a vehicle or vessel to pay the costs of  
728 towing and storage before redemption of the vehicle or vessel  
729 must file and keep on record with the local law enforcement  
730 agency a complete copy of the current rates to be charged for  
731 such services and post at the storage site an identical rate  
732 schedule and any written contracts with property owners,  
733 lessees, or persons in control of property which authorize such  
734 person or firm to remove vehicles or vessels as provided in this  
735 section.



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736           7. Any person or firm towing or removing any vehicles or  
737 vessels from private property without the consent of the owner  
738 or other legally authorized person in control or custody of the  
739 vehicles or vessels shall, on any trucks, wreckers as defined in  
740 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the  
741 towing or removal, have the name, address, and telephone number  
742 of the company performing such service clearly printed in  
743 contrasting colors on the driver and passenger sides of the  
744 vehicle. The name shall be in at least 3-inch permanently  
745 affixed letters, and the address and telephone number shall be  
746 in at least 1-inch permanently affixed letters.

747           8. Vehicle entry for the purpose of removing the vehicle or  
748 vessel shall be allowed with reasonable care on the part of the  
749 person or firm towing the vehicle or vessel. Such person or firm  
750 shall be liable for any damage occasioned to the vehicle or  
751 vessel if such entry is not in accordance with the standard of  
752 reasonable care.

753           9. When a vehicle or vessel has been towed or removed  
754 pursuant to this section, it must be released to its owner or  
755 person in control or custody within 1 hour after requested. Any  
756 vehicle or vessel owner or person in control or custody has the  
757 right to inspect the vehicle or vessel before accepting its  
758 return, and no release or waiver of any kind which would release  
759 the person or firm towing the vehicle or vessel from liability  
760 for damages noted by the owner or person in control or custody  
761 at the time of the redemption may be required from any vehicle  
762 or vessel owner or person in control or custody as a condition  
763 of release of the vehicle or vessel to its owner or person in  
764 control or custody. A detailed receipt showing the legal name of



765 the company or person towing or removing the vehicle or vessel  
766 must be given to the person paying towing or storage charges at  
767 the time of payment, whether requested or not.

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

769

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

771 And the title is amended as follows:

772 Delete everything before the enacting clause

773 and insert:

774 An act relating to wrecker and towing-storage  
775 operators; amending s. 321.051, F.S.; prohibiting the  
776 Division of the Florida Highway Patrol from excluding  
777 wrecker operators from the wrecker operator system or  
778 from being designated as an authorized wrecker  
779 operator based solely on a prior felony conviction;  
780 providing an exception; amending s. 713.78, F.S.;  
781 defining the term "towing-storage operator";  
782 authorizing a towing-storage operator to charge  
783 certain fees; providing that a lien can only be placed  
784 on specified fees; requiring a towing-storage operator  
785 to accept specified payment methods; removing certain  
786 requirements for law enforcement agencies and the  
787 Department of Highway Safety and Motor Vehicles;  
788 revising the timeframe in which certain unclaimed  
789 vehicles or vessels may be sold; specifying that a  
790 vehicle is considered a motor vehicle for certain  
791 purposes; revising the timeframe in which a notice of  
792 lien must be sent for certain unclaimed vehicles or  
793 vessels; revising the timeframe in which a towing-



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794 storage operator must provide certain notice to the  
795 public agency of jurisdiction; requiring that such  
796 notice be sent by certified mail; requiring the  
797 posting of a bond or other security be done in a  
798 specified manner; revising the timeframe in which  
799 public notice of the sale of a vehicle or vessel must  
800 be published; restricting the imposition of storage  
801 charges under certain circumstances; revising  
802 provisions regarding permission to inspect vehicle or  
803 vessel; providing means by which a rental car company  
804 may appoint its agent; providing when a vehicle must  
805 be made available for inspection; requiring a towing-  
806 storage operator to maintain certain records for a  
807 specified period of time; providing the exclusive  
808 remedy for certain liens; conforming cross-references;  
809 making technical changes; amending s. 559.917, F.S.;  
810 providing procedures and requirements for acquiring a  
811 bond to release certain liens; providing definitions;  
812 amending ss. 83.19, 83.805, 677.210, and 715.07 F.S.;  
813 conforming provisions to changes made by the act;  
814 amending s. 715.07, F.S.; conforming a cross-  
815 reference; providing an effective date.