



755180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/24/2023	.	
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The Committee on Rules (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  
fail to designate him or her as an authorized wrecker operator



755180

12 based solely on a prior felony conviction unless such conviction  
13 is for a forcible felony as defined in s. 776.08 or a felony  
14 listed under s. 812.014(2)(c)6. or s. 812.16(2).

15 Section 2. Subsections (1), (2), and (4), paragraph (a) of  
16 subsection (5), subsections (6), (9), and (10), paragraph (a) of  
17 subsection (11), paragraph (a) of subsection (12), and  
18 paragraphs (a), (b), and (d) of subsection (13) of section  
19 713.78, Florida Statutes, are amended, and subsections (18),  
20 (19), and (20) are added to that section, to read:

21 713.78 Liens for recovering, towing, or storing vehicles  
22 and vessels.—

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

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

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

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

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

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



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

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

49 1. Any reasonable fee for service specifically authorized  
50 by ordinance, resolution, regulation, or rule of the county or  
51 municipality in which the service is performed.

52 2. Any reasonable fee for service specifically authorized  
53 by contract or agreement between a towing-storage operator and a  
54 county, municipality, or other governmental agency.

55 3. Any reasonable fee for service specifically authorized  
56 by rule of the Department of Highway Safety and Motor Vehicles.

57 4. Any reasonable fee for service as agreed upon in writing  
58 between a towing-storage operator and the owner of a vehicle or  
59 vessel.

60 5. Any lien release administrative fee as set forth in  
61 paragraph (15) (a).

62 6. Any reasonable administrative fee or charge imposed by a  
63 county or municipality pursuant to s. 125.01047, s. 166.04465,  
64 or s. 323.002 upon the registered owner or other legally  
65 authorized person in control of a vehicle or vessel.

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



755180

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

71           ~~2.(b)~~ The owner or lessor, or a person authorized by the  
72 owner or lessor, of property on which such vehicle or vessel is  
73 wrongfully parked, and the removal is done in compliance with s.  
74 715.07;

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

79           ~~4.(d)~~ Any law enforcement agency, county, or municipality,  
80

81 she or he shall have a lien on the vehicle or vessel for a  
82 reasonable towing fee, for a reasonable administrative fee or  
83 charge imposed by a county or municipality, and for a reasonable  
84 storage fee; except that a storage fee may not be charged if the  
85 vehicle or vessel is stored for fewer than 6 hours.

86           (4) (a) A towing-storage operator ~~person regularly engaged~~  
87 ~~in the business of recovering, towing, or storing vehicles or~~  
88 ~~vessels~~ who comes into possession of a vehicle or vessel  
89 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a  
90 lien for recovery, towing, or storage services, must ~~shall~~ give  
91 notice, by certified mail, pursuant to subsection (16), to the  
92 registered owner, the insurance company insuring the vehicle  
93 notwithstanding s. 627.736, and all persons claiming a lien  
94 thereon, as disclosed by the records in the Department of  
95 Highway Safety and Motor Vehicles or as disclosed by the records  
96 of any corresponding agency in any other state in which the  
97 vehicle is identified through a records check of the National  
98 Motor Vehicle Title Information System or an equivalent



755180

99 commercially available system as being titled or registered.

100 (b) Whenever a law enforcement agency authorizes the  
101 removal of a vehicle or vessel or whenever a towing service,  
102 garage, repair shop, or automotive service, storage, or parking  
103 place notifies the law enforcement agency of possession of a  
104 vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved  
105 third-party service cannot obtain the vehicle's or vessel's  
106 owner, lienholder, and insurer information or last state of  
107 record pursuant to subsection (16), the law enforcement agency  
108 of the jurisdiction where the vehicle or vessel is stored shall  
109 contact the Department of Highway Safety and Motor Vehicles, or  
110 the appropriate agency of the state of registration, if known,  
111 within 24 hours through the medium of electronic communications,  
112 giving the full description of the vehicle or vessel. Upon  
113 receipt of the full description of the vehicle or vessel, the  
114 department shall search its files to determine the owner's name,  
115 the insurance company insuring the vehicle or vessel, and  
116 whether any person has filed a lien upon the vehicle or vessel  
117 as provided in s. 319.27(2) and (3) and notify the applicable  
118 law enforcement agency within 72 hours. The person in charge of  
119 the towing service, garage, repair shop, or automotive service,  
120 storage, or parking place shall request ~~obtain~~ such information  
121 from the applicable law enforcement agency within 5 days after  
122 the date of storage and shall give notice pursuant to paragraph  
123 (a). The department may release the insurance company  
124 information to the requestor notwithstanding s. 627.736.

125 (c) The notice of lien must be sent by certified mail to  
126 the registered owner, the insurance company insuring the vehicle  
127 notwithstanding s. 627.736, and all other persons claiming a



755180

128 lien thereon within 4 7 business days, excluding a Saturday, and  
129 Sunday, or federal legal holiday, after the date of storage of  
130 the vehicle or vessel. ~~However, in no event shall the notice of~~  
131 ~~lien be sent less than 30 days before the sale of the vehicle or~~  
132 ~~vessel.~~ The notice must state:

133 1. If the claim of lien is for a vehicle, the last 8 digits  
134 of the vehicle identification number of the vehicle subject to  
135 the lien, or, if the claim of lien is for a vessel, the hull  
136 identification number of the vessel subject to the lien, clearly  
137 printed in the delivery address box and on the outside of the  
138 envelope sent to the registered owner and all other persons  
139 claiming an interest in therein or lien on the vehicle or vessel  
140 thereon.

141 2. The name, physical address, and telephone number of the  
142 lienor, and the entity name, as registered with the Division of  
143 Corporations, of the business where the towing and storage  
144 occurred, which must also appear on the outside of the envelope  
145 sent to the registered owner and all other persons claiming an  
146 interest in or lien on the vehicle or vessel.

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

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

150 5. That a lien as provided in paragraph (2) (b) subsection  
151 (2) is claimed.

152 6. That charges have accrued and include an itemized  
153 statement of the amount thereof.

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



755180

157           8. That any vehicle or vessel that remains unclaimed, or  
158 for which the charges for recovery, towing, or storage services  
159 remain unpaid, may be sold free of all prior liens 35 days after  
160 the vehicle or vessel is stored by the lienor if the vehicle or  
161 vessel is more than 3 years of age or 65 ~~50~~ days after the  
162 vehicle or vessel is stored by the lienor if the vehicle or  
163 vessel is 3 years of age or less.

164           9. The address at which the vehicle or vessel is physically  
165 located.

166           (d) The notice of lien may not be sent to the registered  
167 owner, the insurance company insuring the vehicle or vessel, and  
168 all other persons claiming a lien thereon less than 30 days  
169 before the sale of a the vehicle or vessel that is more than 3  
170 years of age or less than 60 days before the sale of a vehicle  
171 or vessel that is 3 years of age or less.

172           (e) If attempts to locate the name and address of the owner  
173 or lienholder prove unsuccessful, the towing-storage operator  
174 shall, after 4 ~~7~~ business days, excluding a Saturday, and  
175 Sunday, or federal legal holiday, after the initial tow or  
176 storage, notify the public agency of jurisdiction where the  
177 vehicle or vessel is stored in writing by certified mail or  
178 electronic delivery ~~acknowledged hand delivery~~ that the towing-  
179 storage company has been unable to locate the name and address  
180 of the owner or lienholder and a physical search of the vehicle  
181 or vessel has disclosed no ownership information and a good  
182 faith effort has been made, including records checks of the  
183 Department of Highway Safety and Motor Vehicles database and the  
184 National Motor Vehicle Title Information System or an equivalent  
185 commercially available system. For purposes of this paragraph



755180

186 and subsection (9), the term "good faith effort" means that the  
187 following checks have been performed by the company to establish  
188 the prior state of registration and for title:

189 1. A check of the department's database for the owner and  
190 any lienholder.

191 2. A check of the electronic National Motor Vehicle Title  
192 Information System or an equivalent commercially available  
193 system to determine the state of registration when there is not  
194 a current registration record for the vehicle or vessel on file  
195 with the department.

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

198 4. A check of the law enforcement report for a tag number  
199 or other information identifying the vehicle or vessel, if the  
200 vehicle or vessel was towed at the request of a law enforcement  
201 officer.

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

205 6. If there is no address of the owner on the impound  
206 report, a check of the law enforcement report to determine  
207 whether an out-of-state address is indicated from driver license  
208 information.

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

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





755180

215 9. A check of the vehicle for a vehicle identification  
216 number.

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

218 11. A check of the vessel hull for a hull identification  
219 number which should be carved, burned, stamped, embossed, or  
220 otherwise permanently affixed to the outboard side of the  
221 transom or, if there is no transom, to the outmost seaboard side  
222 at the end of the hull that bears the rudder or other steering  
223 mechanism.

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

231 (6) A vehicle or vessel that is stored pursuant to  
232 paragraph (2) (b) subsection (2) and remains unclaimed, or for  
233 which reasonable charges for recovery, towing, or storing remain  
234 unpaid, and any contents not released pursuant to subsection  
235 (10), may be sold by the owner or operator of the storage space  
236 for such towing or storage charge 35 days after the vehicle or  
237 vessel is stored by the lienor if the vehicle or vessel is more  
238 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is  
239 stored by the lienor if the vehicle or vessel is 3 years of age  
240 or less. The sale must ~~shall~~ be at public sale for cash. If the  
241 date of the sale was not included in the notice required in  
242 subsection (4), notice of the sale must ~~shall~~ be given to the  
243 person in whose name the vehicle or vessel is registered and to



755180

244 all persons claiming a lien on the vehicle or vessel as shown on  
245 the records of the Department of Highway Safety and Motor  
246 Vehicles or of any corresponding agency in any other state in  
247 which the vehicle is identified through a records check of the  
248 National Motor Vehicle Title Information System or an equivalent  
249 commercially available system as being titled. Notice of the  
250 sale must be sent by certified mail to the registered owner of  
251 the vehicle or vessel, the insurance company insuring the  
252 vehicle or vessel, and the person having the recorded lien on  
253 the vehicle or vessel at the address shown on the records of the  
254 registering agency at least 30 days before the sale of the  
255 vehicle or vessel. The notice must have clearly identified and  
256 printed, if the claim of lien is for a motor vehicle, The last 8  
257 digits of the vehicle identification number of the ~~motor~~ vehicle  
258 subject to the lien, or, if the claim of lien is for a vessel,  
259 the hull identification number of the vessel subject to the  
260 lien, must be clearly identified and printed in the delivery  
261 address box and on the outside of the envelope sent to the  
262 registered owner and all other persons claiming an interest in  
263 ~~therein~~ or lien on the vehicle or vessel ~~thereon~~. ~~The notice~~  
264 ~~must be sent to the owner of the vehicle or vessel and the~~  
265 ~~person having the recorded lien on the vehicle or vessel at the~~  
266 ~~address shown on the records of the registering agency at least~~  
267 ~~30 days before the sale of the vehicle or vessel.~~ The notice  
268 must state the name, physical address, and telephone number of  
269 the lienor, and the vehicle identification number if the claim  
270 of lien is for a vehicle or the hull identification number if  
271 the claim of lien is for a vessel, all of which must also appear  
272 in the return address section on the outside of the envelope



755180

273 containing the notice of sale. After diligent search and  
274 inquiry, if the name and address of the registered owner or the  
275 owner of the recorded lien cannot be ascertained, the  
276 requirements of notice by mail may be dispensed with. In  
277 addition to the notice by mail, public notice of the time and  
278 place of sale must ~~shall~~ be made by publishing a notice thereof  
279 one time, at least 20 ~~10~~ days before the date of the sale, in a  
280 newspaper of general circulation in the county in which the sale  
281 is to be held. The proceeds of the sale, after payment of  
282 reasonable towing and storage charges, and costs of the sale, in  
283 that order of priority, must ~~shall~~ be deposited with the clerk  
284 of the circuit court for the county if the owner or lienholder  
285 is absent, and the clerk shall hold such proceeds subject to the  
286 claim of the owner or lienholder legally entitled thereto. The  
287 clerk is ~~shall be~~ entitled to receive 5 percent of such proceeds  
288 for the care and disbursement thereof. The certificate of title  
289 issued under this section ~~this law~~ shall be discharged of all  
290 liens unless otherwise provided by court order. The owner or  
291 lienholder may file a complaint after the vehicle or vessel has  
292 been sold in the county court of the county in which it is  
293 stored. Upon determining the respective rights of the parties,  
294 the court may award damages, attorney fees, and costs in favor  
295 of the prevailing party.

296 (9) Failure to make good faith efforts to substantially  
297 comply with the notice requirements of this section or precludes  
298 ~~the imposition of any storage charges against the vehicle or~~  
299 ~~vessel. If a lienor fails to provide notice to a person claiming~~  
300 a lien on a vehicle or vessel in accordance with subsection (4)  
301 precludes the imposition of storage charges against the vehicle



755180

302 ~~or vessel, the lienor may not charge the person~~ for more than 4  
303 7 days of storage, but such failure does not affect charges made  
304 for towing the vehicle or vessel or the priority of liens on the  
305 vehicle or vessel.

306 (10) A towing-storage operator ~~Persons who provide services~~  
307 ~~pursuant to this section~~ shall permit vehicle or vessel owners,  
308 including rental vehicle or vessel owners, lienholders,  
309 insurance company representatives, or their agents, which agency  
310 is evidenced by an original writing acknowledged by the owner  
311 before a notary public or other person empowered by law to  
312 administer oaths, to inspect the towed vehicle or vessel and  
313 shall release to the owner, lienholder, or agent the vehicle,  
314 vessel, or all personal property not affixed to the vehicle or  
315 vessel which was in the vehicle ~~or vessel~~ at the time the  
316 vehicle or vessel came into the custody of the towing-storage  
317 operator. A towing-storage operator must allow vehicle or vessel  
318 owners, rental vehicle or vessel owners, lienholders, insurance  
319 company representatives, or their agents to inspect the towed  
320 vehicle or vessel during normal business hours within 30 minutes  
321 after their arrival at the storage site where the vehicle or  
322 vessel is stored. A photocopy of an agency agreement is  
323 sufficient evidence of agency. A rental vehicle or vessel  
324 agreement is not evidence that the person who rented a vehicle  
325 or vessel is an agent of the rental vehicle or vessel owner.  
326 Towing-storage operators must accept a photocopy of a contract,  
327 an electronic title, or a paper title as evidence of a person's  
328 interest in a vehicle or vessel ~~person providing such services.~~

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



755180

331 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
332 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has  
333 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
334 when such vehicle or vessel is to be sold for purposes of being  
335 dismantled, destroyed, or changed in such manner that it is not  
336 the ~~motor~~ vehicle or vessel described in the certificate of  
337 title, must ~~shall~~ report the vehicle to the National Motor  
338 Vehicle Title Information System and apply to the Department of  
339 Highway Safety and Motor Vehicles for a certificate of  
340 destruction. A certificate of destruction, which authorizes the  
341 dismantling or destruction of the vehicle or vessel described  
342 therein, is ~~shall be~~ reassignable a maximum of two times before  
343 dismantling or destruction of the vehicle is ~~shall be~~ required,  
344 and must ~~shall~~ accompany the vehicle or vessel for which it is  
345 issued, when such vehicle or vessel is sold for such purposes,  
346 in lieu of a certificate of title. The application for a  
347 certificate of destruction must include proof of reporting to  
348 the National Motor Vehicle Title Information System and an  
349 affidavit from the applicant that she or he ~~it~~ has complied with  
350 all applicable requirements of this section and, if the vehicle  
351 or vessel is not registered in this state or any other state, by  
352 a statement from a law enforcement officer that the vehicle or  
353 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
354 such documentation as may be required by the department.

355 (12) (a) Any person who violates paragraph (2) (b) ~~any~~  
356 ~~provision of subsection (1), subsection (2),~~ subsection (4),  
357 subsection (5), subsection (6), or subsection (7) is guilty of a  
358 misdemeanor of the first degree, punishable as provided in s.  
359 775.082 or s. 775.083.



755180

360 (13) (a) Upon receipt by the Department of Highway Safety  
361 and Motor Vehicles of written notice from a wrecker operator who  
362 claims a wrecker operator's lien under subparagraph (2) (b) 4.  
363 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an  
364 abandoned vehicle or vessel upon instructions from any law  
365 enforcement agency, for which a certificate of destruction has  
366 been issued under subsection (11) and the vehicle has been  
367 reported to the National Motor Vehicle Title Information System,  
368 the department shall place the name of the registered owner of  
369 that vehicle or vessel on the list of those persons who may not  
370 be issued a license plate or revalidation sticker for any motor  
371 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
372 jointly by more than one person, the name of each registered  
373 owner must ~~shall~~ be placed on the list. The notice of wrecker  
374 operator's lien must ~~shall~~ be submitted on forms provided by the  
375 department and, ~~which must~~ include:

376 1. The name, address, and telephone number of the wrecker  
377 operator.

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

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

383 4. The vehicle identification number (VIN); registration  
384 license plate number, state, and year; validation decal number,  
385 state, and year; vessel registration number; hull identification  
386 number; or other identification number, as applicable.

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



389 recovered, towed, or stored.

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

392           (b) For purposes of this subsection only, the amount of the  
393 wrecker operator's lien for which the department will prevent  
394 issuance of a license plate or revalidation sticker may not  
395 exceed the amount of the charges for recovery, towing, and  
396 storage of the vehicle or vessel for 7 days. These charges may  
397 not exceed the maximum rates imposed by the ordinances of the  
398 respective county or municipality under ss. 125.0103(1)(c) and  
399 166.043(1)(c). This paragraph does not limit the amount of a  
400 wrecker operator's lien claimed under paragraph (2)(b)  
401 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil  
402 remedies for enforcement of the entire amount of the lien, but  
403 limits only that portion of the lien for which the department  
404 will prevent issuance of a license plate or revalidation  
405 sticker.

406           (d) Upon discharge of the amount of the wrecker operator's  
407 lien allowed by paragraph (b), the wrecker operator must issue a  
408 certificate of discharged wrecker operator's lien on forms  
409 provided by the department to each registered owner of the  
410 vehicle or vessel attesting that the amount of the wrecker  
411 operator's lien allowed by paragraph (b) has been discharged.  
412 Upon presentation of the certificate of discharged wrecker  
413 operator's lien by the registered owner, the department must  
414 ~~shall~~ immediately remove the registered owner's name from the  
415 list of those persons who may not be issued a license plate or  
416 revalidation sticker for any motor vehicle under s. 320.03(8),  
417 thereby allowing issuance of a license plate or revalidation



755180

418 sticker. Issuance of a certificate of discharged wrecker  
419 operator's lien under this paragraph does not discharge the  
420 entire amount of the wrecker operator's lien claimed under  
421 paragraph (2)(b) subsection (2), but only certifies to the  
422 department that the amount of the wrecker operator's lien  
423 allowed by paragraph (b), for which the department will prevent  
424 issuance of a license plate or revalidation sticker, has been  
425 discharged.

426 (18) For at least 3 years, a towing-storage operator must  
427 retain records produced for all vehicles or vessels recovered,  
428 towed, stored, or released, which records, at a minimum, include  
429 all of the following:

430 (a) All notice publications and certified mailings.

431 (b) The purchase price of any unclaimed vehicle or vessel  
432 sold.

433 (c) The names and addresses of persons to which vehicles or  
434 vessels were released.

435 (d) The names and addresses of vehicle or vessel  
436 purchasers.

437 (e) All fees imposed under this section.

438 (19) This section is the exclusive remedy for the placement  
439 or foreclosure of a storage lien placed on a vehicle or vessel  
440 pursuant to ss. 83.19 and 677.210.

441 (20) (a) A towing-storage operator must accept payment for  
442 accrued charges from an authorized person listed in subsection  
443 (10) in any form from a minimum of two of the following  
444 subparagraphs:

445 1. Cash, cashier's check, money order, or traveler's check.

446 2. Bank, debit, or credit card.





755180

447       3. Mobile payment service, digital wallet, or other  
448 electronic payment system.

449       (b) Any of the authorized persons listed in subsection (10)  
450 are not required to furnish more than one form of current  
451 government photo identification when payment is made in any of  
452 the forms listed in paragraph (a). Presenting one form of  
453 current government photo identification constitutes sufficient  
454 identity verification for the purposes of this subsection.

455       Section 3. Subsection (5) is added to section 83.19,  
456 Florida Statutes, to read:

457       83.19 Sale of property distrained.—

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

462       Section 4. Subsection (1), paragraphs (a) and (b) of  
463 subsection (4), and subsection (10) of section 83.806, Florida  
464 Statutes, are amended to read:

465       83.806 Enforcement of lien.—An owner's lien as provided in  
466 s. 83.805 may be satisfied as follows:

467       (1) The tenant shall be notified by written notice  
468 delivered in person, by e-mail, or by first-class mail with a  
469 certificate of mailing to the tenant's last known address and  
470 the last known address of the alternate contact person  
471 designated by the tenant under the rental agreement, if any, and  
472 conspicuously posted at the self-service storage facility or on  
473 the self-contained storage unit. If the owner sends notice of a  
474 pending sale of property to the tenant's and alternate contact  
475 person's last known e-mail address and does not receive a



755180

476 response, return receipt, or delivery confirmation from the same  
477 e-mail address, the owner must send notice of the sale to the  
478 tenant and alternate contact person by first-class mail with a  
479 certificate of mailing to the tenant's and alternate contact  
480 person's last known address before proceeding with the sale.

481 (4) After the expiration of the time given in the notice,  
482 an advertisement of the sale or other disposition shall be  
483 published once a week for 2 consecutive weeks in a newspaper of  
484 general circulation in the area where the self-service storage  
485 facility or self-contained storage unit is located.

486 (a) A lien sale may be conducted on a public website that  
487 customarily conducts personal property auctions. The facility or  
488 unit owner is not required to hold a license to post property  
489 for online sale. ~~Inasmuch~~ As any sale may involve property of  
490 more than one tenant, a single advertisement may be used to  
491 dispose of property at any one sale.

492 (b) The advertisement shall include:

493 1. A brief and general description of what is believed to  
494 constitute the personal property contained in the storage unit,  
495 as provided in paragraph (2) (b).

496 2. The address of the self-service storage facility or the  
497 address where the self-contained storage unit is located and the  
498 name of the tenant.

499 3. The time, place, and manner of the sale or other  
500 disposition. The sale or other disposition shall take place at  
501 least 10 ~~15~~ days after ~~the first~~ publication.

502 (10) (a) If a lien is claimed on property that is a motor  
503 vehicle or vessel ~~a watercraft~~ and rent and other charges  
504 related to the property remain unpaid or unsatisfied for 60 days



505 after the maturity of the obligation to pay the rent and other  
506 charges, the facility or unit owner may sell the property  
507 pursuant to this section or have the property towed.

508 (b) If a facility or unit owner intends to sell the vehicle  
509 or vessel, the facility or unit owner must conduct a check of  
510 records with the Department of Highway Safety and Motor  
511 Vehicles. In the event that no current registration is found in  
512 the search, the facility or unit owner must conduct a search  
513 through the National Motor Vehicle Title Information System or  
514 an equivalent commercially available system. If a person  
515 claiming a lien is not identified in either search, the property  
516 may be sold by the facility or unit owner pursuant to this  
517 section. The facility or unit owner must send a notice of lien  
518 by certified mail to all persons claiming a lien at least 30  
519 days before the date of the sale. The notice must state all of  
520 the following:

521 1. The make, model and last 8 digits of the vehicle  
522 identification number of the vehicle subject to the lien, or, if  
523 the claim of lien is for a vessel, the hull identification  
524 number of the vessel subject to the lien. Such information must  
525 be clearly printed in the delivery address box and on the  
526 outside of the envelope sent to the registered owner and all  
527 other persons claiming an interest therein or a lien thereon.

528 2. The name, physical address, and telephone number of the  
529 facility or unit owner, and the entity name, as registered with  
530 the Division of Corporations, of the business where the vehicle  
531 or vessel is stored, which must also appear on the outside of  
532 the envelope sent to all persons claiming a lien on the vehicle  
533 or vessel.



755180

- 534       3. The fact of possession of the vehicle or vessel.
- 535       4. The name of the person or entity listed as tenant in the  
536 rental agreement.
- 537       5. That a lien is claimed.
- 538       6. That charges have accrued and give an itemized statement  
539 of the amount thereof.
- 540       7. That any vehicle or vessel that remains unclaimed may be  
541 sold free of all prior liens 30 days after notification is sent.
- 542       8. The address at which the vehicle or vessel is physically  
543 located.
- 544       (c) At any time before the proposed or scheduled date of  
545 sale of a vehicle or vessel, a person claiming an interest  
546 therein or lien thereon may request to inspect the vehicle or  
547 vessel. The facility or unit owner must make the vehicle or  
548 vessel available for inspection during regular business hours  
549 within 3 business days after receiving a written request to  
550 inspect the vehicle or vessel.
- 551       (d) At any time before the sale of the vehicle or vessel, a  
552 person of record claiming a lien against the vehicle or vessel  
553 may have her or his vehicle or vessel released upon posting with  
554 the clerk of the court in the county in which the vehicle or  
555 vessel is held a cash or surety bond or other adequate security  
556 equal to the amount of the storage charges and administrative  
557 fees required to ensure the payment of such charges in the event  
558 she or he does not prevail. A particular form for posting the  
559 bond is not required unless the clerk provides such form to the  
560 customer or person for filing. Upon the posting of the bond and  
561 the payment of the applicable fee set forth in s. 28.24, the  
562 clerk of the court shall automatically issue a certificate



755180

563 notifying the owner of the storage facility of the posting of  
564 the bond and directing the owner to release the vehicle or  
565 vessel to the person of record claiming a lien against the  
566 vehicle or vessel. The certificate must be presented during  
567 regular business hours. The owner of the storage facility, or an  
568 employee or agent thereof who is authorized to release the  
569 vehicle or vessel and who, upon receiving a copy of a  
570 certificate giving notice of the posting of the bond in the  
571 required amount and directing release of the vehicle or vessel,  
572 fails to release or return the property to the person of record  
573 claiming a lien pursuant to this section commits a misdemeanor  
574 of the second degree, punishable as provided in s. 775.082 or s.  
575 775.083.

576 (e) The person of record claiming a lien against a motor  
577 vehicle or vessel has 30 days from the issuance of the  
578 certificate by the clerk to file a lawsuit to determine the  
579 validity of the storage charges. Upon determining the respective  
580 rights of the parties under this section, the court may award  
581 damages, attorney fees, and costs in favor of the prevailing  
582 party. Upon failure of the party posting the bond to timely file  
583 suit and a request by the owner of the storage facility, the  
584 clerk shall release the cash or surety bond to the owner of the  
585 storage facility.

586 (f) Failure to make good faith efforts to comply with the  
587 notice requirements of this section precludes the imposition of  
588 any storage charges against the vehicle or vessel.

589 (g) A copy of the notice of sale, proof of notice mailed to  
590 any person claiming a lien as required herein, and proof of the  
591 required check of the records of the Department of Highway



755180

592 Safety and Motor Vehicles and the National Motor Vehicle Title  
593 Information System or an equivalent commercially available  
594 system, if applicable, shall constitute satisfactory proof for  
595 application to the Department of Highway Safety and Motor  
596 Vehicles for transfer of title, together with any other proof  
597 required by any rules and regulations of the department.

598 (h) If a motor vehicle or vessel ~~watercraft~~ is towed, the  
599 facility or unit owner is not liable for the motor vehicle or  
600 vessel ~~watercraft~~ or any damages to the motor vehicle or vessel  
601 ~~watercraft~~ once a wrecker takes possession of the property. The  
602 wrecker taking possession of the property must comply with all  
603 notification and sale requirements provided in s. 713.78.

604 Section 5. Subsection (4) is added to section 83.808,  
605 Florida Statutes, to read:

606 83.808 Contracts.—

607 (4) A rental agreement must contain a provision that  
608 authorizes the tenant to designate an optional alternate contact  
609 person. The alternate contact person may be contacted only for  
610 purposes of providing notice under s. 83.806(1) or as otherwise  
611 authorized by the rental agreement. Designating an alternate  
612 contact person does not give such person an interest in the  
613 contents stored at the self-service storage facility or in the  
614 self-contained storage unit.

615 Section 6. Subsection (10) is added to section 677.210,  
616 Florida Statutes, to read:

617 677.210 Enforcement of warehouse's lien.—

618 (10) A lien on a vehicle or vessel, as those terms are  
619 defined in s. 713.78(1), must be foreclosed pursuant to s.  
620 713.78 and may not be foreclosed under this chapter.



755180

621 Section 7. Paragraph (a) of subsection (2) of section  
622 715.07, Florida Statutes, is amended to read:

623 715.07 Vehicles or vessels parked on private property;  
624 towing.—

625 (2) The owner or lessee of real property, or any person  
626 authorized by the owner or lessee, which person may be the  
627 designated representative of the condominium association if the  
628 real property is a condominium, may cause any vehicle or vessel  
629 parked on such property without her or his permission to be  
630 removed by a person regularly engaged in the business of towing  
631 vehicles or vessels, without liability for the costs of removal,  
632 transportation, or storage or damages caused by such removal,  
633 transportation, or storage, under any of the following  
634 circumstances:

635 (a) The towing or removal of any vehicle or vessel from  
636 private property without the consent of the registered owner or  
637 other legally authorized person in control of that vehicle or  
638 vessel is subject to substantial compliance with the following  
639 conditions and restrictions:

640 1.a. Any towed or removed vehicle or vessel must be stored  
641 at a site within a 10-mile radius of the point of removal in any  
642 county of 500,000 population or more, and within a 15-mile  
643 radius of the point of removal in any county of fewer than  
644 500,000 population. That site must be open for the purpose of  
645 redemption of vehicles on any day that the person or firm towing  
646 such vehicle or vessel is open for towing purposes, from 8:00  
647 a.m. to 6:00 p.m., and, when closed, shall have prominently  
648 posted a sign indicating a telephone number where the operator  
649 of the site can be reached at all times. Upon receipt of a



755180

650 telephoned request to open the site to redeem a vehicle or  
651 vessel, the operator shall return to the site within 1 hour or  
652 she or he will be in violation of this section.

653       b. If no towing business providing such service is located  
654 within the area of towing limitations set forth in sub-  
655 subparagraph a., the following limitations apply: any towed or  
656 removed vehicle or vessel must be stored at a site within a 20-  
657 mile radius of the point of removal in any county of 500,000  
658 population or more, and within a 30-mile radius of the point of  
659 removal in any county of fewer than 500,000 population.

660       2. The person or firm towing or removing the vehicle or  
661 vessel shall, within 30 minutes after completion of such towing  
662 or removal, notify the municipal police department or, in an  
663 unincorporated area, the sheriff, of such towing or removal, the  
664 storage site, the time the vehicle or vessel was towed or  
665 removed, and the make, model, color, and license plate number of  
666 the vehicle or description and registration number of the vessel  
667 and shall obtain the name of the person at that department to  
668 whom such information was reported and note that name on the  
669 trip record.

670       3. A person in the process of towing or removing a vehicle  
671 or vessel from the premises or parking lot in which the vehicle  
672 or vessel is not lawfully parked must stop when a person seeks  
673 the return of the vehicle or vessel. The vehicle or vessel must  
674 be returned upon the payment of a reasonable service fee of not  
675 more than one-half of the posted rate for the towing or removal  
676 service as provided in subparagraph 6. The vehicle or vessel may  
677 be towed or removed if, after a reasonable opportunity, the  
678 owner or legally authorized person in control of the vehicle or





755180

679 vessel is unable to pay the service fee. If the vehicle or  
680 vessel is redeemed, a detailed signed receipt must be given to  
681 the person redeeming the vehicle or vessel.

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

685 5. Except for property appurtenant to and obviously a part  
686 of a single-family residence, and except for instances when  
687 notice is personally given to the owner or other legally  
688 authorized person in control of the vehicle or vessel that the  
689 area in which that vehicle or vessel is parked is reserved or  
690 otherwise unavailable for unauthorized vehicles or vessels and  
691 that the vehicle or vessel is subject to being removed at the  
692 owner's or operator's expense, any property owner or lessee, or  
693 person authorized by the property owner or lessee, before towing  
694 or removing any vehicle or vessel from private property without  
695 the consent of the owner or other legally authorized person in  
696 control of that vehicle or vessel, must post a notice meeting  
697 the following requirements:

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

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



708           c. The notice must also provide the name and current  
709 telephone number of the person or firm towing or removing the  
710 vehicles or vessels.

711           d. The sign structure containing the required notices must  
712 be permanently installed with the words "tow-away zone" not  
713 fewer than 3 feet and not more than 6 feet above ground level  
714 and must be continuously maintained on the property for not  
715 fewer than 24 hours before the towing or removal of any vehicles  
716 or vessels.

717           e. The local government may require permitting and  
718 inspection of these signs before any towing or removal of  
719 vehicles or vessels being authorized.

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

726           g. A property owner towing or removing vessels from real  
727 property must post notice, consistent with the requirements in  
728 sub-subparagraphs a.-f., which apply to vehicles, that  
729 unauthorized vehicles or vessels will be towed away at the  
730 owner's expense.

731  
732 A business owner or lessee may authorize the removal of a  
733 vehicle or vessel by a towing company when the vehicle or vessel  
734 is parked in such a manner that restricts the normal operation  
735 of business; and if a vehicle or vessel parked on a public  
736 right-of-way obstructs access to a private driveway the owner,



755180

737 lessee, or agent may have the vehicle or vessel removed by a  
738 towing company upon signing an order that the vehicle or vessel  
739 be removed without a posted tow-away zone sign.

740 6. Any person or firm that tows or removes vehicles or  
741 vessels and proposes to require an owner, operator, or person in  
742 control or custody of a vehicle or vessel to pay the costs of  
743 towing and storage before redemption of the vehicle or vessel  
744 must file and keep on record with the local law enforcement  
745 agency a complete copy of the current rates to be charged for  
746 such services and post at the storage site an identical rate  
747 schedule and any written contracts with property owners,  
748 lessees, or persons in control of property which authorize such  
749 person or firm to remove vehicles or vessels as provided in this  
750 section.

751 7. Any person or firm towing or removing any vehicles or  
752 vessels from private property without the consent of the owner  
753 or other legally authorized person in control or custody of the  
754 vehicles or vessels shall, on any trucks, wreckers as defined in  
755 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the  
756 towing or removal, have the name, address, and telephone number  
757 of the company performing such service clearly printed in  
758 contrasting colors on the driver and passenger sides of the  
759 vehicle. The name shall be in at least 3-inch permanently  
760 affixed letters, and the address and telephone number shall be  
761 in at least 1-inch permanently affixed letters.

762 8. Vehicle entry for the purpose of removing the vehicle or  
763 vessel shall be allowed with reasonable care on the part of the  
764 person or firm towing the vehicle or vessel. Such person or firm  
765 shall be liable for any damage occasioned to the vehicle or



766 vessel if such entry is not in accordance with the standard of  
767 reasonable care.

768 9. When a vehicle or vessel has been towed or removed  
769 pursuant to this section, it must be released to its owner or  
770 person in control or custody within 1 hour after requested. Any  
771 vehicle or vessel owner or person in control or custody has the  
772 right to inspect the vehicle or vessel before accepting its  
773 return, and no release or waiver of any kind which would release  
774 the person or firm towing the vehicle or vessel from liability  
775 for damages noted by the owner or person in control or custody  
776 at the time of the redemption may be required from any vehicle  
777 or vessel owner or person in control or custody as a condition  
778 of release of the vehicle or vessel to its owner or person in  
779 control or custody. A detailed receipt showing the legal name of  
780 the company or person towing or removing the vehicle or vessel  
781 must be given to the person paying towing or storage charges at  
782 the time of payment, whether requested or not.

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

784  
785 ===== T I T L E A M E N D M E N T =====

786 And the title is amended as follows:

787 Delete everything before the enacting clause  
788 and insert:

789 A bill to be entitled  
790 An act relating to towing and storage; amending s.  
791 321.051, F.S.; prohibiting the Division of the Florida  
792 Highway Patrol from excluding wrecker operators from  
793 the wrecker operator system or from being designated  
794 as an authorized wrecker operator based solely on a



795 prior felony conviction; providing exceptions;  
796 amending s. 713.78, F.S.; defining the term "towing-  
797 storage operator"; authorizing a towing-storage  
798 operator to charge certain fees; providing that a lien  
799 can only be placed on specified fees; revising  
800 requirements for law enforcement agencies and the  
801 Department of Highway Safety and Motor Vehicles  
802 relating to the removal of vehicles or vessels;  
803 revising requirements for notices of lien; revising  
804 requirements relating to towing-storage operators  
805 providing notice to public agencies of jurisdiction;  
806 revising the timeframe in which certain unclaimed  
807 vehicles or vessels may be sold; revising requirements  
808 for notices of sale; revising provisions regarding  
809 permission to inspect a vehicle or vessel; providing  
810 when a vehicle must be made available for inspection;  
811 revising criminal penalties; requiring a towing-  
812 storage operator to maintain certain records for at  
813 least a specified period of time; providing the  
814 exclusive remedy for certain liens; requiring towing-  
815 storage operators to accept certain types of payment;  
816 prohibiting certain persons from being required to  
817 furnish more than one form of current government photo  
818 identification for purposes of verifying their  
819 identity; making technical changes; amending s. 83.19,  
820 F.S.; conforming a provision to changes made by the  
821 act; amending s. 83.806, F.S.; revising requirements  
822 for the sale or disposition of property at self-  
823 service storage facilities; providing inspection



755180

824 requirements for vehicles or vessels being sold by a  
825 facility or unit owner; requiring vehicles or vessels  
826 to be released under certain circumstances; providing  
827 a criminal penalty; providing requirements for filing  
828 lawsuits relating to such vehicles or vessels;  
829 specifying that failure to make good faith efforts to  
830 comply with certain notice requirements precludes the  
831 imposition of certain storage charges; specifying that  
832 copies of specified documents constitute satisfactory  
833 proof for transfer of title; conforming provisions to  
834 changes made by the act; amending s. 83.808, F.S.;  
835 requiring that rental agreements relating to self-  
836 service storage facilities authorize tenants to  
837 designate an optional alternate contact person;  
838 specifying such person may only be contacted for  
839 certain purposes; specifying that such person does not  
840 have an interest in the contents stored at the self-  
841 service storage facility or in the self-contained  
842 storage unit; amending s. 677.210, F.S.; conforming  
843 provisions to changes made by the act; amending s.  
844 715.07, F.S.; conforming a cross-reference; providing  
845 an effective date.