

By the Committee on Transportation; and Senator Perry

596-02772-23

2023760c1

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

596-02772-23

2023760c1

30 provisions regarding permission to inspect vehicle or
31 vessel; providing means by which a rental car company
32 may appoint its agent; providing when a vehicle must
33 be made available for inspection; requiring a towing-
34 storage operator to maintain certain records for a
35 specified period of time; providing the exclusive
36 remedy for certain liens; conforming cross-references;
37 making technical changes; amending s. 559.917, F.S.;
38 providing procedures and requirements for acquiring a
39 bond to release certain liens; providing definitions;
40 amending ss. 83.19, 83.805, 677.210, and 715.07 F.S.;
41 conforming provisions to changes made by the act;
42 amending s. 715.07, F.S.; conforming a cross-
43 reference; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Subsection (5) is added to section 321.051,
48 Florida Statutes, to read:

49 321.051 Florida Highway Patrol wrecker operator system;
50 penalties for operation outside of system.-

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

56 Section 2. Subsections (1), (2), (4), (5), (6), (9), and
57 (10), paragraph (a) of subsection (11), paragraph (a) of
58 subsection (12), and paragraphs (a), (b), and (d) of subsection

596-02772-23

2023760c1

59 (13) of section 713.78, Florida Statutes, are amended, and
60 subsections (18) and (19) are added to that section, to read:

61 713.78 Liens for recovering, towing, or storing vehicles
62 and vessels.—

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

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

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

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

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

78 (b)~~(d)~~ "National Motor Vehicle Title Information System"
79 means the federally authorized electronic National Motor Vehicle
80 Title Information System.

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

86 (2) (a) ~~Whenever~~ A towing-storage operator may charge only
87 the following fees for, or incidental to, the recovery, removal,

596-02772-23

2023760c1

88 or storage of a vehicle or vessel:

89 1. A reasonable hazardous waste fee.

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

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

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

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

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

102 1. (a) The owner thereof;

103 2. (b) The owner or lessor, or a person authorized by the
 104 owner or lessor, of property on which such vehicle or vessel is
 105 wrongfully parked, and the removal is done in compliance with s.
 106 715.07;

107 3. (e) The landlord or a person authorized by the landlord,
 108 when such motor vehicle or vessel remained on the premises after
 109 the tenancy terminated and the removal is done in compliance
 110 with s. 83.806 or s. 715.104; or

111 4. (d) Any law enforcement agency,

112

113 she or he has ~~shall have~~ a lien on the vehicle or vessel for a
 114 reasonable recovery fee, a reasonable towing fee, ~~for a~~
 115 ~~reasonable administrative fee or charge imposed by a county or~~
 116 ~~municipality,~~ and ~~for~~ a reasonable storage fee; except that a

596-02772-23

2023760c1

117 storage fee may not be charged if the vehicle or vessel is
118 stored for fewer than 6 hours.

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

121 (4) (a) A towing-storage operator ~~person regularly engaged~~
122 ~~in the business of recovering, towing, or storing vehicles or~~
123 ~~vessels~~ who comes into possession of a vehicle or vessel
124 pursuant to paragraph (2) (b) subsection (2), and who claims a
125 lien for recovery, towing, or storage services, must ~~shall~~ give
126 notice, by certified mail, to the registered owner, the
127 insurance company insuring the vehicle notwithstanding s.
128 627.736, and all persons claiming a lien thereon, as disclosed
129 by the records in the Department of Highway Safety and Motor
130 Vehicles or as disclosed by the records of any corresponding
131 agency in any other state in which the vehicle is identified
132 through a records check of the National Motor Vehicle Title
133 Information System or an equivalent commercially available
134 system as being titled or registered.

135 ~~(b) Whenever a law enforcement agency authorizes the~~
136 ~~removal of a vehicle or vessel or whenever a towing service,~~
137 ~~garage, repair shop, or automotive service, storage, or parking~~
138 ~~place notifies the law enforcement agency of possession of a~~
139 ~~vehicle or vessel pursuant to s. 715.07(2)(a)2., the law~~
140 ~~enforcement agency of the jurisdiction where the vehicle or~~
141 ~~vessel is stored shall contact the Department of Highway Safety~~
142 ~~and Motor Vehicles, or the appropriate agency of the state of~~
143 ~~registration, if known, within 24 hours through the medium of~~
144 ~~electronic communications, giving the full description of the~~
145 ~~vehicle or vessel. Upon receipt of the full description of the~~

596-02772-23

2023760c1

146 ~~vehicle or vessel, the department shall search its files to~~
147 ~~determine the owner's name, the insurance company insuring the~~
148 ~~vehicle or vessel, and whether any person has filed a lien upon~~
149 ~~the vehicle or vessel as provided in s. 319.27(2) and (3) and~~
150 ~~notify the applicable law enforcement agency within 72 hours.~~
151 ~~The person in charge of the towing service, garage, repair shop,~~
152 ~~or automotive service, storage, or parking place shall obtain~~
153 ~~such information from the applicable law enforcement agency~~
154 ~~within 5 days after the date of storage and shall give notice~~
155 ~~pursuant to paragraph (a). The department may release the~~
156 ~~insurance company information to the requestor notwithstanding~~
157 ~~s. 627.736.~~

158 (b) ~~(e)~~ The notice of lien must be sent by certified mail to
159 the registered owner, the insurance company insuring the vehicle
160 notwithstanding s. 627.736, and all other persons claiming a
161 lien thereon within 3 ~~7~~ business days, excluding Saturday and
162 Sunday, after the date of storage of the vehicle or vessel.
163 ~~However, in no event shall the notice of lien be sent less than~~
164 ~~30 days before the sale of the vehicle or vessel.~~ The notice
165 must state:

166 1. If the claim of lien is for a vehicle, the last 8 digits
167 of the vehicle identification number of the vehicle subject to
168 the lien, or, if the claim of lien is for a vessel, the hull
169 identification number of the vessel subject to the lien, clearly
170 printed in the delivery address box and on the outside of the
171 envelope sent to the registered owner and all other persons
172 claiming an interest in therein or lien on the vehicle or vessel
173 ~~thereon.~~

174 2. The name, physical address, and telephone number of the

596-02772-23

2023760c1

175 lienor, and the entity name, as registered with the Division of
176 Corporations, of the business where the towing and storage
177 occurred, which must also appear on the outside of the envelope
178 sent to the registered owner and all other persons claiming an
179 interest in or lien on the vehicle or vessel.

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

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

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

185 6. That charges have accrued and include an itemized
186 statement of the amount thereof.

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

190 8. That any vehicle or vessel that remains unclaimed, or
191 for which the charges for recovery, towing, or storage services
192 remain unpaid, may be sold free of all prior liens 35 days after
193 the vehicle or vessel is stored by the lienor if the vehicle or
194 vessel is more than 3 years of age or 65 ~~50~~ days after the
195 vehicle or vessel is stored by the lienor if the vehicle or
196 vessel is 3 years of age or less.

197 9. The address at which the vehicle or vessel is physically
198 located.

199 (c) ~~(d)~~ The notice of lien may not be sent to the registered
200 owner, the insurance company insuring the vehicle or vessel, and
201 all other persons claiming a lien thereon less than 30 days
202 before the sale of a the vehicle or vessel that is more than 3
203 years of age or less than 60 days before the sale of a vehicle

596-02772-23

2023760c1

204 or vessel that is 3 years of age or less.

205 (d)~~(e)~~ If attempts to locate the name and address of the
206 owner or lienholder prove unsuccessful, the towing-storage
207 operator shall, after 3 ~~7~~ business days, excluding Saturday and
208 Sunday, after the initial tow or storage, notify the public
209 agency of jurisdiction where the vehicle or vessel is stored in
210 writing by certified mail ~~or acknowledged hand delivery~~ that the
211 towing-storage company has been unable to locate the name and
212 address of the owner or lienholder and a physical search of the
213 vehicle or vessel has disclosed no ownership information and a
214 good faith effort has been made, including records checks of the
215 Department of Highway Safety and Motor Vehicles database and the
216 National Motor Vehicle Title Information System or an equivalent
217 commercially available system. For purposes of this paragraph
218 and subsection (9), the term "good faith effort" means that the
219 following checks have been performed by the company to establish
220 the prior state of registration and for title:

221 1. A check of the department's database for the owner and
222 any lienholder.

223 2. A check of the electronic National Motor Vehicle Title
224 Information System or an equivalent commercially available
225 system to determine the state of registration when there is not
226 a current registration record for the vehicle or vessel on file
227 with the department.

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

230 4. A check of the law enforcement report for a tag number
231 or other information identifying the vehicle or vessel, if the
232 vehicle or vessel was towed at the request of a law enforcement

596-02772-23

2023760c1

233 officer.

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

237 6. If there is no address of the owner on the impound
238 report, a check of the law enforcement report to determine
239 whether an out-of-state address is indicated from driver license
240 information.

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

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

247 9. A check of the vehicle for a vehicle identification
248 number.

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

250 11. A check of the vessel hull for a hull identification
251 number which should be carved, burned, stamped, embossed, or
252 otherwise permanently affixed to the outboard side of the
253 transom or, if there is no transom, to the outmost seaboard side
254 at the end of the hull that bears the rudder or other steering
255 mechanism.

256 (5) (a) The owner of a vehicle or vessel removed pursuant to
257 paragraph (2) (b) ~~subsection (2)~~, or any person claiming a lien,
258 other than the towing-storage operator, within 10 days after the
259 time she or he has knowledge of the location of the vehicle or
260 vessel, may file a complaint in the county court of the county
261 in which the vehicle or vessel is stored to determine whether

596-02772-23

2023760c1

262 her or his property was wrongfully taken or withheld.

263 (b) Regardless of whether a complaint is filed pursuant to
264 paragraph (a), ~~At~~ any time before the sale of the vehicle or
265 vessel, an owner or lienholder may have her or his vehicle or
266 vessel released upon payment of the applicable fee in s. 28.24
267 and posting with the court a cash or surety bond, or other
268 adequate security, in accordance with s. 559.917 equal to the
269 amount of the charges for towing or storage and lot rental
270 amount to ensure the payment of such charges in the event she or
271 he does not prevail. A vehicle under this paragraph is
272 considered a motor vehicle for the purposes of s. 559.917 ~~Upon~~
273 ~~the posting of the bond and the payment of the applicable fee~~
274 ~~set forth in s. 28.24, the clerk of the court shall issue a~~
275 ~~certificate notifying the lienor of the posting of the bond and~~
276 ~~directing the lienor to release the vehicle or vessel. At the~~
277 ~~time of such release, after reasonable inspection, she or he~~
278 ~~shall give a receipt to the towing storage company reciting any~~
279 ~~claims she or he has for loss or damage to the vehicle or vessel~~
280 ~~or the contents thereof.~~

281 (c) Upon determining the respective rights of the parties,
282 the court may award damages, attorney ~~attorney's~~ fees, and costs
283 in favor of the prevailing party. In the event the lienor
284 prevails ~~In any event,~~ the final order must ~~shall~~ provide for
285 immediate payment in full of recovery, towing, and storage fees
286 by the vehicle or vessel owner or lienholder; or the agency
287 ordering the tow; or the owner, lessee, or agent thereof of the
288 property from which the vehicle or vessel was removed.

289 (6) A vehicle or vessel that is stored pursuant to
290 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for

596-02772-23

2023760c1

291 which reasonable charges for recovery, towing, or storing remain
292 unpaid, and any contents not released pursuant to subsection
293 (10), may be sold by the owner or operator of the storage space
294 for such towing or storage charge 35 days after the vehicle or
295 vessel is stored by the lienor if the vehicle or vessel is more
296 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
297 stored by the lienor if the vehicle or vessel is 3 years of age
298 or less. The sale must ~~shall~~ be at public sale for cash. If the
299 date of the sale was not included in the notice required in
300 subsection (4), notice of the sale must ~~shall~~ be given to the
301 person in whose name the vehicle or vessel is registered and to
302 all persons claiming a lien on the vehicle or vessel as shown on
303 the records of the Department of Highway Safety and Motor
304 Vehicles or of any corresponding agency in any other state in
305 which the vehicle is identified through a records check of the
306 National Motor Vehicle Title Information System or an equivalent
307 commercially available system as being titled. Notice of the
308 sale must be sent by certified mail to the owner of the vehicle
309 or vessel and the person having the recorded lien on the vehicle
310 or vessel at the address shown on the records of the registering
311 agency at least 30 days before the sale of the vehicle or
312 vessel. ~~The notice must have clearly identified and printed, if~~
313 ~~the claim of lien is for a motor vehicle,~~ The last 8 digits of
314 the vehicle identification number of the ~~motor~~ vehicle subject
315 to the lien, or, if the claim of lien is for a vessel, the hull
316 identification number of the vessel subject to the lien, must be
317 clearly identified and printed in the delivery address box and
318 on the outside of the envelope sent to the registered owner and
319 all other persons claiming an interest in ~~therein~~ or lien on the

596-02772-23

2023760c1

320 ~~vehicle or vessel~~ thereon. ~~The notice must be sent to the owner~~
321 ~~of the vehicle or vessel and the person having the recorded lien~~
322 ~~on the vehicle or vessel at the address shown on the records of~~
323 ~~the registering agency at least 30 days before the sale of the~~
324 ~~vehicle or vessel.~~ The notice must state the name, physical
325 address, and telephone number of the lienor, and the vehicle
326 identification number if the claim of lien is for a vehicle or
327 the hull identification number if the claim of lien is for a
328 vessel, all of which must also appear in the return address
329 section on the outside of the envelope containing the notice of
330 sale. After diligent search and inquiry, if the name and address
331 of the registered owner or the owner of the recorded lien cannot
332 be ascertained, the requirements of notice by mail may be
333 dispensed with. In addition to the notice by mail, public notice
334 of the time and place of sale must ~~shall~~ be made by publishing a
335 notice thereof one time, at least 30 ~~40~~ days before the date of
336 the sale, in a newspaper of general circulation in the county in
337 which the sale is to be held. The proceeds of the sale, after
338 payment of reasonable towing and storage charges, and costs of
339 the sale, in that order of priority, must ~~shall~~ be deposited
340 with the clerk of the circuit court for the county if the owner
341 or lienholder is absent, and the clerk shall hold such proceeds
342 subject to the claim of the owner or lienholder legally entitled
343 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
344 such proceeds for the care and disbursement thereof. ~~The~~
345 ~~certificate of title issued under this law shall be discharged~~
346 ~~of All liens~~ Upon compliance by the towing-storage operator with
347 this section, all liens on the certificate of title issued under
348 this section must be discharged unless otherwise provided by

596-02772-23

2023760c1

349 court order. The owner or lienholder may file a complaint after
350 the vehicle or vessel has been sold in the county court of the
351 county in which it is stored. Upon determining the respective
352 rights of the parties, the court may award damages, attorney
353 fees, and costs in favor of the prevailing party.

354 (9) Failure to make good faith efforts to substantially
355 comply with the ~~notice~~ requirements of this section or precludes
356 ~~the imposition of any storage charges against the vehicle or~~
357 ~~vessel. If a lienor fails to provide notice to a person claiming~~
358 a lien on a vehicle or vessel in accordance with subsection (4),
359 precludes the imposition of storage charges against the vehicle
360 or vessel the lienor may not charge the person for more than 3 7
361 days of storage, but such failure does not affect charges made
362 for towing the vehicle or vessel or the priority of liens on the
363 vehicle or vessel.

364 (10) (a) A towing-storage operator ~~Persons who provide~~
365 ~~services pursuant to this section~~ shall permit rental car
366 ~~vehicle or vessel~~ owners, lienholders, insurance company
367 representatives, or their agents, which agency is evidenced by
368 an original writing acknowledged by the owner before a notary
369 public or other person empowered by law to administer oaths, to
370 inspect the towed vehicle ~~or vessel~~ and shall release to the
371 owner, lienholder, or agent the vehicle, ~~vessel~~, or all personal
372 property not affixed to the vehicle ~~or vessel~~ which was in the
373 vehicle ~~or vessel~~ at the time the vehicle ~~or vessel~~ came into
374 the custody of the person providing such services. For the
375 purposes of this paragraph, a rental car agreement does not
376 constitute evidence that the person who rented a vehicle is an
377 agent of the owner of the vehicle, and a towing company may not

596-02772-23

2023760c1

378 release a vehicle owned by a rental car company to the person
379 who rented the vehicle unless the rental car company appoints
380 the person who rented the vehicle as its agent. Such appointment
381 must be evidenced in an original writing acknowledged by the
382 rental car company before a notary public or other person
383 empowered by law to administer oaths and must authorize the
384 person to inspect and redeem the towed vehicle.

385 (b) A towing-storage operator shall permit non-rental
386 vehicle or vessel owners, lienholders, insurance company
387 representatives, or their agents to inspect the towed vehicle or
388 vessel. The towing-storage operator must make the vehicle or
389 vessel available for inspection during regular business hours
390 within 3 business days after receiving a written request to
391 inspect the vehicle or vessel and shall release to the owner,
392 lienholder, or agent the vehicle, vessel, or all personal
393 property not affixed to the vehicle or vessel which was in the
394 vehicle or vessel at the time the vehicle or vessel came into
395 the custody of the towing-storage operator. A towing-storage
396 operator must accept a copy of either an electronic title or a
397 paper title as evidence of a person's interest in a vehicle or
398 vessel.

399 (11) (a) A towing-storage operator ~~Any person regularly~~
400 ~~engaged in the business of recovering, towing, or storing~~
401 ~~vehicles or vessels~~ who comes into possession of a vehicle or
402 vessel pursuant to paragraph (2) (b) subsection (2) and who has
403 complied with ~~the provisions of subsections (4) (3)~~ and (6),
404 when such vehicle or vessel is to be sold for purposes of being
405 dismantled, destroyed, or changed in such manner that it is not
406 the ~~motor~~ vehicle or vessel described in the certificate of

596-02772-23

2023760c1

407 title, must ~~shall~~ report the vehicle to the National Motor
408 Vehicle Title Information System and apply to the Department of
409 Highway Safety and Motor Vehicles for a certificate of
410 destruction. A certificate of destruction, which authorizes the
411 dismantling or destruction of the vehicle or vessel described
412 therein, is ~~shall be~~ reassignable a maximum of two times before
413 dismantling or destruction of the vehicle is ~~shall be~~ required,
414 and must ~~shall~~ accompany the vehicle or vessel for which it is
415 issued, when such vehicle or vessel is sold for such purposes,
416 in lieu of a certificate of title. The application for a
417 certificate of destruction must include proof of reporting to
418 the National Motor Vehicle Title Information System and an
419 affidavit from the applicant that she or he ~~it~~ has complied with
420 all applicable requirements of this section and, if the vehicle
421 or vessel is not registered in this state or any other state, by
422 a statement from a law enforcement officer that the vehicle or
423 vessel is not reported stolen, and must ~~shall~~ be accompanied by
424 such documentation as may be required by the department.

425 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
426 ~~provision of subsection (1), subsection (2),~~ subsection (4),
427 subsection (5), subsection (6), or subsection (7) is guilty of a
428 misdemeanor of the first degree, punishable as provided in s.
429 775.082 or s. 775.083.

430 (13) (a) Upon receipt by the Department of Highway Safety
431 and Motor Vehicles of written notice from a wrecker operator who
432 claims a wrecker operator's lien under subparagraph (2) (b) 4.
433 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
434 abandoned vehicle or vessel upon instructions from any law
435 enforcement agency, for which a certificate of destruction has

596-02772-23

2023760c1

436 been issued under subsection (11) and the vehicle has been
437 reported to the National Motor Vehicle Title Information System,
438 the department shall place the name of the registered owner of
439 that vehicle or vessel on the list of those persons who may not
440 be issued a license plate or revalidation sticker for any motor
441 vehicle under s. 320.03(8). If the vehicle or vessel is owned
442 jointly by more than one person, the name of each registered
443 owner must ~~shall~~ be placed on the list. The notice of wrecker
444 operator's lien must ~~shall~~ be submitted on forms provided by the
445 department and, ~~which must~~ include:

446 1. The name, address, and telephone number of the wrecker
447 operator.

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

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

453 4. The vehicle identification number (VIN); registration
454 license plate number, state, and year; validation decal number,
455 state, and year; vessel registration number; hull identification
456 number; or other identification number, as applicable.

457 5. The name of the person or the corresponding law
458 enforcement agency that requested that the vehicle or vessel be
459 recovered, towed, or stored.

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

462 (b) For purposes of this subsection only, the amount of the
463 wrecker operator's lien for which the department will prevent
464 issuance of a license plate or revalidation sticker may not

596-02772-23

2023760c1

465 exceed the amount of the charges for recovery, towing, and
466 storage of the vehicle or vessel for 7 days. These charges may
467 not exceed the maximum rates imposed by the ordinances of the
468 respective county or municipality under ss. 125.0103(1)(c) and
469 166.043(1)(c). This paragraph does not limit the amount of a
470 wrecker operator's lien claimed under paragraph (2)(b)
471 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
472 remedies for enforcement of the entire amount of the lien, but
473 limits only that portion of the lien for which the department
474 will prevent issuance of a license plate or revalidation
475 sticker.

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

596-02772-23

2023760c1

494 issuance of a license plate or revalidation sticker, has been
495 discharged.

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

500 (a) All notice publications and certified mailings;

501 (b) The purchase price of unclaimed vehicles or vessels
502 sold;

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

505 (d) The name and address of vehicle or vessel purchasers;
506 and

507 (e) All fees imposed under this section.

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

511 Section 3. Section 559.917, Florida Statutes, is amended to
512 read:

513 559.917 Bond to release possessory lien claimed by motor
514 vehicle repair shop or towing-storage operator.-

515 (1) (a) A customer or a person of record claiming a lien
516 against a motor vehicle or vessel may obtain the release of the
517 motor vehicle or vessel from any lien claimed under part II of
518 chapter 713 by a motor vehicle repair shop for repair work
519 performed under a written repair estimate or by a towing-storage
520 operator for recovery, towing, or storage charges by filing with
521 the clerk of the court in the circuit in which the disputed
522 transaction occurred a cash or surety bond, payable to the

596-02772-23

2023760c1

523 person claiming the lien and conditioned for the payment of any
524 judgment which may be entered on the lien. The bond must ~~shall~~
525 be in the amount stated on the notice of lien required under s.
526 713.78(4) or on the invoice required by s. 559.911, plus accrued
527 storage charges, if any, less any amount paid to the motor
528 vehicle repair shop as indicated on the invoice. The customer or
529 person is ~~shall~~ not be required to institute judicial
530 proceedings in order to post the bond in the registry of the
531 court and is ~~shall~~ not be required to use a particular form for
532 posting the bond unless the clerk provides such form to the
533 customer or person for filing. Upon the posting of such bond,
534 the clerk of the court shall automatically issue a certificate
535 notifying the lienor of the posting of the bond and directing
536 the lienor to release the motor vehicle or vessel.

537 (b) The lienor has ~~shall have~~ 60 days to file suit to
538 recover the bond. The prevailing party in that action may be
539 entitled to damages plus court costs and reasonable attorney
540 fees. If the lienor fails to file suit within 60 days after the
541 posting of such bond, the bond must ~~shall~~ be discharged by the
542 clerk.

543 (2) If ~~the failure of~~ a lienor fails to release or return
544 to the customer or person the motor vehicle or vessel upon which
545 any lien is claimed, upon receiving a copy of a certificate
546 giving notice of the posting of the bond and directing release
547 of the motor vehicle or vessel, the lienor is ~~shall~~ subject ~~the~~
548 ~~lienor~~ to judicial proceedings which may be brought by the
549 customer or person to compel compliance with the certificate. If
550 ~~Whenever~~ a customer or person brings an action to compel
551 compliance with the certificate, the customer or person must

596-02772-23

2023760c1

552 ~~need only~~ establish the following that:

553 (a) That the bond in the amount on the notice of lien
554 required under s. 713.78(4) or on of the invoice, plus accrued
555 storage charges, if any, less any amount paid to the motor
556 vehicle repair shop as indicated on the invoice, was posted.

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

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

563 (d) That the motor vehicle repair shop or towing-storage
564 operator, or an employee or agent thereof who is authorized to
565 release the motor vehicle or vessel, failed to release the motor
566 vehicle or vessel.

567
568 The customer or person of record, claiming a lien against a
569 motor vehicle or vessel, upon a judgment in her or his favor in
570 an action brought under this subsection, may be entitled to
571 damages plus court costs and reasonable attorney fees sustained
572 by her or him by reason of such wrongful detention or retention.
573 Upon a judgment in favor of the motor vehicle repair shop or
574 towing-storage operator, the shop or towing-storage operator may
575 be entitled to reasonable attorney fees.

576 (3) A motor vehicle repair shop or towing-storage operator
577 ~~that~~, or an employee or agent thereof who is authorized to
578 release the motor vehicle or vessel, who, upon receiving a copy
579 of a certificate giving notice of the posting of the bond in the
580 required amount and directing release of the motor vehicle or

596-02772-23

2023760c1

581 vessel, fails to release or return the property to the customer
582 or person pursuant to this section commits a misdemeanor of the
583 second degree, punishable as provided in s. 775.082 or s.
584 775.083.

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

591 (5) For purposes of this section, the terms "towing-storage
592 operator" and "vessel" have the same meanings as in s.
593 713.78(1).

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

596 83.19 Sale of property distrained.—

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

601 Section 5. Section 83.805, Florida Statutes, is amended to
602 read:

603 83.805 Lien.—

604 (1) The owner of a self-service storage facility or self-
605 contained storage unit and the owner's heirs, executors,
606 administrators, successors, and assigns have a lien upon all
607 personal property, whether or not owned by the tenant, located
608 at a self-service storage facility or in a self-contained
609 storage unit for rent, labor charges, or other charges, present

596-02772-23

2023760c1

610 or future, in relation to the personal property and for expenses
611 necessary for its preservation or expenses reasonably incurred
612 in its sale or other disposition pursuant to ss. 83.801-83.809.
613 The lien provided for in this section attaches as of the date
614 that the personal property is brought to the self-service
615 storage facility or as of the date the tenant takes possession
616 of the self-contained storage unit, and the priority of this
617 lien shall be the same as provided in s. 83.08; however, in the
618 event of default, the owner must give notice to persons who hold
619 perfected security interests under the Uniform Commercial Code
620 in which the tenant is named as the debtor.

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

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

627 83.806 Enforcement of lien.—An owner's lien as provided in
628 s. 83.805 may be satisfied as follows:

629 (10) If a lien is claimed on property that is a motor
630 vehicle or a watercraft and rent and other charges related to
631 the property remain unpaid or unsatisfied for 60 days after the
632 maturity of the obligation to pay the rent and other charges,
633 the facility or unit owner may sell the property pursuant to s.
634 713.78 ~~this section~~ or have the property towed. If a motor
635 vehicle or watercraft is towed, the facility or unit owner is
636 not liable for the motor vehicle or watercraft or any damages to
637 the motor vehicle or watercraft once a wrecker takes possession
638 of the property. The wrecker taking possession of the property

596-02772-23

2023760c1

639 must comply with all notification and sale requirements provided
640 in s. 713.78.

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

643 677.210 Enforcement of warehouse's lien.—

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

648 Section 8. Paragraph (a) of subsection (2) of section
649 715.07, Florida Statutes, is amended to read:

650 715.07 Vehicles or vessels parked on private property;
651 towing.—

652 (2) The owner or lessee of real property, or any person
653 authorized by the owner or lessee, which person may be the
654 designated representative of the condominium association if the
655 real property is a condominium, may cause any vehicle or vessel
656 parked on such property without her or his permission to be
657 removed by a person regularly engaged in the business of towing
658 vehicles or vessels, without liability for the costs of removal,
659 transportation, or storage or damages caused by such removal,
660 transportation, or storage, under any of the following
661 circumstances:

662 (a) The towing or removal of any vehicle or vessel from
663 private property without the consent of the registered owner or
664 other legally authorized person in control of that vehicle or
665 vessel is subject to substantial compliance with the following
666 conditions and restrictions:

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

596-02772-23

2023760c1

668 at a site within a 10-mile radius of the point of removal in any
669 county of 500,000 population or more, and within a 15-mile
670 radius of the point of removal in any county of fewer than
671 500,000 population. That site must be open for the purpose of
672 redemption of vehicles on any day that the person or firm towing
673 such vehicle or vessel is open for towing purposes, from 8:00
674 a.m. to 6:00 p.m., and, when closed, shall have prominently
675 posted a sign indicating a telephone number where the operator
676 of the site can be reached at all times. Upon receipt of a
677 telephoned request to open the site to redeem a vehicle or
678 vessel, the operator shall return to the site within 1 hour or
679 she or he will be in violation of this section.

680 b. If no towing business providing such service is located
681 within the area of towing limitations set forth in sub-
682 subparagraph a., the following limitations apply: any towed or
683 removed vehicle or vessel must be stored at a site within a 20-
684 mile radius of the point of removal in any county of 500,000
685 population or more, and within a 30-mile radius of the point of
686 removal in any county of fewer than 500,000 population.

687 2. The person or firm towing or removing the vehicle or
688 vessel shall, within 30 minutes after completion of such towing
689 or removal, notify the municipal police department or, in an
690 unincorporated area, the sheriff, of such towing or removal, the
691 storage site, the time the vehicle or vessel was towed or
692 removed, and the make, model, color, and license plate number of
693 the vehicle or description and registration number of the vessel
694 and shall obtain the name of the person at that department to
695 whom such information was reported and note that name on the
696 trip record.

596-02772-23

2023760c1

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

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

712 5. Except for property appurtenant to and obviously a part
713 of a single-family residence, and except for instances when
714 notice is personally given to the owner or other legally
715 authorized person in control of the vehicle or vessel that the
716 area in which that vehicle or vessel is parked is reserved or
717 otherwise unavailable for unauthorized vehicles or vessels and
718 that the vehicle or vessel is subject to being removed at the
719 owner's or operator's expense, any property owner or lessee, or
720 person authorized by the property owner or lessee, before towing
721 or removing any vehicle or vessel from private property without
722 the consent of the owner or other legally authorized person in
723 control of that vehicle or vessel, must post a notice meeting
724 the following requirements:

725 a. The notice must be prominently placed at each driveway

596-02772-23

2023760c1

726 access or curb cut allowing vehicular access to the property
727 within 10 feet from the road, as defined in s. 334.03(22). If
728 there are no curbs or access barriers, the signs must be posted
729 not fewer than one sign for each 25 feet of lot frontage.

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

735 c. The notice must also provide the name and current
736 telephone number of the person or firm towing or removing the
737 vehicles or vessels.

738 d. The sign structure containing the required notices must
739 be permanently installed with the words "tow-away zone" not
740 fewer than 3 feet and not more than 6 feet above ground level
741 and must be continuously maintained on the property for not
742 fewer than 24 hours before the towing or removal of any vehicles
743 or vessels.

744 e. The local government may require permitting and
745 inspection of these signs before any towing or removal of
746 vehicles or vessels being authorized.

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

753 g. A property owner towing or removing vessels from real
754 property must post notice, consistent with the requirements in

596-02772-23

2023760c1

755 sub-subparagraphs a.-f., which apply to vehicles, that
756 unauthorized vehicles or vessels will be towed away at the
757 owner's expense.

758
759 A business owner or lessee may authorize the removal of a
760 vehicle or vessel by a towing company when the vehicle or vessel
761 is parked in such a manner that restricts the normal operation
762 of business; and if a vehicle or vessel parked on a public
763 right-of-way obstructs access to a private driveway the owner,
764 lessee, or agent may have the vehicle or vessel removed by a
765 towing company upon signing an order that the vehicle or vessel
766 be removed without a posted tow-away zone sign.

767 6. Any person or firm that tows or removes vehicles or
768 vessels and proposes to require an owner, operator, or person in
769 control or custody of a vehicle or vessel to pay the costs of
770 towing and storage before redemption of the vehicle or vessel
771 must file and keep on record with the local law enforcement
772 agency a complete copy of the current rates to be charged for
773 such services and post at the storage site an identical rate
774 schedule and any written contracts with property owners,
775 lessees, or persons in control of property which authorize such
776 person or firm to remove vehicles or vessels as provided in this
777 section.

778 7. Any person or firm towing or removing any vehicles or
779 vessels from private property without the consent of the owner
780 or other legally authorized person in control or custody of the
781 vehicles or vessels shall, on any trucks, wreckers as defined in
782 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
783 towing or removal, have the name, address, and telephone number

596-02772-23

2023760c1

784 of the company performing such service clearly printed in
785 contrasting colors on the driver and passenger sides of the
786 vehicle. The name shall be in at least 3-inch permanently
787 affixed letters, and the address and telephone number shall be
788 in at least 1-inch permanently affixed letters.

789 8. Vehicle entry for the purpose of removing the vehicle or
790 vessel shall be allowed with reasonable care on the part of the
791 person or firm towing the vehicle or vessel. Such person or firm
792 shall be liable for any damage occasioned to the vehicle or
793 vessel if such entry is not in accordance with the standard of
794 reasonable care.

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

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