

By the Committees on Rules; and Transportation; and Senator Perry

595-04204-23

2023760c2

1 A bill to be entitled
2 An act relating to towing and storage; amending s.
3 321.051, F.S.; prohibiting the Division of the Florida
4 Highway Patrol from excluding wrecker operators from
5 the wrecker operator system or from being designated
6 as an authorized wrecker operator based solely on a
7 prior felony conviction; providing exceptions;
8 amending s. 713.78, F.S.; defining the term "towing-
9 storage operator"; authorizing a towing-storage
10 operator to charge certain fees; providing that a lien
11 can only be placed on specified fees; revising
12 requirements for law enforcement agencies and the
13 Department of Highway Safety and Motor Vehicles
14 relating to the removal of vehicles or vessels;
15 revising requirements for notices of lien; revising
16 requirements relating to towing-storage operators
17 providing notice to public agencies of jurisdiction;
18 revising the timeframe in which certain unclaimed
19 vehicles or vessels may be sold; revising requirements
20 for notices of sale; revising provisions regarding
21 permission to inspect a vehicle or vessel; providing
22 when a vehicle must be made available for inspection;
23 revising criminal penalties; requiring a towing-
24 storage operator to maintain certain records for at
25 least a specified period of time; providing the
26 exclusive remedy for certain liens; requiring towing-
27 storage operators to accept certain types of payment;
28 prohibiting certain persons from being required to
29 furnish more than one form of current government photo

595-04204-23

2023760c2

30 identification for purposes of verifying their
31 identity; making technical changes; amending s. 83.19,
32 F.S.; conforming a provision to changes made by the
33 act; amending s. 83.806, F.S.; revising requirements
34 for the sale or disposition of property at self-
35 service storage facilities; providing inspection
36 requirements for vehicles or vessels being sold by a
37 facility or unit owner; requiring vehicles or vessels
38 to be released under certain circumstances; providing
39 a criminal penalty; providing requirements for filing
40 lawsuits relating to such vehicles or vessels;
41 specifying that failure to make good faith efforts to
42 comply with certain notice requirements precludes the
43 imposition of certain storage charges; specifying that
44 copies of specified documents constitute satisfactory
45 proof for transfer of title; conforming provisions to
46 changes made by the act; amending s. 83.808, F.S.;
47 requiring that rental agreements relating to self-
48 service storage facilities authorize tenants to
49 designate an optional alternate contact person;
50 specifying such person may be contacted only for
51 certain purposes; specifying that such person does not
52 have an interest in the contents stored at the self-
53 service storage facility or in the self-contained
54 storage unit; amending s. 677.210, F.S.; conforming
55 provisions to changes made by the act; amending s.
56 715.07, F.S.; conforming a cross-reference; providing
57 an effective date.

58

595-04204-23

2023760c2

59 Be It Enacted by the Legislature of the State of Florida:

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

63 321.051 Florida Highway Patrol wrecker operator system;
64 penalties for operation outside of system.—

65 (5) The Division of the Florida Highway Patrol may not
66 exclude a wrecker operator from the wrecker operator system or
67 fail to designate him or her as an authorized wrecker operator
68 based solely on a prior felony conviction unless such conviction
69 is for a forcible felony as defined in s. 776.08 or a felony
70 listed under s. 812.014(2)(c)6. or s. 812.16(2).

71 Section 2. Subsections (1), (2), and (4), paragraph (a) of
72 subsection (5), subsections (6), (9), and (10), paragraph (a) of
73 subsection (11), paragraph (a) of subsection (12), and
74 paragraphs (a), (b), and (d) of subsection (13) of section
75 713.78, Florida Statutes, are amended, and subsections (18),
76 (19), and (20) are added to that section, to read:

77 713.78 Liens for recovering, towing, or storing vehicles
78 and vessels.—

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

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

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

86 (c) "Towing-storage operator" means a person who regularly
87 engages in the business of transporting vehicles or vessels by

595-04204-23

2023760c2

88 wrecker, tow truck, or car carrier.

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

94 (b)~~(d)~~ "National Motor Vehicle Title Information System"
95 means the federally authorized electronic National Motor Vehicle
96 Title Information System.

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

102 (2)(a) Whenever A towing-storage operator may charge only
103 the following fees for, or incidental to, the recovery, removal,
104 or storage of a vehicle or vessel:

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

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

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

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

116 5. Any lien release administrative fee as set forth in

595-04204-23

2023760c2

117 paragraph (15) (a).

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

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

126 1.(a) The owner thereof;

127 2.(b) The owner or lessor, or a person authorized by the
128 owner or lessor, of property on which such vehicle or vessel is
129 wrongfully parked, and the removal is done in compliance with s.
130 715.07;

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

135 4.(d) Any law enforcement agency, county, or municipality,

136
137 she or he shall have a lien on the vehicle or vessel for a
138 reasonable towing fee, for a reasonable administrative fee or
139 charge imposed by a county or municipality, and for a reasonable
140 storage fee; except that a storage fee may not be charged if the
141 vehicle or vessel is stored for fewer than 6 hours.

142 (4) (a) A towing-storage operator ~~person regularly engaged~~
143 ~~in the business of recovering, towing, or storing vehicles or~~
144 ~~vessels~~ who comes into possession of a vehicle or vessel
145 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a

595-04204-23

2023760c2

146 lien for recovery, towing, or storage services, must ~~shall~~ give
147 notice, by certified mail, pursuant to subsection (16), to the
148 registered owner, the insurance company insuring the vehicle
149 notwithstanding s. 627.736, and all persons claiming a lien
150 thereon, as disclosed by the records in the Department of
151 Highway Safety and Motor Vehicles or as disclosed by the records
152 of any corresponding agency in any other state in which the
153 vehicle is identified through a records check of the National
154 Motor Vehicle Title Information System or an equivalent
155 commercially available system as being titled or registered.

156 (b) Whenever a law enforcement agency authorizes the
157 removal of a vehicle or vessel or whenever a towing service,
158 garage, repair shop, or automotive service, storage, or parking
159 place notifies the law enforcement agency of possession of a
160 vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved
161 third-party service cannot obtain the vehicle's or vessel's
162 owner, lienholder, and insurer information or last state of
163 record pursuant to subsection (16), the law enforcement agency
164 of the jurisdiction where the vehicle or vessel is stored shall
165 contact the Department of Highway Safety and Motor Vehicles, or
166 the appropriate agency of the state of registration, if known,
167 within 24 hours through the medium of electronic communications,
168 giving the full description of the vehicle or vessel. Upon
169 receipt of the full description of the vehicle or vessel, the
170 department shall search its files to determine the owner's name,
171 the insurance company insuring the vehicle or vessel, and
172 whether any person has filed a lien upon the vehicle or vessel
173 as provided in s. 319.27(2) and (3) and notify the applicable
174 law enforcement agency within 72 hours. The person in charge of

595-04204-23

2023760c2

175 the towing service, garage, repair shop, or automotive service,
176 storage, or parking place shall request ~~obtain~~ such information
177 from the applicable law enforcement agency within 5 days after
178 the date of storage and shall give notice pursuant to paragraph
179 (a). The department may release the insurance company
180 information to the requestor notwithstanding s. 627.736.

181 (c) The notice of lien must be sent by certified mail to
182 the registered owner, the insurance company insuring the vehicle
183 notwithstanding s. 627.736, and all other persons claiming a
184 lien thereon within 4 7 business days, excluding a Saturday, and
185 Sunday, or federal legal holiday, after the date of storage of
186 the vehicle or vessel. ~~However, in no event shall the notice of~~
187 ~~lien be sent less than 30 days before the sale of the vehicle or~~
188 ~~vessel.~~ The notice must state:

189 1. If the claim of lien is for a vehicle, the last 8 digits
190 of the vehicle identification number of the vehicle subject to
191 the lien, or, if the claim of lien is for a vessel, the hull
192 identification number of the vessel subject to the lien, clearly
193 printed in the delivery address box and on the outside of the
194 envelope sent to the registered owner and all other persons
195 claiming an interest in ~~therein~~ or lien on the vehicle or vessel
196 ~~thereon~~.

197 2. The name, physical address, and telephone number of the
198 lienor, and the entity name, as registered with the Division of
199 Corporations, of the business where the towing and storage
200 occurred, which must also appear on the outside of the envelope
201 sent to the registered owner and all other persons claiming an
202 interest in or lien on the vehicle or vessel.

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

595-04204-23

2023760c2

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

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

208 6. That charges have accrued and include an itemized
209 statement of the amount thereof.

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

213 8. That any vehicle or vessel that remains unclaimed, or
214 for which the charges for recovery, towing, or storage services
215 remain unpaid, may be sold free of all prior liens 35 days after
216 the vehicle or vessel is stored by the lienor if the vehicle or
217 vessel is more than 3 years of age or 65 ~~50~~ days after the
218 vehicle or vessel is stored by the lienor if the vehicle or
219 vessel is 3 years of age or less.

220 9. The address at which the vehicle or vessel is physically
221 located.

222 (d) The notice of lien may not be sent to the registered
223 owner, the insurance company insuring the vehicle or vessel, and
224 all other persons claiming a lien thereon less than 30 days
225 before the sale of a the vehicle or vessel that is more than 3
226 years of age or less than 60 days before the sale of a vehicle
227 or vessel that is 3 years of age or less.

228 (e) If attempts to locate the name and address of the owner
229 or lienholder prove unsuccessful, the towing-storage operator
230 shall, after 4 ~~7~~ business days, excluding a Saturday, and
231 Sunday, or federal legal holiday, after the initial tow or
232 storage, notify the public agency of jurisdiction where the

595-04204-23

2023760c2

233 vehicle or vessel is stored in writing by certified mail or
234 electronic delivery ~~acknowledged hand delivery~~ that the towing-
235 storage company has been unable to locate the name and address
236 of the owner or lienholder and a physical search of the vehicle
237 or vessel has disclosed no ownership information and a good
238 faith effort has been made, including records checks of the
239 Department of Highway Safety and Motor Vehicles database and the
240 National Motor Vehicle Title Information System or an equivalent
241 commercially available system. For purposes of this paragraph
242 and subsection (9), the term "good faith effort" means that the
243 following checks have been performed by the company to establish
244 the prior state of registration and for title:

245 1. A check of the department's database for the owner and
246 any lienholder.

247 2. A check of the electronic National Motor Vehicle Title
248 Information System or an equivalent commercially available
249 system to determine the state of registration when there is not
250 a current registration record for the vehicle or vessel on file
251 with the department.

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

254 4. A check of the law enforcement report for a tag number
255 or other information identifying the vehicle or vessel, if the
256 vehicle or vessel was towed at the request of a law enforcement
257 officer.

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

261 6. If there is no address of the owner on the impound

595-04204-23

2023760c2

262 report, a check of the law enforcement report to determine
263 whether an out-of-state address is indicated from driver license
264 information.

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

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

271 9. A check of the vehicle for a vehicle identification
272 number.

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

274 11. A check of the vessel hull for a hull identification
275 number which should be carved, burned, stamped, embossed, or
276 otherwise permanently affixed to the outboard side of the
277 transom or, if there is no transom, to the outmost seaboard side
278 at the end of the hull that bears the rudder or other steering
279 mechanism.

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

287 (6) A vehicle or vessel that is stored pursuant to
288 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
289 which reasonable charges for recovery, towing, or storing remain
290 unpaid, and any contents not released pursuant to subsection

595-04204-23

2023760c2

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

595-04204-23

2023760c2

320 ~~must be sent to the owner of the vehicle or vessel and the~~
321 ~~person having the recorded lien on the vehicle or vessel at the~~
322 ~~address shown on the records of the registering agency at least~~
323 ~~30 days before the sale of the vehicle or vessel.~~ The notice
324 must state the name, physical address, and telephone number of
325 the lienor, and the vehicle identification number if the claim
326 of lien is for a vehicle or the hull identification number if
327 the claim of lien is for a vessel, all of which must also appear
328 in the return address section on the outside of the envelope
329 containing the notice of sale. After diligent search and
330 inquiry, if the name and address of the registered owner or the
331 owner of the recorded lien cannot be ascertained, the
332 requirements of notice by mail may be dispensed with. In
333 addition to the notice by mail, public notice of the time and
334 place of sale must ~~shall~~ be made by publishing a notice thereof
335 one time, at least 20 ~~10~~ days before the date of the sale, in a
336 newspaper of general circulation in the county in which the sale
337 is to be held. The proceeds of the sale, after payment of
338 reasonable towing and storage charges, and costs of the sale, in
339 that order of priority, must ~~shall~~ be deposited with the clerk
340 of the circuit court for the county if the owner or lienholder
341 is absent, and the clerk shall hold such proceeds subject to the
342 claim of the owner or lienholder legally entitled thereto. The
343 clerk is ~~shall be~~ entitled to receive 5 percent of such proceeds
344 for the care and disbursement thereof. The certificate of title
345 issued under this section ~~this law~~ shall be discharged of all
346 liens unless otherwise provided by court order. The owner or
347 lienholder may file a complaint after the vehicle or vessel has
348 been sold in the county court of the county in which it is

595-04204-23

2023760c2

349 stored. Upon determining the respective rights of the parties,
350 the court may award damages, attorney fees, and costs in favor
351 of the prevailing party.

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

362 (10) A towing-storage operator ~~Persons who provide services~~
363 ~~pursuant to this section~~ shall permit vehicle or vessel owners,
364 including rental vehicle or vessel owners, lienholders,
365 insurance company representatives, or their agents, ~~which agency~~
366 ~~is evidenced by an original writing acknowledged by the owner~~
367 ~~before a notary public or other person empowered by law to~~
368 ~~administer oaths,~~ to inspect the towed vehicle or vessel and
369 shall release to the owner, lienholder, or agent the vehicle,
370 vessel, or all personal property not affixed to the vehicle or
371 vessel which was in the vehicle or vessel at the time the
372 vehicle or vessel came into the custody of the towing-storage
373 operator. A towing-storage operator must allow vehicle or vessel
374 owners, rental vehicle or vessel owners, lienholders, insurance
375 company representatives, or their agents to inspect the towed
376 vehicle or vessel during normal business hours within 30 minutes
377 after their arrival at the storage site where the vehicle or

595-04204-23

2023760c2

378 vessel is stored. A photocopy of an agency agreement is
379 sufficient evidence of agency. A rental vehicle or vessel
380 agreement is not evidence that the person who rented a vehicle
381 or vessel is an agent of the rental vehicle or vessel owner.
382 Towing-storage operators must accept a photocopy of a contract,
383 an electronic title, or a paper title as evidence of a person's
384 interest in a vehicle or vessel ~~person providing such services.~~

385 (11) (a) A towing-storage operator ~~Any person regularly~~
386 ~~engaged in the business of recovering, towing, or storing~~
387 ~~vehicles or vessels~~ who comes into possession of a vehicle or
388 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
389 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
390 when such vehicle or vessel is to be sold for purposes of being
391 dismantled, destroyed, or changed in such manner that it is not
392 the ~~motor~~ vehicle or vessel described in the certificate of
393 title, must ~~shall~~ report the vehicle to the National Motor
394 Vehicle Title Information System and apply to the Department of
395 Highway Safety and Motor Vehicles for a certificate of
396 destruction. A certificate of destruction, which authorizes the
397 dismantling or destruction of the vehicle or vessel described
398 therein, is ~~shall be~~ reassignable a maximum of two times before
399 dismantling or destruction of the vehicle is ~~shall be~~ required,
400 and must ~~shall~~ accompany the vehicle or vessel for which it is
401 issued, when such vehicle or vessel is sold for such purposes,
402 in lieu of a certificate of title. The application for a
403 certificate of destruction must include proof of reporting to
404 the National Motor Vehicle Title Information System and an
405 affidavit from the applicant that she or he ~~it~~ has complied with
406 all applicable requirements of this section and, if the vehicle

595-04204-23

2023760c2

407 or vessel is not registered in this state or any other state, by
408 a statement from a law enforcement officer that the vehicle or
409 vessel is not reported stolen, and must ~~shall~~ be accompanied by
410 such documentation as may be required by the department.

411 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
412 ~~provision of subsection (1), subsection (2),~~ subsection (4),
413 subsection (5), subsection (6), or subsection (7) is guilty of a
414 misdemeanor of the first degree, punishable as provided in s.
415 775.082 or s. 775.083.

416 (13) (a) Upon receipt by the Department of Highway Safety
417 and Motor Vehicles of written notice from a wrecker operator who
418 claims a wrecker operator's lien under subparagraph (2) (b) 4.
419 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
420 abandoned vehicle or vessel upon instructions from any law
421 enforcement agency, for which a certificate of destruction has
422 been issued under subsection (11) and the vehicle has been
423 reported to the National Motor Vehicle Title Information System,
424 the department shall place the name of the registered owner of
425 that vehicle or vessel on the list of those persons who may not
426 be issued a license plate or revalidation sticker for any motor
427 vehicle under s. 320.03(8). If the vehicle or vessel is owned
428 jointly by more than one person, the name of each registered
429 owner must ~~shall~~ be placed on the list. The notice of wrecker
430 operator's lien must ~~shall~~ be submitted on forms provided by the
431 department and, ~~which must~~ include:

432 1. The name, address, and telephone number of the wrecker
433 operator.

434 2. The name of the registered owner of the vehicle or
435 vessel and the address to which the wrecker operator provided

595-04204-23

2023760c2

436 notice of the lien to the registered owner under subsection (4).

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

439 4. The vehicle identification number (VIN); registration
440 license plate number, state, and year; validation decal number,
441 state, and year; vessel registration number; hull identification
442 number; or other identification number, as applicable.

443 5. The name of the person or the corresponding law
444 enforcement agency that requested that the vehicle or vessel be
445 recovered, towed, or stored.

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

448 (b) For purposes of this subsection only, the amount of the
449 wrecker operator's lien for which the department will prevent
450 issuance of a license plate or revalidation sticker may not
451 exceed the amount of the charges for recovery, towing, and
452 storage of the vehicle or vessel for 7 days. These charges may
453 not exceed the maximum rates imposed by the ordinances of the
454 respective county or municipality under ss. 125.0103(1)(c) and
455 166.043(1)(c). This paragraph does not limit the amount of a
456 wrecker operator's lien claimed under paragraph (2)(b)
457 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
458 remedies for enforcement of the entire amount of the lien, but
459 limits only that portion of the lien for which the department
460 will prevent issuance of a license plate or revalidation
461 sticker.

462 (d) Upon discharge of the amount of the wrecker operator's
463 lien allowed by paragraph (b), the wrecker operator must issue a
464 certificate of discharged wrecker operator's lien on forms

595-04204-23

2023760c2

465 provided by the department to each registered owner of the
466 vehicle or vessel attesting that the amount of the wrecker
467 operator's lien allowed by paragraph (b) has been discharged.
468 Upon presentation of the certificate of discharged wrecker
469 operator's lien by the registered owner, the department must
470 ~~shall~~ immediately remove the registered owner's name from the
471 list of those persons who may not be issued a license plate or
472 revalidation sticker for any motor vehicle under s. 320.03(8),
473 thereby allowing issuance of a license plate or revalidation
474 sticker. Issuance of a certificate of discharged wrecker
475 operator's lien under this paragraph does not discharge the
476 entire amount of the wrecker operator's lien claimed under
477 paragraph (2)(b) ~~subsection (2)~~, but only certifies to the
478 department that the amount of the wrecker operator's lien
479 allowed by paragraph (b), for which the department will prevent
480 issuance of a license plate or revalidation sticker, has been
481 discharged.

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

486 (a) All notice publications and certified mailings.

487 (b) The purchase price of any unclaimed vehicle or vessel
488 sold.

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

491 (d) The names and addresses of vehicle or vessel
492 purchasers.

493 (e) All fees imposed under this section.

595-04204-23

2023760c2

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

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

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

502 2. Bank, debit, or credit card.

503 3. Mobile payment service, digital wallet, or other
504 electronic payment system.

505 (b) Any of the authorized persons listed in subsection (10)
506 are not required to furnish more than one form of current
507 government photo identification when payment is made in any of
508 the forms listed in paragraph (a). Presenting one form of
509 current government photo identification constitutes sufficient
510 identity verification for the purposes of this subsection.

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

513 83.19 Sale of property distrained.—

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

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

521 83.806 Enforcement of lien.—An owner's lien as provided in
522 s. 83.805 may be satisfied as follows:

595-04204-23

2023760c2

523 (1) The tenant shall be notified by written notice
524 delivered in person, by e-mail, or by first-class mail with a
525 certificate of mailing to the tenant's last known address and
526 the last known address of the alternate contact person
527 designated by the tenant under the rental agreement, if any, and
528 conspicuously posted at the self-service storage facility or on
529 the self-contained storage unit. If the owner sends notice of a
530 pending sale of property to the tenant's and alternate contact
531 person's last known e-mail address and does not receive a
532 response, return receipt, or delivery confirmation from the same
533 e-mail address, the owner must send notice of the sale to the
534 tenant and alternate contact person by first-class mail with a
535 certificate of mailing to the tenant's and alternate contact
536 person's last known address before proceeding with the sale.

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

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

548 (b) The advertisement shall include:

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

595-04204-23

2023760c2

552 2. The address of the self-service storage facility or the
553 address where the self-contained storage unit is located and the
554 name of the tenant.

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

558 (10) (a) If a lien is claimed on property that is a motor
559 vehicle or vessel ~~a watercraft~~ and rent and other charges
560 related to the property remain unpaid or unsatisfied for 60 days
561 after the maturity of the obligation to pay the rent and other
562 charges, the facility or unit owner may sell the property
563 pursuant to this section or have the property towed.

564 (b) If a facility or unit owner intends to sell the vehicle
565 or vessel, the facility or unit owner must conduct a check of
566 records with the Department of Highway Safety and Motor
567 Vehicles. In the event that no current registration is found in
568 the search, the facility or unit owner must conduct a search
569 through the National Motor Vehicle Title Information System or
570 an equivalent commercially available system. If a person
571 claiming a lien is not identified in either search, the property
572 may be sold by the facility or unit owner pursuant to this
573 section. The facility or unit owner must send a notice of lien
574 by certified mail to all persons claiming a lien at least 30
575 days before the date of the sale. The notice must state all of
576 the following:

577 1. The make, model and last 8 digits of the vehicle
578 identification number of the vehicle subject to the lien, or, if
579 the claim of lien is for a vessel, the hull identification
580 number of the vessel subject to the lien. Such information must

595-04204-23

2023760c2

581 be clearly printed in the delivery address box and on the
582 outside of the envelope sent to the registered owner and all
583 other persons claiming an interest therein or a lien thereon.

584 2. The name, physical address, and telephone number of the
585 facility or unit owner, and the entity name, as registered with
586 the Division of Corporations, of the business where the vehicle
587 or vessel is stored, which must also appear on the outside of
588 the envelope sent to all persons claiming a lien on the vehicle
589 or vessel.

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

591 4. The name of the person or entity listed as tenant in the
592 rental agreement.

593 5. That a lien is claimed.

594 6. That charges have accrued and give an itemized statement
595 of the amount thereof.

596 7. That any vehicle or vessel that remains unclaimed may be
597 sold free of all prior liens 30 days after notification is sent.

598 8. The address at which the vehicle or vessel is physically
599 located.

600 (c) At any time before the proposed or scheduled date of
601 sale of a vehicle or vessel, a person claiming an interest
602 therein or lien thereon may request to inspect the vehicle or
603 vessel. The facility or unit owner must make the vehicle or
604 vessel available for inspection during regular business hours
605 within 3 business days after receiving a written request to
606 inspect the vehicle or vessel.

607 (d) At any time before the sale of the vehicle or vessel, a
608 person of record claiming a lien against the vehicle or vessel
609 may have her or his vehicle or vessel released upon posting with

595-04204-23

2023760c2

610 the clerk of the court in the county in which the vehicle or
611 vessel is held a cash or surety bond or other adequate security
612 equal to the amount of the storage charges and administrative
613 fees required to ensure the payment of such charges in the event
614 she or he does not prevail. A particular form for posting the
615 bond is not required unless the clerk provides such form to the
616 customer or person for filing. Upon the posting of the bond and
617 the payment of the applicable fee set forth in s. 28.24, the
618 clerk of the court shall automatically issue a certificate
619 notifying the owner of the storage facility of the posting of
620 the bond and directing the owner to release the vehicle or
621 vessel to the person of record claiming a lien against the
622 vehicle or vessel. The certificate must be presented during
623 regular business hours. The owner of the storage facility, or an
624 employee or agent thereof who is authorized to release the
625 vehicle or vessel and who, upon receiving a copy of a
626 certificate giving notice of the posting of the bond in the
627 required amount and directing release of the vehicle or vessel,
628 fails to release or return the property to the person of record
629 claiming a lien pursuant to this section commits a misdemeanor
630 of the second degree, punishable as provided in s. 775.082 or s.
631 775.083.

632 (e) The person of record claiming a lien against a motor
633 vehicle or vessel has 30 days from the issuance of the
634 certificate by the clerk to file a lawsuit to determine the
635 validity of the storage charges. Upon determining the respective
636 rights of the parties under this section, the court may award
637 damages, attorney fees, and costs in favor of the prevailing
638 party. Upon failure of the party posting the bond to timely file

595-04204-23

2023760c2

639 suit and a request by the owner of the storage facility, the
640 clerk shall release the cash or surety bond to the owner of the
641 storage facility.

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

645 (g) A copy of the notice of sale, proof of notice mailed to
646 any person claiming a lien as required herein, and proof of the
647 required check of the records of the Department of Highway
648 Safety and Motor Vehicles and the National Motor Vehicle Title
649 Information System or an equivalent commercially available
650 system, if applicable, shall constitute satisfactory proof for
651 application to the Department of Highway Safety and Motor
652 Vehicles for transfer of title, together with any other proof
653 required by any rules and regulations of the department.

654 (h) If a motor vehicle or vessel ~~watercraft~~ is towed, the
655 facility or unit owner is not liable for the motor vehicle or
656 vessel ~~watercraft~~ or any damages to the motor vehicle or vessel
657 ~~watercraft~~ once a wrecker takes possession of the property. The
658 wrecker taking possession of the property must comply with all
659 notification and sale requirements provided in s. 713.78.

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

662 83.808 Contracts.—

663 (4) A rental agreement must contain a provision that
664 authorizes the tenant to designate an optional alternate contact
665 person. The alternate contact person may be contacted only for
666 purposes of providing notice under s. 83.806(1) or as otherwise
667 authorized by the rental agreement. Designating an alternate

595-04204-23

2023760c2

668 contact person does not give such person an interest in the
669 contents stored at the self-service storage facility or in the
670 self-contained storage unit.

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

673 677.210 Enforcement of warehouse's lien.—

674 (10) A lien on a vehicle or vessel, as those terms are
675 defined in s. 713.78(1), must be foreclosed pursuant to s.
676 713.78 and may not be foreclosed under this chapter.

677 Section 7. Paragraph (a) of subsection (2) of section
678 715.07, Florida Statutes, is amended to read:

679 715.07 Vehicles or vessels parked on private property;
680 towing.—

681 (2) The owner or lessee of real property, or any person
682 authorized by the owner or lessee, which person may be the
683 designated representative of the condominium association if the
684 real property is a condominium, may cause any vehicle or vessel
685 parked on such property without her or his permission to be
686 removed by a person regularly engaged in the business of towing
687 vehicles or vessels, without liability for the costs of removal,
688 transportation, or storage or damages caused by such removal,
689 transportation, or storage, under any of the following
690 circumstances:

691 (a) The towing or removal of any vehicle or vessel from
692 private property without the consent of the registered owner or
693 other legally authorized person in control of that vehicle or
694 vessel is subject to substantial compliance with the following
695 conditions and restrictions:

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

595-04204-23

2023760c2

697 at a site within a 10-mile radius of the point of removal in any
698 county of 500,000 population or more, and within a 15-mile
699 radius of the point of removal in any county of fewer than
700 500,000 population. That site must be open for the purpose of
701 redemption of vehicles on any day that the person or firm towing
702 such vehicle or vessel is open for towing purposes, from 8:00
703 a.m. to 6:00 p.m., and, when closed, shall have prominently
704 posted a sign indicating a telephone number where the operator
705 of the site can be reached at all times. Upon receipt of a
706 telephoned request to open the site to redeem a vehicle or
707 vessel, the operator shall return to the site within 1 hour or
708 she or he will be in violation of this section.

709 b. If no towing business providing such service is located
710 within the area of towing limitations set forth in sub-
711 subparagraph a., the following limitations apply: any towed or
712 removed vehicle or vessel must be stored at a site within a 20-
713 mile radius of the point of removal in any county of 500,000
714 population or more, and within a 30-mile radius of the point of
715 removal in any county of fewer than 500,000 population.

716 2. The person or firm towing or removing the vehicle or
717 vessel shall, within 30 minutes after completion of such towing
718 or removal, notify the municipal police department or, in an
719 unincorporated area, the sheriff, of such towing or removal, the
720 storage site, the time the vehicle or vessel was towed or
721 removed, and the make, model, color, and license plate number of
722 the vehicle or description and registration number of the vessel
723 and shall obtain the name of the person at that department to
724 whom such information was reported and note that name on the
725 trip record.

595-04204-23

2023760c2

726 3. A person in the process of towing or removing a vehicle
727 or vessel from the premises or parking lot in which the vehicle
728 or vessel is not lawfully parked must stop when a person seeks
729 the return of the vehicle or vessel. The vehicle or vessel must
730 be returned upon the payment of a reasonable service fee of not
731 more than one-half of the posted rate for the towing or removal
732 service as provided in subparagraph 6. The vehicle or vessel may
733 be towed or removed if, after a reasonable opportunity, the
734 owner or legally authorized person in control of the vehicle or
735 vessel is unable to pay the service fee. If the vehicle or
736 vessel is redeemed, a detailed signed receipt must be given to
737 the person redeeming the vehicle or vessel.

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

741 5. Except for property appurtenant to and obviously a part
742 of a single-family residence, and except for instances when
743 notice is personally given to the owner or other legally
744 authorized person in control of the vehicle or vessel that the
745 area in which that vehicle or vessel is parked is reserved or
746 otherwise unavailable for unauthorized vehicles or vessels and
747 that the vehicle or vessel is subject to being removed at the
748 owner's or operator's expense, any property owner or lessee, or
749 person authorized by the property owner or lessee, before towing
750 or removing any vehicle or vessel from private property without
751 the consent of the owner or other legally authorized person in
752 control of that vehicle or vessel, must post a notice meeting
753 the following requirements:

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

595-04204-23

2023760c2

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

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

764 c. The notice must also provide the name and current
765 telephone number of the person or firm towing or removing the
766 vehicles or vessels.

767 d. The sign structure containing the required notices must
768 be permanently installed with the words "tow-away zone" not
769 fewer than 3 feet and not more than 6 feet above ground level
770 and must be continuously maintained on the property for not
771 fewer than 24 hours before the towing or removal of any vehicles
772 or vessels.

773 e. The local government may require permitting and
774 inspection of these signs before any towing or removal of
775 vehicles or vessels being authorized.

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

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

595-04204-23

2023760c2

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

787

788 A business owner or lessee may authorize the removal of a
789 vehicle or vessel by a towing company when the vehicle or vessel
790 is parked in such a manner that restricts the normal operation
791 of business; and if a vehicle or vessel parked on a public
792 right-of-way obstructs access to a private driveway the owner,
793 lessee, or agent may have the vehicle or vessel removed by a
794 towing company upon signing an order that the vehicle or vessel
795 be removed without a posted tow-away zone sign.

796 6. Any person or firm that tows or removes vehicles or
797 vessels and proposes to require an owner, operator, or person in
798 control or custody of a vehicle or vessel to pay the costs of
799 towing and storage before redemption of the vehicle or vessel
800 must file and keep on record with the local law enforcement
801 agency a complete copy of the current rates to be charged for
802 such services and post at the storage site an identical rate
803 schedule and any written contracts with property owners,
804 lessees, or persons in control of property which authorize such
805 person or firm to remove vehicles or vessels as provided in this
806 section.

807 7. Any person or firm towing or removing any vehicles or
808 vessels from private property without the consent of the owner
809 or other legally authorized person in control or custody of the
810 vehicles or vessels shall, on any trucks, wreckers as defined in
811 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
812 towing or removal, have the name, address, and telephone number

595-04204-23

2023760c2

813 of the company performing such service clearly printed in
814 contrasting colors on the driver and passenger sides of the
815 vehicle. The name shall be in at least 3-inch permanently
816 affixed letters, and the address and telephone number shall be
817 in at least 1-inch permanently affixed letters.

818 8. Vehicle entry for the purpose of removing the vehicle or
819 vessel shall be allowed with reasonable care on the part of the
820 person or firm towing the vehicle or vessel. Such person or firm
821 shall be liable for any damage occasioned to the vehicle or
822 vessel if such entry is not in accordance with the standard of
823 reasonable care.

824 9. When a vehicle or vessel has been towed or removed
825 pursuant to this section, it must be released to its owner or
826 person in control or custody within 1 hour after requested. Any
827 vehicle or vessel owner or person in control or custody has the
828 right to inspect the vehicle or vessel before accepting its
829 return, and no release or waiver of any kind which would release
830 the person or firm towing the vehicle or vessel from liability
831 for damages noted by the owner or person in control or custody
832 at the time of the redemption may be required from any vehicle
833 or vessel owner or person in control or custody as a condition
834 of release of the vehicle or vessel to its owner or person in
835 control or custody. A detailed receipt showing the legal name of
836 the company or person towing or removing the vehicle or vessel
837 must be given to the person paying towing or storage charges at
838 the time of payment, whether requested or not.

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