

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative McFarland offered the following:

4
 5 **Amendment to Amendment (959183) by Representative McFarland**
 6 **(with directory and title amendments)**

7 Remove lines 394-401 of the amendment and insert:

8 (5)(a) The registered owner of a vehicle or vessel in the
 9 possession of a towing-storage operator ~~removed pursuant to~~
 10 ~~subsection (2),~~ the insurance company insuring the vehicle or
 11 vessel, and all other persons claiming a lien thereon ~~or any~~
 12 ~~person claiming a lien,~~ other than the towing-storage operator,
 13 may initiate judicial proceedings ~~within 10 days after the time~~
 14 ~~she or he has knowledge of the location of the vehicle or~~
 15 ~~vessel, may file a complaint~~ in the county court of competent
 16 jurisdiction in the county in which the vehicle or vessel is

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17 stored to determine whether the vehicle or vessel her or his
18 property was wrongfully taken or withheld or whether fees were
19 wrongfully charged.

20 (b) Regardless of whether judicial proceedings have been
21 initiated pursuant to subparagraph (a), at any time before the
22 sale of the vehicle or vessel by the towing-storage operator,
23 the an owner of the vehicle or vessel, the insurance company
24 insuring the vehicle or vessel, and all other persons claiming a
25 lien thereon other than the towing-storage operator or
26 lienholder may have the her or his vehicle or vessel released
27 upon posting with the clerk of the court in the county in which
28 the vehicle is held court a cash or surety bond or other
29 adequate security equal to the amount of the accrued charges set
30 forth in the notice of lien, plus accrued storage charges, at
31 the time of the release of the vehicle or vessel, if any, of the
32 charges for towing or storage and lot rental amount to ensure
33 the payment of such charges in the event a court determines that
34 the vehicle or vessel was not wrongfully taken or withheld or
35 fees were not wrongfully charged she or he does not prevail. The
36 owner of the vehicle or vessel, the insurance company insuring
37 the vehicle or vessel, and all other persons claiming a lien
38 thereon other than the towing-storage operator must not be
39 required to initiate judicial proceedings in order to post the
40 bond in the registry of the court and are not required to use a
41 particular form for posting the bond unless the clerk provides

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42 such form. Upon the posting of the bond and the payment of the
43 applicable fee set forth in s. 28.24, the clerk of the court
44 must automatically issue a certificate notifying the towing-
45 storage operator of the posting of the bond and directing the
46 towing-storage operator to release the vehicle or vessel to the
47 party that posted the bond ~~the clerk of the court shall issue a~~
48 ~~certificate notifying the lienor of the posting of the bond and~~
49 ~~directing the lienor to release the vehicle or vessel.~~ At the
50 time of such release, after reasonable inspection, the party
51 that posted the bond must ~~she or he shall~~ give a receipt to the
52 towing-storage operator ~~company~~ reciting any claims ~~she or he~~
53 ~~has~~ for loss or damage to the vehicle or vessel or the contents
54 thereof, or such claims are deemed waived.

55 1. Upon receiving a copy of a certificate giving notice of
56 the posting of the bond in the required amount and directing
57 release of the vehicle or vessel, a towing-storage operator must
58 release or return the vehicle or vessel to the party which
59 posted the bond.

60 2. If the party posting the bond does not initiate
61 judicial proceedings pursuant to paragraph (a) within 45 days
62 after the issuance of the certificate by the clerk of the court,
63 then upon request by the towing-storage operator the clerk of
64 court must:

65 a. Release the cash to the towing-storage operator, or

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66 b. Issue a notice certifying that no judicial proceeding
67 has been initiated within 45 days after the issuance of the
68 certificate and requiring the surety that issued the bond to
69 promptly pay the full face value of the bond to the towing-
70 storage operator. The towing-storage operator has the
71 obligation, upon receipt of the clerk's notice, to timely notify
72 the surety. Any notice issued by the clerk under this sub-
73 subparagraph, if not delivered to the surety, expires 120 days
74 after issuance by the clerk.

75 (c) Upon determining the respective rights of the parties,
76 the court may award damages, attorney ~~attorney's~~ fees, and costs
77 in favor of the prevailing party. In the event the defendant
78 prevails ~~In any event,~~ the final order must ~~shall~~ provide for
79 immediate payment in full of recovery, towing, and storage fees
80 by the vehicle or vessel owner or lienholder; or the agency
81 ordering the tow; or the owner, lessee, or agent thereof of the
82 property from which the vehicle or vessel was removed.

83
84 -----

85 **D I R E C T O R Y A M E N D M E N T**

86 Remove lines 119-125 of the amendment and insert:

87 Section 4. Subsections (1), (2), (4), (5), (6), (8), (9),
88 and (10), paragraph (a) of subsection (11), paragraphs (a) and
89 (d) of subsection (12), paragraphs (a), (b), and (d) of
90 subsection (13), and subsection (17) of section 713.78, Florida

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91 Statutes, are amended, and subsections (18), (19), and (20) are
92 added to that section, to read:

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

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Remove line 798 of the amendment and insert:

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notice to public agencies of jurisdiction; authorizing

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certain persons with an interest on a vehicle or

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vessel in the possession of a towing-storage operator

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to initiate judicial proceedings where the vehicle or

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vessel was taken from to determine certain findings;

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authorizing certain interested parties of a vehicle or

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vessel to take possession of it prior to sale if the

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interested party posts a cash or surety bond with the

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county clerk of courts without first initiating

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judicial proceedings; requiring the clerk of court to

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issue a certificate notifying the towing-storage

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operator of the posting of the bond and to direct the

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towing-storage operator to release the vehicle or

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vessel to the interested party; requiring the party

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who posts the bond to give a receipt to the towing-

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storage operator reciting any property loss or damage

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to the vehicle or vessel or the contents thereof, and

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waiving such claims if such receipt is not provided;

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requiring a towing-storage operator to release or

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Bill No. CS/HB 179 (2024)

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116 | return the vehicle or vessel to the interested party
117 | after posting a cash or surety bond; requiring the
118 | clerk of courts to release the cash bond or issue a
119 | specified notice relating to the surety bond to the
120 | towing-storage operator if the interested party does
121 | not initiate judicial proceedings within a certain
122 | timeframe; providing obligations relating to such
123 | notice; providing for expiration of such notice;
124 | requiring the court award all fees to the towing-
125 | storage operator if the defendant prevails in the
126 | judicial proceedings; revising