

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Bell offered the following:

Amendment (with directory and title amendments)

Remove lines 137-898 and insert:

(d) A county or municipality that has established maximum rates as described in paragraph (c) must publish such rates on its website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such rates. In areas where no maximum rates as described in paragraph (c) have been established, the maximum rates established by the Division of Florida Highway Patrol under s. 321.051(2) apply.

203501

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Amendment No.

12 Section 2. Paragraphs (b) and (c) of subsection (1) of
13 section 166.043, Florida Statutes, are amended, and paragraph
14 (d) is added to that subsection, to read:

15 166.043 Ordinances and rules imposing price controls.—

16 (1)

17 (b) This section does not prevent the enactment by local
18 governments of public service rates otherwise authorized by law,
19 including water, sewer, solid waste, public transportation,
20 taxicab, or port rates; ~~r~~ rates for towing of vehicles or vessels
21 from or immobilization of vehicles or vessels on private
22 property; ~~r~~ or rates for removal and storage of wrecked or
23 disabled vehicles or vessels from an accident scene or the
24 removal and storage of vehicles or vessels, l in the event the
25 owner or operator is incapacitated, unavailable, leaves the
26 procurement of wrecker service to the law enforcement officer at
27 the scene, or otherwise does not consent to the removal of the
28 vehicle or vessel.

29 (c) Counties must establish maximum rates which may be
30 charged on the towing of vehicles or vessels from or
31 immobilization of vehicles or vessels on private property or
32 which may be charged for, ~~r~~ removal and storage of wrecked or
33 disabled vehicles or vessels from an accident scene or for the
34 removal and storage of vehicles or vessels, in the event the
35 owner or operator is incapacitated, unavailable, leaves the
36 procurement of wrecker service to the law enforcement officer at

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

37 the scene, or otherwise does not consent to the removal of the
38 vehicle or vessel. However, if a municipality chooses to enact
39 an ordinance establishing the maximum rates for the towing or
40 immobilization of vehicles or vessels as described in paragraph
41 (b), the county's ordinance established under s. 125.0103 does
42 not apply within such municipality.

43 (d) A county or municipality that has established maximum
44 rates as described in paragraph (c) must publish such rates on
45 its website and must establish a process for investigating and
46 resolving complaints regarding fees charged in excess of such
47 rates. In areas where no maximum rates as described in paragraph
48 (c) have been established, the maximum rates established by the
49 Division of Florida Highway Patrol under s. 321.051(2) apply.

50 Section 3. Subsection (2) of section 321.051, Florida
51 Statutes, is amended to read:

52 321.051 Florida Highway Patrol wrecker operator system;
53 penalties for operation outside of system.—

54 (2)(a) The Division of Florida Highway Patrol of the
55 Department of Highway Safety and Motor Vehicles is authorized to
56 establish within areas designated by the patrol a wrecker
57 operator system using qualified, reputable wrecker operators for
58 removal and storage of wrecked or disabled vehicles from a crash
59 scene or for removal and storage of abandoned vehicles, in the
60 event the owner or operator is incapacitated or unavailable or
61 leaves the procurement of wrecker service to the officer at the

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

62 scene. All reputable wrecker operators are ~~shall be~~ eligible for
63 use in the system provided their equipment and drivers meet
64 recognized safety qualifications and mechanical standards set by
65 rules of the Division of Florida Highway Patrol for the size of
66 vehicle it is designed to handle. The division may not exclude a
67 wrecker operator from the wrecker operator system or fail to
68 designate a wrecker operator as an authorized wrecker operator
69 based solely on a prior felony conviction unless such conviction
70 is for a forcible felony as defined in s. 776.08 or a felony
71 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is
72 authorized to limit the number of wrecker operators
73 participating in the wrecker operator system, which authority
74 shall not affect wrecker operators currently participating in
75 the system established by this section. The division must ~~is~~
76 ~~authorized to~~ establish maximum rates for the towing and storage
77 of vehicles removed at the division's request, where such rates
78 have not been set by a county or municipality pursuant to s.
79 125.0103 or s. 166.043. Such rates shall not be considered rules
80 for the purpose of chapter 120; however, the department shall
81 establish by rule a procedure for setting such rates.

82 (b) The department must publish on its website the maximum
83 rates established under this subsection and must establish a
84 process for investigating and resolving complaints regarding
85 fees charged in excess of such maximum rates.

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

86 (c) Any provision in chapter 120 to the contrary
87 notwithstanding, a final order of the department denying,
88 suspending, or revoking a wrecker operator's participation in
89 the system shall be reviewable in the manner and within the time
90 provided by the Florida Rules of Appellate Procedure only by a
91 writ of certiorari issued by the circuit court in the county
92 wherein such wrecker operator resides.

93 Section 4. Subsection (8) is added to section 323.001,
94 Florida Statutes, to read:

95 323.001 Wrecker operator storage facilities; vehicle
96 holds.-

97 (8) If a vehicle is stored at a wrecker operator's
98 facility pursuant to an investigatory hold or a hold for other
99 evidentiary purposes, the investigating agency or other person
100 requiring such hold must take possession of the vehicle within
101 30 days after the first day on which the vehicle is stored,
102 unless another timeframe is otherwise agreed upon by the wrecker
103 operator and the investigating agency or other person requiring
104 the hold.

105 Section 5. Subsections (1), (2), (4), (5), (6), (8), (9),
106 and (10), paragraph (a) of subsection (11), paragraphs (a) and
107 (d) of subsection (12), paragraphs (a), (b), and (d) of
108 subsection (13), and subsection (17) of section 713.78, Florida
109 Statutes, are amended, and subsections (18), (19), and (20) are
110 added to that section, to read:

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

111 713.78 Liens for recovering, towing, or storing vehicles
112 and vessels.—

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

114 (a)(e) "Equivalent commercially available system" means a
115 service that charges a fee to provide vehicle information and
116 that at a minimum maintains records from those states
117 participating in data sharing with the National Motor Vehicle
118 Title Information System.

119 (b) "Good faith effort" means that all of the following
120 checks have been performed by a towing-storage operator to
121 establish the prior state of registration and title of a vehicle
122 or vessel that has been towed or stored by the towing-storage
123 operator:

124 1. A check of the department's database for the owner and
125 any lienholder.

126 2. A check of the electronic National Motor Vehicle Title
127 Information System or an equivalent commercially available
128 system to determine the state of registration when there is not
129 a current registration record for the vehicle or vessel on file
130 with the department.

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

133 4. A check of the law enforcement report for a tag number
134 or other information identifying the vehicle or vessel, if the

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

135 vehicle or vessel was towed at the request of a law enforcement
136 officer.

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

140 6. If there is no address of the owner on the impound
141 report, a check of the law enforcement report to determine
142 whether an out-of-state address is indicated from driver license
143 information.

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

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

150 9. A check of the vehicle for a vehicle identification
151 number.

152 10. A check of the vessel for a vessel registration
153 number.

154 11. A check of the vessel hull for a hull identification
155 number which should be carved, burned, stamped, embossed, or
156 otherwise permanently affixed to the outboard side of the
157 transom or, if there is no transom, to the outmost seaboard side
158 at the end of the hull that bears the rudder or other steering
159 mechanism.

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

160 (c)-(d) "National Motor Vehicle Title Information System"
161 means the federally authorized electronic National Motor Vehicle
162 Title Information System.

163 (d) "Newer model" means a vehicle or vessel that is 3
164 model years old or less, beginning with the model year of the
165 vehicle or vessel as year one.

166 (e) "Older model" means a vehicle or vessel that is more
167 than 3 model years old, beginning with the model year of the
168 vehicle or vessel as year one.

169 (f) "Towing-storage operator" means a person who regularly
170 engages in the business of transporting vehicles or vessels by
171 wrecker, tow truck, or car carrier, or the storing of such
172 vehicles or vessels.

173 (g)-(a) "Vehicle" means any mobile item, whether motorized
174 or not, which is mounted on wheels.

175 (h)-(b) "Vessel" means every description of watercraft,
176 barge, and airboat used or capable of being used as a means of
177 transportation on water, other than a seaplane or a "documented
178 vessel" as defined in s. 327.02.

179 (i)-(c) "Wrecker" means any truck or other vehicle that
180 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~
181 vehicles or vessels upon the streets and highways of this state
182 and ~~which~~ is equipped for that purpose with a boom, winch, car
183 carrier, or other similar equipment.

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

184 (2) ~~(a) Whenever~~ A towing-storage operator may charge the
185 owner or operator of a vehicle or vessel only the following fees
186 for, or incidental to, the recovery, removal, or storage of the
187 vehicle or vessel:

188 1. Any reasonable fee for service specifically authorized
189 under s. 125.0103 or s. 166.043 by ordinance, resolution,
190 regulation, or rule of the county or municipality in which the
191 service is performed.

192 2. Any reasonable fee for service specifically authorized
193 by the Division of Florida Highway Patrol of the Department of
194 Highway Safety and Motor Vehicles under s. 321.051(2).

195 3. Any reasonable fee for service as agreed upon in
196 writing between a towing-storage operator and the owner of a
197 vehicle or vessel.

198 4. Any lien release administrative fee as set forth in
199 paragraph (15) (a).

200 5. Any reasonable administrative fee or charge imposed by
201 a county or municipality pursuant to s. 125.01047, s. 166.04465,
202 or s. 323.002 upon the registered owner or other legally
203 authorized person in control of a vehicle or vessel.

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

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

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

209 ~~2.(b)~~ The owner or lessor, or a person authorized by the
210 owner or lessor, of property on which such vehicle or vessel is
211 wrongfully parked, and the removal is done in compliance with s.
212 715.07;

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

217 ~~4.(d)~~ Any law enforcement agency, county, or municipality,
218
219 she or he has ~~shall have~~ a lien on the vehicle or vessel for
220 fees specified in paragraph (a) a reasonable towing fee, for a
221 reasonable administrative fee or charge imposed by a county or
222 municipality, and for a reasonable storage fee; except that a
223 storage fee may not be charged if the vehicle or vessel is
224 stored for less ~~fewer~~ than 6 hours.

225 (c) A towing-storage operator may enter, using reasonable
226 care, a vehicle or vessel for purposes of recovering, removing,
227 or storing such vehicle or vessel. A towing-storage operator is
228 liable for any damage to the vehicle or vessel if such entry is
229 not in accordance with the standard of reasonable care.

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

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

234 | lien for recovery, towing, or storage services, must ~~shall~~ give
235 | notice, by certified mail, pursuant to subsection (16), to the
236 | registered owner, the insurance company insuring the vehicle or
237 | vessel notwithstanding s. 627.736, and all persons claiming a
238 | lien thereon, as disclosed by the records in the Department of
239 | Highway Safety and Motor Vehicles or as disclosed by the records
240 | of any corresponding agency in any other state in which the
241 | vehicle or vessel is identified through a records check of the
242 | National Motor Vehicle Title Information System or an equivalent
243 | commercially available system as being titled or registered.

244 | (b) When ~~Whenever~~ a law enforcement agency, county, or
245 | municipality authorizes the removal of a vehicle or vessel, or
246 | ~~whenever~~ a towing service, garage, repair shop, or automotive
247 | service, storage, or parking place notifies a ~~the~~ law
248 | enforcement agency of possession of a vehicle or vessel pursuant
249 | to s. 715.07(2)(a)2., if an approved third-party service cannot
250 | obtain the vehicle's or vessel's owner, lienholder, and insurer
251 | information or last state of record pursuant to subsection (16),
252 | then the person in charge of the towing service, garage, repair
253 | shop, or automotive service, storage, or parking place must
254 | request such information from the law enforcement agency of the
255 | jurisdiction where the vehicle or vessel is stored. The law
256 | enforcement agency to which the request was made must ~~shall~~
257 | contact the Department of Highway Safety and Motor Vehicles, or
258 | the appropriate agency of the state of registration, if known,

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

259 within 24 hours through the medium of electronic communications,
260 giving the full description of the vehicle or vessel. Upon
261 receipt of the full description of the vehicle or vessel, the
262 department must ~~shall~~ search its files to determine the owner's
263 name, the insurance company insuring the vehicle or vessel, and
264 whether any person has filed a lien upon the vehicle or vessel
265 as provided in s. 319.27(2) and (3) and notify the applicable
266 law enforcement agency within 72 hours. The person in charge of
267 the towing service, garage, repair shop, or automotive service,
268 storage, or parking place must request ~~shall obtain~~ such
269 information from the applicable law enforcement agency within 5
270 days after the date of storage and must provide the information
271 to the approved third-party service in order to transmit notices
272 as required under subsection (16) ~~shall give notice pursuant to~~
273 ~~paragraph (a)~~. The department may release the insurance company
274 information to the requestor notwithstanding s. 627.736.

275 (c) The notice of lien must be sent by an approved third-
276 party service by certified mail to the registered owner, the
277 insurance company insuring the vehicle notwithstanding s.
278 627.736, and all other persons claiming a lien thereon within 5
279 7 business days, excluding a Saturday, and Sunday, or federal
280 legal holiday, after the date of storage of the vehicle or
281 vessel. ~~However, in no event shall the notice of lien be sent~~
282 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
283 notice must state all of the following:

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

284 1. If the claim of lien is for a vehicle, the last 8
285 digits of the vehicle identification number of the vehicle
286 subject to the lien, or, if the claim of lien is for a vessel,
287 the hull identification number of the vessel subject to the
288 lien, clearly printed in the delivery address box and on the
289 outside of the envelope sent to the registered owner and all
290 other persons claiming an interest in ~~therein~~ or lien on the
291 vehicle or vessel ~~thereon~~.

292 2. The name, physical address, and telephone number of the
293 lienor, and the entity name, as registered with the Division of
294 Corporations, of the business where the towing and storage
295 occurred, which must also appear on the outside of the envelope
296 sent to the registered owner and all other persons claiming an
297 interest in or lien on the vehicle or vessel.

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

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

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

303 6. That charges have accrued and include an itemized
304 statement of the amount thereof.

305 7. That the lien is subject to enforcement under law and
306 that the owner or lienholder, if any, has the right to initiate
307 judicial proceedings ~~a hearing~~ as set forth in subsection (5).

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

308 8. That any vehicle or vessel that remains unclaimed, or
309 for which the charges for recovery, towing, or storage services
310 remain unpaid, may be sold free of all prior liens 35 days after
311 the vehicle or vessel is stored by the lienor if the vehicle or
312 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
313 after the vehicle or vessel is stored by the lienor if the
314 vehicle or vessel is a newer model ~~3 years of age or less~~.

315 9. The address at which the vehicle or vessel is
316 physically located.

317 (d) The notice of lien may not be sent to the registered
318 owner, the insurance company insuring the vehicle or vessel, and
319 all other persons claiming a lien thereon less than 30 days
320 before the sale of a ~~the~~ vehicle or vessel that is an older
321 model or less than 52 days before the sale of a vehicle or
322 vessel that is a newer model.

323 (e) If attempts to locate the name and address of the
324 registered owner, the insurance company insuring the vehicle or
325 vessel, and any other person claiming a lien thereon are ~~or~~
326 ~~lienholder prove unsuccessful, 5~~ ~~the towing-storage operator~~
327 ~~shall, after 7~~ business days, excluding a Saturday, ~~and Sunday,~~
328 or federal legal holiday, after the initial tow or storage, the
329 towing-storage operator must notify the public agency of
330 jurisdiction where the vehicle or vessel is stored in writing by
331 certified mail or receipt-acknowledged electronic delivery
332 ~~acknowledged hand delivery~~ that the towing-storage operator

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

333 ~~company~~ has been unable to locate the name and address of the
334 owner or lienholder and a physical search of the vehicle or
335 vessel has disclosed no ownership information and a good faith
336 effort has been made, including records checks of the Department
337 of Highway Safety and Motor Vehicles database and the National
338 Motor Vehicle Title Information System or an equivalent
339 commercially available system. ~~For purposes of this paragraph~~
340 ~~and subsection (9), the term "good faith effort" means that the~~
341 ~~following checks have been performed by the company to establish~~
342 ~~the prior state of registration and for title:~~

343 1. ~~A check of the department's database for the owner and~~
344 ~~any lienholder.~~

345 2. ~~A check of the electronic National Motor Vehicle Title~~
346 ~~Information System or an equivalent commercially available~~
347 ~~system to determine the state of registration when there is not~~
348 ~~a current registration record for the vehicle or vessel on file~~
349 ~~with the department.~~

350 3. ~~A check of the vehicle or vessel for any type of tag,~~
351 ~~tag record, temporary tag, or regular tag.~~

352 4. ~~A check of the law enforcement report for a tag number~~
353 ~~or other information identifying the vehicle or vessel, if the~~
354 ~~vehicle or vessel was towed at the request of a law enforcement~~
355 ~~officer.~~

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

356 ~~5. A check of the trip sheet or tow ticket of the tow~~
357 ~~truck operator to determine whether a tag was on the vehicle or~~
358 ~~vessel at the beginning of the tow, if a private tow.~~

359 ~~6. If there is no address of the owner on the impound~~
360 ~~report, a check of the law enforcement report to determine~~
361 ~~whether an out-of-state address is indicated from driver license~~
362 ~~information.~~

363 ~~7. A check of the vehicle or vessel for an inspection~~
364 ~~sticker or other stickers and decals that may indicate a state~~
365 ~~of possible registration.~~

366 ~~8. A check of the interior of the vehicle or vessel for~~
367 ~~any papers that may be in the glove box, trunk, or other areas~~
368 ~~for a state of registration.~~

369 ~~9. A check of the vehicle for a vehicle identification~~
370 ~~number.~~

371 ~~10. A check of the vessel for a vessel registration~~
372 ~~number.~~

373 ~~11. A check of the vessel hull for a hull identification~~
374 ~~number which should be carved, burned, stamped, embossed, or~~
375 ~~otherwise permanently affixed to the outboard side of the~~
376 ~~transom or, if there is no transom, to the outmost seaboard side~~
377 ~~at the end of the hull that bears the rudder or other steering~~
378 ~~mechanism.~~

379 (5) (a) The registered owner of a vehicle or vessel in the
380 possession of a towing-storage operator, the insurance company

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

381 insuring such vehicle or vessel, and any other removed pursuant
382 to subsection (2), or any person claiming a lien thereon, other
383 than the towing-storage operator, may initiate judicial
384 proceedings within 10 days after the time she or he has
385 knowledge of the location of the vehicle or vessel, may file a
386 complaint in the county court of competent jurisdiction in the
387 county in which the vehicle or vessel is stored to determine
388 whether the vehicle or vessel her or his property was wrongfully
389 taken or withheld or whether fees were wrongfully charged.

390 (b) Regardless of whether judicial proceedings have been
391 initiated pursuant to paragraph (a), at any time before the sale
392 of the vehicle or vessel by the towing-storage operator, the an
393 owner of the vehicle or vessel, the insurance company insuring
394 the vehicle or vessel, and any other person claiming a lien
395 thereon, other than the towing-storage operator, or lienholder
396 may have the her or his vehicle or vessel released upon posting
397 with the clerk of the court in the county in which the vehicle
398 or vessel is held a cash or surety bond or other adequate
399 security equal to the amount of the accrued charges set forth in
400 the notice of lien, plus accrued storage charges, at the time of
401 the release of the vehicle or vessel, if any, for towing or
402 storage and lot rental amount to ensure the payment of such
403 charges in the event a court determines that the vehicle or
404 vessel was not wrongfully taken or withheld or fees were not
405 wrongfully charged. The owner of the vehicle or vessel, the

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

406 insurance company insuring the vehicle or vessel, and any other
407 person claiming a lien thereon, other than the towing-storage
408 operator, may not be required to initiate judicial proceedings
409 in order to post the bond in the registry of the court and are
410 not required to use a particular form for posting the bond
411 unless the clerk provides such form ~~she or he does not prevail~~.
412 Upon the posting of the bond and the payment of the applicable
413 fee set forth in s. 28.24, the clerk of the court must
414 automatically ~~shall~~ issue a certificate notifying the towing-
415 storage operator ~~lienor~~ of the posting of the bond and directing
416 the towing-storage operator ~~lienor~~ to release the vehicle or
417 vessel to the party that posted the bond. At the time of such
418 release, after reasonable inspection, the party that posted the
419 bond must ~~she or he shall~~ give a receipt to the towing-storage
420 operator ~~company~~ reciting any claims ~~she or he has~~ for loss or
421 damage to the vehicle or vessel or the contents thereof, or such
422 claims are deemed waived.

423 1. Upon receiving a copy of a certificate giving notice of
424 the posting of a bond in the required amount and directing the
425 release of the vehicle or vessel, a towing-storage operator must
426 release or return the vehicle or vessel to the party that posted
427 the bond.

428 2. If the party posting the bond does not initiate
429 judicial proceedings pursuant to paragraph (a) within 45 days
430 after the issuance of the certificate by the clerk of the court,

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

431 then upon request by the towing-storage operator, the clerk of
432 the court must:

433 a. Release the cash to the towing-storage operator; or

434 b. Issue a notice certifying that a judicial proceeding
435 has not been initiated within 45 days after the issuance of the
436 certificate and requiring the surety that issued the bond to
437 promptly pay the full face value of the bond to the towing-
438 storage operator. The towing-storage operator has the
439 obligation, upon receipt of the clerk's notice, to timely notify
440 the surety of such notice. A notice issued by the clerk under
441 this sub-subparagraph expires 120 days after its issuance if the
442 notice is not delivered to the surety.

443 (c) Upon determining the respective rights of the parties,
444 the court may award damages, attorney ~~attorney's~~ fees, and costs
445 in favor of the prevailing party. In the any event the defendant
446 prevails, the final order must ~~shall~~ provide for immediate
447 payment in full of recovery, towing, and storage fees by the
448 vehicle or vessel owner or lienholder; or the agency ordering
449 the tow; or the owner, lessee, or agent thereof of the property
450 from which the vehicle or vessel was removed.

451 (6) A vehicle or vessel that is stored pursuant to
452 paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
453 which reasonable charges for recovery, towing, or storing remain
454 unpaid, and any contents not released pursuant to subsection
455 (10), may be sold by the owner or operator of the storage space

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

456 for such towing or storage charge 35 days after the vehicle or
457 vessel is stored by the lienor if the vehicle or vessel is an
458 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
459 vehicle or vessel is stored by the lienor if the vehicle or
460 vessel is a newer model ~~3 years of age or less~~. The sale must
461 ~~shall~~ be at public sale for cash. If the date of the sale was
462 not included in the notice required in subsection (4), notice of
463 the sale must ~~shall~~ be given to the person in whose name the
464 vehicle or vessel is registered and to all persons claiming a
465 lien on the vehicle or vessel as shown on the records of the
466 Department of Highway Safety and Motor Vehicles or of any
467 corresponding agency in any other state in which the vehicle is
468 identified through a records check of the National Motor Vehicle
469 Title Information System or an equivalent commercially available
470 system as being titled. Notice of the sale must be sent by
471 certified mail to the registered owner of the vehicle or vessel,
472 the insurance company insuring the vehicle or vessel, and the
473 person having the recorded lien on the vehicle or vessel at the
474 address shown on the records of the registering agency at least
475 30 days before the sale of the vehicle or vessel. ~~The notice~~
476 ~~must have clearly identified and printed, if the claim of lien~~
477 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
478 identification number of the ~~motor~~ vehicle subject to the lien,
479 or, if the claim of lien is for a vessel, the hull
480 identification number of the vessel subject to the lien, must be

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

481 clearly identified and printed in the delivery address box and
482 on the outside of the envelope sent to the registered owner, the
483 insurance company insuring the vehicle or vessel, and all other
484 persons claiming an interest in ~~therein~~ or lien on the vehicle
485 or vessel thereon. ~~The notice must be sent to the owner of the~~
486 ~~vehicle or vessel and the person having the recorded lien on the~~
487 ~~vehicle or vessel at the address shown on the records of the~~
488 ~~registering agency at least 30 days before the sale of the~~
489 ~~vehicle or vessel.~~ The notice must state the name, physical
490 address, and telephone number of the lienor, and the vehicle
491 identification number if the claim of lien is for a vehicle or
492 the hull identification number if the claim of lien is for a
493 vessel, all of which must also appear in the return address
494 section on the outside of the envelope containing the notice of
495 sale. After diligent search and inquiry, if the name and address
496 of the registered owner or the owner of the recorded lien cannot
497 be ascertained, the requirements of notice by mail may be
498 dispensed with. In addition to the notice by mail, public notice
499 of the time and place of sale must ~~shall~~ be made by publishing a
500 notice thereof one time, at least 20 ~~10~~ days before the date of
501 the sale, on the publicly available website maintained by an
502 approved third-party service. The third-party service must
503 electronically report to the Department of Highway Safety and
504 Motor Vehicles, via an electronic data exchange process using a
505 web interface, the name, physical address, and telephone number

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

506 of the lienor; the time and place of the sale; the vehicle's
507 license plate number, if known; the vehicle identification
508 number, if the claim of lien is for a vehicle, or the hull
509 identification number, if the claim of lien is for a vessel; and
510 the amount due for towing, recovery, storage, and administrative
511 fees. The third-party service that publishes the public notice
512 of sale and electronically reports the required information to
513 the department may collect and retain a service charge of no
514 more than \$1 in a newspaper of general circulation in the county
515 in which the sale is to be held. The proceeds of the sale, after
516 payment of reasonable towing and storage charges, and costs of
517 the sale, in that order of priority, must ~~shall~~ be deposited
518 with the clerk of the circuit court for the county if the owner
519 or lienholder is absent, and the clerk must ~~shall~~ hold such
520 proceeds subject to the claim of the owner or lienholder legally
521 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
522 percent of such proceeds for the care and disbursement thereof.
523 The certificate of title issued under this section must ~~this law~~
524 ~~shall~~ be discharged of all liens unless otherwise provided by
525 court order. The owner or lienholder may file a complaint after
526 the vehicle or vessel has been sold in the ~~county~~ court of the
527 county in which it is stored. Upon determining the respective
528 rights of the parties, the court may award damages, attorney
529 fees, and costs in favor of the prevailing party.

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

530 (8) A towing-storage operator ~~person regularly engaged in~~
531 ~~the business of recovering, towing, or storing vehicles or~~
532 ~~vessels~~, except a person licensed under chapter 493 while
533 engaged in "repossession" activities as defined in s. 493.6101,
534 may not operate a wrecker, tow truck, or car carrier unless the
535 name, address, and telephone number of the company performing
536 the service is clearly printed in contrasting colors on the
537 driver and passenger sides of its vehicle. The name must be in
538 at least 3-inch permanently affixed letters, and the address and
539 telephone number must be in at least 1-inch permanently affixed
540 letters.

541 (9) Failure to make good faith efforts to comply with the
542 notice requirements of this section precludes the imposition of
543 any storage charges against the vehicle or vessel. If a lienor
544 fails to provide notice to a person claiming a lien on a vehicle
545 or vessel in accordance with subsection (4), the lienor may not
546 charge the person for more than 5 7 days of storage, but such
547 failure does not affect charges made for towing the vehicle or
548 vessel or the priority of liens on the vehicle or vessel.

549 (10) A towing-storage operator must ~~Persons who provide~~
550 ~~services pursuant to this section shall~~ permit vehicle or vessel
551 owners, lienholders, insurance company representatives, or their
552 agents, whose interest in the vehicle or vessel is evidenced by
553 any of the documents listed in subsection (17) ~~which agency is~~
554 ~~evidenced by an original writing acknowledged by the owner~~

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

555 ~~before a notary public or other person empowered by law to~~
556 ~~administer oaths,~~ to inspect the towed vehicle or vessel and
557 ~~must shall~~ release to the owner, lienholder, or agent the
558 vehicle, vessel, or all personal property not affixed to the
559 vehicle or vessel which was in the vehicle or vessel at the time
560 the vehicle or vessel came into the custody of the towing-
561 storage operator. The inspection and release of the vehicle,
562 vessel, or personal property must be permitted within 1 hour
563 after the owner, lienholder, insurance company representative,
564 or their agent presents any of the documents listed in
565 subsection (17) to the towing-storage operator during normal
566 business hours at the site where the vehicle or vessel is
567 stored. Notwithstanding subparagraph (17)(a)6., a rental vehicle
568 or vessel agreement is not evidence that the person who rented a
569 vehicle or vessel is an agent of the rental vehicle or vessel
570 owner for the purpose of releasing the vehicle or vessel.
571 However, a towing-storage operator must release to the renter of
572 a rental vehicle or vessel all personal property belonging to
573 the renter which is not affixed to the rental vehicle or vessel
574 within 1 hour after the renter's arrival ~~person providing such~~
575 ~~services.~~

576 (11) (a) A towing-storage operator ~~Any person regularly~~
577 ~~engaged in the business of recovering, towing, or storing~~
578 ~~vehicles or vessels~~ who comes into possession of a vehicle or
579 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

580 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
581 when such vehicle or vessel is to be sold for purposes of being
582 dismantled, destroyed, or changed in such manner that it is not
583 the ~~motor~~ vehicle or vessel described in the certificate of
584 title, must ~~shall~~ report the vehicle to the National Motor
585 Vehicle Title Information System and apply to the Department of
586 Highway Safety and Motor Vehicles for a certificate of
587 destruction. A certificate of destruction, which authorizes the
588 dismantling or destruction of the vehicle or vessel described
589 therein, is ~~shall be~~ reassignable a maximum of two times before
590 dismantling or destruction of the vehicle is ~~shall be~~ required,
591 and must ~~shall~~ accompany the vehicle or vessel for which it is
592 issued, when such vehicle or vessel is sold for such purposes,
593 in lieu of a certificate of title. The application for a
594 certificate of destruction must include proof of reporting to
595 the National Motor Vehicle Title Information System and an
596 affidavit from the applicant that she or he ~~it~~ has complied with
597 all applicable requirements of this section and, if the vehicle
598 or vessel is not registered in this state or any other state, by
599 a statement from a law enforcement officer that the vehicle or
600 vessel is not reported stolen, and must ~~shall~~ be accompanied by
601 such documentation as may be required by the department.

602 (12) (a) Any person who violates ~~any provision of~~
603 ~~subsection (1)~~, subsection (2), subsection (4), subsection (5),
604 subsection (6), or subsection (7) is guilty of a misdemeanor of

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

605 the first degree, punishable as provided in s. 775.082 or s.
606 775.083.

607 (d) Employees of the Department of Highway Safety and
608 Motor Vehicles and law enforcement officers are authorized to
609 inspect the records of a towing-storage operator ~~any person~~
610 ~~regularly engaged in the business of recovering, towing, or~~
611 ~~storing vehicles or vessels or transporting vehicles or vessels~~
612 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with
613 the requirements of this section. A towing-storage operator ~~Any~~
614 ~~person~~ who fails to maintain records, or fails to produce
615 records when required in a reasonable manner and at a reasonable
616 time, commits a misdemeanor of the first degree, punishable as
617 provided in s. 775.082 or s. 775.083.

618 (13) (a) Upon receipt by the Department of Highway Safety
619 and Motor Vehicles of written notice from a wrecker operator who
620 claims a wrecker operator's lien under subparagraph (2) (b) 4.
621 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
622 abandoned vehicle or vessel upon instructions from any law
623 enforcement agency, for which a certificate of destruction has
624 been issued under subsection (11) and the vehicle has been
625 reported to the National Motor Vehicle Title Information System,
626 the department shall place the name of the registered owner of
627 that vehicle or vessel on the list of those persons who may not
628 be issued a license plate or revalidation sticker for any motor
629 vehicle under s. 320.03(8). If the vehicle or vessel is owned

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

630 jointly by more than one person, the name of each registered
631 owner must ~~shall~~ be placed on the list. The notice of wrecker
632 operator's lien must ~~shall~~ be submitted on forms provided by the
633 department and, which must include all of the following:

634 1. The name, address, and telephone number of the wrecker
635 operator.

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

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

641 4. The vehicle identification number (VIN); registration
642 license plate number, state, and year; validation decal number,
643 state, and year; vessel registration number; hull identification
644 number; or other identification number, as applicable.

645 5. The name of the person or the corresponding law
646 enforcement agency that requested that the vehicle or vessel be
647 recovered, towed, or stored.

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

650 (b) For purposes of this subsection only, the amount of
651 the wrecker operator's lien for which the department will
652 prevent issuance of a license plate or revalidation sticker may
653 not exceed the amount of the charges for recovery, towing, and
654 storage of the vehicle or vessel for 7 days. These charges may

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

655 not exceed the maximum rates imposed by the ordinances of the
656 respective county or municipality under ss. 125.0103(1) (c) and
657 166.043(1) (c). This paragraph does not limit the amount of a
658 wrecker operator's lien claimed under paragraph (2) (b)
659 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
660 remedies for enforcement of the entire amount of the lien, but
661 limits only that portion of the lien for which the department
662 will prevent issuance of a license plate or revalidation
663 sticker.

664 (d) Upon discharge of the amount of the wrecker operator's
665 lien allowed by paragraph (b), the wrecker operator must issue a
666 certificate of discharged wrecker operator's lien on forms
667 provided by the department to each registered owner of the
668 vehicle or vessel attesting that the amount of the wrecker
669 operator's lien allowed by paragraph (b) has been discharged.
670 Upon presentation of the certificate of discharged wrecker
671 operator's lien by the registered owner, the department must
672 ~~shall~~ immediately remove the registered owner's name from the
673 list of those persons who may not be issued a license plate or
674 revalidation sticker for any motor vehicle under s. 320.03(8),
675 thereby allowing issuance of a license plate or revalidation
676 sticker. Issuance of a certificate of discharged wrecker
677 operator's lien under this paragraph does not discharge the
678 entire amount of the wrecker operator's lien claimed under
679 paragraph (2) (b) ~~subsection (2)~~, but only certifies to the

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

680 department that the amount of the wrecker operator's lien
681 allowed by paragraph (b), for which the department will prevent
682 issuance of a license plate or revalidation sticker, has been
683 discharged.

684 (17) (a) A towing-storage operator must accept an original
685 or a copy of any of the following documents as evidence of a
686 person's interest in a vehicle or vessel:

687 1. An electronic title.

688 2. A paper title.

689 3. A contract between a lender and the owner of the
690 vehicle or vessel.

691 4. A contract between a lessor and the lessee of the
692 vehicle or vessel.

693 5. Credentials establishing the person as an employee or
694 contract agent of an insurance company along with documentation
695 identifying the vehicle by the vehicle identification number or
696 vessel by the hull identification number.

697 6. A written agreement evidencing that the person is an
698 agent of the vehicle or vessel owner or lienholder.

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

702 Remove lines 107-108 and insert:
703 section 125.0103, Florida Statutes, are amended, and paragraph
704 (d) is added to that subsection, to read:

203501

Approved For Filing: 2/23/2024 12:18:27 PM

Amendment No.

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

Remove lines 3-23 and insert:
125.0103 and 166.043, F.S.; requiring certain counties
and municipalities to publish specified rates on their
websites and establish a specified process; providing
that rates established by the Division of Florida
Highway Patrol apply to certain areas of the state;
amending s. 321.051, F.S.; prohibiting the division
from excluding certain wrecker operators from the
wrecker operator system or failing to designate
certain wrecker operators as authorized wrecker
operators; providing exceptions; requiring, rather
than authorizing, the division to establish certain
maximum rates; requiring the

203501

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