

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee

3 Representative McFarland offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 93-797 and insert:

7 (d) Counties and municipalities that require a response
 8 from a towing-storage operator must establish a cost-plus
 9 recovery structure for reimbursements relating to the cleanup
 10 and disposal of hazardous and nonhazardous materials incidental
 11 to the removal and storage of wrecked or disabled vehicles or
 12 vessels. The local government must pay the amount of the
 13 reimbursement and may not charge such amount to the owner of the
 14 vehicle or vessel for which such towing services were provided.
 15 If a municipality enacts an ordinance establishing reimbursement

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16 rates under this paragraph, the county's ordinance does not
17 apply within such municipality.

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

26 Section 2. Paragraphs (b) and (c) of subsection (1) of
27 section 166.043, Florida Statutes, are amended, and paragraphs
28 (d) and (e) are added to that subsection, to read:

29 166.043 Ordinances and rules imposing price controls.—

30 (1)

31 (b) This section does not prevent the enactment by local
32 governments of public service rates otherwise authorized by law,
33 including water, sewer, solid waste, public transportation,
34 taxicab, or port rates; ; rates for towing of vehicles or vessels
35 from or immobilization of vehicles or vessels on private
36 property; ; or rates for removal and storage of wrecked or
37 disabled vehicles or vessels from an accident scene or the
38 removal and storage of vehicles or vessels, ; in the event the
39 owner or operator is incapacitated, unavailable, leaves the
40 procurement of wrecker service to the law enforcement officer at

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41 the scene, or otherwise does not consent to the removal of the
42 vehicle or vessel.

43 (c) Counties must establish maximum rates which may be
44 charged on the towing of vehicles or vessels from or
45 immobilization of vehicles or vessels on private property or
46 which may be charged for, removal and storage of wrecked or
47 disabled vehicles or vessels from an accident scene or for the
48 removal and storage of vehicles or vessels, in the event the
49 owner or operator is incapacitated, unavailable, leaves the
50 procurement of wrecker service to the law enforcement officer at
51 the scene, or otherwise does not consent to the removal of the
52 vehicle or vessel. However, if a municipality chooses to enact
53 an ordinance establishing the maximum rates for the towing or
54 immobilization of vehicles or vessels as described in paragraph
55 (b), the county's ordinance established under s. 125.0103 does
56 not apply within such municipality.

57 (d) Counties and municipalities that require a response
58 from a towing-storage operator must establish a cost-plus
59 recovery structure for reimbursements relating to the cleanup
60 and disposal of hazardous and nonhazardous materials incidental
61 to the removal and storage of wrecked or disabled vehicles or
62 vessels. The local government must pay the amount of the
63 reimbursement and may not charge such amount to the owner of the
64 vehicle or vessel for which such towing services were provided.
65 If a municipality enacts an ordinance establishing reimbursement

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66 rates under this paragraph, the county's ordinance does not
67 apply within such municipality.

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

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

78 321.051 Florida Highway Patrol wrecker operator system;
79 penalties for operation outside of system.-

80 (2) The Division of Florida Highway Patrol of the
81 Department of Highway Safety and Motor Vehicles is authorized to
82 establish within areas designated by the patrol a wrecker
83 operator system using qualified, reputable wrecker operators for
84 removal and storage of wrecked or disabled vehicles from a crash
85 scene or for removal and storage of abandoned vehicles, in the
86 event the owner or operator is incapacitated or unavailable or
87 leaves the procurement of wrecker service to the officer at the
88 scene. All reputable wrecker operators are ~~shall be~~ eligible for
89 use in the system provided their equipment and drivers meet
90 recognized safety qualifications and mechanical standards set by

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91 rules of the Division of Florida Highway Patrol for the size of
92 vehicle it is designed to handle. The division may not exclude a
93 wrecker operator from the wrecker operator system or fail to
94 designate a wrecker operator as an authorized wrecker operator
95 based solely on a prior felony conviction unless such conviction
96 is for a forcible felony as defined in s. 776.08 or a felony
97 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is
98 authorized to limit the number of wrecker operators
99 participating in the wrecker operator system, which authority
100 shall not affect wrecker operators currently participating in
101 the system established by this section. The division must ~~is~~
102 ~~authorized to~~ establish maximum rates for the towing and storage
103 of vehicles removed at the division's request, where such rates
104 have not been set by a county or municipality pursuant to s.
105 125.0103 or s. 166.043. Such rates shall not be considered rules
106 for the purpose of chapter 120; however, the department shall
107 establish by rule a procedure for setting such rates. The
108 department must publish on its website the maximum rates
109 established under this subsection and must establish a process
110 for investigating and resolving complaints regarding fees
111 charged in excess of such maximum rates. Any provision in
112 chapter 120 to the contrary notwithstanding, a final order of
113 the department denying, suspending, or revoking a wrecker
114 operator's participation in the system shall be reviewable in
115 the manner and within the time provided by the Florida Rules of

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116 Appellate Procedure only by a writ of certiorari issued by the
117 circuit court in the county wherein such wrecker operator
118 resides.

119 Section 4. Subsections (1), (2), and (4), paragraph (a) of
120 subsection (5), subsections (6), (8), (9), and (10), paragraph
121 (a) of subsection (11), paragraphs (a) and (d) of subsection
122 (12), paragraphs (a), (b), and (d) of subsection (13), and
123 subsection (17) of section 713.78, Florida Statutes, are
124 amended, and subsections (18), (19), and (20) are added to that
125 section, to read:

126 713.78 Liens for recovering, towing, or storing vehicles
127 and vessels.—

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

129 ~~(a)-(e)~~ "Equivalent commercially available system" means a
130 service that charges a fee to provide vehicle information and
131 that at a minimum maintains records from those states
132 participating in data sharing with the National Motor Vehicle
133 Title Information System.

134 (b) "Good faith effort" means that all of the following
135 checks have been performed by a towing-storage operator to
136 establish the prior state of registration and title of a vehicle
137 or vessel that has been towed or stored by the towing-storage
138 operator:

139 1. A check of the department's database for the owner and
140 any lienholder.

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141 2. A check of the electronic National Motor Vehicle Title
142 Information System or an equivalent commercially available
143 system to determine the state of registration when there is not
144 a current registration record for the vehicle or vessel on file
145 with the department.

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

148 4. A check of the law enforcement report for a tag number
149 or other information identifying the vehicle or vessel, if the
150 vehicle or vessel was towed at the request of a law enforcement
151 officer.

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

155 6. If there is no address of the owner on the impound
156 report, a check of the law enforcement report to determine
157 whether an out-of-state address is indicated from driver license
158 information.

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

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

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165 9. A check of the vehicle for a vehicle identification
166 number.

167 10. A check of the vessel for a vessel registration
168 number.

169 11. A check of the vessel hull for a hull identification
170 number which should be carved, burned, stamped, embossed, or
171 otherwise permanently affixed to the outboard side of the
172 transom or, if there is no transom, to the outmost seaboard side
173 at the end of the hull that bears the rudder or other steering
174 mechanism.

175 (c)-(d) "National Motor Vehicle Title Information System"
176 means the federally authorized electronic National Motor Vehicle
177 Title Information System.

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

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

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

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

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

194 (i)-(e) "Wrecker" means any truck or other vehicle that
195 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~
196 vehicles or vessels upon the streets and highways of this state
197 and ~~which~~ is equipped for that purpose with a boom, winch, car
198 carrier, or other similar equipment.

199 (2) (a) ~~Whenever~~ A towing-storage operator may charge the
200 owner or operator of a vehicle or vessel only the following fees
201 for, or incidental to, the recovery, removal, or storage of the
202 vehicle or vessel:

203 1. Any reasonable fee for service specifically authorized
204 under s. 125.0103 or s. 166.043 by ordinance, resolution,
205 regulation, or rule of the county or municipality in which the
206 service is performed.

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

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

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

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

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

223 1.(a) The owner thereof;

224 2.(b) The owner or lessor, or a person authorized by the
225 owner or lessor, of property on which such vehicle or vessel is
226 wrongfully parked, and the removal is done in compliance with s.
227 715.07;

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

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

233
234 she or he has ~~shall have~~ a lien on the vehicle or vessel for
235 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
236 ~~reasonable administrative fee or charge imposed by a county or~~
237 ~~municipality, and for a reasonable storage fee;~~ except that a
238 storage fee may not be charged if the vehicle or vessel is
239 stored for less ~~fewer~~ than 6 hours.

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240 (c) A towing-storage operator may enter, using reasonable
241 care, a vehicle or vessel for purposes of recovering, removing,
242 or storing such vehicle or vessel. A towing-storage operator is
243 liable for any damage to the vehicle or vessel if such entry is
244 not in accordance with the standard of reasonable care.

245 (4) (a) A towing-storage operator ~~person regularly engaged~~
246 ~~in the business of recovering, towing, or storing vehicles or~~
247 ~~vessels~~ who comes into possession of a vehicle or vessel
248 pursuant to paragraph (2) (b) subsection (2), and who claims a
249 lien for recovery, towing, or storage services, must ~~shall~~ give
250 notice, by certified mail, pursuant to subsection (16), to the
251 registered owner, the insurance company insuring the vehicle or
252 vessel notwithstanding s. 627.736, and all persons claiming a
253 lien thereon, as disclosed by the records in the Department of
254 Highway Safety and Motor Vehicles or as disclosed by the records
255 of any corresponding agency in any other state in which the
256 vehicle or vessel is identified through a records check of the
257 National Motor Vehicle Title Information System or an equivalent
258 commercially available system as being titled or registered.

259 (b) When ~~Whenever~~ a law enforcement agency, county, or
260 municipality authorizes the removal of a vehicle or vessel, or
261 ~~whenever~~ a towing service, garage, repair shop, or automotive
262 service, storage, or parking place notifies a ~~the~~ law
263 enforcement agency of possession of a vehicle or vessel pursuant
264 to s. 715.07 (2) (a) 2., if an approved third-party service cannot

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265 obtain the vehicle's or vessel's owner, lienholder, and insurer
266 information or last state of record pursuant to subsection (16),
267 then the person in charge of the towing service, garage, repair
268 shop, or automotive service, storage, or parking place must
269 request such information from the law enforcement agency of the
270 jurisdiction where the vehicle or vessel is stored. The law
271 enforcement agency to which the request was made must ~~shall~~
272 contact the Department of Highway Safety and Motor Vehicles, or
273 the appropriate agency of the state of registration, if known,
274 within 24 hours through the medium of electronic communications,
275 giving the full description of the vehicle or vessel. Upon
276 receipt of the full description of the vehicle or vessel, the
277 department ~~must shall~~ search its files to determine the owner's
278 name, the insurance company insuring the vehicle or vessel, and
279 whether any person has filed a lien upon the vehicle or vessel
280 as provided in s. 319.27(2) and (3) and notify the applicable
281 law enforcement agency within 72 hours. The person in charge of
282 the towing service, garage, repair shop, or automotive service,
283 storage, or parking place ~~must request shall obtain~~ such
284 information from the applicable law enforcement agency within 5
285 days after the date of storage and ~~must provide the information~~
286 to the approved third-party service in order to transmit notices
287 as required under subsection (16) ~~shall give notice pursuant to~~
288 paragraph (a). The department may release the insurance company
289 information to the requestor notwithstanding s. 627.736.

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290 (c) The notice of lien must be sent by an approved third-
291 party service by certified mail to the registered owner, the
292 insurance company insuring the vehicle notwithstanding s.
293 627.736, and all other persons claiming a lien thereon within 5
294 7 business days, excluding a Saturday, and Sunday, or federal
295 legal holiday, after the date of storage of the vehicle or
296 vessel. ~~However, in no event shall the notice of lien be sent~~
297 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
298 notice must state all of the following:

299 1. If the claim of lien is for a vehicle, the last 8
300 digits of the vehicle identification number of the vehicle
301 subject to the lien, or, if the claim of lien is for a vessel,
302 the hull identification number of the vessel subject to the
303 lien, clearly printed in the delivery address box and on the
304 outside of the envelope sent to the registered owner and all
305 other persons claiming an interest in therein or lien on the
306 vehicle or vessel ~~thereon.~~

307 2. The name, physical address, and telephone number of the
308 lienor, and the entity name, as registered with the Division of
309 Corporations, of the business where the towing and storage
310 occurred, which must also appear on the outside of the envelope
311 sent to the registered owner and all other persons claiming an
312 interest in or lien on the vehicle or vessel.

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

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

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

318 6. That charges have accrued and include an itemized
319 statement of the amount thereof.

320 7. That the lien is subject to enforcement under law and
321 that the owner or lienholder, if any, has the right to file a
322 complaint hearing as set forth in subsection (5).

323 8. That any vehicle or vessel that remains unclaimed, or
324 for which the charges for recovery, towing, or storage services
325 remain unpaid, may be sold free of all prior liens 35 days after
326 the vehicle or vessel is stored by the lienor if the vehicle or
327 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
328 after the vehicle or vessel is stored by the lienor if the
329 vehicle or vessel is a newer model ~~3 years of age or less~~.

330 9. The address at which the vehicle or vessel is
331 physically located.

332 (d) The notice of lien may not be sent to the registered
333 owner, the insurance company insuring the vehicle or vessel, and
334 all other persons claiming a lien thereon less than 30 days
335 before the sale of a the vehicle or vessel that is an older
336 model or less than 52 days before the sale of a vehicle or
337 vessel that is a newer model.

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338 (e) If attempts to locate the name and address of the
339 registered owner, the insurance company insuring the vehicle or
340 vessel, and any other person claiming a lien thereon are ~~or~~
341 ~~lienholder prove unsuccessful, 5 the towing-storage operator~~
342 ~~shall, after 7 business days, excluding a Saturday, and Sunday,~~
343 or federal legal holiday, after the initial tow or storage, the
344 towing-storage operator must notify the public agency of
345 jurisdiction where the vehicle or vessel is stored in writing by
346 certified mail or receipt-acknowledged electronic delivery
347 ~~acknowledged hand delivery~~ that the towing-storage operator
348 ~~company~~ has been unable to locate the name and address of the
349 owner or lienholder and a physical search of the vehicle or
350 vessel has disclosed no ownership information and a good faith
351 effort has been made, including records checks of the Department
352 of Highway Safety and Motor Vehicles database and the National
353 Motor Vehicle Title Information System or an equivalent
354 commercially available system. ~~For purposes of this paragraph~~
355 ~~and subsection (9), the term "good faith effort" means that the~~
356 ~~following checks have been performed by the company to establish~~
357 ~~the prior state of registration and for title:~~

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

360 2. ~~A check of the electronic National Motor Vehicle Title~~
361 ~~Information System or an equivalent commercially available~~
362 ~~system to determine the state of registration when there is not~~

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363 ~~a current registration record for the vehicle or vessel on file~~
364 ~~with the department.~~

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

367 ~~4. A check of the law enforcement report for a tag number~~
368 ~~or other information identifying the vehicle or vessel, if the~~
369 ~~vehicle or vessel was towed at the request of a law enforcement~~
370 ~~officer.~~

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

374 ~~6. If there is no address of the owner on the impound~~
375 ~~report, a check of the law enforcement report to determine~~
376 ~~whether an out-of-state address is indicated from driver license~~
377 ~~information.~~

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

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

384 ~~9. A check of the vehicle for a vehicle identification~~
385 ~~number.~~

386 ~~10. A check of the vessel for a vessel registration~~
387 ~~number.~~

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388 ~~11. A check of the vessel hull for a hull identification~~
389 ~~number which should be carved, burned, stamped, embossed, or~~
390 ~~otherwise permanently affixed to the outboard side of the~~
391 ~~transom or, if there is no transom, to the outmost seaboard side~~
392 ~~at the end of the hull that bears the rudder or other steering~~
393 ~~mechanism.~~

394 (5) (a) The owner of a vehicle or vessel removed pursuant
395 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a
396 lien thereon, other than the towing-storage operator, within 10
397 days after the time she or he has knowledge of the location of
398 the vehicle or vessel, may file a complaint in the ~~county~~ court
399 of the county in which the vehicle or vessel is stored to
400 determine whether her or his property was wrongfully taken or
401 withheld.

402 (6) A vehicle or vessel that is stored pursuant to
403 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
404 which reasonable charges for recovery, towing, or storing remain
405 unpaid, and any contents not released pursuant to subsection
406 (10), may be sold by the owner or operator of the storage space
407 for such towing or storage charge 35 days after the vehicle or
408 vessel is stored by the lienor if the vehicle or vessel is an
409 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
410 vehicle or vessel is stored by the lienor if the vehicle or
411 vessel is a newer model ~~3 years of age or less~~. The sale must
412 ~~shall~~ be at public sale for cash. If the date of the sale was

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413 not included in the notice required in subsection (4), notice of
414 the sale must ~~shall~~ be given to the person in whose name the
415 vehicle or vessel is registered and to all persons claiming a
416 lien on the vehicle or vessel as shown on the records of the
417 Department of Highway Safety and Motor Vehicles or of any
418 corresponding agency in any other state in which the vehicle is
419 identified through a records check of the National Motor Vehicle
420 Title Information System or an equivalent commercially available
421 system as being titled. Notice of the sale must be sent by
422 certified mail to the registered owner of the vehicle or vessel,
423 the insurance company insuring the vehicle or vessel, and the
424 person having the recorded lien on the vehicle or vessel at the
425 address shown on the records of the registering agency at least
426 30 days before the sale of the vehicle or vessel. ~~The notice~~
427 ~~must have clearly identified and printed, if the claim of lien~~
428 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
429 identification number of the ~~motor~~ vehicle subject to the lien,
430 or, if the claim of lien is for a vessel, the hull
431 identification number of the vessel subject to the lien, must be
432 clearly identified and printed in the delivery address box and
433 on the outside of the envelope sent to the registered owner, the
434 insurance company insuring the vehicle or vessel, and all other
435 persons claiming an interest in ~~therein~~ or lien on the vehicle
436 or vessel ~~thereon.~~ ~~The notice must be sent to the owner of the~~
437 ~~vehicle or vessel and the person having the recorded lien on the~~

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438 ~~vehicle or vessel at the address shown on the records of the~~
439 ~~registering agency at least 30 days before the sale of the~~
440 ~~vehicle or vessel.~~ The notice must state the name, physical
441 address, and telephone number of the lienor, and the vehicle
442 identification number if the claim of lien is for a vehicle or
443 the hull identification number if the claim of lien is for a
444 vessel, all of which must also appear in the return address
445 section on the outside of the envelope containing the notice of
446 sale. After diligent search and inquiry, if the name and address
447 of the registered owner or the owner of the recorded lien cannot
448 be ascertained, the requirements of notice by mail may be
449 dispensed with. In addition to the notice by mail, public notice
450 of the time and place of sale must ~~shall~~ be made by publishing a
451 notice thereof one time, at least 20 ~~10~~ days before the date of
452 the sale, on the publicly available website maintained by an
453 approved third-party service. The third-party service must
454 electronically report to the Department of Highway Safety and
455 Motor Vehicles, via an electronic data exchange process using a
456 web interface, the name, physical address, and telephone number
457 of the lienor; the time and place of the sale; the vehicle's
458 license plate number, if known; the vehicle identification
459 number, if the claim of lien is for a vehicle, or the hull
460 identification number, if the claim of lien is for a vessel; and
461 the amount due for towing, recovery, storage, and administrative
462 fees. The third-party service that publishes the public notice

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463 of sale and electronically reports the required information to
464 the department may collect and retain a service charge of no
465 more than \$1 in a newspaper of general circulation in the county
466 in which the sale is to be held. The proceeds of the sale, after
467 payment of reasonable towing and storage charges, and costs of
468 the sale, in that order of priority, must ~~shall~~ be deposited
469 with the clerk of the circuit court for the county if the owner
470 or lienholder is absent, and the clerk must ~~shall~~ hold such
471 proceeds subject to the claim of the owner or lienholder legally
472 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
473 percent of such proceeds for the care and disbursement thereof.
474 The certificate of title issued under this section must ~~this law~~
475 ~~shall~~ be discharged of all liens unless otherwise provided by
476 court order. The owner or lienholder may file a complaint after
477 the vehicle or vessel has been sold in the ~~county~~ court of the
478 county in which it is stored. Upon determining the respective
479 rights of the parties, the court may award damages, attorney
480 fees, and costs in favor of the prevailing party.

481 (8) A towing-storage operator ~~person regularly engaged in~~
482 ~~the business of recovering, towing, or storing vehicles or~~
483 ~~vessels,~~ except a person licensed under chapter 493 while
484 engaged in "repossession" activities as defined in s. 493.6101,
485 may not operate a wrecker, tow truck, or car carrier unless the
486 name, address, and telephone number of the company performing
487 the service is clearly printed in contrasting colors on the

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488 driver and passenger sides of its vehicle. The name must be in
489 at least 3-inch permanently affixed letters, and the address and
490 telephone number must be in at least 1-inch permanently affixed
491 letters.

492 (9) Failure to make good faith efforts to comply with the
493 notice requirements of this section precludes the imposition of
494 any storage charges against the vehicle or vessel. If a lienor
495 fails to provide notice to a person claiming a lien on a vehicle
496 or vessel in accordance with subsection (4), the lienor may not
497 charge the person for more than 5 7 days of storage, but such
498 failure does not affect charges made for towing the vehicle or
499 vessel or the priority of liens on the vehicle or vessel.

500 (10) A towing-storage operator must ~~Persons who provide~~
501 ~~services pursuant to this section shall~~ permit vehicle or vessel
502 owners, lienholders, insurance company representatives, or their
503 agents, whose interest in the vehicle or vessel is evidenced by
504 any of the documents listed in subsection (17) ~~which agency is~~
505 ~~evidenced by an original writing acknowledged by the owner~~
506 ~~before a notary public or other person empowered by law to~~
507 ~~administer oaths~~, to inspect the towed vehicle or vessel and
508 must shall release to the owner, lienholder, or agent the
509 vehicle, vessel, or all personal property not affixed to the
510 vehicle or vessel which was in the vehicle or vessel at the time
511 the vehicle or vessel came into the custody of the towing-
512 storage operator. The inspection and release of the vehicle,

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513 vessel, or personal property must be permitted within 1 hour
514 after the owner, lienholder, insurance company representative,
515 or their agent presents any of the documents listed in
516 subsection (17) to the towing-storage operator during normal
517 business hours at the site where the vehicle or vessel is
518 stored. Notwithstanding subparagraph (17)(a)5., a rental vehicle
519 or vessel agreement is not evidence that the person who rented a
520 vehicle or vessel is an agent of the rental vehicle or vessel
521 owner for the purpose of releasing the vehicle or vessel.
522 However, a towing-storage operator must release to the renter of
523 a rental vehicle or vessel all personal property belonging to
524 the renter which is not affixed to the rental vehicle or vessel
525 within 1 hour after the renter's arrival ~~person providing such~~
526 services.

527 (11) (a) A towing-storage operator ~~Any person regularly~~
528 ~~engaged in the business of recovering, towing, or storing~~
529 ~~vehicles or vessels~~ who comes into possession of a vehicle or
530 vessel pursuant to paragraph (2) (b) subsection (2) and who has
531 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
532 when such vehicle or vessel is to be sold for purposes of being
533 dismantled, destroyed, or changed in such manner that it is not
534 the ~~motor~~ vehicle or vessel described in the certificate of
535 title, must ~~shall~~ report the vehicle to the National Motor
536 Vehicle Title Information System and apply to the Department of
537 Highway Safety and Motor Vehicles for a certificate of

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538 destruction. A certificate of destruction, which authorizes the
539 dismantling or destruction of the vehicle or vessel described
540 therein, is ~~shall be~~ reassignable a maximum of two times before
541 dismantling or destruction of the vehicle is ~~shall be~~ required,
542 and must ~~shall~~ accompany the vehicle or vessel for which it is
543 issued, when such vehicle or vessel is sold for such purposes,
544 in lieu of a certificate of title. The application for a
545 certificate of destruction must include proof of reporting to
546 the National Motor Vehicle Title Information System and an
547 affidavit from the applicant that she or he ~~it~~ has complied with
548 all applicable requirements of this section and, if the vehicle
549 or vessel is not registered in this state or any other state, by
550 a statement from a law enforcement officer that the vehicle or
551 vessel is not reported stolen, and must ~~shall~~ be accompanied by
552 such documentation as may be required by the department.

553 (12) (a) Any person who violates ~~any provision of~~
554 ~~subsection (1),~~ subsection (2), subsection (4), subsection (5),
555 subsection (6), or subsection (7) is guilty of a misdemeanor of
556 the first degree, punishable as provided in s. 775.082 or s.
557 775.083.

558 (d) Employees of the Department of Highway Safety and
559 Motor Vehicles and law enforcement officers are authorized to
560 inspect the records of a towing-storage operator ~~any person~~
561 ~~regularly engaged in the business of recovering, towing, or~~
562 ~~storing vehicles or vessels or transporting vehicles or vessels~~

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563 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with
564 the requirements of this section. A towing-storage operator ~~Any~~
565 ~~person~~ who fails to maintain records, or fails to produce
566 records when required in a reasonable manner and at a reasonable
567 time, commits a misdemeanor of the first degree, punishable as
568 provided in s. 775.082 or s. 775.083.

569 (13) (a) Upon receipt by the Department of Highway Safety
570 and Motor Vehicles of written notice from a wrecker operator who
571 claims a wrecker operator's lien under subparagraph (2) (b) 4.
572 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
573 abandoned vehicle or vessel upon instructions from any law
574 enforcement agency, for which a certificate of destruction has
575 been issued under subsection (11) and the vehicle has been
576 reported to the National Motor Vehicle Title Information System,
577 the department shall place the name of the registered owner of
578 that vehicle or vessel on the list of those persons who may not
579 be issued a license plate or revalidation sticker for any motor
580 vehicle under s. 320.03(8). If the vehicle or vessel is owned
581 jointly by more than one person, the name of each registered
582 owner must ~~shall~~ be placed on the list. The notice of wrecker
583 operator's lien must ~~shall~~ be submitted on forms provided by the
584 department and, which must include all of the following:

585 1. The name, address, and telephone number of the wrecker
586 operator.

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

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

592 4. The vehicle identification number (VIN); registration
593 license plate number, state, and year; validation decal number,
594 state, and year; vessel registration number; hull identification
595 number; or other identification number, as applicable.

596 5. The name of the person or the corresponding law
597 enforcement agency that requested that the vehicle or vessel be
598 recovered, towed, or stored.

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

601 (b) For purposes of this subsection only, the amount of
602 the wrecker operator's lien for which the department will
603 prevent issuance of a license plate or revalidation sticker may
604 not exceed the amount of the charges for recovery, towing, and
605 storage of the vehicle or vessel for 7 days. These charges may
606 not exceed the maximum rates imposed by the ordinances of the
607 respective county or municipality under ss. 125.0103(1) (c) and
608 166.043(1) (c). This paragraph does not limit the amount of a
609 wrecker operator's lien claimed under paragraph (2) (b)
610 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
611 remedies for enforcement of the entire amount of the lien, but

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612 limits only that portion of the lien for which the department
613 will prevent issuance of a license plate or revalidation
614 sticker.

615 (d) Upon discharge of the amount of the wrecker operator's
616 lien allowed by paragraph (b), the wrecker operator must issue a
617 certificate of discharged wrecker operator's lien on forms
618 provided by the department to each registered owner of the
619 vehicle or vessel attesting that the amount of the wrecker
620 operator's lien allowed by paragraph (b) has been discharged.
621 Upon presentation of the certificate of discharged wrecker
622 operator's lien by the registered owner, the department must
623 ~~shall~~ immediately remove the registered owner's name from the
624 list of those persons who may not be issued a license plate or
625 revalidation sticker for any motor vehicle under s. 320.03(8),
626 thereby allowing issuance of a license plate or revalidation
627 sticker. Issuance of a certificate of discharged wrecker
628 operator's lien under this paragraph does not discharge the
629 entire amount of the wrecker operator's lien claimed under
630 paragraph (2)(b) ~~subsection (2)~~, but only certifies to the
631 department that the amount of the wrecker operator's lien
632 allowed by paragraph (b), for which the department will prevent
633 issuance of a license plate or revalidation sticker, has been
634 discharged.

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

638 1. An electronic title.

639 2. A paper title.

640 3. A contract between a lender and the owner of the
641 vehicle or vessel.

642 4. A contract between a lessor and the lessee of the
643 vehicle or vessel.

644 5. Credentials establishing the person as an employee or
645 contract agent of an insurance company along with documentation
646 identifying the vehicle by the vehicle identification number or
647 vessel by the hull identification number.

648 6. A written agreement evidencing that the person is an
649 agent of the vehicle or vessel owner, lienholder, or insurance
650 company representative.

651 (b) A towing-storage operator may not require any of the
652 documents listed in paragraph (a) to be notarized, except for
653 the agreement in subparagraph (a)6. when such agreement is
654 presented for the purpose of releasing the vehicle or vessel.

655 (c) Presenting one form of current government-issued photo
656 identification constitutes sufficient identity verification for
657 the purposes of this section ~~A lienor must accept either a copy~~
658 ~~of an electronic title or a paper title as evidence of a~~
659 ~~person's interest in a vehicle or vessel.~~

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660 (18) A towing-storage operator must retain for 3 years
661 records produced for all vehicles or vessels recovered, towed,
662 stored, or released. Such records must include at least all of
663 the following:

664 (a) All notice publications and certified mailings.

665 (b) The purchase price of any unclaimed vehicle or vessel
666 sold.

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

669 (d) The names and addresses of vehicle or vessel
670 purchasers.

671 (e) All fees imposed under this section, including the
672 itemized invoice required under paragraph (20)(c).

673 (19)(a) A towing-storage operator must accept payment for
674 accrued charges from an authorized person listed in subsection
675 (10) in any form from at least two of the following
676 subparagraphs:

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

679 2. Bank, debit, or credit card.

680 3. Mobile payment service, digital wallet, or other
681 electronic payment system.

682 (b) Any of the authorized persons listed in subsection
683 (10) are not required to furnish more than one form of current

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684 government-issued photo identification when payment is made in
685 any of the forms listed in paragraph (a).

686 (c) A county or municipal charter, ordinance, resolution,
687 regulation, or rule that conflicts with paragraph (a) is
688 expressly preempted.

689 (20) (a) A towing-storage operator must maintain a rate
690 sheet listing all fees for, or incidental to, the recovery,
691 removal, or storage of a vehicle or vessel and must do all of
692 the following:

693 1. Post the rate sheet at the towing-storage operator's
694 place of business.

695 2. Make the rate sheet available upon request by the
696 vehicle or vessel owner, lienholder, insurance company, or their
697 agent.

698 3. Before attaching a vehicle or vessel to a wrecker,
699 furnish the rate sheet to the owner or operator of the vehicle
700 or vessel, if the owner or operator is present at the scene of
701 the disabled vehicle or vessel.

702 (b) Any fee charged in excess of those listed on the rate
703 sheet required under this subsection is deemed unreasonable.

704 (c) An itemized invoice of actual fees charged by a
705 towing-storage operator for a completed tow must be produced and
706 be available to the vehicle or vessel owner, lienholder,
707 insurance company, or their agent no later than 1 business day
708 after:

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- 709 1. The tow is completed; or
710 2. The towing-storage operator has obtained all necessary
711 information to be included on the invoice, including any charges
712 submitted by subcontractors used by the towing-storage operator
713 to complete the tow and recovery.
- 714 (d) The itemized invoice required under paragraph (c) must
715 contain all of the following information:
- 716 1. The date and time the vehicle or vessel was towed.
717 2. The location to which the vehicle or vessel was towed.
718 3. The name, address, and telephone number of the towing-
719 storage operator.
- 720 4. A description of the towed vehicle or vessel, including
721 the color, make, model, model year, and vehicle identification
722 number of the vehicle or hull identification number of the
723 vessel.
- 724 5. The license plate number and state of registration for
725 the towed vehicle or vessel.
- 726 6. The cost of the initial towing service.
727 7. The cost of any storage fees, expressed as a daily
728 rate.
- 729 8. Other fees, including administrative fees, vehicle or
730 vessel search fees, fees for hazardous material and nonhazardous
731 material cleanup, and fees for labor.

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732 9. A list of the services that were performed under a
733 warranty or that were otherwise performed at no cost to the
734 owner of the vehicle or vessel.

735 (e) Any service performed or fee charged in addition to
736 those described in subparagraph (d)6. or subparagraph (d)7. must
737 be set forth on the itemized invoice required under paragraph
738 (c) individually as a single line item that includes an
739 explanation of the service or fee and the exact amount charged
740 for the service or the exact amount of the fee.

741 (f) A towing-storage operator must make the itemized
742 invoice required under paragraph (c) available for inspection
743 and copying no later than 48 hours after receiving a written
744 request to inspect such invoice from:

- 745 1. A law enforcement agency;
746 2. The Attorney General; or
747 3. The vehicle or vessel owner, lienholder, insurance
748 company, or their agent.

749
750 Section 5. Subsection (8) is added to section 323.001,
751 Florida Statutes, to read:

752 323.001 Wrecker operator storage facilities; vehicle
753 holds.—

754 (8) If a vehicle is stored at a wrecker operator's
755 facility pursuant to an investigatory hold or a hold for other
756 evidentiary purposes, the investigatory agency or other person

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757 requiring such hold must take possession of the vehicle within
758 30 days after the first day on which the vehicle is stored,
759 unless another timeframe is otherwise agreed upon by the wrecker
760 operator and the investigatory agency or other person requiring
761 the hold.

762 -----
763
764 **T I T L E A M E N D M E N T**

765 Remove lines 3-56 and insert:
766 125.0103 and 166.043, F.S.; requiring certain counties
767 and municipalities to establish a cost-plus recovery
768 structure for reimbursements relating to cleanup and
769 disposal of hazardous and nonhazardous materials under
770 certain circumstances; requiring the local government
771 to pay for the amount of certain reimbursements;
772 providing applicability; requiring certain counties
773 and municipalities to publish specified rates on their
774 websites and establish a specified process; providing
775 that rates established by the Division of Florida
776 Highway Patrol apply to certain areas of the state;
777 amending s. 321.051, F.S.; prohibiting the division
778 from excluding certain wrecker operators from the
779 wrecker operator system or failing to designate
780 certain wrecker operators as authorized wrecker
781 operators; providing exceptions; requiring, rather

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782 than authorizing, the division to establish certain
783 maximum rates; requiring the Department of Highway
784 Safety and Motor Vehicles to publish such rates on its
785 website and establish a specified process; amending s.
786 713.78, F.S.; providing and reordering definitions;
787 authorizing towing-storage operators to charge certain
788 fees; providing that towing-storage operators have a
789 lien on a vehicle or vessel for such fees; authorizing
790 towing-storage operators to enter, using reasonable
791 care, a vehicle or vessel for specified purposes;
792 providing liability under certain circumstances;
793 revising requirements for law enforcement agencies,
794 counties, municipalities, and the department relating
795 to the removal of vehicles or vessels; revising
796 requirements for notices of lien; revising
797 requirements for towing-storage operators providing
798 notice to public agencies of jurisdiction; revising
799 the timeframe in which certain unclaimed vehicles or
800 vessels may be sold; revising requirements for notices
801 of sale; requiring approved third-party services to
802 publish public notices of sale and report certain
803 information by specified means to the department;
804 providing the maximum fee that approved third-party
805 services may collect and retain for such services;
806 revising provisions for permission to inspect a

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807 vehicle or vessel; providing timeframes in which a
808 vehicle, vessel, or personal property must be made
809 available for inspection and release; revising
810 criminal penalties; requiring towing-storage operators
811 to accept certain documents, one of which must be
812 notarized, as evidence of a person's interest in a
813 vehicle or vessel; prohibiting certain persons from
814 being required to furnish more than one form of
815 current government-issued photo identification for
816 purposes of verifying their identity; requiring
817 towing-storage operators to maintain certain records
818 for a certain period of time; requiring towing-storage
819 operators to accept certain types of payment;
820 providing for preemption; requiring towing-storage
821 operators to maintain a rate sheet; providing
822 requirements for such rate sheet; providing that
823 certain fees are unreasonable; requiring towing-
824 storage operators to maintain an itemized invoice for
825 specified fees; providing requirements for such
826 invoice; requiring disclosure of such invoice to
827 specified persons and entities within a certain
828 timeframe; providing applicability; making technical
829 changes; amending s. 323.001, F.S.; requiring certain
830 persons to take possession of certain vehicles within

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COMMITTEE/SUBCOMMITTEE AMENDMENT

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831 a specified timeframe, unless another timeframe is
832 otherwise agreed upon;