

1 A bill to be entitled
2 An act relating to wrecker and towing-storage
3 operators; amending s. 321.051, F.S.; prohibiting the
4 Division of the Florida Highway Patrol from excluding
5 wrecker operators from the wrecker operator system or
6 from being designated as an authorized wrecker
7 operator based solely on a prior felony conviction;
8 providing an exception; amending s. 559.917, F.S.;
9 providing procedures and requirements for acquiring a
10 bond to release certain liens; authorizing the award
11 of court costs and attorney fees for certain customers
12 or persons under certain circumstances; providing
13 definitions; amending s. 713.78, F.S.; providing
14 definitions; authorizing a towing-storage operator to
15 charge certain fees; providing that a lien can only be
16 placed on specified fees; requiring a towing-storage
17 operator to accept specified payment methods; removing
18 certain requirements for law enforcement agencies and
19 the Department of Highway Safety and Motor Vehicles;
20 revising the timeframe in which certain unclaimed
21 vehicles or vessels may be sold; revising the
22 timeframe in which a notice of lien must be sent for
23 certain unclaimed vehicles or vessels; revising the
24 timeframe in which a towing-storage operator must
25 provide certain notice to the public agency of

26 jurisdiction; requiring that such notice be sent by
27 certified mail; requiring the posting of a bond or
28 other security be done in a specified manner; revising
29 the timeframe in which public notice of the sale of a
30 vehicle or vessel must be published; providing
31 applicability; requiring the immediate payment of
32 certain fees if a lienor prevails in court; requiring
33 certain liens be discharged if a towing-storage
34 operator complies with certain requirements;
35 restricting the imposition of storage charges under
36 certain circumstances; requiring a towing-storage
37 operator to allow certain persons to inspect a rental
38 car; prohibiting a towing-storage operator from
39 releasing certain vehicles under certain
40 circumstances; requiring a towing-storage operator to
41 allow certain persons to inspect certain towed
42 vehicles and vessels; requiring a towing-storage
43 operator to release such vehicles and vessels within a
44 specified timeframe; requiring certain documentation
45 as evidence of a person's interest in a vehicle or
46 vessel; revising the amount a lienor may charge as an
47 administrative fee; requiring a towing-storage
48 operator to maintain certain records for a specified
49 amount of time; providing the exclusive remedy for
50 certain liens; conforming cross-references; making

51 technical changes; amending ss. 83.19, 83.805, 83.806,
52 and 677.210, F.S.; conforming provisions to changes
53 made by the act; amending s. 715.07, F.S.; conforming
54 a cross-reference; providing an effective date.

55

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

57

58 Section 1. Subsection (4) of section 321.051, Florida
59 Statutes, is renumbered as subsection (5) and a new subsection
60 (4) is added to that section, to read:

61 321.051 Florida Highway Patrol wrecker operator system;
62 penalties for operation outside of system.—

63 (4) The Division of the Florida Highway Patrol may not
64 exclude a wrecker operator from the wrecker operator system or
65 fail to designate him or her as an authorized wrecker operator
66 based solely on a prior felony conviction, unless such
67 conviction is for a forcible felony as defined in s. 776.08.

68 Section 2. Section 559.917, Florida Statutes, is amended
69 to read:

70 559.917 Bond to release possessory lien claimed by motor
71 vehicle repair shop or towing-storage operator.—

72 (1)(a) A customer or a person of record claiming a lien
73 against a motor vehicle or vessel may obtain the release of the
74 motor vehicle or vessel from any lien claimed under part II of
75 chapter 713 by a motor vehicle repair shop for repair work

76 | performed under a written repair estimate or by a towing-storage
 77 | operator for recovery, towing, or storage charges by filing with
 78 | the clerk of the court in the circuit in which the disputed
 79 | transaction occurred a cash or surety bond, payable to the
 80 | person claiming the lien and conditioned for the payment of any
 81 | judgment which may be entered on the lien. The bond must ~~shall~~
 82 | be in the amount stated on the notice of lien required under s.
 83 | 713.78(4) or on the invoice required by s. 559.911, plus accrued
 84 | storage charges, if any, less any amount paid to the motor
 85 | vehicle repair shop as indicated on the invoice. The customer or
 86 | person is ~~shall~~ not be required to institute judicial
 87 | proceedings in order to post the bond in the registry of the
 88 | court and is ~~shall~~ not be required to use a particular form for
 89 | posting the bond unless the clerk provides such form to the
 90 | customer or person for filing. Upon the posting of such bond,
 91 | the clerk of the court shall automatically issue a certificate
 92 | notifying the lienor of the posting of the bond and directing
 93 | the lienor to release the motor vehicle or vessel.

94 | (b) The lienor has ~~shall have~~ 60 days to file suit to
 95 | recover the bond. The prevailing party in that action may be
 96 | entitled to damages plus court costs and reasonable attorney
 97 | fees. If the lienor fails to file suit within 60 days after the
 98 | posting of such bond, the bond must ~~shall~~ be discharged by the
 99 | clerk.

100 | (2) If ~~the failure of~~ a lienor fails to release or return

101 to the customer or person the motor vehicle or vessel upon which
 102 any lien is claimed, upon receiving a copy of a certificate
 103 giving notice of the posting of the bond and directing release
 104 of the motor vehicle or vessel, the lienor is ~~shall~~ subject ~~the~~
 105 ~~lienor~~ to judicial proceedings which may be brought by the
 106 customer or person to compel compliance with the certificate. If
 107 ~~Whenever~~ a customer or person brings an action to compel
 108 compliance with the certificate, the customer or person must
 109 ~~need only~~ establish all of the following that:

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

114 (b) That a certificate was issued under ~~pursuant to~~ this
 115 section.†

116 (c) That the motor vehicle repair shop or towing-storage
 117 operator, or any employee or agent thereof who is authorized to
 118 release the motor vehicle or vessel, received a copy of a
 119 certificate issued under ~~pursuant to~~ this section.† ~~and~~

120 (d) That the motor vehicle repair shop or towing-storage
 121 operator, or an employee or agent thereof who is authorized to
 122 release the motor vehicle or vessel, failed to release the motor
 123 vehicle or vessel.

124
 125 The customer or person of record claiming a lien against a motor

126 vehicle or vessel, upon a judgment in her or his favor in an
127 action brought under this subsection, may be entitled to damages
128 plus court costs and reasonable attorney fees sustained by her
129 or him by reason of such wrongful detention or retention. Upon a
130 judgment in favor of the motor vehicle repair shop or towing-
131 storage operator, the shop or towing-storage operator may be
132 entitled to reasonable attorney fees.

133 (3) A motor vehicle repair shop or towing-storage operator
134 ~~that~~, or an employee or agent thereof who is authorized to
135 release the motor vehicle or vessel, who, upon receiving a copy
136 of a certificate giving notice of the posting of the bond in the
137 required amount and directing release of the motor vehicle or
138 vessel, fails to release or return the property to the customer
139 or person pursuant to this section commits a misdemeanor of the
140 second degree, punishable as provided in s. 775.082 or s.
141 775.083.

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

148 (5) For purposes of this section, the terms "towing-
149 storage operator" and "vessel" have the same meanings as in s.
150 713.78(1).

151 Section 3. Subsections (1), (2), (4), (5), (6), (9), and
 152 (10), paragraph (a) of subsection (11), paragraph (a) of
 153 subsection (12), and paragraphs (a), (b), and (d) of subsection
 154 (13) of section 713.78, Florida Statutes, are amended, and
 155 subsections (18) and (19) are added to that section, to read:

156 713.78 Liens for recovering, towing, or storing vehicles
 157 and vessels.—

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

159 (a) "Department" means the Department of Highway Safety
 160 and Motor Vehicles.

161 (b)(e) "Equivalent commercially available system" means a
 162 service that charges a fee to provide vehicle information and
 163 that at a minimum maintains records from those states
 164 participating in data sharing with the National Motor Vehicle
 165 Title Information System.

166 (c) "Good faith effort" means that all of the following
 167 checks have been performed by a towing-storage company to
 168 establish the prior state of registration and title of a vehicle
 169 or vessel that has been towed or stored by the company:

170 1. A check of the department's database for the owner and
 171 any lienholder.

172 2. A check of the electronic National Motor Vehicle Title
 173 Information System or an equivalent commercially available
 174 system to determine the state of registration when there is not
 175 a current registration record for the vehicle or vessel on file

176 with the department.

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

179 4. A check of the law enforcement report for a tag number
180 or other information identifying the vehicle or vessel, if the
181 vehicle or vessel was towed at the request of a law enforcement
182 officer.

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

186 6. If there is no address of the owner on the impound
187 report, a check of the law enforcement report to determine
188 whether an out-of-state address is indicated from driver license
189 information.

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

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

196 9. A check of the vehicle for a vehicle identification
197 number.

198 10. A check of the vessel for a vessel registration
199 number.

200 11. A check of the vessel hull for a hull identification

201 number which should be carved, burned, stamped, embossed, or
 202 otherwise permanently affixed to the outboard side of the
 203 transom or, if there is no transom, to the outmost seaboard side
 204 at the end of the hull that bears the rudder or other steering
 205 mechanism.

206 (d) "National Motor Vehicle Title Information System"
 207 means the federally authorized electronic National Motor Vehicle
 208 Title Information System.

209 (e) "Towing-storage operator" means a person who regularly
 210 engages in the business of transporting vehicles or vessels by
 211 wrecker, tow truck, or car carrier.

212 (f)-(a) "Vehicle" means any mobile item, whether motorized
 213 or not, which is mounted on wheels.

214 (g)-(b) "Vessel" means every description of watercraft,
 215 barge, and airboat used or capable of being used as a means of
 216 transportation on water, other than a seaplane or a "documented
 217 vessel" as defined in s. 327.02.

218 (h)-(c) "Wrecker" means any truck or other vehicle that
 219 ~~which~~ is used to tow, carry, or otherwise transport motor
 220 vehicles or vessels upon the streets and highways of this state
 221 and ~~which~~ is equipped for that purpose with a boom, winch, car
 222 carrier, or other similar equipment.

223 (2) (a) ~~Whenever~~ A towing-storage operator ~~person regularly~~
 224 ~~engaged in the business of transporting vehicles or vessels by~~
 225 ~~wrecker, tow truck, or car carrier~~ may charge only the following

226 fees for, or incidental to, the recovery, removal, or storage of
 227 a vehicle or vessel:

228 1. A reasonable hazardous waste fee.

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

231 3. A reasonable fee for a service authorized by rule of
 232 the department.

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

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

237 (b) If a towing-storage operator recovers, removes, or
 238 stores a vehicle or vessel upon instructions from:

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

240 2. ~~(b)~~ The owner or lessor, or a person authorized by the
 241 owner or lessor, of property on which such vehicle or vessel is
 242 wrongfully parked, and the removal is done in compliance with s.
 243 715.07;

244 3. ~~(c)~~ The landlord or a person authorized by the landlord,
 245 when such motor vehicle or vessel remained on the premises after
 246 the tenancy terminated and the removal is done in compliance
 247 with s. 83.806 or s. 715.104; or

248 4. ~~(d)~~ Any law enforcement agency,

249
 250 she or he has ~~shall have~~ a lien on the vehicle or vessel for a

251 reasonable recovery fee, a reasonable towing fee, ~~for a~~
 252 ~~reasonable administrative fee or charge imposed by a county or~~
 253 ~~municipality~~, and ~~for~~ a reasonable storage fee; except that a
 254 storage fee may not be charged if the vehicle or vessel is
 255 stored for less ~~fewer~~ than 6 hours.

256 (c) A towing-storage operator must accept credit cards,
 257 debit cards, or other electronic payment methods.

258 (4) (a) A towing-storage operator ~~person regularly engaged~~
 259 ~~in the business of recovering, towing, or storing vehicles or~~
 260 ~~vessels~~ who comes into possession of a vehicle or vessel
 261 pursuant to paragraph (2) (b) subsection (2), and who claims a
 262 lien for recovery, towing, or storage services, must ~~shall~~ give
 263 notice, by certified mail, to the registered owner, the
 264 insurance company insuring the vehicle notwithstanding s.
 265 627.736, and all persons claiming a lien thereon, as disclosed
 266 by the records in the department ~~of Highway Safety and Motor~~
 267 ~~Vehicles~~ or as disclosed by the records of any corresponding
 268 agency in any other state in which the vehicle is identified
 269 through a records check of the National Motor Vehicle Title
 270 Information System or an equivalent commercially available
 271 system as being titled or registered.

272 ~~(b) Whenever a law enforcement agency authorizes the~~
 273 ~~removal of a vehicle or vessel or whenever a towing service,~~
 274 ~~garage, repair shop, or automotive service, storage, or parking~~
 275 ~~place notifies the law enforcement agency of possession of a~~

276 ~~vehicle or vessel pursuant to s. 715.07(2)(a)2., the law~~
277 ~~enforcement agency of the jurisdiction where the vehicle or~~
278 ~~vessel is stored shall contact the Department of Highway Safety~~
279 ~~and Motor Vehicles, or the appropriate agency of the state of~~
280 ~~registration, if known, within 24 hours through the medium of~~
281 ~~electronic communications, giving the full description of the~~
282 ~~vehicle or vessel. Upon receipt of the full description of the~~
283 ~~vehicle or vessel, the department shall search its files to~~
284 ~~determine the owner's name, the insurance company insuring the~~
285 ~~vehicle or vessel, and whether any person has filed a lien upon~~
286 ~~the vehicle or vessel as provided in s. 319.27(2) and (3) and~~
287 ~~notify the applicable law enforcement agency within 72 hours.~~
288 ~~The person in charge of the towing service, garage, repair shop,~~
289 ~~or automotive service, storage, or parking place shall obtain~~
290 ~~such information from the applicable law enforcement agency~~
291 ~~within 5 days after the date of storage and shall give notice~~
292 ~~pursuant to paragraph (a). The department may release the~~
293 ~~insurance company information to the requestor notwithstanding~~
294 ~~s. 627.736.~~

295 (b)(e) The notice of lien must be sent by certified mail
296 to the registered owner, the insurance company insuring the
297 vehicle notwithstanding s. 627.736, and all other persons
298 claiming a lien thereon within 3 7 business days, excluding
299 Saturday and Sunday, after the date of storage of the vehicle or
300 vessel. ~~However, in no event shall the notice of lien be sent~~

301 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
 302 notice must state all of the following:

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

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

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

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

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

322 6. That charges have accrued and include an itemized
 323 statement of the amount thereof.

324 7. That the lien is subject to enforcement under law and
 325 that the owner or lienholder, if any, has the right to a hearing

326 as set forth in subsection (5).

327 8. That any vehicle or vessel that remains unclaimed, or
 328 for which the charges for recovery, towing, or storage services
 329 remain unpaid, may be sold free of all prior liens 35 days after
 330 the vehicle or vessel is stored by the lienor if the vehicle or
 331 vessel is more than 3 years of age or 65 ~~50~~ days after the
 332 vehicle or vessel is stored by the lienor if the vehicle or
 333 vessel is 3 years of age or less.

334 9. The address at which the vehicle or vessel is
 335 physically located.

336 (c) ~~(d)~~ The notice of lien may not be sent to the
 337 registered owner, the insurance company insuring the vehicle or
 338 vessel, and all other persons claiming a lien thereon less than
 339 30 days before the sale of a the vehicle or vessel that is more
 340 than 3 years of age or less than 60 days before the sale of a
 341 vehicle or vessel that is 3 years of age or less.

342 (d) ~~(e)~~ If attempts to locate the name and address of the
 343 owner or lienholder are ~~prove~~ unsuccessful, ~~the towing-storage~~
 344 ~~operator shall, after~~ 3 ~~7~~ business days, excluding Saturday and
 345 Sunday, after the initial tow or storage, the towing-storage
 346 operator must notify the public agency of jurisdiction where the
 347 vehicle or vessel is stored in writing by certified mail ~~or~~
 348 ~~acknowledged hand delivery~~ that the towing-storage company has
 349 been unable to locate the name and address of the owner or
 350 lienholder and a physical search of the vehicle or vessel has

351 disclosed no ownership information and a good faith effort has
352 been made, including records checks of the department of Highway
353 ~~Safety and Motor Vehicles~~ database and the National Motor
354 Vehicle Title Information System or an equivalent commercially
355 available system. ~~For purposes of this paragraph and subsection~~
356 ~~(9), the term "good faith effort" means that the following~~
357 ~~checks have been performed by the company to establish the prior~~
358 ~~state of registration and for title:~~

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

361 2. ~~A check of the electronic National Motor Vehicle Title~~
362 ~~Information System or an equivalent commercially available~~
363 ~~system to determine the state of registration when there is not~~
364 ~~a current registration record for the vehicle or vessel on file~~
365 ~~with the department.~~

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

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

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

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

376 ~~report, a check of the law enforcement report to determine~~
 377 ~~whether an out-of-state address is indicated from driver license~~
 378 ~~information.~~

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

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

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

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

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

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

401 whether her or his property was wrongfully taken or withheld.

402 (b) Regardless of whether a complaint is filed under
403 paragraph (a), ~~At~~ any time before the sale of the vehicle or
404 vessel, an owner or lienholder may have her or his vehicle or
405 vessel released upon payment of the applicable fee in s. 28.24
406 and posting with the court a cash or surety bond, or other
407 adequate security, in accordance with s. 559.917 equal to the
408 amount of the charges for towing or storage and lot rental
409 amount to ensure the payment of such charges in the event she or
410 he does not prevail. Section 559.917 applies to the release of a
411 lien on a vehicle, as defined in subsection (1), claimed by a
412 towing-storage operator for recovery, towing, or storage
413 charges. ~~Upon the posting of the bond and the payment of the~~
414 ~~applicable fee set forth in s. 28.24, the clerk of the court~~
415 ~~shall issue a certificate notifying the lienor of the posting of~~
416 ~~the bond and directing the lienor to release the vehicle or~~
417 ~~vessel. At the time of such release, after reasonable~~
418 ~~inspection, she or he shall give a receipt to the towing-storage~~
419 ~~company reciting any claims she or he has for loss or damage to~~
420 ~~the vehicle or vessel or the contents thereof.~~

421 (c) Upon determining the respective rights of the parties,
422 the court may award damages, attorney ~~attorney's~~ fees, and costs
423 in favor of the prevailing party. In the any event the lienor
424 prevails, the final order must ~~shall~~ provide for immediate
425 payment in full of recovery, towing, and storage fees by the

426 vehicle or vessel owner or lienholder; or the agency ordering
 427 the tow; or the owner, lessee, or agent thereof of the property
 428 from which the vehicle or vessel was removed.

429 (6) A vehicle or vessel that is stored pursuant to
 430 paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
 431 which reasonable charges for recovery, towing, or storing remain
 432 unpaid, and any contents not released pursuant to subsection
 433 (10), may be sold by the owner or operator of the storage space
 434 for such towing or storage charge 35 days after the vehicle or
 435 vessel is stored by the lienor if the vehicle or vessel is more
 436 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
 437 stored by the lienor if the vehicle or vessel is 3 years of age
 438 or less. The sale must ~~shall~~ be at public sale for cash. If the
 439 date of the sale was not included in the notice required in
 440 subsection (4), notice of the sale must ~~shall~~ be given to the
 441 person in whose name the vehicle or vessel is registered and to
 442 all persons claiming a lien on the vehicle or vessel as shown on
 443 the records of the department ~~of Highway Safety and Motor~~
 444 ~~Vehicles~~ or of any corresponding agency in any other state in
 445 which the vehicle is identified through a records check of the
 446 National Motor Vehicle Title Information System or an equivalent
 447 commercially available system as being titled. Notice of the
 448 sale must be sent by certified mail to the owner of the vehicle
 449 or vessel and the person having the recorded lien on the vehicle
 450 or vessel at the address shown on the records of the registering

451 agency at least 30 days before the sale of the vehicle or
 452 vessel. ~~The notice must have clearly identified and printed, if~~
 453 ~~the claim of lien is for a motor vehicle,~~ The last 8 digits of
 454 the vehicle identification number of the ~~motor~~ vehicle subject
 455 to the lien, or, if the claim of lien is for a vessel, the hull
 456 identification number of the vessel subject to the lien, must be
 457 clearly identified and printed in the delivery address box and
 458 on the outside of the envelope sent to the registered owner and
 459 all other persons claiming an interest in ~~therein~~ or lien on the
 460 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
 461 ~~of the vehicle or vessel and the person having the recorded lien~~
 462 ~~on the vehicle or vessel at the address shown on the records of~~
 463 ~~the registering agency at least 30 days before the sale of the~~
 464 ~~vehicle or vessel.~~ The notice must state the name, physical
 465 address, and telephone number of the lienor, and the vehicle
 466 identification number if the claim of lien is for a vehicle or
 467 the hull identification number if the claim of lien is for a
 468 vessel, all of which must also appear in the return address
 469 section on the outside of the envelope containing the notice of
 470 sale. After diligent search and inquiry, if the name and address
 471 of the registered owner or the owner of the recorded lien cannot
 472 be ascertained, the requirements of notice by mail may be
 473 dispensed with. In addition to the notice by mail, public notice
 474 of the time and place of sale must ~~shall~~ be made by publishing a
 475 notice thereof one time, at least 30 ~~10~~ days before the date of

476 the sale, in a newspaper of general circulation in the county in
 477 which the sale is to be held. The proceeds of the sale, after
 478 payment of reasonable towing and storage charges, and costs of
 479 the sale, in that order of priority, must ~~shall~~ be deposited
 480 with the clerk of the circuit court for the county if the owner
 481 or lienholder is absent, and the clerk shall hold such proceeds
 482 subject to the claim of the owner or lienholder legally entitled
 483 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
 484 such proceeds for the care and disbursement thereof. Upon
 485 compliance by the towing-storage operator with this section, ~~The~~
 486 ~~certificate of title issued under this law shall be discharged~~
 487 ~~of all liens~~ on the certificate of title issued under this
 488 section must be discharged unless otherwise provided by court
 489 order. The owner or lienholder may file a complaint after the
 490 vehicle or vessel has been sold in the county court of the
 491 county in which it is stored. Upon determining the respective
 492 rights of the parties, the court may award damages, attorney
 493 fees, and costs in favor of the prevailing party.

494 (9) Failure to make good faith efforts to substantially
 495 comply with the notice requirements of this section or ~~precludes~~
 496 ~~the imposition of any storage charges against the vehicle or~~
 497 ~~vessel. If a lienor fails to provide notice to a person claiming~~
 498 ~~a lien on a vehicle or vessel in accordance with subsection (4),~~
 499 precludes the imposition of storage charges against the vehicle
 500 or vessel ~~the lienor may not charge the person for more than 3 7~~

501 days of storage, but such failure does not affect charges made
 502 for towing the vehicle or vessel or the priority of liens on the
 503 vehicle or vessel.

504 (10) (a) A towing-storage operator ~~Persons who provide~~
 505 ~~services pursuant to this section~~ shall permit rental car
 506 ~~vehicle or vessel~~ owners, lienholders, insurance company
 507 representatives, or their agents, which agency is evidenced by
 508 an original writing acknowledged by the owner before a notary
 509 public or other person empowered by law to administer oaths, to
 510 inspect the towed vehicle ~~or vessel~~ and shall release to the
 511 owner, lienholder, or agent the vehicle, ~~vessel~~, or all personal
 512 property not affixed to the vehicle ~~or vessel~~ which was in the
 513 vehicle ~~or vessel~~ at the time the vehicle ~~or vessel~~ came into
 514 the custody of the towing-storage operator. For purposes of this
 515 paragraph, a rental car agreement is not evidence that the
 516 person who rented the vehicle is an agent of the owner of the
 517 vehicle and a towing-storage operator may not release a vehicle
 518 owned by a rental car company to the person who rented the
 519 vehicle unless the rental car company appoints the person who
 520 rented the vehicle as its agent ~~person providing such services~~.

521 (b) A towing-storage operator shall permit nonrental
 522 vehicle or vessel owners, lienholders, insurance company
 523 representatives, or their agents to inspect the towed vehicle or
 524 vessel. The towing-storage operator must make the vehicle or
 525 vessel available for inspection during regular business hours

526 within 3 business days after receiving a written request to
527 inspect the vehicle or vessel and shall release to the owner,
528 lienholder, or agent the vehicle, vessel, or all personal
529 property not affixed to the vehicle or vessel which was in the
530 vehicle or vessel at the time the vehicle or vessel came into
531 the custody of the towing-storage operator. A towing-storage
532 operator must accept a copy of an electronic title or a paper
533 title as evidence of a person's interest in a vehicle or vessel.

534 (11) (a) A towing-storage operator ~~Any person regularly~~
535 ~~engaged in the business of recovering, towing, or storing~~
536 ~~vehicles or vessels~~ who comes into possession of a vehicle or
537 vessel pursuant to paragraph (2) (b) subsection (2) and who has
538 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
539 when such vehicle or vessel is to be sold for purposes of being
540 dismantled, destroyed, or changed in such manner that it is not
541 the ~~motor~~ vehicle or vessel described in the certificate of
542 title, must ~~shall~~ report the vehicle to the National Motor
543 Vehicle Title Information System and apply to the department ~~of~~
544 ~~Highway Safety and Motor Vehicles~~ for a certificate of
545 destruction. A certificate of destruction, which authorizes the
546 dismantling or destruction of the vehicle or vessel described
547 therein, is ~~shall be~~ reassignable a maximum of two times before
548 dismantling or destruction of the vehicle is ~~shall be~~ required,
549 and must ~~shall~~ accompany the vehicle or vessel for which it is
550 issued, when such vehicle or vessel is sold for such purposes,

551 in lieu of a certificate of title. The application for a
552 certificate of destruction must include proof of reporting to
553 the National Motor Vehicle Title Information System and an
554 affidavit from the applicant that she or he ~~it~~ has complied with
555 all applicable requirements of this section and, if the vehicle
556 or vessel is not registered in this state or any other state, by
557 a statement from a law enforcement officer that the vehicle or
558 vessel is not reported stolen, and must ~~shall~~ be accompanied by
559 such documentation as may be required by the department.

560 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
561 ~~provision of subsection (1), subsection (2),~~ subsection (4),
562 subsection (5), subsection (6), or subsection (7) is guilty of a
563 misdemeanor of the first degree, punishable as provided in s.
564 775.082 or s. 775.083.

565 (13) (a) Upon receipt by the department ~~of Highway Safety~~
566 ~~and Motor Vehicles~~ of written notice from a wrecker operator who
567 claims a wrecker operator's lien under subparagraph (2) (b) 4.
568 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
569 abandoned vehicle or vessel upon instructions from any law
570 enforcement agency, for which a certificate of destruction has
571 been issued under subsection (11) and the vehicle has been
572 reported to the National Motor Vehicle Title Information System,
573 the department shall place the name of the registered owner of
574 that vehicle or vessel on the list of those persons who may not
575 be issued a license plate or revalidation sticker for any motor

576 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 577 jointly by more than one person, the name of each registered
 578 owner must ~~shall~~ be placed on the list. The notice of wrecker
 579 operator's lien must ~~shall~~ be submitted on forms provided by the
 580 department and, which must include all of the following:

581 1. The name, address, and telephone number of the wrecker
 582 operator.

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

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

588 4. The vehicle identification number (VIN); registration
 589 license plate number, state, and year; validation decal number,
 590 state, and year; vessel registration number; hull identification
 591 number; or other identification number, as applicable.

592 5. The name of the person or the corresponding law
 593 enforcement agency that requested that the vehicle or vessel be
 594 recovered, towed, or stored.

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

597 (b) For purposes of this subsection only, the amount of
 598 the wrecker operator's lien for which the department will
 599 prevent issuance of a license plate or revalidation sticker may
 600 not exceed the amount of the charges for recovery, towing, and

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

611 (d) Upon discharge of the amount of the wrecker operator's
 612 lien allowed by paragraph (b), the wrecker operator must issue a
 613 certificate of discharged wrecker operator's lien on forms
 614 provided by the department to each registered owner of the
 615 vehicle or vessel attesting that the amount of the wrecker
 616 operator's lien allowed by paragraph (b) has been discharged.
 617 Upon presentation of the certificate of discharged wrecker
 618 operator's lien by the registered owner, the department must
 619 ~~shall~~ immediately remove the registered owner's name from the
 620 list of those persons who may not be issued a license plate or
 621 revalidation sticker for any motor vehicle under s. 320.03(8),
 622 thereby allowing issuance of a license plate or revalidation
 623 sticker. Issuance of a certificate of discharged wrecker
 624 operator's lien under this paragraph does not discharge the
 625 entire amount of the wrecker operator's lien claimed under

626 paragraph (2)(b) subsection (2), but only certifies to the
 627 department that the amount of the wrecker operator's lien
 628 allowed by paragraph (b), for which the department will prevent
 629 issuance of a license plate or revalidation sticker, has been
 630 discharged.

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

635 (a) All notice publications and certified mailings.

636 (b) The purchase price of any unclaimed vehicle or vessel
 637 sold.

638 (c) The name and address of any person to whom a vehicle
 639 or vessel is released.

640 (d) The name and address of the purchaser of any unclaimed
 641 vehicle or vessel.

642 (e) All fees imposed under this section.

643 (19) This section is the exclusive remedy for the
 644 foreclosure of a storage lien placed on a vehicle or vessel
 645 under s. 83.19, s. 83.805, or s. 677.210.

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

648 83.19 Sale of property distrained.—

649 (5) A lien on a vehicle or vessel, as those terms are
 650 defined in s. 713.78(1), of a tenant or lessee must be

651 foreclosed pursuant to s. 713.78 and may not be foreclosed under
652 this chapter.

653 Section 5. Section 83.805, Florida Statutes, is amended to
654 read:

655 83.805 Lien.—

656 (1) The owner of a self-service storage facility or self-
657 contained storage unit and the owner's heirs, executors,
658 administrators, successors, and assigns have a lien upon all
659 personal property, whether or not owned by the tenant, located
660 at a self-service storage facility or in a self-contained
661 storage unit for rent, labor charges, or other charges, present
662 or future, in relation to the personal property and for expenses
663 necessary for its preservation or expenses reasonably incurred
664 in its sale or other disposition pursuant to ss. 83.801-83.809.
665 The lien provided for in this section attaches as of the date
666 that the personal property is brought to the self-service
667 storage facility or as of the date the tenant takes possession
668 of the self-contained storage unit, and the priority of this
669 lien shall be the same as provided in s. 83.08; however, in the
670 event of default, the owner must give notice to persons who hold
671 perfected security interests under the Uniform Commercial Code
672 in which the tenant is named as the debtor.

673 (2) A lien on a vehicle or vessel, as those terms are
674 defined in s. 713.78(1), of a tenant or lessee must be
675 foreclosed pursuant to s. 713.78 and may not be foreclosed under

676 this chapter.

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

679 83.806 Enforcement of lien.—An owner's lien as provided in
680 s. 83.805 may be satisfied as follows:

681 (10) If a lien is claimed on property that is a motor
682 vehicle or a watercraft and rent and other charges related to
683 the property remain unpaid or unsatisfied for 60 days after the
684 maturity of the obligation to pay the rent and other charges,
685 the facility or unit owner may sell the property pursuant to s.
686 713.78 ~~this section~~ or have the property towed. If a motor
687 vehicle or watercraft is towed, the facility or unit owner is
688 not liable for the motor vehicle or watercraft or any damages to
689 the motor vehicle or watercraft once a wrecker takes possession
690 of the property. The wrecker taking possession of the property
691 must comply with all notification and sale requirements provided
692 in s. 713.78.

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

695 677.210 Enforcement of warehouse's lien.—

696 (10) A lien on a vehicle or vessel, as those terms are
697 defined in s. 713.78(1), must be foreclosed pursuant to s.
698 713.78 and may not be foreclosed under this chapter.

699 Section 8. Paragraph (a) of subsection (2) of section
700 715.07, Florida Statutes, is amended to read:

701 715.07 Vehicles or vessels parked on private property;
 702 towing.—

703 (2) The owner or lessee of real property, or any person
 704 authorized by the owner or lessee, which person may be the
 705 designated representative of the condominium association if the
 706 real property is a condominium, may cause any vehicle or vessel
 707 parked on such property without her or his permission to be
 708 removed by a person regularly engaged in the business of towing
 709 vehicles or vessels, without liability for the costs of removal,
 710 transportation, or storage or damages caused by such removal,
 711 transportation, or storage, under any of the following
 712 circumstances:

713 (a) The towing or removal of any vehicle or vessel from
 714 private property without the consent of the registered owner or
 715 other legally authorized person in control of that vehicle or
 716 vessel is subject to substantial compliance with the following
 717 conditions and restrictions:

718 1.a. Any towed or removed vehicle or vessel must be stored
 719 at a site within a 10-mile radius of the point of removal in any
 720 county of 500,000 population or more, and within a 15-mile
 721 radius of the point of removal in any county of fewer than
 722 500,000 population. That site must be open for the purpose of
 723 redemption of vehicles on any day that the person or firm towing
 724 such vehicle or vessel is open for towing purposes, from 8:00
 725 a.m. to 6:00 p.m., and, when closed, shall have prominently

726 posted a sign indicating a telephone number where the operator
727 of the site can be reached at all times. Upon receipt of a
728 telephoned request to open the site to redeem a vehicle or
729 vessel, the operator shall return to the site within 1 hour or
730 she or he will be in violation of this section.

731 b. If no towing business providing such service is located
732 within the area of towing limitations set forth in sub-
733 subparagraph a., the following limitations apply: any towed or
734 removed vehicle or vessel must be stored at a site within a 20-
735 mile radius of the point of removal in any county of 500,000
736 population or more, and within a 30-mile radius of the point of
737 removal in any county of fewer than 500,000 population.

738 2. The person or firm towing or removing the vehicle or
739 vessel shall, within 30 minutes after completion of such towing
740 or removal, notify the municipal police department or, in an
741 unincorporated area, the sheriff, of such towing or removal, the
742 storage site, the time the vehicle or vessel was towed or
743 removed, and the make, model, color, and license plate number of
744 the vehicle or description and registration number of the vessel
745 and shall obtain the name of the person at that department to
746 whom such information was reported and note that name on the
747 trip record.

748 3. A person in the process of towing or removing a vehicle
749 or vessel from the premises or parking lot in which the vehicle
750 or vessel is not lawfully parked must stop when a person seeks

751 the return of the vehicle or vessel. The vehicle or vessel must
752 be returned upon the payment of a reasonable service fee of not
753 more than one-half of the posted rate for the towing or removal
754 service as provided in subparagraph 6. The vehicle or vessel may
755 be towed or removed if, after a reasonable opportunity, the
756 owner or legally authorized person in control of the vehicle or
757 vessel is unable to pay the service fee. If the vehicle or
758 vessel is redeemed, a detailed signed receipt must be given to
759 the person redeeming the vehicle or vessel.

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

763 5. Except for property appurtenant to and obviously a part
764 of a single-family residence, and except for instances when
765 notice is personally given to the owner or other legally
766 authorized person in control of the vehicle or vessel that the
767 area in which that vehicle or vessel is parked is reserved or
768 otherwise unavailable for unauthorized vehicles or vessels and
769 that the vehicle or vessel is subject to being removed at the
770 owner's or operator's expense, any property owner or lessee, or
771 person authorized by the property owner or lessee, before towing
772 or removing any vehicle or vessel from private property without
773 the consent of the owner or other legally authorized person in
774 control of that vehicle or vessel, must post a notice meeting
775 the following requirements:

776 a. The notice must be prominently placed at each driveway
777 access or curb cut allowing vehicular access to the property
778 within 10 feet from the road, as defined in s. 334.03(22). If
779 there are no curbs or access barriers, the signs must be posted
780 not fewer than one sign for each 25 feet of lot frontage.

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

786 c. The notice must also provide the name and current
787 telephone number of the person or firm towing or removing the
788 vehicles or vessels.

789 d. The sign structure containing the required notices must
790 be permanently installed with the words "tow-away zone" not
791 fewer than 3 feet and not more than 6 feet above ground level
792 and must be continuously maintained on the property for not
793 fewer than 24 hours before the towing or removal of any vehicles
794 or vessels.

795 e. The local government may require permitting and
796 inspection of these signs before any towing or removal of
797 vehicles or vessels being authorized.

798 f. A business with 20 or fewer parking spaces satisfies
799 the notice requirements of this subparagraph by prominently
800 displaying a sign stating "Reserved Parking for Customers Only

801 Unauthorized Vehicles or Vessels Will be Towed Away At the
802 Owner's Expense" in not fewer than 4-inch high, light-reflective
803 letters on a contrasting background.

804 g. A property owner towing or removing vessels from real
805 property must post notice, consistent with the requirements in
806 sub-subparagraphs a.-f., which apply to vehicles, that
807 unauthorized vehicles or vessels will be towed away at the
808 owner's expense.

809

810 A business owner or lessee may authorize the removal of a
811 vehicle or vessel by a towing company when the vehicle or vessel
812 is parked in such a manner that restricts the normal operation
813 of business; and if a vehicle or vessel parked on a public
814 right-of-way obstructs access to a private driveway the owner,
815 lessee, or agent may have the vehicle or vessel removed by a
816 towing company upon signing an order that the vehicle or vessel
817 be removed without a posted tow-away zone sign.

818 6. Any person or firm that tows or removes vehicles or
819 vessels and proposes to require an owner, operator, or person in
820 control or custody of a vehicle or vessel to pay the costs of
821 towing and storage before redemption of the vehicle or vessel
822 must file and keep on record with the local law enforcement
823 agency a complete copy of the current rates to be charged for
824 such services and post at the storage site an identical rate
825 schedule and any written contracts with property owners,

826 lessees, or persons in control of property which authorize such
 827 person or firm to remove vehicles or vessels as provided in this
 828 section.

829 7. Any person or firm towing or removing any vehicles or
 830 vessels from private property without the consent of the owner
 831 or other legally authorized person in control or custody of the
 832 vehicles or vessels shall, on any trucks, wreckers as defined in
 833 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
 834 towing or removal, have the name, address, and telephone number
 835 of the company performing such service clearly printed in
 836 contrasting colors on the driver and passenger sides of the
 837 vehicle. The name shall be in at least 3-inch permanently
 838 affixed letters, and the address and telephone number shall be
 839 in at least 1-inch permanently affixed letters.

840 8. Vehicle entry for the purpose of removing the vehicle
 841 or vessel shall be allowed with reasonable care on the part of
 842 the person or firm towing the vehicle or vessel. Such person or
 843 firm shall be liable for any damage occasioned to the vehicle or
 844 vessel if such entry is not in accordance with the standard of
 845 reasonable care.

846 9. When a vehicle or vessel has been towed or removed
 847 pursuant to this section, it must be released to its owner or
 848 person in control or custody within 1 hour after requested. Any
 849 vehicle or vessel owner or person in control or custody has the
 850 right to inspect the vehicle or vessel before accepting its

851 return, and no release or waiver of any kind which would release
852 the person or firm towing the vehicle or vessel from liability
853 for damages noted by the owner or person in control or custody
854 at the time of the redemption may be required from any vehicle
855 or vessel owner or person in control or custody as a condition
856 of release of the vehicle or vessel to its owner or person in
857 control or custody. A detailed receipt showing the legal name of
858 the company or person towing or removing the vehicle or vessel
859 must be given to the person paying towing or storage charges at
860 the time of payment, whether requested or not.

861 Section 9. This act shall take effect July 1, 2024.