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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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The Committee on Transportation (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (d) is added to subsection (1) of  
section 125.0103, Florida Statutes, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(d) Counties must establish maximum rates that may be  
charged by a wrecker operator for the storage of electric



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11 vehicles or alternative fuel motor vehicles in the operator's  
12 storage facilities. Such rates may exceed the rate that is  
13 charged for the cost of storing vehicles that run solely on  
14 gasoline or diesel fuels.

15 Section 2. Paragraph (d) is added to subsection (1) of  
16 section 166.043, Florida Statutes, to read:

17 166.043 Ordinances and rules imposing price controls.-

18 (1)

19 (d) Municipalities must establish maximum rates that may be  
20 charged by a wrecker operator for the storage of electric  
21 vehicles or alternative fuel motor vehicles in the operator's  
22 storage facilities. Such rates may exceed the rate that is  
23 charged for the cost of storing vehicles that run solely on  
24 gasoline or diesel fuels.

25 Section 3. Subsection (7) of section 323.001, Florida  
26 Statutes, is amended to read:

27 323.001 Wrecker operator storage facilities; vehicle  
28 holds.-

29 (7) When a vehicle owner is found guilty of, or pleads nolo  
30 contendere to, the offense that resulted in a hold being placed  
31 on his or her vehicle, regardless of the adjudication of guilt,  
32 the owner must pay the accrued towing and storage charges  
33 assessed against the vehicle. If a vehicle is stored at a  
34 wrecker operator's storage facility for more than 30 days, the  
35 person, entity, office, or agency that orders the vehicle to be  
36 stored for evidentiary purposes at the wrecker operator's  
37 storage facility must take possession of the vehicle within 30  
38 days after the first day of storage.

39 Section 4. Section 323.003, Florida Statutes, is created to



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40 read:

41 323.003 Wrecker operator fees.—A wrecker operator may  
42 charge actual cost plus 10 percent for the cleanup, containment,  
43 and disposal of pollution and hazardous materials. A wrecker  
44 operator may charge actual cost plus 10 percent for any cleanup  
45 and disposal necessary after an accident or a fire or any  
46 accidental discharge of any hazardous materials or debris  
47 associated with an electric vehicle.

48 Section 5. Paragraph (b) of subsection (4) and subsection  
49 (6) of section 713.78, Florida Statutes, are amended to read:

50 713.78 Liens for recovering, towing, or storing vehicles  
51 and vessels.—

52 (4)

53 (b) Whenever a governmental entity ~~law enforcement agency~~  
54 authorizes the removal of a vehicle or vessel or whenever a  
55 towing service, garage, repair shop, or automotive service,  
56 storage, or parking place notifies the governmental entity ~~law~~  
57 ~~enforcement agency~~ of possession of a vehicle or vessel pursuant  
58 to s. 715.07(2)(a)2., the governmental entity ~~law enforcement~~  
59 ~~agency~~ of the jurisdiction where the vehicle or vessel is stored  
60 shall contact the Department of Highway Safety and Motor  
61 Vehicles, or the appropriate agency of the state of  
62 registration, if known, within 24 hours through the medium of  
63 electronic communications, giving the full description of the  
64 vehicle or vessel. Upon receipt of the full description of the  
65 vehicle or vessel, the department shall search its files to  
66 determine the owner's name, the insurance company insuring the  
67 vehicle or vessel, and whether any person has filed a lien upon  
68 the vehicle or vessel as provided in s. 319.27(2) and (3) and



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69 notify the applicable governmental entity ~~law enforcement agency~~  
70 within 72 hours. The person in charge of the towing service,  
71 garage, repair shop, or automotive service, storage, or parking  
72 place shall obtain such information from the applicable  
73 governmental entity ~~law enforcement agency~~ within 5 days after  
74 the date of storage and shall give notice pursuant to paragraph  
75 (a). The department may release the insurance company  
76 information to the requestor notwithstanding s. 627.736.

77 (6) A vehicle or vessel that is stored pursuant to  
78 subsection (2) and remains unclaimed, or for which reasonable  
79 charges for recovery, towing, or storing remain unpaid, and any  
80 contents not released pursuant to subsection (10), may be sold  
81 by the owner or operator of the storage space for such towing or  
82 storage charge 35 days after the vehicle or vessel is stored by  
83 the lienor if the vehicle or vessel is more than 3 years of age  
84 or 50 days after the vehicle or vessel is stored by the lienor  
85 if the vehicle or vessel is 3 years of age or less. The sale  
86 must ~~shall~~ be at public sale for cash. If the date of the sale  
87 was not included in the notice required in subsection (4),  
88 notice of the sale must ~~shall~~ be given to the person in whose  
89 name the vehicle or vessel is registered and to all persons  
90 claiming a lien on the vehicle or vessel as shown on the records  
91 of the Department of Highway Safety and Motor Vehicles or of any  
92 corresponding agency in any other state in which the vehicle is  
93 identified through a records check of the National Motor Vehicle  
94 Title Information System or an equivalent commercially available  
95 system as being titled. Notice of the sale must be sent by  
96 certified mail. The notice must have clearly identified and  
97 printed, if the claim of lien is for a motor vehicle, the last 8



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98 digits of the vehicle identification number of the motor vehicle  
99 subject to the lien, or, if the claim of lien is for a vessel,  
100 the hull identification number of the vessel subject to the  
101 lien, in the delivery address box and on the outside of the  
102 envelope sent to the registered owner and all other persons  
103 claiming an interest therein or lien thereon. The notice must be  
104 sent to the owner of the vehicle or vessel and the person having  
105 the recorded lien on the vehicle or vessel at the address shown  
106 on the records of the registering agency at least 30 days before  
107 the sale of the vehicle or vessel. The notice must state the  
108 name, physical address, and telephone number of the lienor, and  
109 the vehicle identification number if the claim of lien is for a  
110 vehicle or the hull identification number if the claim of lien  
111 is for a vessel, all of which must also appear in the return  
112 address section on the outside of the envelope containing the  
113 notice of sale. After diligent search and inquiry, if the name  
114 and address of the registered owner or the owner of the recorded  
115 lien cannot be ascertained, the requirements of notice by mail  
116 may be dispensed with. In addition to the notice by mail, public  
117 notice of the time and place of sale must ~~shall~~ be made by  
118 publishing a notice thereof one time, at least 10 days before  
119 the date of the sale, in a central database or online format  
120 approved or operated by the Department of Highway Safety and  
121 Motor Vehicles ~~in a newspaper of general circulation in the~~  
122 ~~county in which the sale is to be held.~~ The proceeds of the  
123 sale, after payment of reasonable towing and storage charges,  
124 and costs of the sale, in that order of priority, shall be  
125 deposited with the clerk of the circuit court for the county if  
126 the owner or lienholder is absent, and the clerk shall hold such



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127 proceeds subject to the claim of the owner or lienholder legally  
128 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5  
129 percent of such proceeds for the care and disbursement thereof.  
130 The certificate of title issued under this law must ~~shall~~ be  
131 discharged of all liens unless otherwise provided by court  
132 order. The owner or lienholder may file a complaint after the  
133 vehicle or vessel has been sold in the county court of the  
134 county in which it is stored. Upon determining the respective  
135 rights of the parties, the court may award damages, attorney  
136 fees, and costs in favor of the prevailing party.

137 Section 6. This act shall take effect October 1, 2025.

138

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

140 And the title is amended as follows:

141 Delete everything before the enacting clause  
142 and insert:

143 A bill to be entitled  
144 An act relating to wrecker operators; amending ss.  
145 125.0103 and 166.043, F.S.; requiring counties and  
146 municipalities, respectively, to establish maximum  
147 rates for the storage of electric vehicles or  
148 alternative fuel motor vehicles in a wrecker  
149 operator's storage facilities; authorizing such  
150 maximum rates to exceed a specified rate; amending s.  
151 323.001, F.S.; requiring a person, an entity, an  
152 office, or an agency that orders a vehicle to be  
153 stored at a wrecker operator's facility to take  
154 possession of the vehicle within a specified  
155 timeframe; creating s. 323.003, F.S.; authorizing a



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156 wrecker operator to charge certain fees under certain  
157 circumstances; amending s. 713.78, F.S.; replacing the  
158 term "law enforcement agency" with "governmental  
159 entity"; revising the notice requirements for certain  
160 unclaimed vehicles; making technical changes;  
161 providing an effective date.