

By the Committee on Transportation; and Senator Burgess

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1 A bill to be entitled  
2 An act relating to wrecker operators; amending ss.  
3 125.0103 and 166.043, F.S.; requiring counties and  
4 municipalities, respectively, to establish maximum  
5 rates for the storage of electric vehicles or  
6 alternative fuel motor vehicles in a wrecker  
7 operator's storage facilities; authorizing such  
8 maximum rates to exceed a specified rate; amending s.  
9 323.001, F.S.; requiring a person, an entity, an  
10 office, or an agency that orders a vehicle to be  
11 stored at a wrecker operator's facility to take  
12 possession of the vehicle within a specified  
13 timeframe; creating s. 323.003, F.S.; authorizing a  
14 wrecker operator to charge certain fees under certain  
15 circumstances; amending s. 713.78, F.S.; replacing the  
16 term "law enforcement agency" with "governmental  
17 entity"; revising the notice requirements for certain  
18 unclaimed vehicles; making technical changes;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Paragraph (d) is added to subsection (1) of  
24 section 125.0103, Florida Statutes, to read:

25 125.0103 Ordinances and rules imposing price controls.—

26 (1)

27 (d) Counties must establish maximum rates that may be  
28 charged by a wrecker operator for the storage of electric  
29 vehicles or alternative fuel motor vehicles in the operator's

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30 storage facilities. Such rates may exceed the rate that is  
31 charged for the cost of storing vehicles that run solely on  
32 gasoline or diesel fuels.

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

35 166.043 Ordinances and rules imposing price controls.—

36 (1)

37 (d) Municipalities must establish maximum rates that may be  
38 charged by a wrecker operator for the storage of electric  
39 vehicles or alternative fuel motor vehicles in the operator's  
40 storage facilities. Such rates may exceed the rate that is  
41 charged for the cost of storing vehicles that run solely on  
42 gasoline or diesel fuels.

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

45 323.001 Wrecker operator storage facilities; vehicle  
46 holds.—

47 (7) When a vehicle owner is found guilty of, or pleads nolo  
48 contendere to, the offense that resulted in a hold being placed  
49 on his or her vehicle, regardless of the adjudication of guilt,  
50 the owner must pay the accrued towing and storage charges  
51 assessed against the vehicle. If a vehicle is stored at a  
52 wrecker operator's storage facility for more than 30 days, the  
53 person, entity, office, or agency that orders the vehicle to be  
54 stored for evidentiary purposes at the wrecker operator's  
55 storage facility must take possession of the vehicle within 30  
56 days after the first day of storage.

57 Section 4. Section 323.003, Florida Statutes, is created to  
58 read:

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59       323.003 Wrecker operator fees.—A wrecker operator may  
60 charge actual cost plus 10 percent for the cleanup, containment,  
61 and disposal of pollution and hazardous materials. A wrecker  
62 operator may charge actual cost plus 10 percent for any cleanup  
63 and disposal necessary after an accident or a fire or any  
64 accidental discharge of any hazardous materials or debris  
65 associated with an electric vehicle.

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

68       713.78 Liens for recovering, towing, or storing vehicles  
69 and vessels.—

70       (4)

71       (b) Whenever a governmental entity ~~law enforcement agency~~  
72 authorizes the removal of a vehicle or vessel or whenever a  
73 towing service, garage, repair shop, or automotive service,  
74 storage, or parking place notifies the governmental entity ~~law~~  
75 ~~enforcement agency~~ of possession of a vehicle or vessel pursuant  
76 to s. 715.07(2)(a)2., the governmental entity ~~law enforcement~~  
77 ~~agency~~ of the jurisdiction where the vehicle or vessel is stored  
78 shall contact the Department of Highway Safety and Motor  
79 Vehicles, or the appropriate agency of the state of  
80 registration, if known, within 24 hours through the medium of  
81 electronic communications, giving the full description of the  
82 vehicle or vessel. Upon receipt of the full description of the  
83 vehicle or vessel, the department shall search its files to  
84 determine the owner's name, the insurance company insuring the  
85 vehicle or vessel, and whether any person has filed a lien upon  
86 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
87 notify the applicable governmental entity ~~law enforcement agency~~

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88 within 72 hours. The person in charge of the towing service,  
89 garage, repair shop, or automotive service, storage, or parking  
90 place shall obtain such information from the applicable  
91 governmental entity ~~law enforcement agency~~ within 5 days after  
92 the date of storage and shall give notice pursuant to paragraph  
93 (a). The department may release the insurance company  
94 information to the requestor notwithstanding s. 627.736.

95 (6) A vehicle or vessel that is stored pursuant to  
96 subsection (2) and remains unclaimed, or for which reasonable  
97 charges for recovery, towing, or storing remain unpaid, and any  
98 contents not released pursuant to subsection (10), may be sold  
99 by the owner or operator of the storage space for such towing or  
100 storage charge 35 days after the vehicle or vessel is stored by  
101 the lienor if the vehicle or vessel is more than 3 years of age  
102 or 50 days after the vehicle or vessel is stored by the lienor  
103 if the vehicle or vessel is 3 years of age or less. The sale  
104 must ~~shall~~ be at public sale for cash. If the date of the sale  
105 was not included in the notice required in subsection (4),  
106 notice of the sale must ~~shall~~ be given to the person in whose  
107 name the vehicle or vessel is registered and to all persons  
108 claiming a lien on the vehicle or vessel as shown on the records  
109 of the Department of Highway Safety and Motor Vehicles or of any  
110 corresponding agency in any other state in which the vehicle is  
111 identified through a records check of the National Motor Vehicle  
112 Title Information System or an equivalent commercially available  
113 system as being titled. Notice of the sale must be sent by  
114 certified mail. The notice must have clearly identified and  
115 printed, if the claim of lien is for a motor vehicle, the last 8  
116 digits of the vehicle identification number of the motor vehicle

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117 subject to the lien, or, if the claim of lien is for a vessel,  
118 the hull identification number of the vessel subject to the  
119 lien, in the delivery address box and on the outside of the  
120 envelope sent to the registered owner and all other persons  
121 claiming an interest therein or lien thereon. The notice must be  
122 sent to the owner of the vehicle or vessel and the person having  
123 the recorded lien on the vehicle or vessel at the address shown  
124 on the records of the registering agency at least 30 days before  
125 the sale of the vehicle or vessel. The notice must state the  
126 name, physical address, and telephone number of the lienor, and  
127 the vehicle identification number if the claim of lien is for a  
128 vehicle or the hull identification number if the claim of lien  
129 is for a vessel, all of which must also appear in the return  
130 address section on the outside of the envelope containing the  
131 notice of sale. After diligent search and inquiry, if the name  
132 and address of the registered owner or the owner of the recorded  
133 lien cannot be ascertained, the requirements of notice by mail  
134 may be dispensed with. In addition to the notice by mail, public  
135 notice of the time and place of sale must ~~shall~~ be made by  
136 publishing a notice thereof one time, at least 10 days before  
137 the date of the sale, in a central database or online format  
138 approved or operated by the Department of Highway Safety and  
139 Motor Vehicles ~~in a newspaper of general circulation in the~~  
140 ~~county in which the sale is to be held~~. The proceeds of the  
141 sale, after payment of reasonable towing and storage charges,  
142 and costs of the sale, in that order of priority, shall be  
143 deposited with the clerk of the circuit court for the county if  
144 the owner or lienholder is absent, and the clerk shall hold such  
145 proceeds subject to the claim of the owner or lienholder legally

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146 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5  
147 percent of such proceeds for the care and disbursement thereof.  
148 The certificate of title issued under this law must ~~shall~~ be  
149 discharged of all liens unless otherwise provided by court  
150 order. The owner or lienholder may file a complaint after the  
151 vehicle or vessel has been sold in the county court of the  
152 county in which it is stored. Upon determining the respective  
153 rights of the parties, the court may award damages, attorney  
154 fees, and costs in favor of the prevailing party.

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