

1 A bill to be entitled
2 An act relating to wrecker operators; amending s.
3 166.043, F.S.; requiring counties to establish maximum
4 rates for the storage of electric vehicles;
5 authorizing a wrecker operator's storage facility to
6 charge certain costs for certain cleanup, containment,
7 and disposal; amending s. 323.001, F.S.; specifying
8 financial responsibility for vehicles stored for more
9 than 30 days at a wrecker operator's storage facility;
10 amending s. 713.78, F.S.; authorizing a governmental
11 entity to instruct or authorize the removal of a
12 vehicle or vessel; requiring certain communications
13 among such governmental entity, the Department of
14 Highway Safety and Motor Vehicles, and the person in
15 charge of the location where such vehicle or vessel is
16 stored; requiring public notice of the sale of an
17 unclaimed vehicle or vessel to be published in a
18 central database or online format approved or operated
19 by the department; removing the requirement that such
20 notice be published in a newspaper; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraphs (d) and (e) are added to subsection

HB 661

2024

26 (1) of section 166.043, Florida Statutes, to read:

27 166.043 Ordinances and rules imposing price controls.—

28 (1)

29 (d) Counties must establish maximum rates which may be
30 charged for the storage of electric vehicles at a rate of at
31 least three times the rate that is charged for the cost of
32 storing vehicles that are powered by gasoline or diesel fuels. A
33 wrecker operator's storage facility may also charge fair and
34 reasonable costs, plus 10 percent, for cleanup and disposal
35 related to an accident or crash, a fire, or accidental discharge
36 of any hazardous materials or debris associated with an electric
37 vehicle.

38 (e) Wrecker operators may charge fair and reasonable
39 costs, plus 10 percent, for cleanup, containment, and disposal
40 of pollution and hazardous materials.

41 Section 2. Subsection (7) of section 323.001, Florida
42 Statutes, is amended to read:

43 323.001 Wrecker operator storage facilities; vehicle
44 holds.—

45 (7) When a vehicle owner is found guilty of, or pleads
46 nolo contendere to, the offense that resulted in a hold being
47 placed on his or her vehicle, regardless of the adjudication of
48 guilt, the owner must pay the accrued towing and storage charges
49 assessed against the vehicle. If a vehicle is stored at a
50 wrecker operator's storage facility for more than 30 days, the

51 person, entity, or agency that requested that the vehicle be
 52 held at the wrecker operator's storage facility is financially
 53 responsible for the daily cost of storing the vehicle after 30
 54 days.

55 Section 3. Paragraph (d) of subsection (2), paragraph (b)
 56 of subsection (4), and subsection (6) of section 713.78, Florida
 57 Statutes, are amended to read:

58 713.78 Liens for recovering, towing, or storing vehicles
 59 and vessels.—

60 (2) Whenever a person regularly engaged in the business of
 61 transporting vehicles or vessels by wrecker, tow truck, or car
 62 carrier recovers, removes, or stores a vehicle or vessel upon
 63 instructions from:

64 (d) Any law enforcement agency or governmental entity,

65
 66 she or he shall have a lien on the vehicle or vessel for a
 67 reasonable towing fee, for a reasonable administrative fee or
 68 charge imposed by a county or municipality, and for a reasonable
 69 storage fee; except that a storage fee may not be charged if the
 70 vehicle or vessel is stored for fewer than 6 hours.

71 (4)

72 (b) Whenever a law enforcement agency or governmental
 73 entity authorizes the removal of a vehicle or vessel or whenever
 74 a towing service, garage, repair shop, or automotive service,
 75 storage, or parking place notifies the law enforcement agency or

76 governmental entity of possession of a vehicle or vessel
77 pursuant to s. 715.07(2)(a)2., the law enforcement agency or
78 governmental entity of the jurisdiction where the vehicle or
79 vessel is stored shall contact the Department of Highway Safety
80 and Motor Vehicles, or the appropriate agency of the state of
81 registration, if known, within 24 hours through the medium of
82 electronic communications, giving the full description of the
83 vehicle or vessel. Upon receipt of the full description of the
84 vehicle or vessel, the department shall search its files to
85 determine the owner's name, the insurance company insuring the
86 vehicle or vessel, and whether any person has filed a lien upon
87 the vehicle or vessel as provided in s. 319.27(2) and (3) and
88 notify the applicable law enforcement agency or governmental
89 entity within 72 hours. The person in charge of the towing
90 service, garage, repair shop, or automotive service, storage, or
91 parking place shall obtain such information from the applicable
92 law enforcement agency or governmental entity within 5 days
93 after the date of storage and shall give notice pursuant to
94 paragraph (a). The department may release the insurance company
95 information to the requestor notwithstanding s. 627.736.

96 (6) A vehicle or vessel that is stored pursuant to
97 subsection (2) and remains unclaimed, or for which reasonable
98 charges for recovery, towing, or storing remain unpaid, and any
99 contents not released pursuant to subsection (10), may be sold
100 by the owner or operator of the storage space for such towing or

101 storage charge 35 days after the vehicle or vessel is stored by
102 the lienor if the vehicle or vessel is more than 3 years of age
103 or 50 days after the vehicle or vessel is stored by the lienor
104 if the vehicle or vessel is 3 years of age or less. The sale
105 shall be at public sale for cash. If the date of the sale was
106 not included in the notice required in subsection (4), notice of
107 the sale shall be given to the person in whose name the vehicle
108 or vessel is registered and to all persons claiming a lien on
109 the vehicle or vessel as shown on the records of the Department
110 of Highway Safety and Motor Vehicles or of any corresponding
111 agency in any other state in which the vehicle is identified
112 through a records check of the National Motor Vehicle Title
113 Information System or an equivalent commercially available
114 system as being titled. Notice of the sale must be sent by
115 certified mail. The notice must have clearly identified and
116 printed, if the claim of lien is for a motor vehicle, the last 8
117 digits of the vehicle identification number of the motor vehicle
118 subject to the lien, or, if the claim of lien is for a vessel,
119 the hull identification number of the vessel subject to the
120 lien, in the delivery address box and on the outside of the
121 envelope sent to the registered owner and all other persons
122 claiming an interest therein or lien thereon. The notice must be
123 sent to the owner of the vehicle or vessel and the person having
124 the recorded lien on the vehicle or vessel at the address shown
125 on the records of the registering agency at least 30 days before

126 the sale of the vehicle or vessel. The notice must state the
127 name, physical address, and telephone number of the lienor, and
128 the vehicle identification number if the claim of lien is for a
129 vehicle or the hull identification number if the claim of lien
130 is for a vessel, all of which must also appear in the return
131 address section on the outside of the envelope containing the
132 notice of sale. After diligent search and inquiry, if the name
133 and address of the registered owner or the owner of the recorded
134 lien cannot be ascertained, the requirements of notice by mail
135 may be dispensed with. In addition to the notice by mail, public
136 notice of the time and place of sale shall be made by publishing
137 a notice thereof one time, at least 10 days before the date of
138 the sale, in a central database or online format approved or
139 operated by the department ~~newspaper of general circulation in~~
140 ~~the 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
146 entitled thereto. The clerk 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 shall be
149 discharged of all liens unless otherwise provided by court
150 order. The owner or lienholder may file a complaint after the

HB 661

2024

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 4. This act shall take effect July 1, 2024.