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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2024	.	
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The Committee on Rules (Perry) recommended the following:

**Senate Amendment to Amendment (327644)**

Delete lines 665 - 821  
and insert:  
stored. Notwithstanding subparagraph (17)(a)6., a rental vehicle  
or vessel agreement is not evidence that the person who rented a  
vehicle or vessel is an agent of the rental vehicle or vessel  
owner for the purpose of releasing the vehicle or vessel.  
However, a towing-storage operator must release to the renter of  
a rental vehicle or vessel all personal property belonging to  
the renter which is not affixed to the rental vehicle or vessel



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12 within 1 hour after the renter's arrival ~~person providing such~~  
13 ~~services.~~

14 (11) (a) A towing-storage operator ~~Any person regularly~~  
15 ~~engaged in the business of recovering, towing, or storing~~  
16 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
17 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has  
18 complied with ~~the provisions of~~ subsections (4) (3) and (6),  
19 when such vehicle or vessel is to be sold for purposes of being  
20 dismantled, destroyed, or changed in such manner that it is not  
21 the ~~motor~~ vehicle or vessel described in the certificate of  
22 title, must ~~shall~~ report the vehicle to the National Motor  
23 Vehicle Title Information System and apply to the Department of  
24 Highway Safety and Motor Vehicles for a certificate of  
25 destruction. A certificate of destruction, which authorizes the  
26 dismantling or destruction of the vehicle or vessel described  
27 therein, is ~~shall be~~ reassignable a maximum of two times before  
28 dismantling or destruction of the vehicle is ~~shall be~~ required,  
29 and must ~~shall~~ accompany the vehicle or vessel for which it is  
30 issued, when such vehicle or vessel is sold for such purposes,  
31 in lieu of a certificate of title. The application for a  
32 certificate of destruction must include proof of reporting to  
33 the National Motor Vehicle Title Information System and an  
34 affidavit from the applicant that she or he ~~it~~ has complied with  
35 all applicable requirements of this section and, if the vehicle  
36 or vessel is not registered in this state or any other state, by  
37 a statement from a law enforcement officer that the vehicle or  
38 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
39 such documentation as may be required by the department.

40 (12) (a) Any person who violates ~~any provision of subsection~~



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41 ~~(1)~~, subsection (2), subsection (4), subsection (5), subsection  
42 (6), or subsection (7) is guilty of a misdemeanor of the first  
43 degree, punishable as provided in s. 775.082 or s. 775.083.

44 (d) Employees of the Department of Highway Safety and Motor  
45 Vehicles and law enforcement officers are authorized to inspect  
46 the records of a towing-storage operator ~~any person regularly~~  
47 ~~engaged in the business of recovering, towing, or storing~~  
48 ~~vehicles or vessels or transporting vehicles or vessels by~~  
49 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with  
50 the requirements of this section. A towing-storage operator ~~Any~~  
51 ~~person~~ who fails to maintain records, or fails to produce  
52 records when required in a reasonable manner and at a reasonable  
53 time, commits a misdemeanor of the first degree, punishable as  
54 provided in s. 775.082 or s. 775.083.

55 (13) (a) Upon receipt by the Department of Highway Safety  
56 and Motor Vehicles of written notice from a wrecker operator who  
57 claims a wrecker operator's lien under subparagraph (2) (b) 4.  
58 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an  
59 abandoned vehicle or vessel upon instructions from any law  
60 enforcement agency, for which a certificate of destruction has  
61 been issued under subsection (11) and the vehicle has been  
62 reported to the National Motor Vehicle Title Information System,  
63 the department shall place the name of the registered owner of  
64 that vehicle or vessel on the list of those persons who may not  
65 be issued a license plate or revalidation sticker for any motor  
66 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
67 jointly by more than one person, the name of each registered  
68 owner must ~~shall~~ be placed on the list. The notice of wrecker  
69 operator's lien must ~~shall~~ be submitted on forms provided by the



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70 department and, which must include all of the following:

71 1. The name, address, and telephone number of the wrecker  
72 operator.

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

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

78 4. The vehicle identification number (VIN); registration  
79 license plate number, state, and year; validation decal number,  
80 state, and year; vessel registration number; hull identification  
81 number; or other identification number, as applicable.

82 5. The name of the person or the corresponding law  
83 enforcement agency that requested that the vehicle or vessel be  
84 recovered, towed, or stored.

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

87 (b) For purposes of this subsection only, the amount of the  
88 wrecker operator's lien for which the department will prevent  
89 issuance of a license plate or revalidation sticker may not  
90 exceed the amount of the charges for recovery, towing, and  
91 storage of the vehicle or vessel for 7 days. These charges may  
92 not exceed the maximum rates imposed by the ordinances of the  
93 respective county or municipality under ss. 125.0103(1)(c) and  
94 166.043(1)(c). This paragraph does not limit the amount of a  
95 wrecker operator's lien claimed under paragraph (2)(b)  
96 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil  
97 remedies for enforcement of the entire amount of the lien, but  
98 limits only that portion of the lien for which the department



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99 will prevent issuance of a license plate or revalidation  
100 sticker.

101 (d) Upon discharge of the amount of the wrecker operator's  
102 lien allowed by paragraph (b), the wrecker operator must issue a  
103 certificate of discharged wrecker operator's lien on forms  
104 provided by the department to each registered owner of the  
105 vehicle or vessel attesting that the amount of the wrecker  
106 operator's lien allowed by paragraph (b) has been discharged.  
107 Upon presentation of the certificate of discharged wrecker  
108 operator's lien by the registered owner, the department must  
109 ~~shall~~ immediately remove the registered owner's name from the  
110 list of those persons who may not be issued a license plate or  
111 revalidation sticker for any motor vehicle under s. 320.03(8),  
112 thereby allowing issuance of a license plate or revalidation  
113 sticker. Issuance of a certificate of discharged wrecker  
114 operator's lien under this paragraph does not discharge the  
115 entire amount of the wrecker operator's lien claimed under  
116 paragraph (2)(b) subsection (2), but only certifies to the  
117 department that the amount of the wrecker operator's lien  
118 allowed by paragraph (b), for which the department will prevent  
119 issuance of a license plate or revalidation sticker, has been  
120 discharged.

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

124 1. An electronic title.

125 2. A paper title.

126 3. A contract between a lender and the owner of the vehicle  
127 or vessel.



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128 4. A contract between a lessor and the lessee of the  
129 vehicle or vessel.

130 5. Credentials establishing the person as an employee or  
131 contract agent of an insurance company, along with documentation  
132 identifying the vehicle by the vehicle identification number or  
133 vessel by the hull identification number.

134 6. A written agreement evidencing that the person is an  
135 agent of the vehicle or vessel owner or lienholder.

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

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

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

149 (a) All notice publications and certified mailings.

150 (b) The purchase price of any unclaimed vehicle or vessel  
151 sold.

152 (c) The names and addresses of persons to whom vehicles or  
153 vessels were released.

154 (d) The names and addresses of vehicle or vessel  
155 purchasers.

156 (e) All fees imposed under this section, including the



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157 itemized invoice required under paragraph (20) (c).  
158 (19) (a) A towing-storage operator must accept payment for  
159 accrued charges from an authorized person listed in subsection  
160 (10) in any form from at least two of the following  
161 subparagraphs: