



430566

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) is added to section 83.19,
Florida Statutes, to read:

83.19 Sale of property distrained.—

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



430566

11 pursuant to this section.

12 Section 2. Paragraphs (b) and (c) of subsection (1) of
13 section 125.0103, Florida Statutes, are amended, and paragraph
14 (d) is added to that subsection, to read:

15 125.0103 Ordinances and rules imposing price controls.—

16 (1)

17 (b) This section does not prevent the enactment by local
18 governments of public service rates otherwise authorized by law,
19 including water, sewer, solid waste, public transportation,
20 taxicab, or port rates; ~~;~~ rates for towing of vehicles or vessels
21 from or immobilization of vehicles or vessels on private
22 property; ~~;~~ or rates for removal and storage of wrecked or
23 disabled vehicles or vessels from an accident scene or the
24 removal and storage of vehicles or vessels, in the event the
25 owner or operator is incapacitated, unavailable, leaves the
26 procurement of wrecker service to the law enforcement officer at
27 the scene, or otherwise does not consent to the removal of the
28 vehicle or vessel.

29 (c) Counties must establish maximum rates which may be
30 charged on the towing of vehicles or vessels from or
31 immobilization of vehicles or vessels on private property or
32 which may be charged for ~~;~~ removal and storage of wrecked or
33 disabled vehicles or vessels from an accident scene or for the
34 removal and storage of vehicles or vessels, in the event the
35 owner or operator is incapacitated, unavailable, leaves the
36 procurement of wrecker service to the law enforcement officer at
37 the scene, or otherwise does not consent to the removal of the
38 vehicle or vessel. However, if a municipality chooses to enact
39 an ordinance establishing the maximum rates for the towing or



430566

40 immobilization of vehicles or vessels as described in paragraph
41 (b), the county's ordinance does not apply within such
42 municipality.

43 (d) A county or municipality that has established rates as
44 described in paragraph (c) must publish such rates on its
45 website and must establish a process for investigating and
46 resolving complaints regarding fees charged in excess of such
47 rates. In counties or municipalities where no rates as described
48 in paragraph (c) have been established, the rates established by
49 the Division of Florida Highway Patrol under s. 321.051(2) apply
50 in such areas.

51 Section 3. Paragraph (c) of subsection (1) of section
52 166.043, Florida Statutes, is amended to read:

53 166.043 Ordinances and rules imposing price controls.—

54 (1)

55 (c) Counties must establish maximum rates which may be
56 charged on the towing of vehicles or vessels from or
57 immobilization of vehicles or vessels on private property,
58 removal and storage of wrecked or disabled vehicles or vessels
59 from an accident scene or for the removal and storage of
60 vehicles or vessels, in the event the owner or operator is
61 incapacitated, unavailable, leaves the procurement of wrecker
62 service to the law enforcement officer at the scene, or
63 otherwise does not consent to the removal of the vehicle or
64 vessel. However, if a municipality chooses to enact an ordinance
65 establishing the maximum rates for the towing or immobilization
66 of vehicles or vessels as described in paragraph (b), the
67 county's ordinance established under s. 125.0103 does not apply
68 within such municipality. A county or municipality that has



430566

69 established maximum rates pursuant to this paragraph must
70 publish such rates on its website. A county or municipality
71 where no maximum rates have been established pursuant to this
72 paragraph, the maximum rates established by the Division of
73 Florida Highway Patrol under s. 321.051(2) apply in such areas.

74 Section 4. Subsection (2) of section 321.051, Florida
75 Statutes, is amended, and subsection (5) is added to that
76 section, to read:

77 321.051 Florida Highway Patrol wrecker operator system;
78 penalties for operation outside of system.-

79 (2) The Division of Florida Highway Patrol of the
80 Department of Highway Safety and Motor Vehicles is authorized to
81 establish within areas designated by the patrol a wrecker
82 operator system using qualified, reputable wrecker operators for
83 removal and storage of wrecked or disabled vehicles from a crash
84 scene or for removal and storage of abandoned vehicles, in the
85 event the owner or operator is incapacitated or unavailable or
86 leaves the procurement of wrecker service to the officer at the
87 scene. All reputable wrecker operators shall be eligible for use
88 in the system provided their equipment and drivers meet
89 recognized safety qualifications and mechanical standards set by
90 rules of the Division of Florida Highway Patrol for the size of
91 vehicle it is designed to handle. The division is authorized to
92 limit the number of wrecker operators participating in the
93 wrecker operator system, which authority shall not affect
94 wrecker operators currently participating in the system
95 established by this section. The division is authorized to
96 establish maximum rates for the towing and storage of vehicles
97 removed at the division's request, where such rates have not



430566

98 been set by a county or municipality pursuant to s. 125.0103 or
99 s. 166.043. Such rates shall not be considered rules for the
100 purpose of chapter 120; however, the department shall establish
101 by rule a procedure for setting such rates. The department must
102 publish on its website the maximum rates established under this
103 subsection and must establish a process for investigating and
104 resolving complaints regarding fees charged in excess of such
105 maximum rates. Any provision in chapter 120 to the contrary
106 notwithstanding, a final order of the department denying,
107 suspending, or revoking a wrecker operator's participation in
108 the system shall be reviewable in the manner and within the time
109 provided by the Florida Rules of Appellate Procedure only by a
110 writ of certiorari issued by the circuit court in the county
111 wherein such wrecker operator resides.

112 (5) The Division of the Florida Highway Patrol may not
113 exclude a wrecker operator from the wrecker operator system or
114 fail to designate him or her as an authorized wrecker operator
115 based solely on a prior felony conviction unless such conviction
116 is for a forcible felony as defined in s. 776.08 or a felony
117 listed under s. 812.014(2)(c)6. or s. 812.16(2).

118 Section 5. Subsection (10) is added to section 677.210,
119 Florida Statutes, to read:

120 677.210 Enforcement of warehouse's lien.—

121 (10) A lien on a vehicle or vessel, as those terms are
122 defined in s. 713.78(1), must be foreclosed pursuant to s.
123 713.78 and may not be foreclosed pursuant to this section.

124 Section 6. Subsections (1), (2), (4), (5), (6), (8), (9),
125 and (10), paragraph (a) of subsection (11), paragraphs (a) and
126 (d) of subsection (12), paragraphs (a), (b), and (d) of



430566

127 subsection (13), and subsection (17) of section 713.78, Florida
128 Statutes, are amended, and subsections (18) through (21) are
129 added to that section, to read:

130 713.78 Liens for recovering, towing, or storing vehicles
131 and vessels.—

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

133 (g)~~(a)~~ "Vehicle" means any mobile item, whether motorized
134 or not, which is mounted on wheels.

135 (h)~~(b)~~ "Vessel" means every description of watercraft,
136 barge, and airboat used or capable of being used as a means of
137 transportation on water, other than a seaplane or a "documented
138 vessel" as defined in s. 327.02.

139 (i)~~(e)~~ "Wrecker" means any truck or other vehicle that
140 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~
141 vehicles or vessels upon the streets and highways of this state
142 and ~~which~~ is equipped for that purpose with a boom, winch, car
143 carrier, or other similar equipment.

144 (c)~~(d)~~ "National Motor Vehicle Title Information System"
145 means the federally authorized electronic National Motor Vehicle
146 Title Information System.

147 (a)~~(e)~~ "Equivalent commercially available system" means a
148 service that charges a fee to provide vehicle information and
149 that at a minimum maintains records from those states
150 participating in data sharing with the National Motor Vehicle
151 Title Information System.

152 (b) "Good faith effort" means that all of the following
153 checks have been performed by a towing-storage operator to
154 establish the prior state of registration and title of a vehicle
155 or vessel that has been towed or stored by the towing-storage



430566

156 operator:

157 1. A check of the department's database for the owner and
158 any lienholder.

159 2. A check of the electronic National Motor Vehicle Title
160 Information System or an equivalent commercially available
161 system to determine the state of registration when there is not
162 a current registration record for the vehicle or vessel on file
163 with the department.

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

166 4. A check of the law enforcement report for a tag number
167 or other information identifying the vehicle or vessel, if the
168 vehicle or vessel was towed at the request of a law enforcement
169 officer.

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

173 6. If there is no address of the owner on the impound
174 report, a check of the law enforcement report to determine
175 whether an out-of-state address is indicated from driver license
176 information.

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

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

183 9. A check of the vehicle for a vehicle identification
184 number.



430566

185 10. A check of the vessel for a vessel registration number.

186 11. A check of the vessel hull for a hull identification
187 number which should be carved, burned, stamped, embossed, or
188 otherwise permanently affixed to the outboard side of the
189 transom or, if there is no transom, to the outmost seaboard side
190 at the end of the hull that bears the rudder or other steering
191 mechanism.

192 (d) "Newer model" means a vehicle or vessel that is 3 model
193 years old or less, beginning with the model year of the vehicle
194 or vessel as year one.

195 (e) "Older model" means a vehicle or vessel that is more
196 than 3 model years old, beginning with the model year of the
197 vehicle or vessel as year one.

198 (f) "Towing-storage operator" means a person who regularly
199 engages in the business of transporting vehicles or vessels by
200 wrecker, tow truck, or car carrier, or the storing of such
201 vehicles or vessels.

202 (2) (a) ~~Whenever~~ A towing-storage operator may charge the
203 owner or operator of a vehicle or vessel only the following fees
204 for, or incidental to, the recovery, removal, or storage of the
205 vehicle or vessel:

206 1. Any reasonable fee for service specifically authorized
207 under s. 125.0103 or s. 166.043 by ordinance, resolution,
208 regulation, or rule of the county or municipality in which the
209 service is performed.

210 2. Any reasonable fee for service specifically authorized
211 by the Division of Florida Highway Patrol of the Department of
212 Highway Safety and Motor Vehicles under s. 321.051(2).

213 3. Any reasonable fee for service as agreed upon in writing



430566

214 between a towing-storage operator and the owner of a vehicle or
215 vessel.

216 4. Any lien release administrative fee as set forth in
217 paragraph (15) (a).

218 5. Any reasonable administrative fee or charge imposed by a
219 county or municipality pursuant to s. 125.01047, s. 166.04465,
220 or s. 323.002 upon the registered owner or other legally
221 authorized person in control of a vehicle or vessel.

222 (b) If a towing-storage operator ~~person~~ regularly engaged
223 in the business of transporting vehicles or vessels by wrecker,
224 tow truck, or car carrier recovers, removes, or stores a vehicle
225 or vessel upon instructions from:

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

227 2. ~~(b)~~ The owner or lessor, or a person authorized by the
228 owner or lessor, of property on which such vehicle or vessel is
229 wrongfully parked, and the removal is done in compliance with s.
230 715.07;

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

235 4. ~~(d)~~ Any law enforcement agency, county, or municipality,
236

237 she or he ~~has~~ shall have a lien on the vehicle or vessel for
238 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
239 ~~reasonable administrative fee or charge imposed by a county or~~
240 ~~municipality, and for a reasonable storage fee; except that a~~
241 storage fee may not be charged if the vehicle or vessel is
242 stored for less ~~fewer~~ than 6 hours.



430566

243 (4) (a) A towing-storage operator ~~person regularly engaged~~
244 ~~in the business of recovering, towing, or storing vehicles or~~
245 ~~vessels~~ who comes into possession of a vehicle or vessel
246 pursuant to paragraph (2) (b) subsection (2), and who claims a
247 lien for recovery, towing, or storage services, must ~~shall~~ give
248 notice, by certified mail, pursuant to subsection (16), to the
249 registered owner, the insurance company insuring the vehicle
250 notwithstanding s. 627.736, and all persons claiming a lien
251 thereon, as disclosed by the records in the Department of
252 Highway Safety and Motor Vehicles or as disclosed by the records
253 of any corresponding agency in any other state in which the
254 vehicle is identified through a records check of the National
255 Motor Vehicle Title Information System or an equivalent
256 commercially available system as being titled or registered.

257 (b) When ~~Whenever~~ a law enforcement agency, county, or
258 municipality authorizes the removal of a vehicle or vessel or
259 ~~whenever~~ a towing service, garage, repair shop, or automotive
260 service, storage, or parking place notifies the law enforcement
261 agency of possession of a vehicle or vessel pursuant to s.
262 715.07(2) (a)2., if an approved third-party service cannot obtain
263 the vehicle's or vessel's owner, lienholder, and insurer
264 information or last state of record pursuant to subsection (16),
265 then the person in charge of the towing service, garage, repair
266 shop, or automotive service, storage, or parking place must
267 request such information from the law enforcement agency of the
268 jurisdiction where the vehicle or vessel is stored. The law
269 enforcement agency to which the request was made must ~~shall~~
270 contact the Department of Highway Safety and Motor Vehicles, or
271 the appropriate agency of the state of registration, if known,



430566

272 within 24 hours through the medium of electronic communications,
273 giving the full description of the vehicle or vessel. Upon
274 receipt of the full description of the vehicle or vessel, the
275 department must ~~shall~~ search its files to determine the owner's
276 name, the insurance company insuring the vehicle or vessel, and
277 whether any person has filed a lien upon the vehicle or vessel
278 as provided in s. 319.27(2) and (3) and notify the applicable
279 law enforcement agency within 72 hours. The person in charge of
280 the towing service, garage, repair shop, or automotive service,
281 storage, or parking place must request ~~shall obtain~~ such
282 information from the applicable law enforcement agency within 5
283 days after the date of storage and, if such information is
284 provided by the law enforcement agency, must provide the
285 information to the approved third-party service in order to
286 transmit notices as required under subsection (16) ~~shall give~~
287 ~~notice pursuant to paragraph (a)~~. The department may release the
288 insurance company information to the requestor notwithstanding
289 s. 627.736.

290 (c) The notice of lien must be sent by an approved third-
291 party service by certified mail to the registered owner, the
292 insurance company insuring the vehicle notwithstanding s.
293 627.736, and all other persons claiming a lien thereon within 5
294 7 business days, excluding a Saturday, and Sunday, or federal
295 legal holiday, after the date of storage of the vehicle or
296 vessel. ~~However, in no event shall the notice of lien be sent~~
297 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
298 notice must state all of the following:

299 1. If the claim of lien is for a vehicle, the last 8 digits
300 of the vehicle identification number of the vehicle subject to



430566

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

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

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

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

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

318 6. That charges have accrued and include an itemized
319 statement of the amount thereof.

320 7. That the lien is subject to enforcement under law and
321 that the owner or lienholder, if any, has the right to a hearing
322 as set forth in subsection (5).

323 8. That any vehicle or vessel that remains unclaimed, or
324 for which the charges for recovery, towing, or storage services
325 remain unpaid, may be sold free of all prior liens 35 days after
326 the vehicle or vessel is stored by the lienor if the vehicle or
327 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
328 after the vehicle or vessel is stored by the lienor if the
329 vehicle or vessel is a newer model ~~3 years of age or less~~.



430566

330 9. The address at which the vehicle or vessel is physically
331 located.

332 (d) The notice of lien may not be sent to the registered
333 owner, the insurance company insuring the vehicle or vessel, and
334 all other persons claiming a lien thereon less than 30 days
335 before the sale of a the vehicle or vessel that is an older
336 model or less than 55 days before the sale of a vehicle or
337 vessel that is a newer model.

338 (e) If attempts to locate the name and address of the owner
339 or lienholder are prove unsuccessful, 5 the towing-storage
340 operator shall, after 7 business days, excluding a Saturday, and
341 Sunday, or federal legal holiday, after the initial tow or
342 storage, the towing-storage operator must notify the public
343 agency of jurisdiction where the vehicle or vessel is stored in
344 writing by certified mail or receipt-acknowledged electronic
345 delivery acknowledged hand delivery that the towing-storage
346 operator company has been unable to locate the name and address
347 of the owner or lienholder and a physical search of the vehicle
348 or vessel has disclosed no ownership information and a good
349 faith effort has been made, including records checks of the
350 Department of Highway Safety and Motor Vehicles database and the
351 National Motor Vehicle Title Information System or an equivalent
352 commercially available system. ~~For purposes of this paragraph~~
353 ~~and subsection (9), the term "good faith effort" means that the~~
354 ~~following checks have been performed by the company to establish~~
355 ~~the prior state of registration and for title:~~

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

358 2. ~~A check of the electronic National Motor Vehicle Title~~



430566

359 ~~Information System or an equivalent commercially available~~
360 ~~system to determine the state of registration when there is not~~
361 ~~a current registration record for the vehicle or vessel on file~~
362 ~~with the department.~~

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

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

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

372 ~~6. If there is no address of the owner on the impound~~
373 ~~report, a check of the law enforcement report to determine~~
374 ~~whether an out-of-state address is indicated from driver license~~
375 ~~information.~~

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

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

382 ~~9. A check of the vehicle for a vehicle identification~~
383 ~~number.~~

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

385 ~~11. A check of the vessel hull for a hull identification~~
386 ~~number which should be carved, burned, stamped, embossed, or~~
387 ~~otherwise permanently affixed to the outboard side of the~~



430566

388 ~~transom or, if there is no transom, to the outmost seaboard side~~
389 ~~at the end of the hull that bears the rudder or other steering~~
390 ~~mechanism.~~

391 (5) (a) The registered owner of a vehicle or vessel in the
392 possession of a towing-storage operator removed pursuant to
393 subsection (2), the insurance company insuring the vehicle or
394 vessel, and all other persons claiming a lien thereon or any
395 person claiming a lien, other than the towing-storage operator,
396 may initiate judicial proceedings within 10 days after the time
397 she or he has knowledge of the location of the vehicle or
398 vessel, may file a complaint in the county court of competent
399 jurisdiction in the county in which the vehicle or vessel is
400 stored to determine whether the vehicle or vessel her or his
401 property was wrongfully taken or withheld or whether fees were
402 wrongfully charged.

403 (b) Regardless of whether judicial proceedings have been
404 initiated pursuant to subparagraph (a), at any time before the
405 sale of the vehicle or vessel by the towing-storage operator,
406 the an owner of the vehicle or vessel, the insurance company
407 insuring the vehicle or vessel, and all other persons claiming a
408 lien thereon other than the towing-storage operator or
409 lienholder may have the her or his vehicle or vessel released
410 upon posting with the clerk of the county court in the county in
411 which the vehicle is held court a cash or surety bond or other
412 adequate security equal to the amount of the accrued charges set
413 forth in the notice of lien, plus accrued storage charges, at
414 the time of the release of the vehicle or vessel, if any, of the
415 charges for towing or storage and lot rental amount to ensure
416 the payment of such charges in the event a court determines that



430566

417 the vehicle or vessel was not wrongfully taken or withheld or
418 fees were not wrongfully charged ~~she or he does not prevail~~. The
419 owner of the vehicle or vessel, the insurance company insuring
420 the vehicle or vessel, and all other persons claiming a lien
421 thereon other than the towing-storage operator must not be
422 required to initiate judicial proceedings in order to post the
423 bond in the registry of the court and are not required to use a
424 particular form for posting the bond unless the clerk provides
425 such form. Upon the posting of the bond and the payment of the
426 applicable fee set forth in s. 28.24, the clerk of the court
427 must automatically issue a certificate notifying the towing-
428 storage operator of the posting of the bond and directing the
429 towing-storage operator to release the vehicle or vessel to the
430 party that posted the bond ~~the clerk of the court shall issue a~~
431 ~~certificate notifying the lienor of the posting of the bond and~~
432 ~~directing the lienor to release the vehicle or vessel~~. At the
433 time of such release, after reasonable inspection, the party
434 that posted the bond must ~~she or he shall~~ give a receipt to the
435 towing-storage operator ~~company~~ reciting any claims ~~she or he~~
436 ~~has~~ for loss or damage to the vehicle or vessel or the contents
437 thereof, or such claims are deemed waived.

438 1. Upon receiving a copy of a certificate giving notice of
439 the posting of the bond in the required amount and directing
440 release of the vehicle or vessel, a towing-storage operator who
441 fails to release or return the vehicle or vessel to the party
442 which posted the bond commits a misdemeanor of the second
443 degree, punishable as provided in s. 775.082 or s. 775.083.

444 2. If the party posting the bond does not initiate judicial
445 proceedings pursuant to paragraph subparagraph (a) within 60



430566

446 days after the issuance of the certificate by the clerk of the
447 court, then upon request by the towing-storage operator the
448 clerk of court must release the cash or surety bond to the
449 towing-storage operator.

450 (c) Upon determining the respective rights of the parties,
451 the court may award damages, attorney ~~attorney's~~ fees, and costs
452 in favor of the prevailing party. In the event the towing-
453 storage operator prevails ~~In any event~~, the final order must
454 ~~shall~~ provide for immediate payment in full of recovery, towing,
455 and storage fees by the vehicle or vessel owner or lienholder;
456 or the agency ordering the tow; or the owner, lessee, or agent
457 thereof of the property from which the vehicle or vessel was
458 removed.

459 (6) A vehicle or vessel that is stored pursuant to
460 paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
461 which reasonable charges for recovery, towing, or storing remain
462 unpaid, and any contents not released pursuant to subsection
463 (10), may be sold by the owner or operator of the storage space
464 for such towing or storage charge 35 days after the vehicle or
465 vessel is stored by the lienor if the vehicle or vessel is an
466 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
467 vehicle or vessel is stored by the lienor if the vehicle or
468 vessel is a newer model ~~3 years of age or less~~. The sale must
469 ~~shall~~ be at public sale for cash. If the date of the sale was
470 not included in the notice required in subsection (4), notice of
471 the sale must ~~shall~~ be given to the person in whose name the
472 vehicle or vessel is registered and to all persons claiming a
473 lien on the vehicle or vessel as shown on the records of the
474 Department of Highway Safety and Motor Vehicles or of any



430566

475 corresponding agency in any other state in which the vehicle is
476 identified through a records check of the National Motor Vehicle
477 Title Information System or an equivalent commercially available
478 system as being titled. Notice of the sale must be sent by
479 certified mail to the registered owner of the vehicle or vessel,
480 the insurance company insuring the vehicle or vessel, and the
481 person having the recorded lien on the vehicle or vessel at the
482 address shown on the records of the registering agency at least
483 30 days before the sale of the vehicle or vessel. ~~The notice~~
484 ~~must have clearly identified and printed, if the claim of lien~~
485 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
486 identification number of the ~~motor~~ vehicle subject to the lien,
487 or, if the claim of lien is for a vessel, the hull
488 identification number of the vessel subject to the lien, must be
489 clearly identified and printed in the delivery address box and
490 on the outside of the envelope sent to the registered owner and
491 all other persons claiming an interest in ~~therein~~ or lien on the
492 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
493 ~~of the vehicle or vessel and the person having the recorded lien~~
494 ~~on the vehicle or vessel at the address shown on the records of~~
495 ~~the registering agency at least 30 days before the sale of the~~
496 ~~vehicle or vessel.~~ The notice must state the name, physical
497 address, and telephone number of the lienor, and the vehicle
498 identification number if the claim of lien is for a vehicle or
499 the hull identification number if the claim of lien is for a
500 vessel, all of which must also appear in the return address
501 section on the outside of the envelope containing the notice of
502 sale. After diligent search and inquiry, if the name and address
503 of the registered owner or the owner of the recorded lien cannot



430566

504 be ascertained, the requirements of notice by mail may be
505 dispensed with. In addition to the notice by mail, public notice
506 of the time and place of sale must ~~shall~~ be made by publishing a
507 notice thereof one time, at least 20 ~~10~~ days before the date of
508 the sale, on the publicly available website maintained by an
509 approved third-party service. The third-party service must
510 electronically report to the Department of Highway Safety and
511 Motor Vehicles, via an electronic data exchange process using a
512 web interface, the name, physical address, and telephone number
513 of the lienor; the time and place of the sale; the vehicle's
514 license plate number, if known; the vehicle identification
515 number, if the claim of lien is for a vehicle, or the hull
516 identification number, if the claim of lien is for a vessel; and
517 the amount due for towing, recovery, storage, and administrative
518 fees. The third-party service that publishes the public notice
519 of sale and electronically reports the required information to
520 the department may collect and retain a service charge of no
521 more than \$1 ~~in a newspaper of general circulation in the county~~
522 ~~in which the sale is to be held.~~ The proceeds of the sale, after
523 payment of reasonable towing and storage charges, and costs of
524 the sale, in that order of priority, must ~~shall~~ be deposited
525 with the clerk of the circuit court for the county if the owner
526 or lienholder is absent, and the clerk must ~~shall~~ hold such
527 proceeds subject to the claim of the owner or lienholder legally
528 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
529 percent of such proceeds for the care and disbursement thereof.
530 The certificate of title issued under this section must ~~this law~~
531 ~~shall~~ be discharged of all liens unless otherwise provided by
532 court order. The owner or lienholder may file a complaint after



430566

533 the vehicle or vessel has been sold in the county court of the
534 county in which it is stored. Upon determining the respective
535 rights of the parties, the court may award damages, attorney
536 fees, and costs in favor of the prevailing party.

537 (8) A towing-storage operator ~~person regularly engaged in~~
538 ~~the business of recovering, towing, or storing vehicles or~~
539 ~~vessels~~, except a person licensed under chapter 493 while
540 engaged in "repossession" activities as defined in s. 493.6101,
541 may not operate a wrecker, tow truck, or car carrier unless the
542 name, address, and telephone number of the company performing
543 the service is clearly printed in contrasting colors on the
544 driver and passenger sides of its vehicle. The name must be in
545 at least 3-inch permanently affixed letters, and the address and
546 telephone number must be in at least 1-inch permanently affixed
547 letters.

548 (9) Failure to make good faith efforts to comply with the
549 notice requirements of this section precludes the imposition of
550 any storage charges against the vehicle or vessel. If a lienor
551 fails to provide notice to a person claiming a lien on a vehicle
552 or vessel in accordance with subsection (4), the lienor may not
553 charge the person for more than 5 7 days of storage, but such
554 failure does not affect charges made for towing the vehicle or
555 vessel or the priority of liens on the vehicle or vessel.

556 (10) A towing-storage operator must ~~Persons who provide~~
557 ~~services pursuant to this section shall~~ permit vehicle or vessel
558 owners, lienholders, insurance company representatives, or their
559 agents, whose interest in the vehicle or vessel is evidenced by
560 any of the documents listed in subsection (17) ~~which agency is~~
561 ~~evidenced by an original writing acknowledged by the owner~~



430566

562 ~~before a notary public or other person empowered by law to~~
563 ~~administer oaths,~~ to inspect the towed vehicle or vessel and
564 must shall release to the owner, lienholder, or agent the
565 vehicle, vessel, or all personal property not affixed to the
566 vehicle or vessel which was in the vehicle or vessel at the time
567 the vehicle or vessel came into the custody of the towing-
568 storage operator. The inspection and release of the vehicle,
569 vessel, or personal property must be permitted within 1 hour
570 after the owner, lienholder, insurance company representative,
571 or their agent presents any of the documents listed in
572 subsection (17) to the towing-storage operator during normal
573 business hours at the site where the vehicle or vessel is
574 stored. Notwithstanding subparagraph (17) (a) 5., a rental vehicle
575 or vessel agreement is not evidence that the person who rented a
576 vehicle or vessel is an agent of the rental vehicle or vessel
577 owner for the purpose of releasing the vehicle or vessel.
578 However, a towing-storage operator must release to the renter of
579 a rental vehicle or vessel all personal property belonging to
580 the renter which is not affixed to the rental vehicle or vessel
581 within 1 hour after the renter's arrival ~~person providing such~~
582 ~~services.~~

583 (11) (a) A towing-storage operator ~~Any person regularly~~
584 ~~engaged in the business of recovering, towing, or storing~~
585 ~~vehicles or vessels~~ who comes into possession of a vehicle or
586 vessel pursuant to paragraph (2) (b) subsection (2) and who has
587 complied with ~~the provisions of~~ subsections (4) (3) and (6),
588 when such vehicle or vessel is to be sold for purposes of being
589 dismantled, destroyed, or changed in such manner that it is not
590 the ~~motor~~ vehicle or vessel described in the certificate of



430566

591 title, must ~~shall~~ report the vehicle to the National Motor
592 Vehicle Title Information System and apply to the Department of
593 Highway Safety and Motor Vehicles for a certificate of
594 destruction. A certificate of destruction, which authorizes the
595 dismantling or destruction of the vehicle or vessel described
596 therein, is ~~shall be~~ reassignable a maximum of two times before
597 dismantling or destruction of the vehicle is ~~shall be~~ required,
598 and must ~~shall~~ accompany the vehicle or vessel for which it is
599 issued, when such vehicle or vessel is sold for such purposes,
600 in lieu of a certificate of title. The application for a
601 certificate of destruction must include proof of reporting to
602 the National Motor Vehicle Title Information System and an
603 affidavit from the applicant that she or he ~~it~~ has complied with
604 all applicable requirements of this section and, if the vehicle
605 or vessel is not registered in this state or any other state, by
606 a statement from a law enforcement officer that the vehicle or
607 vessel is not reported stolen, and must ~~shall~~ be accompanied by
608 such documentation as may be required by the department.

609 (12) (a) Any person who violates ~~any provision of subsection~~
610 ~~(1)~~, subsection (2), subsection (4), subsection (5), subsection
611 (6), or subsection (7) commits ~~is guilty of~~ a misdemeanor of the
612 first degree, punishable as provided in s. 775.082 or s.
613 775.083.

614 (d) Employees of the Department of Highway Safety and Motor
615 Vehicles and law enforcement officers are authorized to inspect
616 the records of a towing-storage operator ~~any person regularly~~
617 ~~engaged in the business of recovering, towing, or storing~~
618 ~~vehicles or vessels or transporting vehicles or vessels by~~
619 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with



430566

620 the requirements of this section. A towing-storage operator ~~Any~~
621 ~~person~~ who fails to maintain records, or fails to produce
622 records when required in a reasonable manner and at a reasonable
623 time, commits a misdemeanor of the first degree, punishable as
624 provided in s. 775.082 or s. 775.083.

625 (13) (a) Upon receipt by the Department of Highway Safety
626 and Motor Vehicles of written notice from a wrecker operator who
627 claims a wrecker operator's lien under subparagraph (2) (b) 4.
628 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
629 abandoned vehicle or vessel upon instructions from any law
630 enforcement agency, for which a certificate of destruction has
631 been issued under subsection (11) and the vehicle has been
632 reported to the National Motor Vehicle Title Information System,
633 the department shall place the name of the registered owner of
634 that vehicle or vessel on the list of those persons who may not
635 be issued a license plate or revalidation sticker for any motor
636 vehicle under s. 320.03(8). If the vehicle or vessel is owned
637 jointly by more than one person, the name of each registered
638 owner must ~~shall~~ be placed on the list. The notice of wrecker
639 operator's lien must ~~shall~~ be submitted on forms provided by the
640 department and, which must include all of the following:

641 1. The name, address, and telephone number of the wrecker
642 operator.

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

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

648 4. The vehicle identification number (VIN); registration



430566

649 license plate number, state, and year; validation decal number,
650 state, and year; vessel registration number; hull identification
651 number; or other identification number, as applicable.

652 5. The name of the person or the corresponding law
653 enforcement agency that requested that the vehicle or vessel be
654 recovered, towed, or stored.

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

657 (b) For purposes of this subsection only, the amount of the
658 wrecker operator's lien for which the department will prevent
659 issuance of a license plate or revalidation sticker may not
660 exceed the amount of the charges for recovery, towing, and
661 storage of the vehicle or vessel for 7 days. These charges may
662 not exceed the maximum rates imposed by the ordinances of the
663 respective county or municipality under ss. 125.0103(1)(c) and
664 166.043(1)(c). This paragraph does not limit the amount of a
665 wrecker operator's lien claimed under paragraph (2)(b)
666 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
667 remedies for enforcement of the entire amount of the lien, but
668 limits only that portion of the lien for which the department
669 will prevent issuance of a license plate or revalidation
670 sticker.

671 (d) Upon discharge of the amount of the wrecker operator's
672 lien allowed by paragraph (b), the wrecker operator must issue a
673 certificate of discharged wrecker operator's lien on forms
674 provided by the department to each registered owner of the
675 vehicle or vessel attesting that the amount of the wrecker
676 operator's lien allowed by paragraph (b) has been discharged.
677 Upon presentation of the certificate of discharged wrecker



430566

678 operator's lien by the registered owner, the department must
679 ~~shall~~ immediately remove the registered owner's name from the
680 list of those persons who may not be issued a license plate or
681 revalidation sticker for any motor vehicle under s. 320.03(8),
682 thereby allowing issuance of a license plate or revalidation
683 sticker. Issuance of a certificate of discharged wrecker
684 operator's lien under this paragraph does not discharge the
685 entire amount of the wrecker operator's lien claimed under
686 paragraph (2)(b) subsection (2), but only certifies to the
687 department that the amount of the wrecker operator's lien
688 allowed by paragraph (b), for which the department will prevent
689 issuance of a license plate or revalidation sticker, has been
690 discharged.

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

694 1. An electronic title.

695 2. A paper title.

696 3. A contract between a lender and the owner of the vehicle
697 or vessel.

698 4. A contract between a lessor and the lessee of the
699 vehicle or vessel.

700 5. A notarized written agreement evidencing that the person
701 is an agent of the vehicle or vessel owner, lienholder, or
702 insurance company.

703 (b) Except as otherwise provided, a towing-storage operator
704 may not require any of the documents listed in paragraph (a) to
705 be notarized.

706 (c) Presenting one form of current government-issued photo



430566

707 identification constitutes sufficient identity verification for
708 the purposes of this section ~~A lienor must accept either a copy~~
709 ~~of an electronic title or a paper title as evidence of a~~
710 ~~person's interest in a vehicle or vessel.~~

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

715 (a) All notice publications and certified mailings.

716 (b) The purchase price of any unclaimed vehicle or vessel
717 sold.

718 (c) The names and addresses of persons to which vehicles or
719 vessels were released.

720 (d) The names and addresses of vehicle or vessel
721 purchasers.

722 (e) All fees imposed under this section, including the
723 itemized invoice required under paragraph (20) (c).

724 (19) (a) A towing-storage operator must accept payment for
725 accrued charges from an authorized person listed in subsection
726 (10) in any form from at least two of the following
727 subparagraphs:

728 1. Cash, cashier's check, money order, or traveler's check.

729 2. Bank, debit, or credit card.

730 3. Mobile payment service, digital wallet, or other
731 electronic payment system.

732 (b) Any of the authorized persons listed in subsection (10)
733 are not required to furnish more than one form of current
734 government-issued photo identification when payment is made in
735 any of the forms listed in paragraph (a).



430566

736 (20) (a) A towing-storage operator must maintain a rate
737 sheet listing all fees for, or incidental to, the recovery,
738 removal, or storage of a vehicle or vessel and must do all of
739 the following:

740 1. Post the rate sheet at the towing-storage operator's
741 place of business.

742 2. Make the rate sheet available upon request by the
743 vehicle or vessel owner, lienholder, insurance company, or their
744 agent.

745 3. Before attaching a vehicle or vessel to a wrecker,
746 furnish the rate sheet to the owner or operator of the vehicle
747 or vessel, if the owner or operator is present at the scene of
748 the disabled vehicle or vessel.

749 (b) Any fee charged in excess of those listed on the rate
750 sheet required under this subsection is deemed unreasonable.

751 (c) An itemized invoice of actual fees charged by a towing-
752 storage operator for a completed tow must be produced and be
753 available to the vehicle or vessel owner, lienholder, insurance
754 company, or their agent no later than 1 business day after:

755 1. The tow is completed; or

756 2. The towing-storage operator has obtained all necessary
757 information to be included on the invoice, including any charges
758 submitted by subcontractors used by the towing-storage operator
759 to complete the tow and recovery.

760 (d) The itemized invoice required under paragraph (c) must
761 contain all of the following information:

762 1. The date and time the vehicle or vessel was towed.

763 2. The location to which the vehicle or vessel was towed.

764 3. The name, address, and telephone number of the towing-



430566

765 storage operator.

766 4. A description of the towed vehicle or vessel, including
767 the color, make, model, model year, and vehicle identification
768 number of the vehicle or hull identification number of the
769 vessel.

770 5. The license plate number and state of registration for
771 the towed vehicle or vessel.

772 6. The cost of the initial towing service.

773 7. The cost of any storage fees, expressed as a daily rate.

774 8. Other fees, including administrative fees, vehicle or
775 vessel search fees, fees for hazardous material and nonhazardous
776 material cleanup, and fees for labor.

777 9. A list of the services that were performed under a
778 warranty or that were otherwise performed at no cost to the
779 owner of the vehicle or vessel.

780 (e) Any service performed or fee charged in addition to
781 those described in subparagraph (d)6. or subparagraph (d)7. must
782 be set forth on the itemized invoice required under paragraph
783 (c) individually as a single line item that includes an
784 explanation of the service or fee and the exact amount charged
785 for the service or the exact amount of the fee.

786 (f) A towing-storage operator must make the itemized
787 invoice required under paragraph (c) available for inspection
788 and copying no later than 48 hours after receiving a written
789 request to inspect such invoice from:

790 1. A law enforcement agency;

791 2. The Attorney General;

792 3. A city attorney, a county attorney, or the prosecuting
793 attorney having jurisdiction in the location of any of the



430566

794 towing-storage operator's business locations;

795 4. The vehicle or vessel owner, lienholder, insurance
796 company, or their agent; or

797 5. If the vehicle or vessel was involved in a collision,
798 any individual involved in the underlying collision or the
799 individual's insurance company.

800 (21) This section is the exclusive remedy for the placement
801 or foreclosure of a storage lien placed on a vehicle or vessel
802 pursuant to ss. 83.19 and 677.210.

803 Section 7. Paragraph (a) of subsection (2) of section
804 715.07, Florida Statutes, is amended to read:

805 715.07 Vehicles or vessels parked on private property;
806 towing.—

807 (2) The owner or lessee of real property, or any person
808 authorized by the owner or lessee, which person may be the
809 designated representative of the condominium association if the
810 real property is a condominium, may cause any vehicle or vessel
811 parked on such property without her or his permission to be
812 removed by a person regularly engaged in the business of towing
813 vehicles or vessels, without liability for the costs of removal,
814 transportation, or storage or damages caused by such removal,
815 transportation, or storage, under any of the following
816 circumstances:

817 (a) The towing or removal of any vehicle or vessel from
818 private property without the consent of the registered owner or
819 other legally authorized person in control of that vehicle or
820 vessel is subject to substantial compliance with the following
821 conditions and restrictions:

822 1.a. Any towed or removed vehicle or vessel must be stored



823 at a site within a 10-mile radius of the point of removal in any
824 county of 500,000 population or more, and within a 15-mile
825 radius of the point of removal in any county of fewer than
826 500,000 population. That site must be open for the purpose of
827 redemption of vehicles on any day that the person or firm towing
828 such vehicle or vessel is open for towing purposes, from 8:00
829 a.m. to 6:00 p.m., and, when closed, shall have prominently
830 posted a sign indicating a telephone number where the operator
831 of the site can be reached at all times. Upon receipt of a
832 telephoned request to open the site to redeem a vehicle or
833 vessel, the operator shall return to the site within 1 hour or
834 she or he will be in violation of this section.

835 b. If no towing business providing such service is located
836 within the area of towing limitations set forth in sub-
837 subparagraph a., the following limitations apply: any towed or
838 removed vehicle or vessel must be stored at a site within a 20-
839 mile radius of the point of removal in any county of 500,000
840 population or more, and within a 30-mile radius of the point of
841 removal in any county of fewer than 500,000 population.

842 2. The person or firm towing or removing the vehicle or
843 vessel shall, within 30 minutes after completion of such towing
844 or removal, notify the municipal police department or, in an
845 unincorporated area, the sheriff, of such towing or removal, the
846 storage site, the time the vehicle or vessel was towed or
847 removed, and the make, model, color, and license plate number of
848 the vehicle or description and registration number of the vessel
849 and shall obtain the name of the person at that department to
850 whom such information was reported and note that name on the
851 trip record.



430566

852 3. A person in the process of towing or removing a vehicle
853 or vessel from the premises or parking lot in which the vehicle
854 or vessel is not lawfully parked must stop when a person seeks
855 the return of the vehicle or vessel. The vehicle or vessel must
856 be returned upon the payment of a reasonable service fee of not
857 more than one-half of the posted rate for the towing or removal
858 service as provided in subparagraph 6. The vehicle or vessel may
859 be towed or removed if, after a reasonable opportunity, the
860 owner or legally authorized person in control of the vehicle or
861 vessel is unable to pay the service fee. If the vehicle or
862 vessel is redeemed, a detailed signed receipt must be given to
863 the person redeeming the vehicle or vessel.

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

867 5. Except for property appurtenant to and obviously a part
868 of a single-family residence, and except for instances when
869 notice is personally given to the owner or other legally
870 authorized person in control of the vehicle or vessel that the
871 area in which that vehicle or vessel is parked is reserved or
872 otherwise unavailable for unauthorized vehicles or vessels and
873 that the vehicle or vessel is subject to being removed at the
874 owner's or operator's expense, any property owner or lessee, or
875 person authorized by the property owner or lessee, before towing
876 or removing any vehicle or vessel from private property without
877 the consent of the owner or other legally authorized person in
878 control of that vehicle or vessel, must post a notice meeting
879 the following requirements:

880 a. The notice must be prominently placed at each driveway



430566

881 access or curb cut allowing vehicular access to the property
882 within 10 feet from the road, as defined in s. 334.03(22). If
883 there are no curbs or access barriers, the signs must be posted
884 not fewer than one sign for each 25 feet of lot frontage.

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

890 c. The notice must also provide the name and current
891 telephone number of the person or firm towing or removing the
892 vehicles or vessels.

893 d. The sign structure containing the required notices must
894 be permanently installed with the words "tow-away zone" not
895 fewer than 3 feet and not more than 6 feet above ground level
896 and must be continuously maintained on the property for not
897 fewer than 24 hours before the towing or removal of any vehicles
898 or vessels.

899 e. The local government may require permitting and
900 inspection of these signs before any towing or removal of
901 vehicles or vessels being authorized.

902 f. A business with 20 or fewer parking spaces satisfies the
903 notice requirements of this subparagraph by prominently
904 displaying a sign stating "Reserved Parking for Customers Only
905 Unauthorized Vehicles or Vessels Will be Towed Away At the
906 Owner's Expense" in not fewer than 4-inch high, light-reflective
907 letters on a contrasting background.

908 g. A property owner towing or removing vessels from real
909 property must post notice, consistent with the requirements in



430566

910 sub-subparagraphs a.-f., which apply to vehicles, that
911 unauthorized vehicles or vessels will be towed away at the
912 owner's expense.

913
914 A business owner or lessee may authorize the removal of a
915 vehicle or vessel by a towing company when the vehicle or vessel
916 is parked in such a manner that restricts the normal operation
917 of business; and if a vehicle or vessel parked on a public
918 right-of-way obstructs access to a private driveway the owner,
919 lessee, or agent may have the vehicle or vessel removed by a
920 towing company upon signing an order that the vehicle or vessel
921 be removed without a posted tow-away zone sign.

922 6. Any person or firm that tows or removes vehicles or
923 vessels and proposes to require an owner, operator, or person in
924 control or custody of a vehicle or vessel to pay the costs of
925 towing and storage before redemption of the vehicle or vessel
926 must file and keep on record with the local law enforcement
927 agency a complete copy of the current rates to be charged for
928 such services and post at the storage site an identical rate
929 schedule and any written contracts with property owners,
930 lessees, or persons in control of property which authorize such
931 person or firm to remove vehicles or vessels as provided in this
932 section.

933 7. Any person or firm towing or removing any vehicles or
934 vessels from private property without the consent of the owner
935 or other legally authorized person in control or custody of the
936 vehicles or vessels shall, on any trucks, wreckers as defined in
937 s. 713.78(1) ~~s. 713.78(1)(e)~~, or other vehicles used in the
938 towing or removal, have the name, address, and telephone number



430566

939 of the company performing such service clearly printed in
940 contrasting colors on the driver and passenger sides of the
941 vehicle. The name shall be in at least 3-inch permanently
942 affixed letters, and the address and telephone number shall be
943 in at least 1-inch permanently affixed letters.

944 8. Vehicle entry for the purpose of removing the vehicle or
945 vessel shall be allowed with reasonable care on the part of the
946 person or firm towing the vehicle or vessel. Such person or firm
947 shall be liable for any damage occasioned to the vehicle or
948 vessel if such entry is not in accordance with the standard of
949 reasonable care.

950 9. When a vehicle or vessel has been towed or removed
951 pursuant to this section, it must be released to its owner or
952 person in control or custody within 1 hour after requested. Any
953 vehicle or vessel owner or person in control or custody has the
954 right to inspect the vehicle or vessel before accepting its
955 return, and no release or waiver of any kind which would release
956 the person or firm towing the vehicle or vessel from liability
957 for damages noted by the owner or person in control or custody
958 at the time of the redemption may be required from any vehicle
959 or vessel owner or person in control or custody as a condition
960 of release of the vehicle or vessel to its owner or person in
961 control or custody. A detailed receipt showing the legal name of
962 the company or person towing or removing the vehicle or vessel
963 must be given to the person paying towing or storage charges at
964 the time of payment, whether requested or not.

965 Section 8. This act shall take effect July 1, 2024.

966
967 ===== T I T L E A M E N D M E N T =====



430566

968 And the title is amended as follows:

969 Delete everything before the enacting clause
970 and insert:

971 A bill to be entitled

972 An act relating to towing and storage; amending s.
973 83.19, F.S.; conforming provisions to changes made by
974 this act; amending ss. 125.0103 and 166.043, F.S.;
975 requiring certain counties and municipalities to
976 publish specified rates on their websites and
977 establish a specified process; providing that rates
978 established by the Division of Florida Highway Patrol
979 apply to certain areas of the state; amending s.
980 321.051, F.S.; requiring the Department of Highway
981 Safety and Motor Vehicles to publish certain rates on
982 its website and establish a specified process;
983 prohibiting the Division of Florida Highway Patrol
984 from excluding or failing to designate certain wrecker
985 operators from the wrecker operator system solely
986 because the wrecker operator has been convicted of
987 certain felonies; amending s. 677.210, F.S.; requiring
988 certain vehicles or vessels to be foreclosed pursuant
989 to certain provisions; amending s. 713.78, F.S.;
990 providing and reordering definitions; authorizing
991 towing-storage operators to charge certain fees;
992 requiring that towing-storage operators who come into
993 possession of a vehicle or vessel and claim a lien on
994 it give certain notice to the vehicle or vessel owner;
995 prohibiting towing-storage operators from charging a
996 storage fee if the vehicle or vessel is stored under



997 certain circumstances; revising requirements for law
998 enforcement agencies and the department relating to
999 the removal of vehicles or vessels; revising
1000 requirements for notices of lien; requiring towing-
1001 storage operators in possession of a vehicle or vessel
1002 to request certain information from law enforcement if
1003 a third-party service cannot provide it; revising
1004 requirements for towing-storage operators providing
1005 notice to public agencies of jurisdiction; revising
1006 the timeframe within which certain unclaimed vehicles
1007 or vessels may be sold; revising requirements for
1008 notices of sale; authorizing certain persons with an
1009 interest on a vehicle or vessel in the possession of a
1010 towing-storage operator to initiate judicial
1011 proceedings where the vehicle or vessel was taken from
1012 to determine certain findings; authorizing certain
1013 interested parties of a vehicle or vessel to take
1014 possession of it prior to sale if the interested party
1015 posts a cash or surety bond with the county clerk of
1016 courts without first initiating judicial proceedings;
1017 requiring the clerk of court to issue a certificate
1018 notifying the towing-storage operator of the posting
1019 of the bond and to direct the towing-storage operator
1020 to release the vehicle or vessel to the interested
1021 party; requiring the party who posts the bond to give
1022 a receipt to the towing-storage operator reciting any
1023 property loss or damage to the vehicle or vessel or
1024 the contents thereof, and waiving such claims if such
1025 receipt is not provided; providing criminal penalties



430566

1026 for towing-storage operators who fail to release or
1027 return the vehicle or vessel to the interested party
1028 after posting a cash or surety bond; requiring the
1029 clerk of courts to release the cash or surety bond to
1030 the towing-storage operator if the interested party
1031 does not initiate judicial proceedings within a
1032 certain timeframe; requiring the court award all fees
1033 to the towing-storage operator if he or she prevails
1034 in the judicial proceedings; revising the timeframes
1035 within which certain vehicles or vessels may be sold
1036 by a towing-storage operator if the vehicle or vessel
1037 is being stored by the lienor; revising notice
1038 requirements for sale; requiring approved third-party
1039 services to publish public notices of sale and report
1040 certain information by specified means to the
1041 department; providing the maximum fee that approved
1042 third-party services may collect and retain for such
1043 services; revising provisions for permission to
1044 inspect a vehicle or vessel; revising how many days a
1045 lienor may not charge for storage for failing to
1046 comply with the notice requirements; providing
1047 timeframes within which a vehicle, vessel, or personal
1048 property must be made available for inspection and
1049 release; revising criminal penalties; requiring
1050 towing-storage operators to accept certain documents
1051 as evidence of a person's interest in a vehicle or
1052 vessel; prohibiting certain persons from being
1053 required to furnish more than one form of current
1054 government-issued photo identification for purposes of



430566

1055 verifying their identity; requiring towing-storage
1056 operators to maintain certain records for a certain
1057 period of time; requiring towing-storage operators to
1058 accept certain types of payment; requiring towing-
1059 storage operators to maintain a rate sheet; providing
1060 requirements for such rate sheet; providing that
1061 certain fees are unreasonable; requiring towing-
1062 storage operators to maintain an itemized invoice for
1063 specified fees; providing requirements for such
1064 invoice; requiring disclosure of such invoice to
1065 specified persons and entities within a certain
1066 timeframe; providing applicability; making technical
1067 changes; amending s. 715.07, F.S.; conforming a cross-
1068 reference; providing an effective date.