

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation & Modals
 2 Subcommittee

3 Representative McFarland offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 99-746 and insert:

7 (d) Counties must, and municipalities may, establish a
 8 cost-plus recovery structure which may be charged for cleanup
 9 and disposal of hazardous and nonhazardous materials incidental
 10 to removal and storage of wrecked or disabled vehicles or
 11 vessels from an accident scene or the removal and storage of
 12 vehicles or vessels, in the event the owner or operator is
 13 incapacitated, unavailable, leaves the procurement of wrecker
 14 service to the law enforcement officer at the scene, or
 15 otherwise does not consent to the removal of the vehicle or
 16 vessel. If a municipality enacts an ordinance establishing rates

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17 under this paragraph, the county's ordinance does not apply
18 within such municipality.

19 (e) A county or municipality that has established rates as
20 described in paragraphs (c) or (d) must publish such rates on
21 its website and must establish a process for investigating and
22 resolving complaints regarding fees charged in excess of such
23 rates. In areas where no rates as described in paragraphs (c) or
24 (d) have been established, the rates established by the Division
25 of Florida Highway Patrol under s. 321.051(2) apply in such
26 areas.

27 Section 2. Paragraphs (b) and (c) of subsection (1) of
28 section 166.043, Florida Statutes, are amended, and paragraphs
29 (d) and (e) are added to that section, to read:

30 166.043 Ordinances and rules imposing price controls.—

31 (1)

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

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42 establishing the maximum rates for the towing or immobilization
43 of vehicles or vessels as described in paragraph (b), the
44 county's ordinance established under s. 125.0103 does not apply
45 within such municipality. A county or municipality which has
46 established maximum rates pursuant to this paragraph must
47 publish such rates on its website. In areas where no maximum
48 rates have been established pursuant to this section, the
49 maximum rates established by the Division of Florida Highway
50 Patrol pursuant to s. 321.051(2) apply in such areas.

51 Section 3. Subsection (2) of section 321.051, Florida
52 Statutes, is amended to read:

53 321.051 Florida Highway Patrol wrecker operator system;
54 penalties for operation outside of system.—

55 (2) The Division of Florida Highway Patrol of the
56 Department of Highway Safety and Motor Vehicles is authorized to
57 establish within areas designated by the patrol a wrecker
58 operator system using qualified, reputable wrecker operators for
59 removal and storage of wrecked or disabled vehicles from a crash
60 scene or for removal and storage of abandoned vehicles, in the
61 event the owner or operator is incapacitated or unavailable or
62 leaves the procurement of wrecker service to the officer at the
63 scene. All reputable wrecker operators shall be eligible for use
64 in the system provided their equipment and drivers meet
65 recognized safety qualifications and mechanical standards set by
66 rules of the Division of Florida Highway Patrol for the size of

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67 vehicle it is designed to handle. The division is authorized to
68 limit the number of wrecker operators participating in the
69 wrecker operator system, which authority shall not affect
70 wrecker operators currently participating in the system
71 established by this section. The division must ~~is authorized to~~
72 establish maximum rates for the towing and storage of vehicles
73 removed at the division's request, and for cleanup and disposal
74 of hazardous and nonhazardous materials incidental to towing of
75 such vehicles, where such rates have not been set by a county or
76 municipality pursuant to s. 125.0103 or s. 166.043. Such rates
77 shall not be considered rules for the purpose of chapter 120;
78 however, the department shall establish by rule a procedure for
79 setting such rates. The department must publish on its website
80 the maximum rates established under this subsection and must
81 establish a process for investigating and resolving complaints
82 regarding fees charged in excess of such maximum rates. Any
83 provision in chapter 120 to the contrary notwithstanding, a
84 final order of the department denying, suspending, or revoking a
85 wrecker operator's participation in the system shall be
86 reviewable in the manner and within the time provided by the
87 Florida Rules of Appellate Procedure only by a writ of
88 certiorari issued by the circuit court in the county wherein
89 such wrecker operator resides.

90 Section 4. Subsections (1), (2), and (4), paragraph (a) of
91 subsection (5), subsections (6), (8), (9), and (10), paragraph

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92 (a) of subsection (11), paragraphs (a) and (d) of subsection
93 (12), paragraphs (a), (b), and (d) of subsection (13), and
94 subsection (17) of section 713.78, Florida Statutes, are
95 amended, and subsections (18), (19), and (20) are added to that
96 section, to read:

97 713.78 Liens for recovering, towing, or storing vehicles
98 and vessels.—

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

100 ~~(a)-(e)~~ "Equivalent commercially available system" means a
101 service that charges a fee to provide vehicle information and
102 that at a minimum maintains records from those states
103 participating in data sharing with the National Motor Vehicle
104 Title Information System.

105 (b) "Good faith effort" means that all of the following
106 checks have been performed by a towing-storage operator to
107 establish the prior state of registration and title of a vehicle
108 or vessel that has been towed or stored by the towing-storage
109 operator:

110 1. A check of the department's database for the owner and
111 any lienholder.

112 2. A check of the electronic National Motor Vehicle Title
113 Information System or an equivalent commercially available
114 system to determine the state of registration when there is not
115 a current registration record for the vehicle or vessel on file
116 with the department.

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

119 4. A check of the law enforcement report for a tag number
120 or other information identifying the vehicle or vessel, if the
121 vehicle or vessel was towed at the request of a law enforcement
122 officer.

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

126 6. If there is no address of the owner on the impound
127 report, a check of the law enforcement report to determine
128 whether an out-of-state address is indicated from driver license
129 information.

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

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

136 9. A check of the vehicle for a vehicle identification
137 number.

138 10. A check of the vessel for a vessel registration
139 number.

140 11. A check of the vessel hull for a hull identification
141 number which should be carved, burned, stamped, embossed, or

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142 otherwise permanently affixed to the outboard side of the
143 transom or, if there is no transom, to the outmost seaboard side
144 at the end of the hull that bears the rudder or other steering
145 mechanism.

146 (c)-(d) "National Motor Vehicle Title Information System"
147 means the federally authorized electronic National Motor Vehicle
148 Title Information System.

149 (d) "Newer model" means a vehicle or vessel which is 3
150 model years old, beginning with the model year of the vehicle or
151 vessel as year one, or less.

152 (e) "Older model" means a vehicle or vessel which is more
153 than 3 model years old, beginning with the model year of the
154 vehicle or vessel as year one.

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

159 (g)-(a) "Vehicle" means any mobile item, whether motorized
160 or not, which is mounted on wheels.

161 (h)-(b) "Vessel" means every description of watercraft,
162 barge, and airboat used or capable of being used as a means of
163 transportation on water, other than a seaplane or a "documented
164 vessel" as defined in s. 327.02.

165 (i)-(e) "Wrecker" means any truck or other vehicle that
166 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~

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167 vehicles or vessels upon the streets and highways of this state
168 and ~~which~~ is equipped for that purpose with a boom, winch, car
169 carrier, or other similar equipment.

170 (2)(a) ~~Whenever~~ A towing-storage operator may charge the
171 owner or operator of a vehicle or vessel only the following fees
172 for, or incidental to, the recovery, removal, or storage of the
173 vehicle or vessel:

174 1. Any reasonable fee for service specifically authorized
175 pursuant to s. 125.0103 or s. 166.043 by ordinance, resolution,
176 regulation, or rule of the county or municipality in which the
177 service is performed.

178 2. Any reasonable fee for service specifically authorized
179 by Division of Florida Highway Patrol of the Department of
180 Highway Safety and Motor Vehicles pursuant to s. 321.051(2).

181 3. Any reasonable fee for service as agreed upon in
182 writing between a towing-storage operator and the owner of a
183 vehicle or vessel.

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

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

190 (b) ~~If a towing-storage operator person regularly engaged~~
191 ~~in the business of transporting vehicles or vessels by wrecker,~~

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192 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
193 or vessel upon instructions from:

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

195 ~~2.(b)~~ The owner or lessor, or a person authorized by the
196 owner or lessor, of property on which such vehicle or vessel is
197 wrongfully parked, and the removal is done in compliance with s.
198 715.07;

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

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

204
205 she or he has ~~shall have~~ a lien on the vehicle or vessel for
206 fees specified in paragraph (a) a reasonable towing fee, for a
207 reasonable administrative fee or charge imposed by a county or
208 municipality, and for a reasonable storage fee; except that a
209 storage fee may not be charged if the vehicle or vessel is
210 stored for less ~~fewer~~ than 6 hours, and a storage fee may not be
211 charged for any storage prior to the towing-storage operator
212 submitting the vehicle or vessel information to an approved
213 third-party service in order for the third-party service to
214 transmit notices as required by subsection (16).

215 (4) (a) A towing-storage operator ~~person regularly engaged~~
216 ~~in the business of recovering, towing, or storing vehicles or~~

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217 ~~vessels~~ who comes into possession of a vehicle or vessel
218 pursuant to paragraph (2) (b) subsection (2), and who claims a
219 lien for recovery, towing, or storage services, must ~~shall~~ give
220 notice, by certified mail, pursuant to subsection (16), to the
221 registered owner, the insurance company insuring the vehicle
222 notwithstanding s. 627.736, and all persons claiming a lien
223 thereon, as disclosed by the records in the Department of
224 Highway Safety and Motor Vehicles or as disclosed by the records
225 of any corresponding agency in any other state in which the
226 vehicle is identified through a records check of the National
227 Motor Vehicle Title Information System or an equivalent
228 commercially available system as being titled or registered.

229 (b) When ~~Whenever~~ a law enforcement agency authorizes the
230 removal of a vehicle or vessel or ~~whenever~~ a towing service,
231 garage, repair shop, or automotive service, storage, or parking
232 place notifies the law enforcement agency of possession of a
233 vehicle or vessel pursuant to s. 715.07(2) (a)2., if an approved
234 third-party service cannot obtain the vehicle's or vessel's
235 owner, lienholder, and insurer information or last state of
236 record pursuant to subsection (16), then the person in charge of
237 the towing service, garage, repair shop, or automotive service,
238 storage, or parking place must request such information from the
239 law enforcement agency of the jurisdiction where the vehicle or
240 vessel is stored. The law enforcement agency to which the
241 request was made must ~~shall~~ contact the Department of Highway

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242 Safety and Motor Vehicles, or the appropriate agency of the
243 state of registration, if known, within 24 hours through the
244 medium of electronic communications, giving the full description
245 of the vehicle or vessel. Upon receipt of the full description
246 of the vehicle or vessel, the department must ~~shall~~ search its
247 files to determine the owner's name, the insurance company
248 insuring the vehicle or vessel, and whether any person has filed
249 a lien upon the vehicle or vessel as provided in s. 319.27(2)
250 and (3) and notify the applicable law enforcement agency within
251 72 hours. The person in charge of the towing service, garage,
252 repair shop, or automotive service, storage, or parking place
253 must request ~~shall obtain~~ such information from the applicable
254 law enforcement agency within 5 days after the date of storage
255 and must provide the information to the approved third-party
256 service in order to transmit notices as required by subsection
257 (16) ~~shall give notice pursuant to paragraph (a)~~. The department
258 may release the insurance company information to the requestor
259 notwithstanding s. 627.736.

260 (c) The notice of lien must be sent by an approved third-
261 party service by certified mail to the registered owner, the
262 insurance company insuring the vehicle notwithstanding s.
263 627.736, and all other persons claiming a lien thereon within 5
264 7 business days, excluding a Saturday, and Sunday, or federal
265 legal holiday, after the date of storage of the vehicle or
266 vessel. ~~However, in no event shall the notice of lien be sent~~

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267 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
268 notice must state all of the following:

269 1. If the claim of lien is for a vehicle, the last 8
270 digits of the vehicle identification number of the vehicle
271 subject to the lien, or, if the claim of lien is for a vessel,
272 the hull identification number of the vessel subject to the
273 lien, clearly printed in the delivery address box and on the
274 outside of the envelope sent to the registered owner and all
275 other persons claiming an interest in ~~therein~~ or lien on the
276 vehicle or vessel ~~thereon~~.

277 2. The name, physical address, and telephone number of the
278 lienor, and the entity name, as registered with the Division of
279 Corporations, of the business where the towing and storage
280 occurred, which must also appear on the outside of the envelope
281 sent to the registered owner and all other persons claiming an
282 interest in or lien on the vehicle or vessel.

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

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

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

288 6. That charges have accrued and include an itemized
289 statement of the amount thereof.

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

293 8. That any vehicle or vessel that remains unclaimed, or
294 for which the charges for recovery, towing, or storage services
295 remain unpaid, may be sold free of all prior liens 35 days after
296 the vehicle or vessel is stored by the lienor if the vehicle or
297 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
298 and twelve hours after the vehicle or vessel is stored by the
299 lienor if the vehicle or vessel is a newer model ~~3 years of age~~
300 ~~or less~~.

301 9. The address at which the vehicle or vessel is
302 physically located.

303 (d) The notice of lien may not be sent to the registered
304 owner, the insurance company insuring the vehicle or vessel, and
305 all other persons claiming a lien thereon less than 30 days
306 before the sale of a the vehicle or vessel that is an older
307 model or less than 55 days before the sale of a vehicle or
308 vessel that is a newer model.

309 (e) If attempts to locate the name and address of the
310 owner or lienholder are ~~prove~~ unsuccessful, 5 ~~the towing-storage~~
311 ~~operator shall, after 7~~ business days, excluding a Saturday, ~~and~~
312 Sunday, or federal legal holiday, after the initial tow or
313 storage, the towing-storage operator must notify the public
314 agency of jurisdiction where the vehicle or vessel is stored in

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315 writing by certified mail or receipt-acknowledged electronic
316 delivery ~~acknowledged hand delivery~~ that the towing-storage
317 company has been unable to locate the name and address of the
318 owner or lienholder and a physical search of the vehicle or
319 vessel has disclosed no ownership information and a good faith
320 effort has been made, including records checks of the Department
321 of Highway Safety and Motor Vehicles database and the National
322 Motor Vehicle Title Information System or an equivalent
323 commercially available system. ~~For purposes of this paragraph~~
324 ~~and subsection (9), the term "good faith effort" means that the~~
325 ~~following checks have been performed by the company to establish~~
326 ~~the prior state of registration and for title:~~

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

329 2. ~~A check of the electronic National Motor Vehicle Title~~
330 ~~Information System or an equivalent commercially available~~
331 ~~system to determine the state of registration when there is not~~
332 ~~a current registration record for the vehicle or vessel on file~~
333 ~~with the department.~~

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

336 4. ~~A check of the law enforcement report for a tag number~~
337 ~~or other information identifying the vehicle or vessel, if the~~
338 ~~vehicle or vessel was towed at the request of a law enforcement~~
339 ~~officer.~~

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

343 ~~6. If there is no address of the owner on the impound~~
344 ~~report, a check of the law enforcement report to determine~~
345 ~~whether an out-of-state address is indicated from driver license~~
346 ~~information.~~

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

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

353 ~~9. A check of the vehicle for a vehicle identification~~
354 ~~number.~~

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

357 ~~11. A check of the vessel hull for a hull identification~~
358 ~~number which should be carved, burned, stamped, embossed, or~~
359 ~~otherwise permanently affixed to the outboard side of the~~
360 ~~transom or, if there is no transom, to the outmost seaboard side~~
361 ~~at the end of the hull that bears the rudder or other steering~~
362 ~~mechanism.~~

363 (5) (a) The owner of a vehicle or vessel removed pursuant
364 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a

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365 | lien, other than the towing-storage operator, within 10 days
366 | after the time she or he has knowledge of the location of the
367 | vehicle or vessel, may file a complaint in the county court of
368 | the county in which the vehicle or vessel is stored to determine
369 | whether her or his property was wrongfully taken or withheld.

370 | (6) A vehicle or vessel that is stored pursuant to
371 | paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
372 | which reasonable charges for recovery, towing, or storing remain
373 | unpaid, and any contents not released pursuant to subsection
374 | (10), may be sold by the owner or operator of the storage space
375 | for such towing or storage charge 35 days after the vehicle or
376 | vessel is stored by the lienor if the vehicle or vessel is an
377 | older model ~~more than 3 years of age~~ or 55 ~~50~~ days after the
378 | vehicle or vessel is stored by the lienor if the vehicle or
379 | vessel is a newer model ~~3 years of age or less~~. The sale must
380 | ~~shall~~ be at public sale for cash. If the date of the sale was
381 | not included in the notice required in subsection (4), notice of
382 | the sale must ~~shall~~ be given to the person in whose name the
383 | vehicle or vessel is registered and to all persons claiming a
384 | lien on the vehicle or vessel as shown on the records of the
385 | Department of Highway Safety and Motor Vehicles or of any
386 | corresponding agency in any other state in which the vehicle is
387 | identified through a records check of the National Motor Vehicle
388 | Title Information System or an equivalent commercially available
389 | system as being titled. Notice of the sale must be sent by

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390 certified mail to the registered owner of the vehicle or vessel,
391 the insurance company insuring the vehicle or vessel, and the
392 person having the recorded lien on the vehicle or vessel at the
393 address shown on the records of the registering agency at least
394 30 days before the sale of the vehicle or vessel. ~~The notice~~
395 ~~must have clearly identified and printed, if the claim of lien~~
396 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
397 identification number of the ~~motor~~ vehicle subject to the lien,
398 or, if the claim of lien is for a vessel, the hull
399 identification number of the vessel subject to the lien, must be
400 clearly identified and printed in the delivery address box and
401 on the outside of the envelope sent to the registered owner and
402 all other persons claiming an interest in ~~therein~~ or lien on the
403 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
404 ~~of the vehicle or vessel and the person having the recorded lien~~
405 ~~on the vehicle or vessel at the address shown on the records of~~
406 ~~the registering agency at least 30 days before the sale of the~~
407 ~~vehicle or vessel.~~ The notice must state the name, physical
408 address, and telephone number of the lienor, and the vehicle
409 identification number if the claim of lien is for a vehicle or
410 the hull identification number if the claim of lien is for a
411 vessel, all of which must also appear in the return address
412 section on the outside of the envelope containing the notice of
413 sale. After diligent search and inquiry, if the name and address
414 of the registered owner or the owner of the recorded lien cannot

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415 be ascertained, the requirements of notice by mail may be
416 dispensed with. In addition to the notice by mail, public notice
417 of the time and place of sale must ~~shall~~ be made by publishing a
418 notice thereof one time, at least 20 ~~10~~ days before the date of
419 the sale, on the publicly available website maintained by an
420 approved third-party service. The third-party service must
421 electronically report to the Department of Highway Safety and
422 Motor Vehicles, via an electronic data exchange process using a
423 web interface, the name, physical address, and telephone number
424 of the lienor; the time and place of sale; the vehicle's plate
425 number, if known; the vehicle identification number, if the
426 claim of lien is for a vehicle, or the hull identification
427 number, if the claim of lien is for a vessel; and the amount due
428 for towing, recovery, storage, and administrative fees. The
429 third-party service that publishes the public notice of sale and
430 electronically reports the required information to the
431 department may collect and retain a service charge of no more
432 than \$1.00 in a newspaper of general circulation in the county
433 ~~in which the sale is to be held.~~ The proceeds of the sale, after
434 payment of reasonable towing and storage charges, and costs of
435 the sale, in that order of priority, must ~~shall~~ be deposited
436 with the clerk of the circuit court for the county if the owner
437 or lienholder is absent, and the clerk must ~~shall~~ hold such
438 proceeds subject to the claim of the owner or lienholder legally
439 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5

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440 percent of such proceeds for the care and disbursement thereof.
441 The certificate of title issued under this section must ~~this law~~
442 ~~shall~~ be discharged of all liens unless otherwise provided by
443 court order. The owner or lienholder may file a complaint after
444 the vehicle or vessel has been sold in the county court of the
445 county in which it is stored. Upon determining the respective
446 rights of the parties, the court may award damages, attorney
447 fees, and costs in favor of the prevailing party.

448 (8) A towing-storage operator ~~person regularly engaged in~~
449 ~~the business of recovering, towing, or storing vehicles or~~
450 ~~vessels~~, except a person licensed under chapter 493 while
451 engaged in "repossession" activities as defined in s. 493.6101,
452 may not operate a wrecker, tow truck, or car carrier unless the
453 name, address, and telephone number of the company performing
454 the service is clearly printed in contrasting colors on the
455 driver and passenger sides of its vehicle. The name must be in
456 at least 3-inch permanently affixed letters, and the address and
457 telephone number must be in at least 1-inch permanently affixed
458 letters.

459 (9) Failure to make good faith efforts to comply with the
460 notice requirements of this section precludes the imposition of
461 any storage charges against the vehicle or vessel. If a lienor
462 fails to provide notice to a person claiming a lien on a vehicle
463 or vessel in accordance with subsection (4), the lienor may not
464 charge the person for more than 4 ~~7~~ days of storage, but such

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465 failure does not affect charges made for towing the vehicle or
466 vessel or the priority of liens on the vehicle or vessel.

467 (10) A towing-storage operator must ~~Persons who provide~~
468 ~~services pursuant to this section shall~~ permit vehicle or vessel
469 owners, lienholders, insurance company representatives, or their
470 agents, whose interest in the vehicle or vessel is evidenced by
471 documents pursuant to subsection (17) ~~which agency is evidenced~~
472 ~~by an original writing acknowledged by the owner before a notary~~
473 ~~public or other person empowered by law to administer oaths, to~~
474 inspect the towed vehicle or vessel and must ~~shall~~ release to
475 the owner, lienholder, or agent the vehicle, vessel, or all
476 personal property not affixed to the vehicle or vessel which was
477 in the vehicle or vessel at the time the vehicle or vessel came
478 into the custody of the towing-storage operator. The inspection
479 and release of the vehicle, vessel, or personal property must be
480 permitted within 1 hour after the owner, lienholder, insurance
481 company representative, or their agent presents any of the
482 documents under subsection (17) to the towing-storage operator
483 during normal business hours at the site where the vehicle or
484 vessel is stored. Notwithstanding sub-paragraph (17)(a)5., a
485 rental vehicle or vessel agreement is not evidence that the
486 person who rented a vehicle or vessel is an agent of the rental
487 vehicle or vessel owner for the purpose of releasing the vehicle
488 or vessel. However, a towing-storage operator must release to
489 the renter of a rental vehicle or vessel all personal property

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490 of the renter not affixed to the vehicle or vessel within one
491 hour after arrival ~~person providing such services.~~

492 (11) (a) A towing-storage operator ~~Any person regularly~~
493 ~~engaged in the business of recovering, towing, or storing~~
494 ~~vehicles or vessels~~ who comes into possession of a vehicle or
495 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
496 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
497 when such vehicle or vessel is to be sold for purposes of being
498 dismantled, destroyed, or changed in such manner that it is not
499 the ~~motor~~ vehicle or vessel described in the certificate of
500 title, must ~~shall~~ report the vehicle to the National Motor
501 Vehicle Title Information System and apply to the Department of
502 Highway Safety and Motor Vehicles for a certificate of
503 destruction. A certificate of destruction, which authorizes the
504 dismantling or destruction of the vehicle or vessel described
505 therein, is ~~shall be~~ reassignable a maximum of two times before
506 dismantling or destruction of the vehicle is ~~shall be~~ required,
507 and must ~~shall~~ accompany the vehicle or vessel for which it is
508 issued, when such vehicle or vessel is sold for such purposes,
509 in lieu of a certificate of title. The application for a
510 certificate of destruction must include proof of reporting to
511 the National Motor Vehicle Title Information System and an
512 affidavit from the applicant that she or he ~~it~~ has complied with
513 all applicable requirements of this section and, if the vehicle
514 or vessel is not registered in this state or any other state, by

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515 a statement from a law enforcement officer that the vehicle or
516 vessel is not reported stolen, and must ~~shall~~ be accompanied by
517 such documentation as may be required by the department.

518 (12) (a) Any person who violates ~~any provision of~~
519 ~~subsection (1),~~ subsection (2), subsection (4), subsection (5),
520 subsection (6), or subsection (7) is guilty of a misdemeanor of
521 the first degree, punishable as provided in s. 775.082 or s.
522 775.083.

523 (d) Employees of the Department of Highway Safety and
524 Motor Vehicles and law enforcement officers are authorized to
525 inspect the records of a towing-storage operator ~~any person~~
526 ~~regularly engaged in the business of recovering, towing, or~~
527 ~~storing vehicles or vessels or transporting vehicles or vessels~~
528 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with
529 the requirements of this section. A towing-storage operator ~~Any~~
530 ~~person~~ who fails to maintain records, or fails to produce
531 records when required in a reasonable manner and at a reasonable
532 time, commits a misdemeanor of the first degree, punishable as
533 provided in s. 775.082 or s. 775.083.

534 (13) (a) Upon receipt by the Department of Highway Safety
535 and Motor Vehicles of written notice from a wrecker operator who
536 claims a wrecker operator's lien under subparagraph (2) (b) 4.
537 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
538 abandoned vehicle or vessel upon instructions from any law
539 enforcement agency, for which a certificate of destruction has

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540 | been issued under subsection (11) and the vehicle has been
541 | reported to the National Motor Vehicle Title Information System,
542 | the department shall place the name of the registered owner of
543 | that vehicle or vessel on the list of those persons who may not
544 | be issued a license plate or revalidation sticker for any motor
545 | vehicle under s. 320.03(8). If the vehicle or vessel is owned
546 | jointly by more than one person, the name of each registered
547 | owner must ~~shall~~ be placed on the list. The notice of wrecker
548 | operator's lien must ~~shall~~ be submitted on forms provided by the
549 | department and, which must include all of the following:

550 | 1. The name, address, and telephone number of the wrecker
551 | operator.

552 | 2. The name of the registered owner of the vehicle or
553 | vessel and the address to which the wrecker operator provided
554 | notice of the lien to the registered owner under subsection (4).

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

557 | 4. The vehicle identification number (VIN); registration
558 | license plate number, state, and year; validation decal number,
559 | state, and year; vessel registration number; hull identification
560 | number; or other identification number, as applicable.

561 | 5. The name of the person or the corresponding law
562 | enforcement agency that requested that the vehicle or vessel be
563 | recovered, towed, or stored.

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

566 (b) For purposes of this subsection only, the amount of
567 the wrecker operator's lien for which the department will
568 prevent issuance of a license plate or revalidation sticker may
569 not exceed the amount of the charges for recovery, towing, and
570 storage of the vehicle or vessel for 7 days. These charges may
571 not exceed the maximum rates imposed by the ordinances of the
572 respective county or municipality under ss. 125.0103(1) (c) and
573 166.043(1) (c). This paragraph does not limit the amount of a
574 wrecker operator's lien claimed under paragraph (2) (b)
575 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
576 remedies for enforcement of the entire amount of the lien, but
577 limits only that portion of the lien for which the department
578 will prevent issuance of a license plate or revalidation
579 sticker.

580 (d) Upon discharge of the amount of the wrecker operator's
581 lien allowed by paragraph (b), the wrecker operator must issue a
582 certificate of discharged wrecker operator's lien on forms
583 provided by the department to each registered owner of the
584 vehicle or vessel attesting that the amount of the wrecker
585 operator's lien allowed by paragraph (b) has been discharged.
586 Upon presentation of the certificate of discharged wrecker
587 operator's lien by the registered owner, the department must
588 ~~shall~~ immediately remove the registered owner's name from the

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589 list of those persons who may not be issued a license plate or
590 revalidation sticker for any motor vehicle under s. 320.03(8),
591 thereby allowing issuance of a license plate or revalidation
592 sticker. Issuance of a certificate of discharged wrecker
593 operator's lien under this paragraph does not discharge the
594 entire amount of the wrecker operator's lien claimed under
595 paragraph (2)(b) subsection (2), but only certifies to the
596 department that the amount of the wrecker operator's lien
597 allowed by paragraph (b), for which the department will prevent
598 issuance of a license plate or revalidation sticker, has been
599 discharged.

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

603 1. An electronic title;

604 2. A paper title;

605 3. A contract between a lender and the owner of the
606 vehicle or vessel;

607 4. A contract between a lessor and the lessee of the
608 vehicle or vessel;

609 5. A written agreement evidencing that the person is an
610 agent of the vehicle or vessel owner, lienholder, or insurance
611 company.

612 (b) A towing-storage operator may not require any
613 documents listed in paragraph (a) to be notarized.

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

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

623 (a) All notice publications and certified mailings.

624 (b) The purchase price of any unclaimed vehicle or vessel
625 sold.

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

628 (d) The names and addresses of vehicle or vessel
629 purchasers.

630 (e) All fees imposed under this section, including the
631 itemized invoice required by paragraph (20) (c).

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

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

638 2. Bank, debit, or credit card.

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639 3. Mobile payment service, digital wallet, or other
640 electronic payment system.

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

645 (20) (a) A towing-storage operator must maintain a rate
646 sheet listing all fees for, or incidental to, the recovery,
647 removal, or storage of a vehicle or vessel and must do all of
648 the following:

649 1. Post the rate sheet at its place of business.

650 2. Make the rate sheet available upon request of a vehicle
651 or vessel owner, lienholder, insurance company, or their agent.

652 3. Before attaching a vehicle or vessel to a wrecker,
653 furnish the rate sheet to the vehicle or vessel owner or
654 operator, if the owner or operator is present at the scene of
655 the disabled vehicle or vessel.

656

657 -----

658 **T I T L E A M E N D M E N T**

659 Remove lines 4-7 and insert:

660 establish a cost-plus recovery structure for cleanup
661 and disposal of hazardous and nonhazardous materials
662 under certain circumstances; authorizing

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663 municipalities to do the same; providing applicability
664 of county rates when

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