

By Senator Burgess

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1 A bill to be entitled
2 An act relating to wrecker operators; amending ss.
3 125.0103 and 166.043, F.S.; requiring counties to
4 establish maximum rates for the storage of electric
5 vehicles; authorizing such maximum rates to exceed a
6 specified rate; amending s. 323.001, F.S.; specifying
7 financial responsibility for vehicles stored more than
8 30 days at a wrecker operator's storage facility;
9 creating s. 323.003, F.S.; authorizing a wrecker
10 operator to charge certain fees under certain
11 circumstances; amending s. 713.78, F.S.; replacing the
12 term "law enforcement agency" with "governmental
13 entity"; revising the notice requirements for certain
14 unclaimed vehicles; making technical changes;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (d) is added to subsection (1) of
20 section 125.0103, Florida Statutes, to read:

21 125.0103 Ordinances and rules imposing price controls.-

22 (1)

23 (d) Counties must establish maximum rates that may be
24 charged by a wrecker operator for the storage of electric
25 vehicles in the operator's storage facilities. Such rates may
26 exceed the rate that is charged for the cost of storing vehicles
27 that run on gasoline or diesel fuels.

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

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166.043 Ordinances and rules imposing price controls.—

(1)

(d) Counties must establish maximum rates that may be charged by a wrecker operator for the storage of electric vehicles in the operator's storage facilities. Such rates may exceed the rate that is charged for the cost of storing vehicles that run on gasoline or diesel fuels.

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

323.001 Wrecker operator storage facilities; vehicle holds.—

(7) When a vehicle owner is found guilty of, or pleads nolo contendere to, the offense that resulted in a hold being placed on his or her vehicle, regardless of the adjudication of guilt, the owner must pay the accrued towing and storage charges assessed against the vehicle. If a vehicle is stored at a wrecker operator's storage facility for more than 30 days, the person, entity, or agency that requested that the vehicle be held at the wrecker operator's storage facility is financially responsible for the daily cost of storing the vehicle after 30 days.

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

323.003 Wrecker operator fees.—A wrecker operator may charge fair and reasonable fees plus 10 percent for the cleanup, containment, and disposal of pollution and hazardous materials. A wrecker operator may charge fair and reasonable fees plus 10 percent for any cleanup and disposal necessary after an accident or fire or any accidental discharge of any hazardous materials

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59 or debris associated with an electric vehicle.

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

62 713.78 Liens for recovering, towing, or storing vehicles
63 and vessels.—

64 (4)

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

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88 information to the requestor notwithstanding s. 627.736.

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

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117 the recorded lien on the vehicle or vessel at the address shown
118 on the records of the registering agency at least 30 days before
119 the sale of the vehicle or vessel. The notice must state the
120 name, physical address, and telephone number of the lienor, and
121 the vehicle identification number if the claim of lien is for a
122 vehicle or the hull identification number if the claim of lien
123 is for a vessel, all of which must also appear in the return
124 address section on the outside of the envelope containing the
125 notice of sale. After diligent search and inquiry, if the name
126 and address of the registered owner or the owner of the recorded
127 lien cannot be ascertained, the requirements of notice by mail
128 may be dispensed with. In addition to the notice by mail, public
129 notice of the time and place of sale must ~~shall~~ be made by
130 publishing a notice thereof one time, at least 10 days before
131 the date of the sale, in a central database or online format
132 approved or operated by the Department of Highway Safety and
133 Motor Vehicles ~~in a newspaper of general circulation in the~~
134 ~~county in which the sale is to be held~~. The proceeds of the
135 sale, after payment of reasonable towing and storage charges,
136 and costs of the sale, in that order of priority, shall be
137 deposited with the clerk of the circuit court for the county if
138 the owner or lienholder is absent, and the clerk shall hold such
139 proceeds subject to the claim of the owner or lienholder legally
140 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
141 percent of such proceeds for the care and disbursement thereof.
142 The certificate of title issued under this law must ~~shall~~ be
143 discharged of all liens unless otherwise provided by court
144 order. The owner or lienholder may file a complaint after the
145 vehicle or vessel has been sold in the county court of the

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146 county in which it is stored. Upon determining the respective
147 rights of the parties, the court may award damages, attorney
148 fees, and costs in favor of the prevailing party.

149 Section 6. This act shall take effect July 1, 2024.