

SUMMARY OF SUGGESTED AMENDMENTS –

1. The warehouse lien statute in Fla. Stat. 677, 210,, and the **SELF-SERVICE STORAGE SPACE** statute in Fla. Stat.83.801, have been abused to impose liens on vehicles. Warehouse liens generally relate to personal property storage facilities. I met with the DMV and suggested that this statute should not apply to liens on vehicles, since there is a very specific statute for storage charges for cars (e.g. Fla. Stat. 713.78). The DMV disagreed, pointing to their regulations (Warehouse lien – TL 27 - <https://www3.flhsmv.gov/dmv/Proc/tl/tl-27.pdf>). Recently, due to my urging, the DMV has agreed to closely scrutinize any such warehouse lien transactions involving vehicles. There are very few protections for vehicle or vessel owners or lienholders under Fla. Stat. 677.210 and 83.801 *et seq.* – certainly not to the extent found in Fla. Stat. 713.78 and 713.585 which specifically relate to liens on vehicles (e.g. notice provisions, time between the notice and sale date, and procedure to post a bond). **My suggestion is to amend Fla. Stat. 713.78 to make clear it is the sole procedure to place a lien for storage on a vessel or motor vehicle.**
2. The Legislature changed Fla. Stat. 713.78 last year so a lawsuit does not have to be filed prior to posting a bond for towing/storage liens. That is a good thing. **BUT**, 713.78 was not changed to reference Fla. Stat 559.917 regarding the procedure to posting bonds, and the 60 day time limit for the shop to file a claim on the bond. Simply stated, as highlighted below it appears clear that under the existing statute the 60 day time period in 559.917 is currently limited to just repair liens, and it does not apply to towing/storage liens --

559.917 Bond to release possessory lien claimed by motor vehicle repair shop.—

(1)(a) A customer or a person of record claiming a lien against a motor vehicle may obtain the release of the motor vehicle from any lien claimed under part II of chapter 713 by a motor vehicle repair shop for repair work performed under a written repair estimate by filing with the clerk of the court in the circuit in which the disputed transaction occurred a cash or surety bond, payable to the person claiming the lien and conditioned for the payment of any judgment which may be entered on the lien....

(b) The lienor shall have 60 days to file suit to recover the bond. The prevailing party in that action may be entitled to damages plus court costs and reasonable attorney fees. If the lienor fails to file suit within 60 days after the posting of such bond, the bond shall be discharged by the clerk.

So, under 713.78, there is no expedited procedure to get the bond released when posted for a towing/storage lien and the car is recovered if the shop never files a claim on the bond. Actually, there is no procedure at all in the towing/storage statute to make a claim on or to release the bond. **My suggestion is to amend 559.917 to also reference liens for towing and storage so the 60 day time limit will apply to both repair liens, and towing/storage liens, and amend 713.78 to reference the bond process under 559.917.**