

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 381 Towing of Vehicles & Vessels

**SPONSOR(S):** Wood

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 786

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 0 N	Whittaker	Smith
2) Civil Justice Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill authorizes the owner or lessee, or their agent, of real property to have a vehicle or vessel towed upon signing an order that it be removed without a posted tow-away sign if the vehicle or vessel has been parked without permission on private property for a period exceeding five days.

However, the five day period does not begin until the property owner meets two specific requirements. The first requirement is that the property owner must attach to the vehicle or vessel an adhesive notice that it will be towed or removed from the property. The notice must:

- Be attached to the vehicle's windshield or, for a vessel, adjacent to the registration number on the left or port side.
- Measure at least 8 inches by 10 inches and be sufficiently weatherproofed to withstand normal exposure to the elements.
- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property five days after the date on which a law enforcement agency verifies and documents with a police report the notice's compliance with this statute.
- Provide the name and phone number of the proposed towing company.

The second requirement is that the property owner or lessee notify the local law enforcement agency of the notice being posted as described above. The law enforcement agency then verifies and documents the notices compliance with this statute by means of a police report provided to both the property owner and the towing company.

When notifying the municipal police department or sheriff of the towing or removal of a vehicle or vessel, the person or firm that performed the towing or removal must also note on the trip record the case number, badge number, or name of the person to whom information was reported. Or, if the notification was made by an electronic notification process approved by the police department or sheriff's office, attach the electronic receipt received from the department or office to the trip record.

The bill further provides that conditions and restrictions of s. 715.07, F.S., also apply to the designated representative of the cooperative association if the real property is a cooperative, or the designated representative of the homeowner's association if the real property is owned by a homeowner's association.

The bill makes other technical and grammatical changes to the statute.

The bill has no fiscal impact on state funds.

The bill will become effective upon becoming a law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Posting Requirements for Towing

Currently, the owner or lessee of real property is authorized to have towed or removed from the property any vehicle or vessel parked on such property without the vehicle or vessel owner's permission and without liability for costs. This authorization is subject to strict compliance with specified conditions relating to posted notice requirements, the storage of the towed vehicle or vessel, time limitations for notifying the local police department or sheriff of the towing, and required provisions to the police department or sheriff of vehicle or vessel identification information.

The statute provides that the real property owner or lessee must post specified notice before towing or removing the vehicle or vessel without the consent of the owner or authorized person in control of that vehicle or vessel. The posted notice must meet the following requirements:<sup>1</sup>

- Be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
- Clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
- Provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.
- The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for at least 24 hours prior to the towing or removal of any vehicles or vessels.

Local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.<sup>2</sup>

A business with 20 or fewer parking spaces satisfies the notice requirements by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.<sup>3</sup>

Lastly, a business owner or lessee is authorized to have a vehicle or vessel removed by a towing company when the vehicle or vessel is parked in a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

Two exceptions exist in current law that does not require the property owner or lessee to post a specified notice or gain consent of the vehicle owner before the towing of a vehicle. These exceptions apply to<sup>4</sup>:

- property that is obviously a part of a single-family residence; or

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<sup>1</sup> s. 715.07(2)(a)5.a.-d., F.S.

<sup>2</sup> s. 715.07(2)(a)5.e., F.S.

<sup>3</sup> s. 715.07(2)(a)5.f., F.S.

<sup>4</sup> s. 715.07(2)(a)5., F.S.

- when notice is personally given to the owner or authorized person in control of the vehicle or vessel that the property is unavailable for unauthorized parking and that the vehicle or vessel is subject to being removed at the owner's or operator's expense.

### **Proposed Changes**

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The bill further provides that conditions and restrictions of s. 715.07, F.S., also apply to the designated representative of the cooperative association if the real property is a cooperative, or the designated representative of the homeowner's association if the real property is owned by a homeowner's association.

The bill makes other technical and grammatical changes to the statute.

#### **B. SECTION DIRECTORY:**

Section 1 Amends s. 715.07, F.S., relating to vehicles or vessels parked on private property; towing.

Section 2 Provides an effective date of upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners and lessees of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than five days.

D. FISCAL COMMENTS:

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None