

By the Committee on Community Affairs; and Senator Perry

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1 A bill to be entitled
2 An act relating to towing and storage; amending s.
3 83.19, F.S.; conforming provisions to changes made by
4 this act; amending ss. 125.0103 and 166.043, F.S.;
5 requiring certain counties and municipalities to
6 publish specified rates on their websites and
7 establish a specified process; providing that rates
8 established by the Division of Florida Highway Patrol
9 apply to certain areas of the state; amending s.
10 321.051, F.S.; requiring the Department of Highway
11 Safety and Motor Vehicles to publish certain rates on
12 its website and establish a specified process;
13 prohibiting the Division of Florida Highway Patrol
14 from excluding or failing to designate certain wrecker
15 operators from the wrecker operator system solely
16 because the wrecker operator has been convicted of
17 certain felonies; amending s. 677.210, F.S.; requiring
18 certain vehicles or vessels to be foreclosed pursuant
19 to certain provisions; amending s. 713.78, F.S.;
20 providing and reordering definitions; authorizing
21 towing-storage operators to charge certain fees;
22 requiring that towing-storage operators who come into
23 possession of a vehicle or vessel and claim a lien on
24 it give certain notice to the vehicle or vessel owner;
25 prohibiting towing-storage operators from charging a
26 storage fee if the vehicle or vessel is stored under
27 certain circumstances; revising requirements for law
28 enforcement agencies and the department relating to
29 the removal of vehicles or vessels; revising

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30 requirements for notices of lien; requiring towing-
31 storage operators in possession of a vehicle or vessel
32 to request certain information from law enforcement if
33 a third-party service cannot provide it; revising
34 requirements for towing-storage operators providing
35 notice to public agencies of jurisdiction; revising
36 the timeframe within which certain unclaimed vehicles
37 or vessels may be sold; revising requirements for
38 notices of sale; authorizing certain persons with an
39 interest on a vehicle or vessel in the possession of a
40 towing-storage operator to initiate judicial
41 proceedings where the vehicle or vessel was taken from
42 to determine certain findings; authorizing certain
43 interested parties of a vehicle or vessel to take
44 possession of it prior to sale if the interested party
45 posts a cash or surety bond with the county clerk of
46 courts without first initiating judicial proceedings;
47 requiring the clerk of court to issue a certificate
48 notifying the towing-storage operator of the posting
49 of the bond and to direct the towing-storage operator
50 to release the vehicle or vessel to the interested
51 party; requiring the party who posts the bond to give
52 a receipt to the towing-storage operator reciting any
53 property loss or damage to the vehicle or vessel or
54 the contents thereof, and waiving such claims if such
55 receipt is not provided; providing criminal penalties
56 for towing-storage operators who fail to release or
57 return the vehicle or vessel to the interested party
58 after posting a cash or surety bond; requiring the

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59 clerk of courts to release the cash or surety bond to
60 the towing-storage operator if the interested party
61 does not initiate judicial proceedings within a
62 certain timeframe; requiring the court award all fees
63 to the towing-storage operator if he or she prevails
64 in the judicial proceedings; revising the timeframes
65 within which certain vehicles or vessels may be sold
66 by a towing-storage operator if the vehicle or vessel
67 is being stored by the lienor; revising notice
68 requirements for sale; requiring approved third-party
69 services to publish public notices of sale and report
70 certain information by specified means to the
71 department; providing the maximum fee that approved
72 third-party services may collect and retain for such
73 services; revising provisions for permission to
74 inspect a vehicle or vessel; revising how many days a
75 lienor may not charge for storage for failing to
76 comply with the notice requirements; providing
77 timeframes within which a vehicle, vessel, or personal
78 property must be made available for inspection and
79 release; revising criminal penalties; requiring
80 towing-storage operators to accept certain documents
81 as evidence of a person's interest in a vehicle or
82 vessel; prohibiting certain persons from being
83 required to furnish more than one form of current
84 government-issued photo identification for purposes of
85 verifying their identity; requiring towing-storage
86 operators to maintain certain records for a certain
87 period of time; requiring towing-storage operators to

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88 accept certain types of payment; requiring towing-
89 storage operators to maintain a rate sheet; providing
90 requirements for such rate sheet; providing that
91 certain fees are unreasonable; requiring towing-
92 storage operators to maintain an itemized invoice for
93 specified fees; providing requirements for such
94 invoice; requiring disclosure of such invoice to
95 specified persons and entities within a certain
96 timeframe; providing applicability; making technical
97 changes; amending s. 715.07, F.S.; conforming a cross-
98 reference; providing an effective date.

99

100 Be It Enacted by the Legislature of the State of Florida:

101

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

104 83.19 Sale of property distrained.—

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

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

112 125.0103 Ordinances and rules imposing price controls.—

113 (1)

114 (b) This section does not prevent the enactment by local
115 governments of public service rates otherwise authorized by law,
116 including water, sewer, solid waste, public transportation,

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117 taxicab, or port rates;~~;~~ rates for towing of vehicles or vessels
118 from or immobilization of vehicles or vessels on private
119 property;~~;~~ or rates for removal and storage of wrecked or
120 disabled vehicles or vessels from an accident scene or the
121 removal and storage of vehicles or vessels, in the event the
122 owner or operator is incapacitated, unavailable, leaves the
123 procurement of wrecker service to the law enforcement officer at
124 the scene, or otherwise does not consent to the removal of the
125 vehicle or vessel.

126 (c) Counties must establish maximum rates which may be
127 charged on the towing of vehicles or vessels from or
128 immobilization of vehicles or vessels on private property or
129 which may be charged for removal and storage of wrecked or
130 disabled vehicles or vessels from an accident scene or for the
131 removal and storage of vehicles or vessels, in the event the
132 owner or operator is incapacitated, unavailable, leaves the
133 procurement of wrecker service to the law enforcement officer at
134 the scene, or otherwise does not consent to the removal of the
135 vehicle or vessel. However, if a municipality chooses to enact
136 an ordinance establishing the maximum rates for the towing or
137 immobilization of vehicles or vessels as described in paragraph
138 (b), the county's ordinance does not apply within such
139 municipality.

140 (d) A county or municipality that has established rates as
141 described in paragraph (c) must publish such rates on its
142 website and must establish a process for investigating and
143 resolving complaints regarding fees charged in excess of such
144 rates. In counties or municipalities where no rates as described
145 in paragraph (c) have been established, the rates established by

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146 the Division of Florida Highway Patrol under s. 321.051(2) apply
147 in such areas.

148 Section 3. Paragraph (c) of subsection (1) of section
149 166.043, Florida Statutes, is amended to read:

150 166.043 Ordinances and rules imposing price controls.—

151 (1)

152 (c) Counties must establish maximum rates which may be
153 charged on the towing of vehicles or vessels from or
154 immobilization of vehicles or vessels on private property,
155 removal and storage of wrecked or disabled vehicles or vessels
156 from an accident scene or for the removal and storage of
157 vehicles or vessels, in the event the owner or operator is
158 incapacitated, unavailable, leaves the procurement of wrecker
159 service to the law enforcement officer at the scene, or
160 otherwise does not consent to the removal of the vehicle or
161 vessel. However, if a municipality chooses to enact an ordinance
162 establishing the maximum rates for the towing or immobilization
163 of vehicles or vessels as described in paragraph (b), the
164 county's ordinance established under s. 125.0103 does not apply
165 within such municipality. A county or municipality that has
166 established maximum rates pursuant to this paragraph must
167 publish such rates on its website. A county or municipality
168 where no maximum rates have been established pursuant to this
169 paragraph, the maximum rates established by the Division of
170 Florida Highway Patrol under s. 321.051(2) apply in such areas.

171 Section 4. Subsection (2) of section 321.051, Florida
172 Statutes, is amended, and subsection (5) is added to that
173 section, to read:

174 321.051 Florida Highway Patrol wrecker operator system;

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175 penalties for operation outside of system.—

176 (2) The Division of Florida Highway Patrol of the
177 Department of Highway Safety and Motor Vehicles is authorized to
178 establish within areas designated by the patrol a wrecker
179 operator system using qualified, reputable wrecker operators for
180 removal and storage of wrecked or disabled vehicles from a crash
181 scene or for removal and storage of abandoned vehicles, in the
182 event the owner or operator is incapacitated or unavailable or
183 leaves the procurement of wrecker service to the officer at the
184 scene. All reputable wrecker operators shall be eligible for use
185 in the system provided their equipment and drivers meet
186 recognized safety qualifications and mechanical standards set by
187 rules of the Division of Florida Highway Patrol for the size of
188 vehicle it is designed to handle. The division is authorized to
189 limit the number of wrecker operators participating in the
190 wrecker operator system, which authority shall not affect
191 wrecker operators currently participating in the system
192 established by this section. The division is authorized to
193 establish maximum rates for the towing and storage of vehicles
194 removed at the division's request, where such rates have not
195 been set by a county or municipality pursuant to s. 125.0103 or
196 s. 166.043. Such rates shall not be considered rules for the
197 purpose of chapter 120; however, the department shall establish
198 by rule a procedure for setting such rates. The department must
199 publish on its website the maximum rates established under this
200 subsection and must establish a process for investigating and
201 resolving complaints regarding fees charged in excess of such
202 maximum rates. Any provision in chapter 120 to the contrary
203 notwithstanding, a final order of the department denying,

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204 suspending, or revoking a wrecker operator's participation in
205 the system shall be reviewable in the manner and within the time
206 provided by the Florida Rules of Appellate Procedure only by a
207 writ of certiorari issued by the circuit court in the county
208 wherein such wrecker operator resides.

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

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

217 677.210 Enforcement of warehouse's lien.—

218 (10) A lien on a vehicle or vessel, as those terms are
219 defined in s. 713.78(1), must be foreclosed pursuant to s.
220 713.78 and may not be foreclosed pursuant to this section.

221 Section 6. Subsections (1), (2), (4), (5), (6), (8), (9),
222 and (10), paragraph (a) of subsection (11), paragraphs (a) and
223 (d) of subsection (12), paragraphs (a), (b), and (d) of
224 subsection (13), and subsection (17) of section 713.78, Florida
225 Statutes, are amended, and subsections (18) through (21) are
226 added to that section, to read:

227 713.78 Liens for recovering, towing, or storing vehicles
228 and vessels.—

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

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

232 (h)~~(b)~~ "Vessel" means every description of watercraft,

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233 barge, and airboat used or capable of being used as a means of
234 transportation on water, other than a seaplane or a "documented
235 vessel" as defined in s. 327.02.

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

241 (c)~~(d)~~ "National Motor Vehicle Title Information System"
242 means the federally authorized electronic National Motor Vehicle
243 Title Information System.

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

249 (b) "Good faith effort" means that all of the following
250 checks have been performed by a towing-storage operator to
251 establish the prior state of registration and title of a vehicle
252 or vessel that has been towed or stored by the towing-storage
253 operator:

254 1. A check of the department's database for the owner and
255 any lienholder.

256 2. A check of the electronic National Motor Vehicle Title
257 Information System or an equivalent commercially available
258 system to determine the state of registration when there is not
259 a current registration record for the vehicle or vessel on file
260 with the department.

261 3. A check of the vehicle or vessel for any type of tag,

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262 tag record, temporary tag, or regular tag.

263 4. A check of the law enforcement report for a tag number
264 or other information identifying the vehicle or vessel, if the
265 vehicle or vessel was towed at the request of a law enforcement
266 officer.

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

270 6. If there is no address of the owner on the impound
271 report, a check of the law enforcement report to determine
272 whether an out-of-state address is indicated from driver license
273 information.

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

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

280 9. A check of the vehicle for a vehicle identification
281 number.

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

283 11. A check of the vessel hull for a hull identification
284 number which should be carved, burned, stamped, embossed, or
285 otherwise permanently affixed to the outboard side of the
286 transom or, if there is no transom, to the outmost seaboard side
287 at the end of the hull that bears the rudder or other steering
288 mechanism.

289 (d) "Newer model" means a vehicle or vessel that is 3 model
290 years old or less, beginning with the model year of the vehicle

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291 or vessel as year one.

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

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

299 (2)(a) ~~Whenever~~ A towing-storage operator may charge the
300 owner or operator of a vehicle or vessel only the following fees
301 for, or incidental to, the recovery, removal, or storage of the
302 vehicle or vessel:

303 1. Any reasonable fee for service specifically authorized
304 under s. 125.0103 or s. 166.043 by ordinance, resolution,
305 regulation, or rule of the county or municipality in which the
306 service is performed.

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

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

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

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

319 (b) If a towing-storage operator ~~person regularly engaged~~

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320 ~~in the business of transporting vehicles or vessels by wrecker,~~
321 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
322 or vessel upon instructions from:

323 1.(a) The owner thereof;

324 2.(b) The owner or lessor, or a person authorized by the
325 owner or lessor, of property on which such vehicle or vessel is
326 wrongfully parked, and the removal is done in compliance with s.
327 715.07;

328 3.(e) The landlord or a person authorized by the landlord,
329 when such ~~motor~~ vehicle or vessel remained on the premises after
330 the tenancy terminated and the removal is done in compliance
331 with s. 83.806 or s. 715.104; or

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

333
334 she or he has ~~shall have~~ a lien on the vehicle or vessel for
335 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
336 ~~reasonable administrative fee or charge imposed by a county or~~
337 ~~municipality, and for a reasonable storage fee;~~ except that a
338 storage fee may not be charged if the vehicle or vessel is
339 stored for less ~~fewer~~ than 6 hours.

340 (4) (a) A towing-storage operator ~~person regularly engaged~~
341 ~~in the business of recovering, towing, or storing vehicles or~~
342 ~~vessels~~ who comes into possession of a vehicle or vessel
343 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a
344 lien for recovery, towing, or storage services, must ~~shall~~ give
345 notice, by certified mail, pursuant to subsection (16), to the
346 registered owner, the insurance company insuring the vehicle
347 notwithstanding s. 627.736, and all persons claiming a lien
348 thereon, as disclosed by the records in the Department of

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349 Highway Safety and Motor Vehicles or as disclosed by the records
350 of any corresponding agency in any other state in which the
351 vehicle is identified through a records check of the National
352 Motor Vehicle Title Information System or an equivalent
353 commercially available system as being titled or registered.

354 (b) When ~~Whenever~~ a law enforcement agency, county, or
355 municipality authorizes the removal of a vehicle or vessel or
356 ~~whenever~~ a towing service, garage, repair shop, or automotive
357 service, storage, or parking place notifies the law enforcement
358 agency of possession of a vehicle or vessel pursuant to s.
359 715.07(2)(a)2., if an approved third-party service cannot obtain
360 the vehicle's or vessel's owner, lienholder, and insurer
361 information or last state of record pursuant to subsection (16),
362 then the person in charge of the towing service, garage, repair
363 shop, or automotive service, storage, or parking place must
364 request such information from the law enforcement agency of the
365 jurisdiction where the vehicle or vessel is stored. The law
366 enforcement agency to which the request was made must ~~shall~~
367 contact the Department of Highway Safety and Motor Vehicles, or
368 the appropriate agency of the state of registration, if known,
369 within 24 hours through the medium of electronic communications,
370 giving the full description of the vehicle or vessel. Upon
371 receipt of the full description of the vehicle or vessel, the
372 department must ~~shall~~ search its files to determine the owner's
373 name, the insurance company insuring the vehicle or vessel, and
374 whether any person has filed a lien upon the vehicle or vessel
375 as provided in s. 319.27(2) and (3) and notify the applicable
376 law enforcement agency within 72 hours. The person in charge of
377 the towing service, garage, repair shop, or automotive service,

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378 storage, or parking place must request ~~shall obtain~~ such
379 information from the applicable law enforcement agency within 5
380 days after the date of storage and, if such information is
381 provided by the law enforcement agency, must provide the
382 information to the approved third-party service in order to
383 transmit notices as required under subsection (16) ~~shall give~~
384 ~~notice pursuant to paragraph (a)~~. The department may release the
385 insurance company information to the requestor notwithstanding
386 s. 627.736.

387 (c) The notice of lien must be sent by an approved third-
388 party service by certified mail to the registered owner, the
389 insurance company insuring the vehicle notwithstanding s.
390 627.736, and all other persons claiming a lien thereon within 5
391 7 business days, excluding a Saturday, and Sunday, or federal
392 legal holiday, after the date of storage of the vehicle or
393 vessel. ~~However, in no event shall the notice of lien be sent~~
394 ~~less than 30 days before the sale of the vehicle or vessel~~. The
395 notice must state all of the following:

396 1. If the claim of lien is for a vehicle, the last 8 digits
397 of the vehicle identification number of the vehicle subject to
398 the lien, or, if the claim of lien is for a vessel, the hull
399 identification number of the vessel subject to the lien, clearly
400 printed in the delivery address box and on the outside of the
401 envelope sent to the registered owner and all other persons
402 claiming an interest in ~~therein~~ or lien on the vehicle or vessel
403 ~~thereon~~.

404 2. The name, physical address, and telephone number of the
405 lienor, and the entity name, as registered with the Division of
406 Corporations, of the business where the towing and storage

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407 occurred, which must also appear on the outside of the envelope
408 sent to the registered owner and all other persons claiming an
409 interest in or lien on the vehicle or vessel.

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

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

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

415 6. That charges have accrued and include an itemized
416 statement of the amount thereof.

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

420 8. That any vehicle or vessel that remains unclaimed, or
421 for which the charges for recovery, towing, or storage services
422 remain unpaid, may be sold free of all prior liens 35 days after
423 the vehicle or vessel is stored by the lienor if the vehicle or
424 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
425 after the vehicle or vessel is stored by the lienor if the
426 vehicle or vessel is a newer model ~~3 years of age or less~~.

427 9. The address at which the vehicle or vessel is physically
428 located.

429 (d) The notice of lien may not be sent to the registered
430 owner, the insurance company insuring the vehicle or vessel, and
431 all other persons claiming a lien thereon less than 30 days
432 before the sale of a the vehicle or vessel that is an older
433 model or less than 55 days before the sale of a vehicle or
434 vessel that is a newer model.

435 (e) If attempts to locate the name and address of the owner

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436 or lienholder are ~~prove~~ unsuccessful, 5 ~~the towing-storage~~
437 ~~operator shall, after 7~~ business days, excluding a Saturday, and
438 Sunday, or federal legal holiday, after the initial tow or
439 storage, the towing-storage operator must notify the public
440 agency of jurisdiction where the vehicle or vessel is stored in
441 writing by certified mail or receipt-acknowledged electronic
442 delivery ~~acknowledged hand-delivery~~ that the towing-storage
443 operator ~~company~~ has been unable to locate the name and address
444 of the owner or lienholder and a physical search of the vehicle
445 or vessel has disclosed no ownership information and a good
446 faith effort has been made, including records checks of the
447 Department of Highway Safety and Motor Vehicles database and the
448 National Motor Vehicle Title Information System or an equivalent
449 commercially available system. ~~For purposes of this paragraph~~
450 ~~and subsection (9), the term "good faith effort" means that the~~
451 ~~following checks have been performed by the company to establish~~
452 ~~the prior state of registration and for title:~~

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

455 2. ~~A check of the electronic National Motor Vehicle Title~~
456 ~~Information System or an equivalent commercially available~~
457 ~~system to determine the state of registration when there is not~~
458 ~~a current registration record for the vehicle or vessel on file~~
459 ~~with the department.~~

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

462 4. ~~A check of the law enforcement report for a tag number~~
463 ~~or other information identifying the vehicle or vessel, if the~~
464 ~~vehicle or vessel was towed at the request of a law enforcement~~

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465 officer.

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

469 ~~6. If there is no address of the owner on the impound~~
470 ~~report, a check of the law enforcement report to determine~~
471 ~~whether an out-of-state address is indicated from driver license~~
472 ~~information.~~

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

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

479 ~~9. A check of the vehicle for a vehicle identification~~
480 ~~number.~~

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

482 ~~11. A check of the vessel hull for a hull identification~~
483 ~~number which should be carved, burned, stamped, embossed, or~~
484 ~~otherwise permanently affixed to the outboard side of the~~
485 ~~transom or, if there is no transom, to the outmost seaboard side~~
486 ~~at the end of the hull that bears the rudder or other steering~~
487 ~~mechanism.~~

488 (5) (a) The registered owner of a vehicle or vessel in the
489 possession of a towing-storage operator removed pursuant to
490 subsection (2), the insurance company insuring the vehicle or
491 vessel, and all other persons claiming a lien thereon ~~or any~~
492 ~~person claiming a lien, other than the towing-storage operator,~~
493 may initiate judicial proceedings within 10 days after the time

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494 ~~she or he has knowledge of the location of the vehicle or~~
495 ~~vessel, may file a complaint in the county court of competent~~
496 ~~jurisdiction in the county in which the vehicle or vessel is~~
497 ~~stored to determine whether the vehicle or vessel ~~her or his~~~~
498 ~~property was wrongfully taken or withheld or whether fees were~~
499 ~~wrongfully charged.~~

500 (b) Regardless of whether judicial proceedings have been
501 initiated pursuant to subparagraph (a), at any time before the
502 sale of the vehicle or vessel by the towing-storage operator,
503 the ~~an~~ owner of the vehicle or vessel, the insurance company
504 insuring the vehicle or vessel, and all other persons claiming a
505 lien thereon other than the towing-storage operator ~~or~~
506 lienholder may have the ~~her or his~~ vehicle or vessel released
507 upon posting with the clerk of the county court in the county in
508 which the vehicle is held ~~court~~ a cash or surety bond or other
509 adequate security equal to the amount of the accrued charges set
510 forth in the notice of lien, plus accrued storage charges, at
511 the time of the release of the vehicle or vessel, if any, ~~of the~~
512 charges for towing or storage and lot rental amount to ensure
513 the payment of such charges in the event a court determines that
514 the vehicle or vessel was not wrongfully taken or withheld or
515 fees were not wrongfully charged ~~she or he does not prevail.~~ The
516 owner of the vehicle or vessel, the insurance company insuring
517 the vehicle or vessel, and all other persons claiming a lien
518 thereon other than the towing-storage operator must not be
519 required to initiate judicial proceedings in order to post the
520 bond in the registry of the court and are not required to use a
521 particular form for posting the bond unless the clerk provides
522 such form. Upon the posting of the bond and the payment of the

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523 applicable fee set forth in s. 28.24, the clerk of the court
524 must automatically issue a certificate notifying the towing-
525 storage operator of the posting of the bond and directing the
526 towing-storage operator to release the vehicle or vessel to the
527 party that posted the bond ~~the clerk of the court shall issue a~~
528 ~~certificate notifying the lienor of the posting of the bond and~~
529 ~~directing the lienor to release the vehicle or vessel.~~ At the
530 time of such release, after reasonable inspection, the party
531 that posted the bond must ~~she or he shall~~ give a receipt to the
532 towing-storage operator ~~company~~ reciting any claims ~~she or he~~
533 ~~has~~ for loss or damage to the vehicle or vessel or the contents
534 thereof, or such claims are deemed waived.

535 1. Upon receiving a copy of a certificate giving notice of
536 the posting of the bond in the required amount and directing
537 release of the vehicle or vessel, a towing-storage operator who
538 fails to release or return the vehicle or vessel to the party
539 which posted the bond commits a misdemeanor of the second
540 degree, punishable as provided in s. 775.082 or s. 775.083.

541 2. If the party posting the bond does not initiate judicial
542 proceedings pursuant to paragraph (a) within 60 days after the
543 issuance of the certificate by the clerk of the court, then upon
544 request by the towing-storage operator the clerk of court must
545 release the cash or surety bond to the towing-storage operator.

546 (c) Upon determining the respective rights of the parties,
547 the court may award damages, attorney ~~attorney's~~ fees, and costs
548 in favor of the prevailing party. In the event the towing-
549 storage operator prevails ~~In any event,~~ the final order must
550 ~~shall~~ provide for immediate payment in full of recovery, towing,
551 and storage fees by the vehicle or vessel owner or lienholder;

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552 or the agency ordering the tow; or the owner, lessee, or agent
553 thereof of the property from which the vehicle or vessel was
554 removed.

555 (6) A vehicle or vessel that is stored pursuant to
556 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
557 which reasonable charges for recovery, towing, or storing remain
558 unpaid, and any contents not released pursuant to subsection
559 (10), may be sold by the owner or operator of the storage space
560 for such towing or storage charge 35 days after the vehicle or
561 vessel is stored by the lienor if the vehicle or vessel is an
562 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
563 vehicle or vessel is stored by the lienor if the vehicle or
564 vessel is a newer model ~~3 years of age or less~~. The sale must
565 ~~shall~~ be at public sale for cash. If the date of the sale was
566 not included in the notice required in subsection (4), notice of
567 the sale must ~~shall~~ be given to the person in whose name the
568 vehicle or vessel is registered and to all persons claiming a
569 lien on the vehicle or vessel as shown on the records of the
570 Department of Highway Safety and Motor Vehicles or of any
571 corresponding agency in any other state in which the vehicle is
572 identified through a records check of the National Motor Vehicle
573 Title Information System or an equivalent commercially available
574 system as being titled. Notice of the sale must be sent by
575 certified mail to the registered owner of the vehicle or vessel,
576 the insurance company insuring the vehicle or vessel, and the
577 person having the recorded lien on the vehicle or vessel at the
578 address shown on the records of the registering agency at least
579 30 days before the sale of the vehicle or vessel. ~~The notice~~
580 ~~must have clearly identified and printed, if the claim of lien~~

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581 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
582 identification number of the ~~motor~~ vehicle subject to the lien,
583 or, if the claim of lien is for a vessel, the hull
584 identification number of the vessel subject to the lien, must be
585 clearly identified and printed in the delivery address box and
586 on the outside of the envelope sent to the registered owner and
587 all other persons claiming an interest in ~~therein~~ or lien on the
588 vehicle or vessel ~~thereon~~. ~~The notice must be sent to the owner~~
589 ~~of the vehicle or vessel and the person having the recorded lien~~
590 ~~on the vehicle or vessel at the address shown on the records of~~
591 ~~the registering agency at least 30 days before the sale of the~~
592 ~~vehicle or vessel~~. The notice must state the name, physical
593 address, and telephone number of the lienor, and the vehicle
594 identification number if the claim of lien is for a vehicle or
595 the hull identification number if the claim of lien is for a
596 vessel, all of which must also appear in the return address
597 section on the outside of the envelope containing the notice of
598 sale. After diligent search and inquiry, if the name and address
599 of the registered owner or the owner of the recorded lien cannot
600 be ascertained, the requirements of notice by mail may be
601 dispensed with. In addition to the notice by mail, public notice
602 of the time and place of sale must ~~shall~~ be made by publishing a
603 notice thereof one time, at least 20 ~~10~~ days before the date of
604 the sale, on the publicly available website maintained by an
605 approved third-party service. The third-party service must
606 electronically report to the Department of Highway Safety and
607 Motor Vehicles, via an electronic data exchange process using a
608 web interface, the name, physical address, and telephone number
609 of the lienor; the time and place of the sale; the vehicle's

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610 license plate number, if known; the vehicle identification
611 number, if the claim of lien is for a vehicle, or the hull
612 identification number, if the claim of lien is for a vessel; and
613 the amount due for towing, recovery, storage, and administrative
614 fees. The third-party service that publishes the public notice
615 of sale and electronically reports the required information to
616 the department may collect and retain a service charge of no
617 more than \$1 in a newspaper of general circulation in the county
618 ~~in which the sale is to be held.~~ The proceeds of the sale, after
619 payment of reasonable towing and storage charges, and costs of
620 the sale, in that order of priority, must ~~shall~~ be deposited
621 with the clerk of the circuit court for the county if the owner
622 or lienholder is absent, and the clerk must ~~shall~~ hold such
623 proceeds subject to the claim of the owner or lienholder legally
624 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
625 percent of such proceeds for the care and disbursement thereof.
626 The certificate of title issued under this section must ~~this law~~
627 ~~shall~~ be discharged of all liens unless otherwise provided by
628 court order. The owner or lienholder may file a complaint after
629 the vehicle or vessel has been sold in the county court of the
630 county in which it is stored. Upon determining the respective
631 rights of the parties, the court may award damages, attorney
632 fees, and costs in favor of the prevailing party.

633 (8) A towing-storage operator ~~person regularly engaged in~~
634 ~~the business of recovering, towing, or storing vehicles or~~
635 ~~vessels,~~ except a person licensed under chapter 493 while
636 engaged in "repossession" activities as defined in s. 493.6101,
637 may not operate a wrecker, tow truck, or car carrier unless the
638 name, address, and telephone number of the company performing

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639 the service is clearly printed in contrasting colors on the
640 driver and passenger sides of its vehicle. The name must be in
641 at least 3-inch permanently affixed letters, and the address and
642 telephone number must be in at least 1-inch permanently affixed
643 letters.

644 (9) Failure to make good faith efforts to comply with the
645 notice requirements of this section precludes the imposition of
646 any storage charges against the vehicle or vessel. If a lienor
647 fails to provide notice to a person claiming a lien on a vehicle
648 or vessel in accordance with subsection (4), the lienor may not
649 charge the person for more than 5 7 days of storage, but such
650 failure does not affect charges made for towing the vehicle or
651 vessel or the priority of liens on the vehicle or vessel.

652 (10) A towing-storage operator must ~~Persons who provide~~
653 ~~services pursuant to this section shall~~ permit vehicle or vessel
654 owners, lienholders, insurance company representatives, or their
655 agents, whose interest in the vehicle or vessel is evidenced by
656 any of the documents listed in subsection (17) ~~which agency is~~
657 ~~evidenced by an original writing acknowledged by the owner~~
658 ~~before a notary public or other person empowered by law to~~
659 ~~administer oaths~~, to inspect the towed vehicle or vessel and
660 must shall release to the owner, lienholder, or agent the
661 vehicle, vessel, or all personal property not affixed to the
662 vehicle or vessel which was in the vehicle or vessel at the time
663 the vehicle or vessel came into the custody of the towing-
664 storage operator. The inspection and release of the vehicle,
665 vessel, or personal property must be permitted within 1 hour
666 after the owner, lienholder, insurance company representative,
667 or their agent presents any of the documents listed in

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668 subsection (17) to the towing-storage operator during normal
669 business hours at the site where the vehicle or vessel is
670 stored. Notwithstanding subparagraph (17)(a)5., a rental vehicle
671 or vessel agreement is not evidence that the person who rented a
672 vehicle or vessel is an agent of the rental vehicle or vessel
673 owner for the purpose of releasing the vehicle or vessel.
674 However, a towing-storage operator must release to the renter of
675 a rental vehicle or vessel all personal property belonging to
676 the renter which is not affixed to the rental vehicle or vessel
677 within 1 hour after the renter's arrival ~~person providing such~~
678 services.

679 (11)(a) A towing-storage operator ~~Any person regularly~~
680 ~~engaged in the business of recovering, towing, or storing~~
681 ~~vehicles or vessels~~ who comes into possession of a vehicle or
682 vessel pursuant to paragraph (2)(b) subsection (2) and who has
683 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
684 when such vehicle or vessel is to be sold for purposes of being
685 dismantled, destroyed, or changed in such manner that it is not
686 the ~~motor~~ vehicle or vessel described in the certificate of
687 title, must ~~shall~~ report the vehicle to the National Motor
688 Vehicle Title Information System and apply to the Department of
689 Highway Safety and Motor Vehicles for a certificate of
690 destruction. A certificate of destruction, which authorizes the
691 dismantling or destruction of the vehicle or vessel described
692 therein, is ~~shall be~~ reassignable a maximum of two times before
693 dismantling or destruction of the vehicle is ~~shall be~~ required,
694 and must ~~shall~~ accompany the vehicle or vessel for which it is
695 issued, when such vehicle or vessel is sold for such purposes,
696 in lieu of a certificate of title. The application for a

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697 certificate of destruction must include proof of reporting to
698 the National Motor Vehicle Title Information System and an
699 affidavit from the applicant that she or he ~~it~~ has complied with
700 all applicable requirements of this section and, if the vehicle
701 or vessel is not registered in this state or any other state, by
702 a statement from a law enforcement officer that the vehicle or
703 vessel is not reported stolen, and must ~~shall~~ be accompanied by
704 such documentation as may be required by the department.

705 (12) (a) Any person who violates ~~any provision of subsection~~
706 ~~(1)~~, subsection (2), subsection (4), subsection (5), subsection
707 (6), or subsection (7) commits ~~is guilty of~~ a misdemeanor of the
708 first degree, punishable as provided in s. 775.082 or s.
709 775.083.

710 (d) Employees of the Department of Highway Safety and Motor
711 Vehicles and law enforcement officers are authorized to inspect
712 the records of a towing-storage operator ~~any person regularly~~
713 ~~engaged in the business of recovering, towing, or storing~~
714 ~~vehicles or vessels or transporting vehicles or vessels by~~
715 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with
716 the requirements of this section. A towing-storage operator ~~Any~~
717 ~~person~~ who fails to maintain records, or fails to produce
718 records when required in a reasonable manner and at a reasonable
719 time, commits a misdemeanor of the first degree, punishable as
720 provided in s. 775.082 or s. 775.083.

721 (13) (a) Upon receipt by the Department of Highway Safety
722 and Motor Vehicles of written notice from a wrecker operator who
723 claims a wrecker operator's lien under subparagraph (2) (b) 4.
724 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
725 abandoned vehicle or vessel upon instructions from any law

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726 enforcement agency, for which a certificate of destruction has
727 been issued under subsection (11) and the vehicle has been
728 reported to the National Motor Vehicle Title Information System,
729 the department shall place the name of the registered owner of
730 that vehicle or vessel on the list of those persons who may not
731 be issued a license plate or revalidation sticker for any motor
732 vehicle under s. 320.03(8). If the vehicle or vessel is owned
733 jointly by more than one person, the name of each registered
734 owner must ~~shall~~ be placed on the list. The notice of wrecker
735 operator's lien must ~~shall~~ be submitted on forms provided by the
736 department and, which must include all of the following:

737 1. The name, address, and telephone number of the wrecker
738 operator.

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

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

744 4. The vehicle identification number (VIN); registration
745 license plate number, state, and year; validation decal number,
746 state, and year; vessel registration number; hull identification
747 number; or other identification number, as applicable.

748 5. The name of the person or the corresponding law
749 enforcement agency that requested that the vehicle or vessel be
750 recovered, towed, or stored.

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

753 (b) For purposes of this subsection only, the amount of the
754 wrecker operator's lien for which the department will prevent

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755 issuance of a license plate or revalidation sticker may not
756 exceed the amount of the charges for recovery, towing, and
757 storage of the vehicle or vessel for 7 days. These charges may
758 not exceed the maximum rates imposed by the ordinances of the
759 respective county or municipality under ss. 125.0103(1)(c) and
760 166.043(1)(c). This paragraph does not limit the amount of a
761 wrecker operator's lien claimed under paragraph (2)(b)
762 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
763 remedies for enforcement of the entire amount of the lien, but
764 limits only that portion of the lien for which the department
765 will prevent issuance of a license plate or revalidation
766 sticker.

767 (d) Upon discharge of the amount of the wrecker operator's
768 lien allowed by paragraph (b), the wrecker operator must issue a
769 certificate of discharged wrecker operator's lien on forms
770 provided by the department to each registered owner of the
771 vehicle or vessel attesting that the amount of the wrecker
772 operator's lien allowed by paragraph (b) has been discharged.
773 Upon presentation of the certificate of discharged wrecker
774 operator's lien by the registered owner, the department must
775 ~~shall~~ immediately remove the registered owner's name from the
776 list of those persons who may not be issued a license plate or
777 revalidation sticker for any motor vehicle under s. 320.03(8),
778 thereby allowing issuance of a license plate or revalidation
779 sticker. Issuance of a certificate of discharged wrecker
780 operator's lien under this paragraph does not discharge the
781 entire amount of the wrecker operator's lien claimed under
782 paragraph (2)(b) ~~subsection (2)~~, but only certifies to the
783 department that the amount of the wrecker operator's lien

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784 allowed by paragraph (b), for which the department will prevent
785 issuance of a license plate or revalidation sticker, has been
786 discharged.

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

790 1. An electronic title.

791 2. A paper title.

792 3. A contract between a lender and the owner of the vehicle
793 or vessel.

794 4. A contract between a lessor and the lessee of the
795 vehicle or vessel.

796 5. A notarized written agreement evidencing that the person
797 is an agent of the vehicle or vessel owner, lienholder, or
798 insurance company.

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

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

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

811 (a) All notice publications and certified mailings.

812 (b) The purchase price of any unclaimed vehicle or vessel

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813 sold.

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

816 (d) The names and addresses of vehicle or vessel
817 purchasers.

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

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

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

825 2. Bank, debit, or credit card.

826 3. Mobile payment service, digital wallet, or other
827 electronic payment system.

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

832 (20) (a) A towing-storage operator must maintain a rate
833 sheet listing all fees for, or incidental to, the recovery,
834 removal, or storage of a vehicle or vessel and must do all of
835 the following:

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

838 2. Make the rate sheet available upon request by the
839 vehicle or vessel owner, lienholder, insurance company, or their
840 agent.

841 3. Before attaching a vehicle or vessel to a wrecker,

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842 furnish the rate sheet to the owner or operator of the vehicle
843 or vessel, if the owner or operator is present at the scene of
844 the disabled vehicle or vessel.

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

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

851 1. The tow is completed; or
852 2. The towing-storage operator has obtained all necessary
853 information to be included on the invoice, including any charges
854 submitted by subcontractors used by the towing-storage operator
855 to complete the tow and recovery.

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

858 1. The date and time the vehicle or vessel was towed.
859 2. The location to which the vehicle or vessel was towed.
860 3. The name, address, and telephone number of the towing-
861 storage operator.

862 4. A description of the towed vehicle or vessel, including
863 the color, make, model, model year, and vehicle identification
864 number of the vehicle or hull identification number of the
865 vessel.

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

868 6. The cost of the initial towing service.

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

870 8. Other fees, including administrative fees, vehicle or

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871 vessel search fees, fees for hazardous material and nonhazardous
872 material cleanup, and fees for labor.

873 9. A list of the services that were performed under a
874 warranty or that were otherwise performed at no cost to the
875 owner of the vehicle or vessel.

876 (e) Any service performed or fee charged in addition to
877 those described in subparagraph (d)6. or subparagraph (d)7. must
878 be set forth on the itemized invoice required under paragraph
879 (c) individually as a single line item that includes an
880 explanation of the service or fee and the exact amount charged
881 for the service or the exact amount of the fee.

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

886 1. A law enforcement agency;

887 2. The Attorney General;

888 3. A city attorney, a county attorney, or the prosecuting
889 attorney having jurisdiction in the location of any of the
890 towing-storage operator's business locations;

891 4. The vehicle or vessel owner, lienholder, insurance
892 company, or their agent; or

893 5. If the vehicle or vessel was involved in a collision,
894 any individual involved in the underlying collision or the
895 individual's insurance company.

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

899 Section 7. Paragraph (a) of subsection (2) of section

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900 715.07, Florida Statutes, is amended to read:

901 715.07 Vehicles or vessels parked on private property;
902 towing.—

903 (2) The owner or lessee of real property, or any person
904 authorized by the owner or lessee, which person may be the
905 designated representative of the condominium association if the
906 real property is a condominium, may cause any vehicle or vessel
907 parked on such property without her or his permission to be
908 removed by a person regularly engaged in the business of towing
909 vehicles or vessels, without liability for the costs of removal,
910 transportation, or storage or damages caused by such removal,
911 transportation, or storage, under any of the following
912 circumstances:

913 (a) The towing or removal of any vehicle or vessel from
914 private property without the consent of the registered owner or
915 other legally authorized person in control of that vehicle or
916 vessel is subject to substantial compliance with the following
917 conditions and restrictions:

918 1.a. Any towed or removed vehicle or vessel must be stored
919 at a site within a 10-mile radius of the point of removal in any
920 county of 500,000 population or more, and within a 15-mile
921 radius of the point of removal in any county of fewer than
922 500,000 population. That site must be open for the purpose of
923 redemption of vehicles on any day that the person or firm towing
924 such vehicle or vessel is open for towing purposes, from 8:00
925 a.m. to 6:00 p.m., and, when closed, shall have prominently
926 posted a sign indicating a telephone number where the operator
927 of the site can be reached at all times. Upon receipt of a
928 telephoned request to open the site to redeem a vehicle or

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929 vessel, the operator shall return to the site within 1 hour or
930 she or he will be in violation of this section.

931 b. If no towing business providing such service is located
932 within the area of towing limitations set forth in sub-
933 subparagraph a., the following limitations apply: any towed or
934 removed vehicle or vessel must be stored at a site within a 20-
935 mile radius of the point of removal in any county of 500,000
936 population or more, and within a 30-mile radius of the point of
937 removal in any county of fewer than 500,000 population.

938 2. The person or firm towing or removing the vehicle or
939 vessel shall, within 30 minutes after completion of such towing
940 or removal, notify the municipal police department or, in an
941 unincorporated area, the sheriff, of such towing or removal, the
942 storage site, the time the vehicle or vessel was towed or
943 removed, and the make, model, color, and license plate number of
944 the vehicle or description and registration number of the vessel
945 and shall obtain the name of the person at that department to
946 whom such information was reported and note that name on the
947 trip record.

948 3. A person in the process of towing or removing a vehicle
949 or vessel from the premises or parking lot in which the vehicle
950 or vessel is not lawfully parked must stop when a person seeks
951 the return of the vehicle or vessel. The vehicle or vessel must
952 be returned upon the payment of a reasonable service fee of not
953 more than one-half of the posted rate for the towing or removal
954 service as provided in subparagraph 6. The vehicle or vessel may
955 be towed or removed if, after a reasonable opportunity, the
956 owner or legally authorized person in control of the vehicle or
957 vessel is unable to pay the service fee. If the vehicle or

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958 vessel is redeemed, a detailed signed receipt must be given to
959 the person redeeming the vehicle or vessel.

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

963 5. Except for property appurtenant to and obviously a part
964 of a single-family residence, and except for instances when
965 notice is personally given to the owner or other legally
966 authorized person in control of the vehicle or vessel that the
967 area in which that vehicle or vessel is parked is reserved or
968 otherwise unavailable for unauthorized vehicles or vessels and
969 that the vehicle or vessel is subject to being removed at the
970 owner's or operator's expense, any property owner or lessee, or
971 person authorized by the property owner or lessee, before towing
972 or removing any vehicle or vessel from private property without
973 the consent of the owner or other legally authorized person in
974 control of that vehicle or vessel, must post a notice meeting
975 the following requirements:

976 a. The notice must be prominently placed at each driveway
977 access or curb cut allowing vehicular access to the property
978 within 10 feet from the road, as defined in s. 334.03(22). If
979 there are no curbs or access barriers, the signs must be posted
980 not fewer than one sign for each 25 feet of lot frontage.

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

986 c. The notice must also provide the name and current

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987 telephone number of the person or firm towing or removing the
988 vehicles or vessels.

989 d. The sign structure containing the required notices must
990 be permanently installed with the words "tow-away zone" not
991 fewer than 3 feet and not more than 6 feet above ground level
992 and must be continuously maintained on the property for not
993 fewer than 24 hours before the towing or removal of any vehicles
994 or vessels.

995 e. The local government may require permitting and
996 inspection of these signs before any towing or removal of
997 vehicles or vessels being authorized.

998 f. A business with 20 or fewer parking spaces satisfies the
999 notice requirements of this subparagraph by prominently
1000 displaying a sign stating "Reserved Parking for Customers Only
1001 Unauthorized Vehicles or Vessels Will be Towed Away At the
1002 Owner's Expense" in not fewer than 4-inch high, light-reflective
1003 letters on a contrasting background.

1004 g. A property owner towing or removing vessels from real
1005 property must post notice, consistent with the requirements in
1006 sub-subparagraphs a.-f., which apply to vehicles, that
1007 unauthorized vehicles or vessels will be towed away at the
1008 owner's expense.

1009
1010 A business owner or lessee may authorize the removal of a
1011 vehicle or vessel by a towing company when the vehicle or vessel
1012 is parked in such a manner that restricts the normal operation
1013 of business; and if a vehicle or vessel parked on a public
1014 right-of-way obstructs access to a private driveway the owner,
1015 lessee, or agent may have the vehicle or vessel removed by a

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1016 towing company upon signing an order that the vehicle or vessel
1017 be removed without a posted tow-away zone sign.

1018 6. Any person or firm that tows or removes vehicles or
1019 vessels and proposes to require an owner, operator, or person in
1020 control or custody of a vehicle or vessel to pay the costs of
1021 towing and storage before redemption of the vehicle or vessel
1022 must file and keep on record with the local law enforcement
1023 agency a complete copy of the current rates to be charged for
1024 such services and post at the storage site an identical rate
1025 schedule and any written contracts with property owners,
1026 lessees, or persons in control of property which authorize such
1027 person or firm to remove vehicles or vessels as provided in this
1028 section.

1029 7. Any person or firm towing or removing any vehicles or
1030 vessels from private property without the consent of the owner
1031 or other legally authorized person in control or custody of the
1032 vehicles or vessels shall, on any trucks, wreckers as defined in
1033 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
1034 towing or removal, have the name, address, and telephone number
1035 of the company performing such service clearly printed in
1036 contrasting colors on the driver and passenger sides of the
1037 vehicle. The name shall be in at least 3-inch permanently
1038 affixed letters, and the address and telephone number shall be
1039 in at least 1-inch permanently affixed letters.

1040 8. Vehicle entry for the purpose of removing the vehicle or
1041 vessel shall be allowed with reasonable care on the part of the
1042 person or firm towing the vehicle or vessel. Such person or firm
1043 shall be liable for any damage occasioned to the vehicle or
1044 vessel if such entry is not in accordance with the standard of

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1045 reasonable care.

1046 9. When a vehicle or vessel has been towed or removed
1047 pursuant to this section, it must be released to its owner or
1048 person in control or custody within 1 hour after requested. Any
1049 vehicle or vessel owner or person in control or custody has the
1050 right to inspect the vehicle or vessel before accepting its
1051 return, and no release or waiver of any kind which would release
1052 the person or firm towing the vehicle or vessel from liability
1053 for damages noted by the owner or person in control or custody
1054 at the time of the redemption may be required from any vehicle
1055 or vessel owner or person in control or custody as a condition
1056 of release of the vehicle or vessel to its owner or person in
1057 control or custody. A detailed receipt showing the legal name of
1058 the company or person towing or removing the vehicle or vessel
1059 must be given to the person paying towing or storage charges at
1060 the time of payment, whether requested or not.

1061 Section 8. This act shall take effect July 1, 2024.