

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 786

INTRODUCER: Senator Evers

SUBJECT: Towing of Vehicles and Vessels

DATE: February 20, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			RI	
3.			FP	

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**I. Summary:**

SB 786 authorizes an owner or lessee of real property, which may include a representative of a condominium association, cooperative association, or homeowners' association, to have a vehicle or vessel removed from the property without posted tow-away zone signage if the vehicle or vessel has been parked or stored on the property for more than five days.

**II. Present Situation:**

Section 715.07, F.S., authorizes the owner of real property to have towed or removed from the property by a person regularly engaged in the business of towing any vehicle or vessel parked on such property without the property owner's permission and without liability for costs. This authorization is subject to strict compliance with specified conditions relating to storage of the towed vehicle or vessel, time limitations for notifying the local police department or sheriff of the towing, and required provision to the police department or sheriff of vehicle or vessel identification information.

With two exceptions,<sup>1</sup> the property owner or lessee must post a specified notice before towing or removing the vehicle or vessel. The notice must:

- 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, except that 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 that unauthorized vehicles will be towed away at the owner's expense, in light-reflective letters not less than two inches high on a contrasting background;

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<sup>1</sup> Property that is obviously a part of a single-family residence, or when notice is personally given to the owner or other 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. See s. 715.07(2)(a)5., F.S.

- Include in letters not less than four inches high the words “tow-away zone”; and
- Provide the name and current telephone number of the person or firm towing or removing the vehicle or vessel.

In addition, the sign structure containing the required notices must be permanently installed with the words “tow-away zone” not less than three feet or more than six feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to towing or removing any vehicle or vessel.

A business with 20 or fewer parking spaces may satisfy the above-described 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 light-reflective letters not less than four inches high.

Section 715.07, F.S., provides for two instances in which towing is permissible although signage is not visible. 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. 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. An order must be signed by the owner, lessee, or agent for the vehicle or vessel to be removed without a posted tow-away zone sign.

### **III. Effect of Proposed Changes:**

The bill amends s. 715.07, F.S., to authorize a person or firm towing a vehicle or vessel from real property that is properly posted with tow-away signage to note on the trip record the case number or badge number of the person to whom the information was reported. The note must be made at the time of the telephone call to the police department or sheriff’s office to give notice of the tow or removal. Alternatively, the person may attach the electronic receipt received from the department or office to the trip record if the notification was made via an electronic process approved by the department or office. These methods would be in lieu of noting on the trip record the name of the person at the police department or sheriff’s office to whom the notice and vehicle identification and location information is given.

The bill further provides that, in addition to current authorizations for causing a vehicle to be towed, when a vehicle or vessel has been parked on private property without a posted tow-away sign for more than five days, the real property owner (or agent) may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed.

The five-day period does not begin to run until both of the following requirements are met:

- The owner (or agent) of the real property physically attaches to the vehicle or vessel with adhesive material a notice that the vehicle or vessel will be towed or removed from the real property. The notice must:
  - In the case of a vehicle, be attached to the vehicle’s windshield.
  - In the case of a vessel, be attached adjacent to the vessel registration number on the left or port side of the vessel.

- Be at least eight by ten inches in size and 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 local law enforcement agency verifies and documents with a police report that the notice is compliant.
  - Provide the name and phone number of the proposed towing company.
- The local law enforcement agency is notified of the notice being posted, and the enforcement agency verifies and documents that the notice is compliant with a police report. The report must be provided to the property owner and the towing company.

The bill also makes grammatical and editorial changes and corrects cross-references necessitated by statutory changes made elsewhere in the bill.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked on the property for more than five days. Practically, it is expected that most business owners are likely to already have tow-away zone signage pursuant to current law. Thus, the cost savings is more likely to occur for non-business private property owners.

C. Government Sector Impact:

Local law enforcement agencies will incur indeterminate expenses associated with verifying and documenting via police reports compliance with the specified notice requirements.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 715.07 of the Florida Statutes:

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.