

By Senator Campbell

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A bill to be entitled

An act relating to fees for towing and storage of vehicles; amending s. 713.78, F.S.; limiting the fees that may be charged for towing and storing stolen vehicles; providing a cause of action; providing damages; providing for attorney's fees; providing an effective date.

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

Section 1. Subsection (2) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles.--

(2) Whenever a person regularly engaged in the business of transporting vehicles by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or mobile home upon instructions from:

(a) The owner thereof; or

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

(c) Any law enforcement agency; or

(d) A mobile home park owner as defined in s. 723.003 who has a current writ of possession for a mobile home lot pursuant to s. 723.061,

she or he shall have a lien on such vehicle for a reasonable towing fee and for a reasonable storage fee; except that no storage fee shall be charged if such vehicle is stored for

1 less than 6 hours. A reasonable towing fee for towing a stolen
2 vehicle at the request of a law enforcement agency may not
3 exceed \$45 for the first mile and \$2 per mile for each
4 additional mile. A reasonable storage fee for storing a stolen
5 vehicle at the request of a law enforcement agency may not
6 exceed \$5 per day, and no fee may be charged until after the
7 14th day of storage.

8 Section 2. The owner of a vehicle or mobile home who
9 is charged a fee in excess of the reasonable fee prescribed in
10 section 713.78(2), Florida Statutes, has a cause of action
11 against the person towing or storing such vehicle or mobile
12 home for damages not to exceed \$1,000 and for attorney's fees.

13 Section 3. This act shall take effect upon becoming a
14 law.

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17 SENATE SUMMARY

18 Provides that a reasonable towing fee for towing a stolen
19 vehicle at the request of a law enforcement agency may
20 not exceed \$45 for the first mile and \$2 per mile for
21 each additional mile. Provides that a reasonable storage
22 fee for storing a stolen vehicle at the request of a law
23 enforcement agency may not exceed \$5 per day, and no fee
24 may be charged until after the 14th day of storage. A
25 person whose vehicle or mobile home is towed and stored
26 and who is charged a fee in excess of the prescribed fees
27 has a cause of action for damages not to exceed \$1,000
28 and for attorney's fees.
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