

By Representative Barreiro

1 A bill to be entitled
2 An act relating to vessels; amending s. 328.17,
3 F.S.; revising language with respect to the
4 nonjudicial sale of vessels; revising
5 timeframes for notice of certain sales;
6 revising certain notice timeframes; providing
7 requirements with respect to towed vessels;
8 providing for liens on certain vessels;
9 providing procedures; providing for sale of
10 certain vessels; providing for liability;
11 providing requirements with respect to
12 waterborne towing vessels; providing for vessel
13 inspection; providing for certificates of
14 destruction; providing for fees; providing for
15 rules and penalties; requiring the satisfaction
16 of certain liens prior to the sale or
17 destruction of a vessel or its contents;
18 amending s. 715.05, F.S.; providing for the
19 reporting of unclaimed vessels; amending s.
20 715.07, F.S.; providing for the towing of
21 vessels docked on private property; providing
22 an effective date.

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

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26 Section 1. Section 328.17, Florida Statutes, is
27 amended to read:

28 328.17 Nonjudicial sale of vessels.--

29 (1) It is the intent of the Legislature that any
30 nonjudicial sale of any unclaimed vessel held for unpaid costs
31 of repairs, improvements, or other work and related storage

1 charges, or any vessel held for failure to pay removal costs
2 pursuant to s. 327.53(7), or any undocumented vessel in
3 default of marina storage fees be disposed of pursuant to the
4 provisions of this section.

5 (2) The Department of Highway Safety and Motor
6 Vehicles shall provide certification forms for the nonjudicial
7 sale of vessels as authorized by this section.

8 (3) When a vessel is sold by a lienor in accordance
9 with this section, a purchaser for value takes title to the
10 vessel free and clear of all claims, liens, and encumbrances
11 whatsoever, unless otherwise provided by court order. ~~Unless~~
12 ~~otherwise stated, all nonjudicial sales as provided in this~~
13 ~~section shall be subject to prior recorded liens against said~~
14 ~~vessels.~~

15 (4) Written leases for the storage of undocumented
16 vessels which are executed between a marina or other storage
17 facility in this state and persons who own such undocumented
18 vessels shall contain a provision which authorizes the marina
19 or other storage facility to sell such vessels at a
20 nonjudicial sale in the event of nonpayment of rent for a
21 period of 35 days ~~6 months~~. Said provision shall be set forth
22 in bold print. Such leases are valid and enforceable under the
23 following conditions:

24 (a) The written lease contains the address of the
25 vessel owner and the marina or other storage facility sends
26 written notice by certified ~~or registered~~ mail, return receipt
27 requested, to the address of the vessel owner as set forth in
28 the lease at least 15 ~~30~~ days prior to the proposed sale.

29 (b) The marina or other storage facility sends written
30 notice of nonjudicial sale by certified ~~or registered~~ letter,
31 return receipt requested, to each recorded lienholder of such

1 vessel registered with this state as shown by the records of
2 the Department of Highway Safety and Motor Vehicles at least
3 15 ~~30~~ days prior to the proposed sale. In the event the
4 vessel is registered with another state, such verification and
5 notification of lienholder interests shall be based on records
6 maintained by the vessel registering authority of the other
7 state.

8 (c) The marina or other storage facility publishes in
9 a newspaper of general circulation in the county in which the
10 marina or other storage facility is located a notice
11 indicating the time and place of the sale; a complete
12 description of the vessel; and a statement that the sale will
13 be a public sale at auction to the highest bidder, provided
14 the sale price is greater than 50 percent of the fair market
15 value of said vessel. Fair market value shall be determined by
16 two independent appraisals by factory representatives of the
17 vessel's manufacturer or licensed marine surveyors. The notice
18 shall be published at least 10 days prior to the sale.

19 (5) In the event the proceeds from a sale conducted in
20 conformance with the provisions of subsection (4) exceed the
21 storage fees due and owing on the vessel as of the date of
22 sale, together with the costs of the sale, including
23 publication costs and appraisal costs, the balance of the
24 proceeds shall be deposited within 72 hours after ~~of~~ the sale
25 with the clerk of the circuit court of the county in which the
26 sale is held, to be returned to the owner or lienholder of the
27 vessel sold upon application within 1 year from the date of
28 the sale by the owner or lienholder, less any fee charged by
29 the clerk for such deposit, as allowed by law.

30 (6) In making application for transfer of title from a
31 previous owner in default of ~~marina~~ storage fees, the new

1 owner shall establish proof of ownership by submitting with
2 the application, which includes the applicable fees and
3 original bill of sale executed by the marina, a certified copy
4 of the written lease signed by the marina or other storage
5 facility and the previous owner, a copy of each ~~registered or~~
6 certified letter sent by the marina or other storage facility
7 to the previous owner and lienholder, certified copies of the
8 appraisals as required in paragraph (4)(c), a certified copy
9 of the signed receipt from the clerk of the circuit court for
10 any proceeds from the sale deposited with the county in which
11 the sale was held, and a certified copy of the public notice
12 of intent to sell published in a newspaper of general
13 circulation in the county in which the marina or other storage
14 facility is located. At the time the purchase price is paid,
15 the marina or other storage facility shall provide the
16 documentation required by this subsection to the purchaser.

17 (7) Any person who, with the consent of the owner, has
18 physical possession of an undocumented unclaimed vessel for
19 repairs, improvements, or other work shall have an unrecorded
20 lien against the vessel for all reasonable costs of the
21 completed work and associated reasonable towing and storage
22 charges levied against the vessel. The work order shall be
23 signed by the owner of the vessel authorizing the work to be
24 done. If the costs which give rise to such a lien are due and
25 unpaid 60 ~~90~~ days after the vessel owner is given written
26 notice of the completed work, said person may sell the vessel,
27 including its machinery, rigging, and accessories, at public
28 auction. ~~Wrecker service in and of itself shall not~~
29 ~~constitute repair or storage, and the charge for such service~~
30 ~~shall not be grounds for the establishment of a lien interest~~
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1 ~~in the vessel.~~ The sale of such vessel shall be valid and
2 enforceable under the following conditions:

3 (a) The person who intends to sell an undocumented
4 vessel registered with the state sends written notice of
5 nonjudicial sale and an itemized invoice of the charges owed
6 and due to the owners and recorded lienholders of said vessel
7 at least 45 ~~30~~ days prior to the sale. Such notice shall be
8 considered made when certified ~~or registered~~ letters, return
9 receipt requested, are mailed to the owners and recorded
10 lienholders at the latest address of each as shown by the
11 records of the Department of Highway Safety and Motor
12 Vehicles. In the event said vessel is registered in another
13 state, such verification and notification shall be based on
14 ownership and lienholder interest records maintained by the
15 vessel registering authority of the other state.

16 (b) A notice is published in a newspaper of general
17 circulation in the county in which the repair business is
18 located and in the county of the owner's last known address at
19 least 20 ~~10~~ days prior to the date of the sale. Such notice
20 shall indicate the time and place of the sale; shall contain a
21 complete description of the vessel, including the name of any
22 known owner; and shall contain a statement that the sale will
23 be a public sale at auction to the highest bidder, provided
24 the sale price is greater than 50 percent of the fair market
25 value of said vessel. Fair market value shall be determined by
26 two independent appraisals by factory representatives of the
27 vessel's manufacturer or licensed marine surveyors.

28 (c) The proceeds from the sale, less the costs
29 incurred in the sale and the reasonable costs for the work
30 done on the vessel and associated reasonable towing and
31 storage costs, shall be deposited within 72 hours after the

1 sale with the clerk of the circuit court of the county in
2 which the sale is held. Upon receipt of the proceeds, the
3 clerk shall be entitled to receive 5 percent of said proceeds
4 for the care and disbursement thereof. At any time within 1
5 year after the sale of such vessel, the former owners or
6 lienholders of the vessel may recover the net proceeds by
7 filing a claim with the clerk against the county.

8 (8) Whenever a person regularly engaged in the
9 business of transporting vessels by use of another vessel
10 equipped for the purpose of transporting or towing a vessel,
11 commonly known as a waterborne towing service, or by wrecker,
12 tow truck, or similar motor vehicle recovers, removes, or
13 stores a vessel upon instruction from:

14 (a) The owner thereof;

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

19 (c) Any law enforcement agency,

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21 the person shall have a lien on such vessel for a reasonable
22 towing fee and for a reasonable storage fee, except that no
23 storage fee shall be charged if such vessel is stored for less
24 than 6 hours.

25 (9)(a) Any person regularly engaged in the business of
26 recovering, towing, or storing vessels who comes into
27 possession of a vessel pursuant to subsection (8) and who
28 claims a lien for recovery, towing, or storage services shall
29 give notice to the registered owner and to all persons
30 claiming a lien thereon, as disclosed by the records in the

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1 Department of Highway Safety and Motor Vehicles or of a
2 corresponding agency in any other state.

3 (b) Notice by certified mail, return receipt
4 requested, shall be sent within 7 business days after the date
5 of storage of the vessel to the registered owner and to all
6 persons of record claiming a lien against the vessel. It
7 shall state the fact of possession of the vessel, that a lien
8 as provided in subsection (8) is claimed, that charges have
9 accrued and the amount thereof, that the lien is subject to
10 enforcement pursuant to law, that the owner or lienholder, if
11 any, has the right to a hearing as set forth in subsection
12 (10), and that any vessel which remains unclaimed, or for
13 which the charges for recovery, towing, or storage services
14 remain unpaid, may be sold in 35 days free of all prior liens.

15 (c) If attempts to locate the owner or lienholder
16 prove unsuccessful, the towing-storage operator shall, 7
17 working days, excluding Saturday and Sunday, after the initial
18 tow or storage, notify the public agency of jurisdiction in
19 writing by certified mail, return receipt requested, or
20 acknowledged hand delivery that the towing-storage company has
21 been unable to locate the owner or lienholder and a physical
22 search of the vessel has disclosed no ownership information
23 and a good faith best effort has been made. For purposes of
24 this paragraph, subsection (14), and s. 715.05, "good faith
25 best effort" means that the following checks have been
26 performed by the towing-storage company to establish prior
27 state of registration and for title:

28 1. Check of vessel for any registration number or hull
29 identification number.

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1 2. Check of law enforcement report for the
2 registration number or hull identification number if the
3 vessel was towed at the request of a law enforcement officer.

4 3. Check of trip sheet or tow ticket of the towing
5 operator to see if a registration number or hull
6 identification number was on the vessel at the beginning of
7 tow, if a private tow.

8 4. If there is no address of the owner on the impound
9 report, check of law enforcement report to see if an
10 out-of-state address is indicated from the operator's
11 information.

12 5. Check of vessel for registration decals or other
13 stickers that may indicate a state of possible registration.

14 6. Check of the interior of the vessel for any papers
15 that may provide a state of registration.

16 (10)(a) The owner of a vessel removed pursuant to the
17 provisions of subsection (8), or any person claiming a lien,
18 other than the towing-storage operator, within 10 days after
19 the time the owner or person claiming a lien has knowledge of
20 the location of the vessel, may file a complaint in the county
21 court of the county in which the vessel is stored or in which
22 the owner resides, to determine if the property was wrongfully
23 taken or withheld.

24 (b) Upon filing of a complaint, an owner or lienholder
25 may have the vessel released upon posting with the court a
26 cash or surety bond or other adequate security equal to the
27 amount of the charges for towing or storage to ensure the
28 payment of such charges in the event the owner or lienholder
29 does not prevail. Upon posting of the bond and payment of the
30 applicable fee set forth in s. 28.24, the clerk of the court
31 shall issue a certificate notifying the lienor of the posting

1 of the bond and directing the lienor to release the vessel.
2 At the time of such release, after reasonable inspection, the
3 lienor shall give a receipt to the towing-storage company
4 reciting any claim the lienor has for loss or damage to the
5 vessel or the contents thereof.

6 (c) Upon determining the respective rights of the
7 parties, the court may award damages and costs in favor of the
8 prevailing party. In any event, the final order shall provide
9 for immediate payment in full of recovery, towing, and storage
10 fees by the vessel owner or lienholder; the agency ordering
11 the tow; or the owner, lessee, or agent thereof of the
12 property from which the vessel was removed.

13 (11) Any vessel which is stored pursuant to subsection
14 (8) and which remains unclaimed, or for which reasonable
15 charges for recovery, towing, or storing remain unpaid, and
16 any contents not released pursuant to subsection (15) may be
17 sold by the owner or operator of the storage space for such
18 towing or storage charge after 35 days from the time the
19 vessel is stored therein. The sale shall be at public auction
20 for cash. If the date of the sale was not included in the
21 notice required in subsection (9), notice of the sale shall be
22 given to the person in whose name the vessel is registered and
23 to all persons claiming a lien on the vessel as shown on the
24 records of the Department of Highway Safety and Motor Vehicles
25 or of the corresponding agency in any other state. Notice
26 shall be sent by certified mail, return receipt requested, to
27 the owner of the vessel and the person having the recorded
28 lien on the vessel at the address shown on the records of the
29 registering agency and shall be mailed not less than 15 days
30 before the date of the sale. After diligent search and
31 inquiry, if the name and address of the registered owner or

1 the owner of the recorded lien cannot be ascertained, the
2 requirement of notice by mail may be dispensed with. In
3 addition to the notice by mail, public notice of the time and
4 place of sale shall be made by publishing a notice thereof one
5 time, at least 10 days prior to the date of the sale, in a
6 newspaper of general circulation in the county in which the
7 sale is to be held. The proceeds of the sale, after payment
8 of reasonable towing and storage charges and costs of the
9 sale, in that order of priority, shall be deposited with the
10 clerk of the circuit court for the county, if the owner is
11 absent, and the clerk shall hold such proceeds subject to the
12 claim of the person legally entitled thereto. The clerk shall
13 be entitled to receive 5 percent of such proceeds for the care
14 and disbursement thereof. The certificate of title issued
15 under this law shall be discharged of all liens unless
16 otherwise provided by court order.

17 (12) No person regularly engaged in the business of
18 recovering, towing, or storing vessels shall be liable for
19 damages connected with such services, provided that the
20 services have been performed with reasonable care and
21 provided, further, that, in the case of removal of a vessel on
22 the request of a person purporting and reasonably appearing to
23 be the owner or lessee of the property from which such vessel
24 is removed, such removal has been done in compliance with s.
25 715.07.

26 (13) A person regularly engaged in the business of
27 recovering, towing, or storing vessels, except a person
28 licensed under chapter 493 while engaged in repossession
29 activities as defined in s. 493.6101, may not operate a
30 waterborne towing vessel or a wrecker, tow truck, or similar
31 motor vehicle unless the name, address, and telephone number

1 of the company performing the service is clearly printed in
2 contrasting colors on both sides of the vessel or the driver
3 and passenger sides of a vehicle. The name must be in at
4 least 3-inch permanently affixed letters, and the address and
5 telephone numbers must be in at least 1-inch permanently
6 affixed letters.

7 (14) Failure to make good faith best efforts to comply
8 with the notice requirements of this section shall preclude
9 the imposition of any storage charges against such vessel.

10 (15) Persons who provide services pursuant to this
11 section shall permit vessel owners or their agents, which
12 agency is evidenced by a writing acknowledged by the owner
13 before a notary public or other person empowered by law to
14 administer oaths, to inspect the towed vessel and shall
15 release to the owner or agent all personal property not
16 affixed to the vessel which was in the vessel at the time the
17 vessel came into the custody of the person providing such
18 services.

19 (16)(a) Any person regularly engaged in the business
20 of recovering, towing, or storing vessels who comes into
21 possession of a vessel pursuant to subsection (8) and who has
22 complied with the provisions of subsection (9), when such
23 vessel is to be sold for the purpose of being dismantled,
24 destroyed, or changed in such a manner that it is not the
25 vessel described in the certificate of title, shall apply to
26 the county tax collector for a certificate of destruction. A
27 certificate of destruction, which authorizes the dismantling
28 or destruction of the vessel described therein, shall be
29 reassignable and shall accompany the vessel for which it is
30 issued, when such vessel is sold for such purposes, in lieu of
31 a certificate of title. The application for a certificate of

1 destruction shall include an affidavit from the applicant that
2 the applicant has complied with all applicable requirements of
3 this section and, if the vessel is not registered in this
4 state, by a statement from a law enforcement officer that the
5 vessel is not reported stolen, and shall be accompanied by
6 such documentation as may be required by the department.

7 (b) The Department of Highway Safety and Motor
8 Vehicles shall charge a fee of \$3 for each certificate of
9 destruction. A service charge of \$4.25 shall be collected and
10 retained by the tax collector who processes the application.

11 (c) The Department of Highway Safety and Motor
12 Vehicles may adopt such rules as it deems necessary or proper
13 for the administration of this subsection.

14 (17)(a) Any person who violates any provision of
15 subsections (4) through (9) is guilty of a misdemeanor of the
16 first degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 (b) Any person who violates the provisions of
19 subsections (12) through (15) is guilty of a felony of the
20 third degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

22 (c) Any person who uses a false or fictitious name,
23 gives a false or fictitious address, or makes any false
24 statement in any application or affidavit required under the
25 provisions of this section is guilty of a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 775.084.

28 (18)(8) When any vessel is sold pursuant to subsection
29 (7), the person selling the vessel, at the time the purchase
30 price is paid, shall deliver to the purchaser an executed bill
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1 of sale and certified copies of the documentation required by
2 subsection (7).

3 (19)~~(9)~~ In making application for transfer of title
4 from a previous owner whose vessel is sold pursuant to
5 subsection (7), the new owner shall establish proof of
6 ownership by submitting with the application, which includes
7 the applicable fees and sales tax, the original bill of sale
8 executed by the repair business, certified copies of the
9 documentation required by subsection (7), and a certified copy
10 of the signed receipt from the clerk of the circuit court for
11 any proceeds from the sale deposited with the county in which
12 the sale was held.

13 (20) All maritime liens claimed against a vessel under
14 46 U.S.C. ss. 31301-31343 must be satisfied prior to the sale
15 or destruction of a vessel or its contents by any lienholder
16 established pursuant to this section.

17 Section 2. Section 715.05, Florida Statutes, is
18 amended to read:

19 715.05 Reporting of unclaimed motor vehicles or
20 vessels.--

21 (1) Whenever any law enforcement agency authorizes the
22 removal of a vehicle or vessel or whenever any towing service,
23 garage, repair shop, or automotive service, storage, or
24 parking or docking place notifies the law enforcement agency
25 of possession of a vehicle or vessel pursuant to s.
26 715.07(2)(a)2., the applicable law enforcement agency shall
27 contact the Department of Highway Safety and Motor Vehicles,
28 or the appropriate agency of the state of registration, if
29 known, within 24 hours by telephone or fax or through the
30 medium of electronic communications giving the full
31 description of the vehicle or vessel. Upon receipt of the

1 full description of the vehicle or vessel, the department
2 shall search its files to determine the owner's name and
3 whether any person has filed a lien upon the vehicle or vessel
4 as provided in s. 319.27(2) and (3) and notify the applicable
5 law enforcement agency within 72 hours. The person in charge
6 of the towing service, garage, repair shop, or automotive
7 service, storage, or parking or docking place shall obtain
8 such information from the applicable law enforcement agency
9 within 5 days from the date of storage and shall, by certified
10 mail, return receipt requested, notify the owner and all
11 lienholders of the location of the vehicle or vessel and of
12 the fact that it is unclaimed. Such notice shall be given
13 within 7 days, excluding Saturday and Sunday, from the date of
14 storage and shall be complete upon mailing; however, if the
15 state of registration is unknown, the person in charge of the
16 towing service, garage, repair shop, or automotive service,
17 storage, or parking or docking place shall make a good faith
18 best effort in so notifying the owner and any lienholders, and
19 such notice shall be given within a reasonable period of time
20 from the date of storage.

21 (2) Nothing herein contained shall apply to any
22 licensed public lodging establishment.

23 (3) Failure to make good faith best efforts to comply
24 with the notice requirement of this section or of s.
25 715.07(2)(a)2., as appropriate, shall preclude the imposition
26 of any storage charges against such vehicle or vessel.

27 Section 3. Section 715.07, Florida Statutes, is
28 amended to read:

29 715.07 Vehicles and vessels parked or docked on
30 private property; towing.--

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1 (1) As used in this section, the term "vehicle" means
2 any mobile item which normally uses wheels, whether motorized
3 or not. The term "vessel" is synonymous with boat as used in
4 s. 1(b), Art. VII of the State Constitution and includes every
5 description of watercraft, barge, and air boat, other than a
6 seaplane on the water, used or capable of being used as a
7 means of transportation on water.

8 (2) The owner or lessee of real property or of a
9 private dock, or any person authorized by the owner or lessee,
10 which person may be the designated representative of the
11 condominium association if the real property is a condominium,
12 may cause any vehicle parked on such property or vessel moored
13 at such dock without his permission to be removed by a person
14 regularly engaged in the business of towing vehicles or
15 vessels, without liability for the costs of removal,
16 transportation, or storage or damages caused by such removal,
17 transportation, or storage, under any of the following
18 circumstances:

19 (a) The towing or removal of any vehicle or vessel
20 from private property without the consent of the registered
21 owner or other legally authorized person in control of that
22 vehicle or vessel is subject to strict compliance with the
23 following conditions and restrictions:

24 1.a. Any towed or removed vehicle or vessel must be
25 stored at a site within 10 miles of the point of removal in
26 any county of 500,000 population or more, and within 15 miles
27 of the point of removal in any county of less than 500,000
28 population. That site must be open for the purpose of
29 redemption of vehicles or vessels on any day that the person
30 or firm towing such vehicle or vessel is open for towing
31 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall

1 have prominently posted a sign indicating a telephone number
2 where the operator of the site can be reached at all times.
3 Upon receipt of a telephoned request to open the site to
4 redeem a vehicle or vessel, the operator shall return to the
5 site within 1 hour or he will be in violation of this section.

6 b. If no towing business providing such service is
7 located within the area of towing limitations set forth in
8 sub-subparagraph a., the following limitations apply: any
9 towed or removed vehicle or vessel must be stored at a site
10 within 20 miles of the point of removal in any county of
11 500,000 population or more, and within 30 miles of the point
12 of removal in any county of less than 500,000 population.

13 2. The person or firm towing or removing the vehicle
14 or vessel shall, within 30 minutes of completion of such
15 towing or removal, notify the municipal police department or,
16 in an unincorporated area, the sheriff of such towing or
17 removal, the storage site, the time the vehicle or vessel was
18 towed or removed, and the make, model, color, and license
19 plate number of the vehicle or registration number and full
20 identification number of a vessel and shall obtain the name of
21 the person at that department to whom such information was
22 reported and note that name on the trip record.

23 3. If the registered owner or other legally authorized
24 person in control of the vehicle or vessel arrives at the
25 scene prior to removal or towing of the vehicle or vessel, the
26 vehicle or vessel shall be disconnected from the towing or
27 removal apparatus, and that person shall be allowed to remove
28 the vehicle or vessel without interference upon the payment of
29 a reasonable service fee of not more than one-half of the
30 posted rate for such towing service as provided in
31 subparagraph 6., for which a receipt shall be given, unless

1 that person refuses to remove the vehicle or vessel which is
2 otherwise unlawfully parked.

3 4. The rebate or payment of money or any other
4 valuable consideration from the individual or firm towing or
5 removing vehicles or vessels to the owners or operators of the
6 premises from which the vehicles or vessels are towed or
7 removed, for the privilege of removing or towing those
8 vehicles or vessels, is prohibited.

9 5. Except for property or a private dock appurtenant
10 to and obviously a part of a single-family residence, and
11 except for instances when notice is personally given to the
12 owner or other legally authorized person in control of the
13 vehicle or vessel that the area in which that vehicle or
14 vessel is parked or docked is reserved or otherwise
15 unavailable for unauthorized vehicles or vessels and subject
16 to being removed at the owner's or operator's expense, any
17 property or dock owner or lessee, or person authorized by the
18 property or dock owner or lessee, prior to towing or removing
19 any vehicle or vessel from private property or from a private
20 dock without the consent of the owner or other legally
21 authorized person in control of that vehicle or vessel, must
22 post a notice meeting the following requirements:

23 a. In the case of real property, the notice must be
24 prominently placed at each driveway access or curb cut
25 allowing vehicular access to the property, within 5 feet from
26 the public right-of-way line. If there are no curbs or access
27 barriers, the signs must be posted not less than one sign for
28 each 25 feet of lot frontage. In the case of a private dock,
29 the sign must be placed at the end of the dock so that such
30 sign is visible to the owner or operator of an approaching
31 vessel.

1 b. The notice must clearly indicate, in not less than
2 2-inch high, light-reflective letters on a contrasting
3 background, that unauthorized vehicles or vessels will be
4 towed away at the owner's expense. The words "tow-away zone"
5 must be included on the sign in not less than 4-inch high
6 letters.

7 c. The notice must also provide the name and current
8 telephone number of the person or firm towing or removing the
9 vehicles or vessels, if the property or dock owner, lessee, or
10 person in control of the property or dock has a written
11 contract with the towing company.

12 d. The sign structure containing the required notices
13 must be permanently installed with the words "tow-away zone"
14 not less than 3 feet and not more than 6 feet above ground
15 level and must be continuously maintained on the property or
16 at the end of the dock so that such sign is visible to the
17 owner or operator of an approaching vessel for not less than
18 24 hours prior to the towing or removal of any vehicles or
19 vessels.

20 e. The local government may require permitting and
21 inspection of these signs prior to any towing or removal of
22 vehicles or vessels being authorized.

23 f. A business with 20 or fewer parking or docking
24 spaces satisfies the notice requirements of this subparagraph
25 by prominently displaying a sign stating "Reserved Parking or
26 Docking for Customers Only Unauthorized Vehicles or Vessels
27 Will be Towed Away At the Owner's Expense" in not less than
28 4-inch high, light-reflective letters on a contrasting
29 background.

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1 A business owner or lessee may authorize the removal of a
2 vehicle or vessel by a towing company when the vehicle or
3 vessel is parked or docked in such a manner that restricts the
4 normal operation of business; and if a vehicle or vessel
5 parked or docked on a public right-of-way obstructs access to
6 a private driveway the owner, lessee, or agent may have the
7 vehicle or vessel removed by a towing company upon signing an
8 order that the vehicle or vessel be removed without a posted
9 tow-away zone sign.

10 6. Any person or firm that tows or removes vehicles or
11 vessels and proposes to require an owner, operator, or person
12 in control of a vehicle or vessel to pay the costs of towing
13 and storage prior to redemption of the vehicle or vessel must
14 file and keep on record with the local law enforcement agency
15 a complete copy of the current rates to be charged for such
16 services and post at the storage site an identical rate
17 schedule and any written contracts with property or dock
18 owners, lessees, or persons in control of property or docks
19 which authorize such person or firm to remove vehicles or
20 vessels as provided in this section.

21 7. Any person or firm towing or removing any vehicles
22 or vessels from private property or a private dock without the
23 consent of the owner or other legally authorized person in
24 control of the vehicles or vessels shall, on any trucks,
25 wreckers as defined in s. 713.78(1)(b), or other vehicles or
26 vessels used in the towing or removal, have the name, address,
27 and telephone number of the company performing such service
28 clearly printed in contrasting colors on the driver and
29 passenger sides of the vehicle or vessel. The name shall be
30 in at least 3-inch permanently affixed letters, and the
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1 address and telephone number shall be in at least 1-inch
2 permanently affixed letters.

3 8. Vehicle or vessel entry for the purpose of removing
4 the vehicle or vessel shall be allowed with reasonable care on
5 the part of the person or firm towing the vehicle or vessel.
6 Such person or firm shall be liable for any damage occasioned
7 to the vehicle or vessel if such entry is not in accordance
8 with the standard of reasonable care.

9 9. When a vehicle or vessel has been towed or removed
10 pursuant to this section, it must be released to its owner or
11 custodian within one hour after requested. Any vehicle or
12 vessel owner, custodian, or agent shall have the right to
13 inspect the vehicle or vessel before accepting its return, and
14 no release or waiver of any kind which would release the
15 person or firm towing the vehicle from liability for damages
16 noted by the owner or other legally authorized person at the
17 time of the redemption may be required from any vehicle or
18 vessel owner, custodian, or agent as a condition of release of
19 the vehicle or vessel to its owner. A detailed, signed
20 receipt showing the legal name of the company or person towing
21 or removing the vehicle or vessel must be given to the person
22 paying towing or storage charges at the time of payment,
23 whether requested or not.

24 (b) These requirements shall be the minimum standards
25 and shall not preclude enactment of additional regulations by
26 any municipality or county including the right to regulate
27 rates when vehicles or vessels are towed from private docks or
28 property.

29 (3) This section does not apply to law enforcement,
30 firefighting, rescue squad, ambulance, or other emergency

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1 vehicles or vessels which are marked as such or to property
2 owned by any governmental entity.

3 (4) When a person improperly causes a vehicle or
4 vessel to be removed, such person shall be liable to the owner
5 or lessee of the vehicle or vessel for the cost of removal,
6 transportation, and storage; any damages resulting from the
7 removal, transportation, or storage of the vehicle or vessel;
8 attorneys' fees; and court costs.

9 (5)(a) Any person who violates the provisions of
10 subparagraph (2)(a)2. or subparagraph (2)(a)6. is guilty of a
11 misdemeanor of the first degree, punishable as provided in s.
12 775.082 or s. 775.083.

13 (b) Any person who violates the provisions of
14 subparagraph (2)(a)7. is guilty of a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 Section 4. This act shall take effect October 1, 1997.

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20 HOUSE SUMMARY

21 Provides a procedure for the towing of vessels and for
22 the attachment of liens to such vessels for towing
23 services in a manner similar to current provisions with
24 respect to motor vehicles. See bill for details.
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