



HB 1635

2003

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A bill to be entitled
 An act relating to motor vehicles; amending s. 715.07, F.S.; requiring described citation prior to removal of a vehicle from public right-of-way without specified approval; providing vehicle owner or other person responsible for the vehicle relief from liability for certain costs upon violation; reenacting ss. 316.515(8)(d) and 713.78(2)(b), (3), and (7)(a), F.S., to incorporate the amendments to s. 715.07, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles parked on private property; towing.--

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

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



HB 1635

2003

31 1.a. Any towed or removed vehicle must be stored at a site
32 within 10 miles of the point of removal in any county of 500,000
33 population or more, and within 15 miles of the point of removal
34 in any county of less than 500,000 population. That site must be
35 open for the purpose of redemption of vehicles on any day that
36 the person or firm towing such vehicle is open for towing
37 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall
38 have prominently posted a sign indicating a telephone number
39 where the operator of the site can be reached at all times. Upon
40 receipt of a telephoned request to open the site to redeem a
41 vehicle, the operator shall return to the site within 1 hour or
42 she or he will be in violation of this section.

43 b. If no towing business providing such service is located
44 within the area of towing limitations set forth in sub-
45 subparagraph a., the following limitations apply: any towed or
46 removed vehicle must be stored at a site within 20 miles of the
47 point of removal in any county of 500,000 population or more,
48 and within 30 miles of the point of removal in any county of
49 less than 500,000 population.

50 2. The person or firm towing or removing the vehicle
51 shall, within 30 minutes of completion of such towing or
52 removal, notify the municipal police department or, in an
53 unincorporated area, the sheriff of such towing or removal, the
54 storage site, the time the vehicle was towed or removed, and the
55 make, model, color, and license plate number of the vehicle and
56 shall obtain the name of the person at that department to whom
57 such information was reported and note that name on the trip
58 record.

59 3. If the registered owner or other legally authorized
60 person in control of the vehicle arrives at the scene prior to



HB 1635

2003

61 removal or towing of the vehicle, the vehicle shall be
62 disconnected from the towing or removal apparatus, and that
63 person shall be allowed to remove the vehicle without
64 interference upon the payment of a reasonable service fee of not
65 more than one-half of the posted rate for such towing service as
66 provided in subparagraph 6., for which a receipt shall be given,
67 unless that person refuses to remove the vehicle which is
68 otherwise unlawfully parked.

69 4. The rebate or payment of money or any other valuable
70 consideration from the individual or firm towing or removing
71 vehicles to the owners or operators of the premises from which
72 the vehicles are towed or removed, for the privilege of removing
73 or towing those vehicles, is prohibited.

74 5. Except for property appurtenant to and obviously a part
75 of a single-family residence, and except for instances when
76 notice is personally given to the owner or other legally
77 authorized person in control of the vehicle that the area in
78 which that vehicle is parked is reserved or otherwise
79 unavailable for unauthorized vehicles and subject to being
80 removed at the owner's or operator's expense, any property owner
81 or lessee, or person authorized by the property owner or lessee,
82 prior to towing or removing any vehicle from private property
83 without the consent of the owner or other legally authorized
84 person in control of that vehicle, must post a notice meeting
85 the following requirements:

86 a. The notice must be prominently placed at each driveway
87 access or curb cut allowing vehicular access to the property,
88 within 5 feet from the public right-of-way line. If there are no
89 curbs or access barriers, the signs must be posted not less than
90 one sign for each 25 feet of lot frontage.



HB 1635

2003

91 b. The notice must clearly indicate, in not less than 2-
92 inch high, light-reflective letters on a contrasting background,
93 that unauthorized vehicles will be towed away at the owner's
94 expense. The words "tow-away zone" must be included on the sign
95 in not less than 4-inch high letters.

96 c. The notice must also provide the name and current
97 telephone number of the person or firm towing or removing the
98 vehicles, if the property owner, lessee, or person in control of
99 the property has a written contract with the towing company.

100 d. The sign structure containing the required notices must
101 be permanently installed with the words "tow-away zone" not less
102 than 3 feet and not more than 6 feet above ground level and must
103 be continuously maintained on the property for not less than 24
104 hours prior to the towing or removal of any vehicles.

105 e. The local government may require permitting and
106 inspection of these signs prior to any towing or removal of
107 vehicles being authorized.

108 f. A business with 20 or fewer parking spaces satisfies
109 the notice requirements of this subparagraph by prominently
110 displaying a sign stating "Reserved Parking for Customers Only
111 Unauthorized Vehicles Will be Towed Away At the Owner's Expense"
112 in not less than 4-inch high, light-reflective letters on a
113 contrasting background.

114 6. A business owner or lessee may authorize the removal of
115 a vehicle by a towing company when the vehicle is parked in such
116 a manner that restricts the normal operation of business; and if
117 a vehicle parked on a public right-of-way obstructs access to a
118 private driveway the owner, lessee, or agent may have the
119 vehicle removed by a towing company upon signing an order that
120 the vehicle be removed without a posted tow-away zone sign. A



HB 1635

2003

121 business owner may not authorize the removal of a vehicle parked
122 on a public right-of-way and no towing company shall remove such
123 vehicle unless the vehicle has been cited for improper parking
124 by a parking enforcement agent or other law enforcement agency
125 and a citation signed by said agent has been left with the
126 vehicle. Removing a vehicle pursuant to this subparagraph that
127 has not been cited as required under this subsection prior to
128 removal relieves the owner or other legally authorized person in
129 control of that vehicle of any liability for cost of removal or
130 storage of the vehicle. The provisions of this subparagraph do
131 not apply to the removal of any vehicle at the direction of any
132 state or local law enforcement officer.

133 ~~7.6-~~ Any person or firm that tows or removes vehicles and
134 proposes to require an owner, operator, or person in control of
135 a vehicle to pay the costs of towing and storage prior to
136 redemption of the vehicle must file and keep on record with the
137 local law enforcement agency a complete copy of the current
138 rates to be charged for such services and post at the storage
139 site an identical rate schedule and any written contracts with
140 property owners, lessees, or persons in control of property
141 which authorize such person or firm to remove vehicles as
142 provided in this section.

143 ~~8.7-~~ Any person or firm towing or removing any vehicles
144 from private property without the consent of the owner or other
145 legally authorized person in control of the vehicles shall, on
146 any trucks, wreckers as defined in s. 713.78(1)(c), or other
147 vehicles used in the towing or removal, have the name, address,
148 and telephone number of the company performing such service
149 clearly printed in contrasting colors on the driver and
150 passenger sides of the vehicle. The name shall be in at least 3-



HB 1635

2003

151 inch permanently affixed letters, and the address and telephone
 152 number shall be in at least 1-inch permanently affixed letters.

153 ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle
 154 shall be allowed with reasonable care on the part of the person
 155 or firm towing the vehicle. Such person or firm shall be liable
 156 for any damage occasioned to the vehicle if such entry is not in
 157 accordance with the standard of reasonable care.

158 ~~10.9.~~ When a vehicle has been towed or removed pursuant to
 159 this section, it must be released to its owner or custodian
 160 within one hour after requested. Any vehicle owner, custodian,
 161 or agent shall have the right to inspect the vehicle before
 162 accepting its return, and no release or waiver of any kind which
 163 would release the person or firm towing the vehicle from
 164 liability for damages noted by the owner or other legally
 165 authorized person at the time of the redemption may be required
 166 from any vehicle owner, custodian, or agent as a condition of
 167 release of the vehicle to its owner. A detailed, signed receipt
 168 showing the legal name of the company or person towing or
 169 removing the vehicle must be given to the person paying towing
 170 or storage charges at the time of payment, whether requested or
 171 not.

172 Section 2. For the purpose of incorporating the amendment
 173 to section 715.07, Florida Statutes, in references thereto,
 174 paragraph (d) of subsection (8) of section 316.515, Florida
 175 Statutes, is reenacted to read:

176 316.515 Maximum width, height, length.--

177 (8) WRECKERS.--The limitations imposed by this section do
 178 not apply to a combination of motor vehicles consisting of a
 179 wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a
 180 disabled motor vehicle, trailer, semitrailer, or tractor-trailer



HB 1635

2003

181 combination, or a replacement motor vehicle, which is under tow
182 by the wrecker, if the size and weight of the towed vehicle is
183 consistent with statutory requirements and the requirements of
184 this subsection.

185 (d) The limitations imposed by this section do not apply
186 to a combination of motor vehicles consisting of a wrecker
187 licensed in accordance with s. 320.08(5)(d) or (e) and a
188 nondisabled tractor-trailer combination that is under tow by the
189 wrecker, if the tractor-trailer combination is being towed by
190 the wrecker in an emergency situation as directed by a law
191 enforcement officer. No wrecker shall tow a nondisabled tractor-
192 trailer combination except in an emergency situation as directed
193 by a law enforcement officer, or as provided in s. 715.07.

194 Section 3. For the purpose of incorporating the amendment
195 to section 715.07, Florida Statutes, in references thereto,
196 paragraph (b) of subsection (2), subsection (3), and paragraph
197 (a) of subsection (7) of section 713.78, Florida Statutes, are
198 reenacted to read:

199 713.78 Liens for recovering, towing, or storing vehicles
200 and vessels.--

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

205 (b) The owner or lessor, or a person authorized by the
206 owner or lessor, of property on which such vehicle is wrongfully
207 parked, and such removal is done in compliance with s. 715.07;
208 or
209



HB 1635

2003

210 she or he shall have a lien on such vehicle or vessel for a
 211 reasonable towing fee and for a reasonable storage fee; except
 212 that no storage fee shall be charged if such vehicle is stored
 213 for less than 6 hours.

214 (3) This section does not authorize any person to claim a
 215 lien on a vehicle for fees or charges connected with the
 216 immobilization of such vehicle using a vehicle boot or other
 217 similar device pursuant to s. 715.07.

218 (7)(a) A wrecker operator recovering, towing, or storing
 219 vehicles or vessels is not liable for damages connected with
 220 such services, theft of such vehicles or vessels, or theft of
 221 personal property contained in such vehicles or vessels,
 222 provided that such services have been performed with reasonable
 223 care and provided, further, that, in the case of removal of a
 224 vehicle or vessel upon the request of a person purporting, and
 225 reasonably appearing, to be the owner or lessee, or a person
 226 authorized by the owner or lessee, of the property from which
 227 such vehicle or vessel is removed, such removal has been done in
 228 compliance with s. 715.07. Further, a wrecker operator is not
 229 liable for damage connected with such services when complying
 230 with the lawful directions of a law enforcement officer to
 231 remove a vehicle stopped, standing, or parked upon a street or
 232 highway in such a position as to obstruct the normal movement of
 233 traffic or in such a condition as to create a hazard to other
 234 traffic upon the street or highway.

235 Section 4. This act shall take effect upon becoming a law.