

1                                   A bill to be entitled  
2           An act relating to recovering, towing, and  
3           storage of motor vehicles, vessels, and mobile  
4           homes; amending s. 319.30, F.S.; redefining the  
5           term "certificate of destruction," to conform;  
6           amending s. 323.001, F.S.; revising certain  
7           towing and storage rates; amending s. 713.78,  
8           F.S.; removing mobile homes from the  
9           application of a statutory lien for towing and  
10          storage; conforming provisions related to  
11          recovering, towing, or storing vessels;  
12          providing for attorney's fees; creating s.  
13          713.785, F.S.; authorizing the imposition of  
14          lien by a mobile home transport company for  
15          recovering, towing, or storing a mobile home;  
16          providing definitions; requiring a mobile home  
17          transport company to provide notice of  
18          recovery, towing, or storage services;  
19          providing for the filing of a complaint;  
20          providing procedures for the sale of an  
21          unclaimed mobile home; specifying circumstances  
22          under which a mobile home transport company  
23          must obtain a certificate of destruction;  
24          providing for fees; authorizing the department  
25          to adopt rules; providing for fees; providing  
26          for issuing certificates of destruction and  
27          revalidation stickers; providing procedures for  
28          disputing a lien and for discharge of a lien;  
29          providing for the posting and repayment of  
30          surety; providing for criminal penalties;  
31          amending s. 715.07, F.S.; defining the term

1 "vessel"; conforming provisions related to  
2 towing vessels parked on private property;  
3 imposing criminal penalties for failure to  
4 comply with certain laws governing the towing  
5 of vehicles and vessels; providing effective  
6 dates.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Paragraph (a) of subsection (1) of section  
11 319.30, Florida Statutes, is amended to read:

12 319.30 Definitions; dismantling, destruction, change  
13 of identity of motor vehicle or mobile home; salvage.--

14 (1) As used in this section, the term:

15 (a) "Certificate of destruction" means the certificate  
16 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

17 Section 2. Subsection (1) of section 323.001, Florida  
18 Statutes, is republished, and paragraph (c) of subsection (2)  
19 of that section is amended, to read:

20 323.001 Wrecker operator storage facilities; vehicle  
21 holds.--

22 (1) An investigating agency may place a hold on a  
23 motor vehicle stored within a wrecker operator's storage  
24 facility for a period not to exceed 5 days, excluding holidays  
25 and weekends, unless extended in writing.

26 (2) The investigating agency must notify the wrecker  
27 operator in writing within 5 days, excluding holidays and  
28 weekends, whether the hold is to be continued. If no  
29 notification follows this period of time, the wrecker operator  
30 may release the vehicle to the designated person pursuant to  
31 s. 713.78.

1 (c) The towing and storage rates for the owner or  
 2 lienholder of the held vehicle shall not exceed the contract  
 3 or county rates ~~for the investigating agency~~.

4 Section 3. Subsections (2), (4), (5), (6), (7), (10),  
 5 (11), and (13) of section 713.78, Florida Statutes, are  
 6 amended to read:

7 713.78 Liens for recovering, towing, or storing  
 8 vehicles and vessels.--

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

13 (a) The owner thereof; ~~or~~

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

18 (c) Any law enforcement agency; ~~or~~

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

22  
 23 she or he shall have a lien on the ~~such~~ vehicle or vessel for  
 24 a reasonable towing fee and for a reasonable storage fee;  
 25 except that no storage fee shall be charged if the ~~such~~  
 26 vehicle is stored for less than 6 hours.

27 (4)(a) Any person regularly engaged in the business of  
 28 recovering, towing, or storing vehicles or vessels who comes  
 29 into possession of a vehicle or vessel pursuant to subsection  
 30 (2), and who claims a lien for recovery, towing, or storage  
 31 services, shall give notice to the registered owner, the

1 insurance company insuring the vehicle notwithstanding the  
2 provisions of s. 627.736, and to all persons claiming a lien  
3 thereon, as disclosed by the records in the Department of  
4 Highway Safety and Motor Vehicles or of a corresponding agency  
5 in any other state.

6 (b) Whenever any law enforcement agency authorizes the  
7 removal of a vehicle or vessel or whenever any towing service,  
8 garage, repair shop, or automotive service, storage, or  
9 parking place notifies the law enforcement agency of  
10 possession of a vehicle or vessel pursuant to s.

11 715.07(2)(a)2., the applicable law enforcement agency shall  
12 contact the Department of Highway Safety and Motor Vehicles,  
13 or the appropriate agency of the state of registration, if  
14 known, within 24 hours through the medium of electronic  
15 communications, giving the full description of the vehicle or  
16 vessel. Upon receipt of the full description of the vehicle or  
17 vessel, the department shall search its files to determine the  
18 owner's name, the insurance company insuring the vehicle or  
19 vessel, and whether any person has filed a lien upon the  
20 vehicle or vessel as provided in s. 319.27(2) and (3) and  
21 notify the applicable law enforcement agency within 72 hours.  
22 The person in charge of the towing service, garage, repair  
23 shop, or automotive service, storage, or parking place shall  
24 obtain such information from the applicable law enforcement  
25 agency within 5 days after ~~from~~ the date of storage and shall  
26 give notice pursuant to paragraph (a). The department may  
27 release the insurance company information to the requestor  
28 notwithstanding the provisions of s. 627.736.

29 (c) Notice by certified mail, return receipt  
30 requested, shall be sent within 7 business days after the date  
31 of storage of the vehicle or vessel to the registered owner,

1 the insurance company insuring the vehicle notwithstanding the  
2 provisions of s. 627.736, and all persons of record claiming a  
3 lien against the vehicle or vessel. It shall state the fact  
4 of possession of the vehicle or vessel, that a lien as  
5 provided in subsection (2) is claimed, that charges have  
6 accrued and the amount thereof, that the lien is subject to  
7 enforcement pursuant to law, and that the owner or lienholder,  
8 if any, has the right to a hearing as set forth in subsection  
9 (5), and that any vehicle or vessel which remains unclaimed,  
10 or for which the charges for recovery, towing, or storage  
11 services remain unpaid, may be sold free of all prior liens  
12 after 35 days if the vehicle or vessel is more than 3 years of  
13 age or after 50 days if the vehicle or vessel is 3 years of  
14 age or less.

15 (d) If attempts to locate the name and address of the  
16 owner or lienholder prove unsuccessful, the towing-storage  
17 operator shall, after 7 working days, excluding Saturday and  
18 Sunday, of the initial tow or storage, notify the public  
19 agency of jurisdiction in writing by certified mail or  
20 acknowledged hand delivery that the towing-storage company has  
21 been unable to locate the name and address of the owner or  
22 lienholder and a physical search of the vehicle or vessel has  
23 disclosed no ownership information and a good faith effort has  
24 been made. For purposes of this paragraph and subsection (9),  
25 "good faith effort" means that the following checks have been  
26 performed by the company to establish prior state of  
27 registration and for title:

- 28 1. Check of vehicle or vessel for any type of tag, tag  
29 record, temporary tag, or regular tag.
- 30 2. Check of law enforcement report for tag number or  
31 other information identifying the vehicle or vessel, if the

1 vehicle or vessel was towed at the request of a law  
2 enforcement officer.

3           3. Check of trip sheet or tow ticket of tow truck  
4 operator to see if a tag was on vehicle or vessel at beginning  
5 of tow, if private tow.

6           4. If there is no address of the owner on the impound  
7 report, check of law enforcement report to see if an  
8 out-of-state address is indicated from driver license  
9 information.

10           5. Check of vehicle or vessel for inspection sticker  
11 or other stickers and decals that may indicate a state of  
12 possible registration.

13           6. Check of the interior of the vehicle or vessel for  
14 any papers that may be in the glove box, trunk, or other areas  
15 for a state of registration.

16           7. Check of vehicle for vehicle identification number.

17           8. Check of vessel for vessel registration number.

18           9. Check of vessel hull for a hull identification  
19 number which should be carved, burned, stamped, embossed, or  
20 otherwise permanently affixed to the outboard side of the  
21 transom or, if there is no transom, to the outmost seaboard  
22 side at the end of the hull that bears the rudder or other  
23 steering mechanism.

24           (5)(a) The owner of a vehicle or vessel removed  
25 pursuant to the provisions of subsection (2), or any person  
26 claiming a lien, other than the towing-storage operator,  
27 within 10 days after the time she or he has knowledge of the  
28 location of the vehicle or vessel, may file a complaint in the  
29 county court of the county in which the vehicle or vessel is  
30 stored or in which the owner resides to determine if her or  
31 his property was wrongfully taken or withheld from her or him.

1           (b) Upon filing of a complaint, an owner or lienholder  
2 may have her or his vehicle or vessel released upon posting  
3 with the court a cash or surety bond or other adequate  
4 security equal to the amount of the charges for towing or  
5 storage and lot rental amount to ensure the payment of such  
6 charges in the event she or he does not prevail. Upon the  
7 posting of the bond and the payment of the applicable fee set  
8 forth in s. 28.24, the clerk of the court shall issue a  
9 certificate notifying the lienor of the posting of the bond  
10 and directing the lienor to release the vehicle or vessel. At  
11 the time of such release, after reasonable inspection, she or  
12 he shall give a receipt to the towing-storage company reciting  
13 any claims she or he has for loss or damage to the vehicle or  
14 vessel or the contents thereof.

15           (c) Upon determining the respective rights of the  
16 parties, the court may award damages, attorney's fees, and  
17 costs in favor of the prevailing party. In any event, the  
18 final order shall provide for immediate payment in full of  
19 recovery, towing, and storage fees by the vehicle or vessel  
20 owner or lienholder; or the agency ordering the tow; or the  
21 owner, lessee, or agent thereof of the property from which the  
22 vehicle or vessel was removed.

23           (6) Any vehicle or vessel which is stored pursuant to  
24 subsection (2) and which remains unclaimed, or for which  
25 reasonable charges for recovery, towing, or storing remain  
26 unpaid ~~or for which a lot rental amount is due and owing to~~  
27 ~~the mobile home park owner, as evidenced by a judgment for~~  
28 ~~unpaid rent~~, and any contents not released pursuant to  
29 subsection (10), may be sold by the owner or operator of the  
30 storage space for such towing or storage charge ~~or unpaid lot~~  
31 ~~rental amount~~ after 35 days from the time the vehicle or

1 vessel is stored therein if the vehicle or vessel is more than  
2 3 years of age or after 50 days following the time the vehicle  
3 or vessel is stored therein if the vehicle or vessel is 3  
4 years of age or less. The sale shall be at public auction for  
5 cash. If the date of the sale was not included in the notice  
6 required in subsection (4), notice of the sale shall be given  
7 to the person in whose name the vehicle or, vessel, ~~or mobile~~  
8 ~~home~~ is registered, ~~to the mobile home park owner~~, and to all  
9 persons claiming a lien on the vehicle or vessel as shown on  
10 the records of the Department of Highway Safety and Motor  
11 Vehicles or of the corresponding agency in any other state.  
12 Notice shall be sent by certified mail, return receipt  
13 requested, to the owner of the vehicle or vessel and the  
14 person having the recorded lien on the vehicle or vessel at  
15 the address shown on the records of the registering agency and  
16 shall be mailed not less than 15 days before the date of the  
17 sale. After diligent search and inquiry, if the name and  
18 address of the registered owner or the owner of the recorded  
19 lien cannot be ascertained, the requirements of notice by mail  
20 may be dispensed with. In addition to the notice by mail,  
21 public notice of the time and place of sale shall be made by  
22 publishing a notice thereof one time, at least 10 days prior  
23 to the date of the sale, in a newspaper of general circulation  
24 in the county in which the sale is to be held. The proceeds  
25 of the sale, after payment of reasonable towing and storage  
26 charges, and costs of the sale, ~~and the unpaid lot rental~~  
27 ~~amount~~, in that order of priority, shall be deposited with the  
28 clerk of the circuit court for the county if the owner is  
29 absent, and the clerk shall hold such proceeds subject to the  
30 claim of the person legally entitled thereto. The clerk shall  
31 be entitled to receive 5 percent of such proceeds for the care



1 and disbursement thereof. The certificate of title issued  
2 under this law shall be discharged of all liens unless  
3 otherwise provided by court order.

4 (7)(a) A wrecker operator recovering, towing, or  
5 storing vehicles or vessels is not liable for damages  
6 connected with such services, theft of such vehicles or  
7 vessels, or theft of personal property contained in such  
8 vehicles or vessels, provided that such services have been  
9 performed with reasonable care and provided, further, that, in  
10 the case of removal of a vehicle or vessel upon the request of  
11 a person purporting, and reasonably appearing, to be the owner  
12 or lessee, or a person authorized by the owner or lessee, of  
13 the property from which such vehicle or vessel is removed,  
14 such removal has been done in compliance with s. 715.07.

15 Further, a wrecker operator is not liable for damage to a  
16 vehicle, vessel, or cargo that obstructs the normal movement  
17 of traffic or creates a hazard to traffic and is removed in  
18 compliance with the request of a law enforcement officer.  
19 ~~connected with such services when complying with the lawful~~  
20 ~~directions of a law enforcement officer to remove a vehicle~~  
21 ~~stopped, standing, or parked upon a street or highway in such~~  
22 ~~a position as to obstruct the normal movement of traffic or in~~  
23 ~~such a condition as to create a hazard to other traffic upon~~  
24 ~~the street or highway.~~

25 (b) For the purposes of this subsection, a wrecker  
26 operator is presumed to use reasonable care to prevent the  
27 theft of a vehicle or vessel or of any personal property  
28 contained in such vehicle stored in the wrecker operator's  
29 storage facility if all of the following apply:

30

31

1           1. The wrecker operator surrounds the storage facility  
2 with a chain-link or solid-wall type fence at least 6 feet in  
3 height;

4           2. The wrecker operator has illuminated the storage  
5 facility with lighting of sufficient intensity to reveal  
6 persons and vehicles at a distance of at least 150 feet during  
7 nighttime; and

8           3. The wrecker operator uses one or more of the  
9 following security methods to discourage theft of vehicles or  
10 vessels or of any personal property contained in such vehicles  
11 or vessels stored in the wrecker operator's storage facility:

12           a. A night dispatcher or watchman remains on duty at  
13 the storage facility from sunset to sunrise;

14           b. A security dog remains at the storage facility from  
15 sunset to sunrise;

16           c. Security cameras or other similar surveillance  
17 devices monitor the storage facility; or

18           d. A security guard service examines the storage  
19 facility at least once each hour from sunset to sunrise.

20           (c) Any law enforcement agency requesting that a motor  
21 vehicle be removed from an accident scene, street, or highway  
22 must conduct an inventory and prepare a written record of all  
23 personal property found in the vehicle before the vehicle is  
24 removed by a wrecker operator. However, if the owner or driver  
25 of the motor vehicle is present and accompanies the vehicle,  
26 no inventory by law enforcement is required. A wrecker  
27 operator is not liable for the loss of personal property  
28 alleged to be contained in such a vehicle when such personal  
29 property was not identified on the inventory record prepared  
30 by the law enforcement agency requesting the removal of the  
31 vehicle.

1           (10) Persons who provide services pursuant to this  
2 section shall permit vehicle or vessel owners or their agents,  
3 which agency is evidenced by an original ~~a~~ writing  
4 acknowledged by the owner before a notary public or other  
5 person empowered by law to administer oaths, to inspect the  
6 towed vehicle or vessel and shall release to the owner or  
7 agent the vehicle, vessel, or all personal property not  
8 affixed to the vehicle or vessel which was in the vehicle or  
9 vessel at the time the vehicle or vessel came into the custody  
10 of the person providing such services.

11           (11)(a) Any person regularly engaged in the business  
12 of recovering, towing, or storing vehicles or vessels who  
13 comes into possession of a vehicle or vessel pursuant to  
14 subsection (2) and who has complied with the provisions of  
15 subsections (3) and (6), when such vehicle or vessel is to be  
16 sold for purposes of being dismantled, destroyed, or changed  
17 in such manner that it is not the motor vehicle or, vessel, ~~or~~  
18 ~~mobile home~~ described in the certificate of title, shall apply  
19 to the county tax collector for a certificate of destruction.  
20 A certificate of destruction, which authorizes the dismantling  
21 or destruction of the vehicle or vessel described therein,  
22 shall be reassignable a maximum of two times before  
23 dismantling or destruction of the vehicle shall be required,  
24 and shall accompany the vehicle or vessel for which it is  
25 issued, when such vehicle or vessel is sold for such purposes,  
26 in lieu of a certificate of title. The application for a  
27 certificate of destruction must include an affidavit from the  
28 applicant that it has complied with all applicable  
29 requirements of this section and, if the vehicle or vessel is  
30 not registered in this state, by a statement from a law  
31 enforcement officer that the vehicle or vessel is not reported

1 stolen, and shall be accompanied by such documentation as may  
2 be required by the department.

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

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

10 (13)(a) Upon receipt by the Department of Highway  
11 Safety and Motor Vehicles of written notice from a wrecker  
12 operator who claims a wrecker operator's lien under paragraph  
13 (2)(c) or paragraph (2)(d) for recovery, towing, or storage of  
14 an abandoned vehicle or, vessel ~~or mobile home~~ upon  
15 instructions from any law enforcement agency, for which a  
16 certificate of destruction has been issued under subsection  
17 (11), the department shall place the name of the registered  
18 owner of that vehicle or, vessel, ~~or mobile home~~ on the list  
19 of those persons who may not be issued a license plate or  
20 revalidation sticker for any motor vehicle under s. 320.03(8).  
21 If the vehicle or, vessel, ~~or mobile home~~ is owned jointly by  
22 more than one person, the name of each registered owner shall  
23 be placed on the list. The notice of wrecker operator's lien  
24 shall be submitted on forms provided by the department, which  
25 must include:

26 1. The name, address, and telephone number of the  
27 wrecker operator.

28 2. The name of the registered owner of the vehicle or,  
29 vessel, ~~or mobile home~~ and the address to which the wrecker  
30 operator provided notice of the lien to the registered owner  
31 under subsection (4).

1           3. A general description of the vehicle or, vessel, ~~or~~  
2 ~~mobile home~~, including its color, make, model, body style, and  
3 year.

4           4. The vehicle identification number (VIN);  
5 registration license plate number, state, and year; validation  
6 decal number, state, and year; ~~mobile home sticker number,~~  
7 ~~state, and year;~~ vessel registration number; hull  
8 identification number; or other identification number, as  
9 applicable.

10           5. The name of the person or the corresponding law  
11 enforcement agency that requested that the vehicle or, vessel,  
12 ~~or mobile home~~ be recovered, towed, or stored.

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

15           (b) For purposes of this subsection only, the amount  
16 of the wrecker operator's lien for which the department will  
17 prevent issuance of a license plate or revalidation sticker  
18 may not exceed the amount of the charges for recovery, towing,  
19 and storage of the vehicle or, vessel, ~~or mobile home~~ for 7  
20 days. These charges may not exceed the maximum rates imposed  
21 by the ordinances of the respective county or municipality  
22 under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph  
23 does not limit the amount of a wrecker operator's lien claimed  
24 under subsection (2) or prevent a wrecker operator from  
25 seeking civil remedies for enforcement of the entire amount of  
26 the lien, but limits only that portion of the lien for which  
27 the department will prevent issuance of a license plate or  
28 revalidation sticker.

29           (c)1. The registered owner of a vehicle or, vessel, ~~or~~  
30 ~~mobile home~~ may dispute a wrecker operator's lien, by  
31 notifying the department of the dispute in writing on forms

1 provided by the department, if at least one of the following  
2 applies:

3 a. The registered owner presents a notarized bill of  
4 sale proving that the vehicle or, vessel, ~~or mobile home~~ was  
5 sold in a private or casual sale before the vehicle or  
6 vessel, ~~or mobile home~~ was recovered, towed, or stored.

7 b. The registered owner presents proof that the  
8 Florida certificate of title of the vehicle or, vessel, ~~or~~  
9 ~~mobile home~~ was sold to a licensed dealer as defined in s.  
10 319.001 before the vehicle or, vessel, ~~or mobile home~~ was  
11 recovered, towed, or stored.

12  
13 If the registered owner's dispute of a wrecker operator's lien  
14 complies with one of these criteria, the department shall  
15 immediately remove the registered owner's name from the list  
16 of those persons who may not be issued a license plate or  
17 revalidation sticker for any motor vehicle under s. 320.03(8),  
18 thereby allowing issuance of a license plate or revalidation  
19 sticker. If the vehicle or, vessel, ~~or mobile home~~ is owned  
20 jointly by more than one person, each registered owner must  
21 dispute the wrecker operator's lien in order to be removed  
22 from the list. However, the department shall deny any dispute  
23 and maintain the registered owner's name on the list of those  
24 persons who may not be issued a license plate or revalidation  
25 sticker for any motor vehicle under s. 320.03(8) if the  
26 wrecker operator has provided the department with a certified  
27 copy of the judgment of a court which orders the registered  
28 owner to pay the wrecker operator's lien claimed under this  
29 section. In such a case, the amount of the wrecker operator's  
30 lien allowed by paragraph (b) may be increased to include no  
31 more than \$500 of the reasonable costs and attorney's fees

1 incurred in obtaining the judgment. The department's action  
2 under this subparagraph is ministerial in nature, shall not be  
3 considered final agency action, and is appealable only to the  
4 county court for the county in which the vehicle or, vessel,  
5 ~~or mobile home~~ was ordered removed.

6         2. A person against whom a wrecker operator's lien has  
7 been imposed may alternatively obtain a discharge of the lien  
8 by filing a complaint, challenging the validity of the lien or  
9 the amount thereof, in the county court of the county in which  
10 the vehicle or, vessel, ~~or mobile home~~ was ordered removed.

11 Upon filing of the complaint, the person may have her or his  
12 name removed from the list of those persons who may not be  
13 issued a license plate or revalidation sticker for any motor  
14 vehicle under s. 320.03(8), thereby allowing issuance of a  
15 license plate or revalidation sticker, upon posting with the  
16 court a cash or surety bond or other adequate security equal  
17 to the amount of the wrecker operator's lien to ensure the  
18 payment of such lien in the event she or he does not prevail.  
19 Upon the posting of the bond and the payment of the applicable  
20 fee set forth in s. 28.24, the clerk of the court shall issue  
21 a certificate notifying the department of the posting of the  
22 bond and directing the department to release the wrecker  
23 operator's lien. Upon determining the respective rights of the  
24 parties, the court may award damages and costs in favor of the  
25 prevailing party.

26         3. If a person against whom a wrecker operator's lien  
27 has been imposed does not object to the lien, but cannot  
28 discharge the lien by payment because the wrecker operator has  
29 moved or gone out of business, the person may have her or his  
30 name removed from the list of those persons who may not be  
31 issued a license plate or revalidation sticker for any motor

1 vehicle under s. 320.03(8), thereby allowing issuance of a  
2 license plate or revalidation sticker, upon posting with the  
3 clerk of court in the county in which the vehicle or, vessel,  
4 ~~or mobile home~~ was ordered removed, a cash or surety bond or  
5 other adequate security equal to the amount of the wrecker  
6 operator's lien. Upon the posting of the bond and the payment  
7 of the application fee set forth in s. 28.24, the clerk of the  
8 court shall issue a certificate notifying the department of  
9 the posting of the bond and directing the department to  
10 release the wrecker operator's lien. The department shall mail  
11 to the wrecker operator, at the address upon the lien form,  
12 notice that the wrecker operator must claim the security  
13 within 60 days, or the security will be released back to the  
14 person who posted it. At the conclusion of the 60 days, the  
15 department shall direct the clerk as to which party is  
16 entitled to payment of the security, less applicable clerk's  
17 fees.

18 4. A wrecker operator's lien expires 5 years after  
19 filing.

20 (d) Upon discharge of the amount of the wrecker  
21 operator's lien allowed by paragraph (b), the wrecker operator  
22 must issue a certificate of discharged wrecker operator's lien  
23 on forms provided by the department to each registered owner  
24 of the vehicle or, vessel, ~~or mobile home~~ attesting that the  
25 amount of the wrecker operator's lien allowed by paragraph (b)  
26 has been discharged. Upon presentation of the certificate of  
27 discharged wrecker operator's lien by the registered owner,  
28 the department shall immediately remove the registered owner's  
29 name from the list of those persons who may not be issued a  
30 license plate or revalidation sticker for any motor vehicle  
31 under s. 320.03(8), thereby allowing issuance of a license



1 | plate or revalidation sticker. Issuance of a certificate of  
2 | discharged wrecker operator's lien under this paragraph does  
3 | not discharge the entire amount of the wrecker operator's lien  
4 | claimed under subsection (2), but only certifies to the  
5 | department that the amount of the wrecker operator's lien  
6 | allowed by paragraph (b), for which the department will  
7 | prevent issuance of a license plate or revalidation sticker,  
8 | has been discharged.

9 |         (e) When a wrecker operator files a notice of wrecker  
10 | operator's lien under this subsection, the department shall  
11 | charge the wrecker operator a fee of \$2, which shall be  
12 | deposited into the General Revenue Fund established under s.  
13 | 860.158. A service charge of \$2.50 shall be collected and  
14 | retained by the tax collector who processes a notice of  
15 | wrecker operator's lien.

16 |         (f) This subsection applies only to the annual renewal  
17 | in the registered owner's birth month of a motor vehicle  
18 | registration and does not apply to the transfer of a  
19 | registration of a motor vehicle sold by a motor vehicle dealer  
20 | licensed under chapter 320, except for the transfer of  
21 | registrations which is inclusive of the annual renewals. This  
22 | subsection does not affect the issuance of the title to a  
23 | motor vehicle, notwithstanding s. 319.23(7)(b).

24 |         (g) The Department of Highway Safety and Motor  
25 | Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54  
26 | to implement this subsection.

27 |         Section 4. Effective January 1, 2006, section 713.785,  
28 | Florida Statutes, is created to read:

29 |         713.785 Liens for recovering, towing, or storing  
30 | mobile homes.--

31 |         (1) As used in this section, the term:

1           (a) "Mobile home transport company" means a person  
2 regularly engaged in the business of transporting mobile  
3 homes.

4           (b) "Store" means a mobile home transport company has  
5 legal possession of a mobile home either on the mobile home  
6 transport company's property or on any other property.

7           (c) "Unpaid lot rental amount" or "rent" means any  
8 unpaid financial obligations of the mobile home owner or  
9 tenant to the mobile home park owner defined as "lot rental  
10 amount" in s. 723.003 or "rent" in part II of chapter 83 and  
11 includes any amounts defined as storage charges in s. 723.084.

12           (2) If the mobile home transport company recovers,  
13 removes, or stores a mobile home upon instructions from:

14           (a) The owner of the mobile home;

15           (b) Any law enforcement agency; or

16           (c) A mobile home park owner as defined in s. 723.003  
17 who has a current writ of possession for a mobile home lot  
18 under s. 723.062 or s. 83.62,

19  
20 the mobile home transport company has a lien on the mobile  
21 home for a reasonable towing fee and for a reasonable storage  
22 fee.

23           (3)(a) A mobile home transport company that comes into  
24 possession of a mobile home under subsection (2) and that  
25 claims a lien for recovery, towing, or storage services must  
26 give notice to the registered owner and to all persons  
27 claiming a lien on the mobile home, as disclosed by the  
28 records in the Department of Highway Safety and Motor Vehicles  
29 or of a corresponding agency in any other state.

30           (b) Notice by certified mail, return receipt  
31 requested, shall be sent within 7 business days after the date

1 of storage of the mobile home to the registered owner at the  
2 owner's last known address, and all persons of record claiming  
3 a lien against the mobile home. The notice shall state the  
4 fact of possession of the mobile home, that a lien as provided  
5 in subsection (2) is claimed, that charges have accrued and  
6 the amount thereof, that the lien is subject to enforcement  
7 under law and that the owner or lienholder, if any, has the  
8 right to a hearing as set forth in subsection (4), and that  
9 any mobile home which remains unclaimed, or for which charges  
10 remain unpaid, may be sold free of all prior liens after 35  
11 days following the eviction proceeding that resulted in the  
12 issuance of the writ of possession, provided that any  
13 lienholder entitled to notice pursuant to s. 723.084 has  
14 received such notice and has failed to act pursuant to s.  
15 723.084 to pay storage charges, take possession of the home,  
16 or take legal action to foreclose its interest prior to  
17 issuance of the writ of possession.

18 (4)(a) The owner of a mobile home stored under  
19 subsection (2), or any person claiming a lien of record, other  
20 than the mobile home transport company, within 10 days after  
21 the time she or he has knowledge of the location of the mobile  
22 home, may file a complaint in the court of the county in which  
23 the mobile home is stored, to determine if her or his property  
24 was wrongfully taken or withheld from her or him.

25 (b) Upon filing of a complaint, an owner or lienholder  
26 may have the mobile home released upon posting with the court  
27 a cash or surety bond or other adequate security equal to the  
28 amount of the charges for towing or storage and lot rental  
29 amount due and owing at that time to ensure the payment of the  
30 charges in the event she or he does not prevail. Upon the  
31 posting of the bond and the payment of the applicable fee set

1 forth in s. 28.24, the clerk of the court shall issue a  
2 certificate notifying the mobile home transport company of the  
3 posting of the bond and directing the mobile home transport  
4 company to release the mobile home. At the time of the  
5 release, after reasonable inspection, she or he shall give a  
6 receipt to the mobile home transport company citing any claims  
7 she or he has for loss or damage to the mobile home or the  
8 contents thereof.

9 (c) Upon determining the respective rights of the  
10 parties, the court may award damages and costs in favor of the  
11 prevailing party. The final order shall provide for immediate  
12 payment in full of any lien for recovery, towing, and storage  
13 fees and any unpaid lot rental amount accruing until the time  
14 the home is removed from the property, by the mobile home  
15 owner or lienholder, or the owner, lessee, or agent thereof of  
16 the property from which the mobile home was removed.

17 (5) A mobile home that is stored under subsection (2)  
18 and which remains unclaimed, or for which reasonable charges  
19 for recovery, towing, or storing remain unpaid or for which a  
20 lot rental amount is due and owing to the mobile home park  
21 owner as evidenced by a judgment for unpaid rent and any  
22 contents of the mobile home not released under subsection (9),  
23 may be sold by the mobile home transport company for the  
24 towing or storage charge and any unpaid lot rental amount 35  
25 days after the mobile home is stored by a mobile home  
26 transport company. The sale shall be at public auction for  
27 cash. If the date of the sale was not included in the notice  
28 required by subsection (3), notice of the sale must be given  
29 to the person in whose name the mobile home is registered at  
30 her or his last known address, to the mobile home park owner,  
31 and to all persons claiming a lien on the mobile home as shown

1 on the records of the Department of Highway Safety and Motor  
2 Vehicles or of the corresponding agency in any other state.  
3 Notice must be sent by certified mail, return receipt  
4 requested, at least 15 days before the date of the sale. After  
5 diligent search and inquiry, if the name and address of the  
6 registered owner or the owner of the recorded lien cannot be  
7 ascertained, the requirements of notice by mail may be  
8 dispensed with. In addition to the notice by mail, public  
9 notice of the time and place of sale must be made by  
10 publishing a notice of the sale one time, at least 10 days  
11 before the date of the sale, in a newspaper of general  
12 circulation in the county in which the sale is to be held. The  
13 proceeds of the sale, after payment of reasonable towing and  
14 storage charges, costs of the sale, and the unpaid lot rental  
15 amount as evidenced by the judgment for unpaid lot rental and  
16 an affidavit executed by the mobile home park owner or the  
17 owner's agent establishing the amount of unpaid lot rental  
18 amount through the date of the sale, in that order of  
19 priority, must be deposited with the clerk of the circuit  
20 court for the county if the owner is absent, and the clerk  
21 shall hold the proceeds subject to the claim of the person  
22 legally entitled to those proceeds. The clerk is entitled to  
23 receive 5 percent of the proceeds for the care and  
24 disbursement of the proceeds. The certificate of title issued  
25 under this section shall be discharged of all liens unless  
26 otherwise provided by court order.

27 (6) The mobile home transport company, the landlord or  
28 his or her agent, or any subsequent purchaser for value are  
29 not responsible to the tenant or any other party for loss,  
30 destruction, or damage to the mobile home or other personal  
31 property after coming into possession of the mobile home under

1 this section, provided the mobile home transport company, the  
2 landlord, or their agents use reasonable care in storing the  
3 mobile home. As used in this subsection, the term "reasonable  
4 care" means securing the mobile home by changing door locks,  
5 or any similar methods for securing the mobile home, in place  
6 in the mobile home park or in a separate storage area.

7 (7)(a) A mobile home transport company that comes into  
8 possession of a mobile home under subsection (2) and that  
9 complies with subsection (3), if the mobile home is to be sold  
10 for purposes of being dismantled, destroyed, or changed so  
11 that it is not the mobile home described in the certificate of  
12 title, must apply to the county tax collector for a  
13 certificate of destruction. A certificate of destruction,  
14 which authorizes the dismantling or destruction of the mobile  
15 home described in the certificate, is reassignable no more  
16 than twice before dismantling or destruction of the mobile  
17 home and the certificate must accompany the mobile home for  
18 which it is issued when the mobile home is sold for that  
19 purpose, in lieu of a certificate of title. The application  
20 for a certificate of destruction must include an affidavit  
21 from the applicant that it has complied with all applicable  
22 requirements of this section; must, if the mobile home is not  
23 registered in this state, include a statement from a law  
24 enforcement officer that the mobile home is not reported  
25 stolen; and shall be accompanied by any other documentation as  
26 may be required by the department.

27 (b) The Department of Highway Safety and Motor  
28 Vehicles shall charge a fee of \$3 for each certificate of  
29 destruction. The tax collector who processes the application  
30 shall collect and retain a service charge of \$4.25.

31

1           (c) The Department of Highway Safety and Motor  
2 Vehicles may adopt rules to administer this subsection.

3           (d) Employees of the Department of Highway Safety and  
4 Motor Vehicles and law enforcement officers may inspect the  
5 records of each mobile home transport company in this state to  
6 ensure compliance with this section.

7           (8)(a) Upon receipt by the Department of Highway  
8 Safety and Motor Vehicles of written notice from a mobile home  
9 transport company that claims a lien under paragraph (2)(b) or  
10 paragraph (2)(c) for recovery, towing, or storage of a mobile  
11 home for which a certificate of destruction has been issued  
12 under subsection (7), the department shall place the name of  
13 the registered owner of that mobile home on the list of those  
14 persons who may not be issued a revalidation sticker under s.  
15 320.03. If the mobile home is owned jointly by more than one  
16 person, the name of each registered owner must be placed on  
17 the list. The notice of a mobile home transport company's lien  
18 must be submitted on forms provided by the department, which  
19 must include:

20           1. The name, address, and telephone number of the  
21 mobile home transport company.

22           2. The name of the registered owner of the mobile home  
23 and the address to which the mobile home transport company  
24 provided notice of the lien to the registered owner under  
25 subsection (3).

26           3. A general description of the mobile home, including  
27 its color, make, model, body style, and year.

28           4. The mobile home sticker number, state, and year or  
29 other identification number, as applicable.

30  
31

1           5. The name of the person or the corresponding law  
2 enforcement agency that requested that the mobile home be  
3 recovered, towed, or stored.

4           6. The amount of the lien, not to exceed the amount  
5 allowed by paragraph (b).

6           (b) For purposes of this subsection, the amount of the  
7 mobile home transport company's lien for which the department  
8 will prevent issuance of a revalidation sticker may not exceed  
9 the amount of the charges for recovery, towing, and storage of  
10 the mobile home for 7 days. These charges may not exceed the  
11 maximum rates imposed by the ordinances of the respective  
12 county or municipality under ss. 125.0103(1)(c) and  
13 166.043(1)(c). This paragraph does not limit the amount of a  
14 mobile home transport company's lien claimed under subsection  
15 (2) or prevent a mobile home transport company from seeking  
16 civil remedies for enforcement of the entire amount of the  
17 lien, but limits only that portion of the lien for which the  
18 department will prevent issuance of a revalidation sticker.

19           (c)1. The registered owner of the mobile home may  
20 dispute the mobile home transport company's lien by notifying  
21 the department of the dispute in writing on forms provided by  
22 the department, if at least one of the following applies:

23           a. The registered owner presents a notarized bill of  
24 sale proving that the mobile home was sold in a private or  
25 casual sale before the mobile home was recovered, towed, or  
26 stored.

27           b. The registered owner presents proof that the  
28 Florida certificate of title of the mobile home was sold to a  
29 licensed dealer as defined in s. 319.001 before the mobile  
30 home was recovered, towed, or stored.

31



1           c. The records of the department were marked to  
2 indicate that the mobile home was sold before the issuance of  
3 the certificate of destruction under subsection (7).

4  
5 If the registered owner's dispute of a mobile home transport  
6 company's lien complies with one of these criteria, the  
7 department shall immediately remove the registered owner's  
8 name from the list of those persons who may not be issued a  
9 revalidation sticker under s. 320.03. If the mobile home is  
10 owned jointly by more than one person, each registered owner  
11 must dispute the mobile home transport company's lien in order  
12 to be removed from the list. However, the department shall  
13 deny any dispute and maintain the registered owner's name on  
14 the list of those persons who may not be issued a revalidation  
15 sticker if the mobile home transport company has provided the  
16 department with a certified copy of the judgment of a court  
17 which orders the registered owner to pay the mobile home  
18 transport company's lien claimed under this section. In such a  
19 case, the amount of the mobile home transport company's lien  
20 allowed by paragraph (b) may be increased to include no more  
21 than \$500 of the reasonable costs and attorney's fees incurred  
22 in obtaining the judgment. The department's action under this  
23 subparagraph is ministerial in nature, is not final agency  
24 action, and is appealable only to the county court for the  
25 county in which the mobile home was ordered removed.

26           2. A person against whom a mobile home transport  
27 company's lien has been imposed may alternatively obtain a  
28 discharge of the lien by filing a complaint, challenging the  
29 validity of the lien or the amount thereof, in the county  
30 court of the county in which the mobile home was ordered  
31 removed. Upon filing of the complaint, the person may have her

1 or his name removed from the list of those persons who may not  
2 be issued a revalidation sticker for any mobile home under s.  
3 320.03 upon posting with the court a cash or surety bond or  
4 other adequate security equal to the amount of the mobile home  
5 transport company's lien to ensure the payment of the lien in  
6 the event she or he does not prevail. Upon the posting of the  
7 bond and the payment of the applicable fee set forth in s.  
8 28.24, the clerk of the court shall issue a certificate  
9 notifying the department of the posting of the bond and  
10 directing the department to release the mobile home transport  
11 company's lien. Upon determining the respective rights of the  
12 parties, the court may award damages and costs in favor of the  
13 prevailing party.

14 3. If a person against whom a mobile home transport  
15 company's lien has been imposed does not object to the lien,  
16 but cannot discharge the lien by payment because the mobile  
17 home transport company has moved or gone out of business, the  
18 person may have her or his name removed from the list of those  
19 persons who may not be issued a revalidation sticker under s.  
20 320.03, upon posting with the clerk of court in the county in  
21 which the mobile home was ordered removed a cash or surety  
22 bond or other adequate security equal to the amount of the  
23 mobile home transport company's lien. Upon the posting of the  
24 bond and the payment of the application fee set forth in s.  
25 28.24, the clerk of the court shall issue a certificate  
26 notifying the department of the posting of the bond and  
27 directing the department to release the mobile home transport  
28 company's lien. The department shall mail to the mobile home  
29 transport company, at the address upon the lien form, notice  
30 that the mobile home transport company must claim the security  
31 within 60 days or the security will be released to the person

1 who posted it. At the conclusion of the 60 days, the  
2 department shall direct the clerk as to which party is  
3 entitled to payment of the security, less applicable fees of  
4 the clerk.

5 4. A mobile home transport company's lien expires 5  
6 years after filing.

7 (d) Upon discharge of the amount of the mobile home  
8 transport company's lien allowed under paragraph (b), the  
9 mobile home transport company must issue a certificate of  
10 discharged lien on a form provided by the department to each  
11 registered owner of the mobile home attesting that the amount  
12 of the mobile home transport company's lien allowed under  
13 paragraph (b) has been discharged. Upon presentation of the  
14 certificate of discharged lien by the registered owner, the  
15 department shall immediately remove the registered owner's  
16 name from the list of those persons who may not be issued a  
17 revalidation sticker under s. 320.03. Issuance of a  
18 certificate of discharged lien under this paragraph does not  
19 discharge the entire amount of the mobile home transport  
20 company's lien claimed under subsection (2), but certifies to  
21 the department only that the amount of the mobile home  
22 transport company's lien allowed by paragraph (b), for which  
23 the department will prevent issuance of a revalidation  
24 sticker, has been discharged.

25 (e) When a mobile home transport company files a  
26 notice of lien under this subsection, the department shall  
27 charge the mobile home transport company a fee of \$2, which  
28 must be deposited into the General Revenue Fund. The tax  
29 collector who processes a notice of lien shall collect and  
30 retain a service charge of \$2.50.

31

1           (f) The Department of Highway Safety and Motor  
2 Vehicles may adopt rules to administer this subsection.

3           (9) Persons who provide services under this section  
4 shall permit a mobile home owner or her or his agent, whose  
5 agency is evidenced by a writing acknowledged by the owner  
6 before a notary public or other person empowered by law to  
7 administer oaths, to inspect the mobile home and shall release  
8 to the owner or agent all personal property not affixed to the  
9 mobile home, provided there exists no landlord's lien for rent  
10 under s. 713.691 or s. 713.77.

11           (10) Any person who violates subsection (3),  
12 subsection (5), subsection (6), subsection (7), or subsection  
13 (9) commits a misdemeanor of the first degree, punishable as  
14 provided in s. 775.082 or s. 775.083.

15           Section 5. Section 715.07, Florida Statutes, is  
16 amended to read:

17           715.07 Vehicles or vessels parked on private property;  
18 towing.--

19           (1) As used in this section, the term:

20           (a) "Vehicle" means any mobile item which normally  
21 uses wheels, whether motorized or not.

22           (b) "Vessel" means every description of watercraft,  
23 barge, and air boat used or capable of being used as a means  
24 of transportation on water, other than a seaplane or a  
25 "documented vessel" as defined in s. 327.02(8).

26           (2) The owner or lessee of real property, or any  
27 person authorized by the owner or lessee, which person may be  
28 the designated representative of the condominium association  
29 if the real property is a condominium, may cause any vehicle  
30 or vessel parked on such property without her or his  
31 permission to be removed by a person regularly engaged in the

1 business of towing vehicles or vessels, without liability for  
2 the costs of removal, transportation, or storage or damages  
3 caused by such removal, transportation, or storage, under any  
4 of the following circumstances:

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

10 1.a. Any towed or removed vehicle or vessel must be  
11 stored at a site within a 10-mile radius ~~10 miles~~ of the point  
12 of removal in any county of 500,000 population or more, and  
13 within a 15-mile radius ~~15 miles~~ of the point of removal in  
14 any county of less than 500,000 population. That site must be  
15 open for the purpose of redemption of vehicles on any day that  
16 the person or firm towing such vehicle or vessel is open for  
17 towing purposes, from 8:00 a.m. to 6:00 p.m., and, when  
18 closed, shall have prominently posted a sign indicating a  
19 telephone number where the operator of the site can be reached  
20 at all times. Upon receipt of a telephoned request to open  
21 the site to redeem a vehicle or vessel, the operator shall  
22 return to the site within 1 hour or she or he will be in  
23 violation of this section.

24 b. If no towing business providing such service is  
25 located within the area of towing limitations set forth in  
26 sub-subparagraph a., the following limitations apply: any  
27 towed or removed vehicle or vessel must be stored at a site  
28 within a 20-mile radius ~~20 miles~~ of the point of removal in  
29 any county of 500,000 population or more, and within a 30-mile  
30 radius ~~30 miles~~ of the point of removal in any county of less  
31 than 500,000 population.

1           2. The person or firm towing or removing the vehicle  
2 or vessel shall, within 30 minutes after ~~of~~ completion of such  
3 towing or removal, notify the municipal police department or,  
4 in an unincorporated area, the sheriff, of such towing or  
5 removal, the storage site, the time the vehicle or vessel was  
6 towed or removed, and the make, model, color, and license  
7 plate number of the vehicle or description and registration  
8 number of the vessel and shall obtain the name of the person  
9 at that department to whom such information was reported and  
10 note that name on the trip record.

11           3. A person in the process of towing or removing a  
12 vehicle or vessel from the premises or parking lot in which  
13 the vehicle or vessel is not lawfully parked must stop when a  
14 person seeks the return of the vehicle or vessel. The vehicle  
15 or vessel must be returned upon the payment of a reasonable  
16 service fee of not more than one-half of the posted rate for  
17 the towing or removal service as provided in subparagraph 6.  
18 The vehicle or vessel may be towed or removed if, after a  
19 reasonable opportunity, the owner or legally authorized person  
20 in control of the vehicle or vessel is unable to pay the  
21 service fee. If the vehicle or vessel is redeemed, a detailed  
22 signed receipt must be given to the person redeeming the  
23 vehicle or vessel. If the registered owner or other legally  
24 authorized person in control of the vehicle arrives at the  
25 scene prior to removal or towing of the vehicle, the vehicle  
26 shall be disconnected from the towing or removal apparatus,  
27 and that person shall be allowed to remove the vehicle without  
28 interference upon the payment of a reasonable service fee of  
29 not more than one half of the posted rate for such towing  
30 service as provided in subparagraph 6., for which a receipt  
31

1 ~~shall be given, unless that person refuses to remove the~~  
2 ~~vehicle which is otherwise unlawfully parked.~~

3 4. A person may not pay or accept money or other  
4 valuable consideration for the privilege of towing or removing  
5 vehicles or vessels from a particular location. ~~The rebate or~~  
6 ~~payment of money or any other valuable consideration from the~~  
7 ~~individual or firm towing or removing vehicles to the owners~~  
8 ~~or operators of the premises from which the vehicles are towed~~  
9 ~~or removed, for the privilege of removing or towing those~~  
10 ~~vehicles, is prohibited.~~

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

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

30 b. The notice must clearly indicate, in not less than  
31 2-inch high, light-reflective letters on a contrasting

1 background, that unauthorized vehicles will be towed away at  
2 the owner's expense. The words "tow-away zone" must be  
3 included on the sign in not less than 4-inch high letters.

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

9 d. The sign structure containing the required notices  
10 must be permanently installed with the words "tow-away zone"  
11 not less than 3 feet and not more than 6 feet above ground  
12 level and must be continuously maintained on the property for  
13 not less than 24 hours prior to the towing or removal of any  
14 vehicles or vessels.

15 e. The local government may require permitting and  
16 inspection of these signs prior to any towing or removal of  
17 vehicles or vessels being authorized.

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

24 g. A property owner towing or removing vessels from  
25 real property must post notice, consistent with the  
26 requirements in sub-subparagraphs a.-f., which apply to  
27 vehicles, that unauthorized vehicles or vessels will be towed  
28 away at the owner's expense.

29  
30 A business owner or lessee may authorize the removal of a  
31 vehicle or vessel by a towing company when the vehicle or



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

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

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

29         8. Vehicle entry for the purpose of removing the  
30 vehicle or vessel shall be allowed with reasonable care on the  
31 part of the person or firm towing the vehicle or vessel. Such

1 person or firm shall be liable for any damage occasioned to  
2 the vehicle or vessel if such entry is not in accordance with  
3 the standard of reasonable care.

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

19 (b) These requirements ~~are~~ ~~shall be the~~ minimum  
20 standards and ~~do shall~~ not preclude enactment of additional  
21 regulations by any municipality or county including the right  
22 to regulate rates when vehicles or vessels are towed from  
23 private property.

24 (3) This section does not apply to law enforcement,  
25 firefighting, rescue squad, ambulance, or other emergency  
26 vehicles or vessels that ~~which~~ are marked as such or to  
27 property owned by any governmental entity.

28 (4) When a person improperly causes a vehicle or  
29 vessel to be removed, such person shall be liable to the owner  
30 or lessee of the vehicle or vessel for the cost of removal,  
31 transportation, and storage; any damages resulting from the

1 removal, transportation, or storage of the vehicle or vessel;  
2 attorney's attorneys' fees; and court costs.

3 (5)(a) Any person who violates ~~the provisions of~~  
4 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is  
5 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
6 provided in s. 775.082 or s. 775.083.

7 (b) Any person who violates subparagraph (2)(a)1.,  
8 subparagraph (2)(a)3., subparagraph (2)(a)4., the provisions  
9 ~~of~~ subparagraph (2)(a)7., or subparagraph (2)(a)9. commits is  
10 ~~guilty of~~ a felony of the third degree, punishable as provided  
11 in s. 775.082, s. 775.083, or s. 775.084.

12 Section 6. Except as otherwise expressly provided in  
13 this act, this act shall take effect July 1, 2005.

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