

By Senator Crist

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1 A bill to be entitled

2 An act relating to towing vehicles or vessels on private  
3 property; amending s. 715.07, F.S.; requiring that a  
4 person engaged in the business of towing obtain written  
5 permission before towing a vehicle or vessel from private  
6 property where alcoholic beverages are sold; providing a  
7 penalty; providing an effective date.

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

10  
11 Section 1. Subsections (2) and (5) of section 715.07,  
12 Florida Statutes, are amended to read:

13 715.07 Vehicles or vessels parked on private property;  
14 towing.--

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

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

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30 1.a. Any towed or removed vehicle or vessel must be stored  
31 at a site within a 10-mile radius of the point of removal in any  
32 county of 500,000 population or more, and within a 15-mile radius  
33 of the point of removal in any county of less than 500,000  
34 population. That site must be open for the purpose of redemption  
35 of vehicles on any day that the person or firm towing such  
36 vehicle or vessel is open for towing purposes, from 8:00 a.m. to  
37 6:00 p.m., and, when closed, shall have prominently posted a sign  
38 indicating a telephone number where the operator of the site can  
39 be reached at all times. Upon receipt of a telephoned request to  
40 open the site to redeem a vehicle or vessel, the operator shall  
41 return to the site within 1 hour or she or he will be in  
42 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 or vessel must be stored at a site within a 20-  
47 mile radius of the point of removal in any county of 500,000  
48 population or more, and within a 30-mile radius of the point of  
49 removal in any county of less than 500,000 population.

50 2. The person or firm towing or removing the vehicle or  
51 vessel shall, within 30 minutes after completion of such towing  
52 or 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 or vessel was towed or  
55 removed, and the make, model, color, and license plate number of  
56 the vehicle or description and registration number of the vessel  
57 and shall obtain the name of the person at that department to  
58 whom such information was reported and note that name on the trip

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59 | record.

60 |       3. A person in the process of towing or removing a vehicle  
61 | or vessel from the premises or parking lot in which the vehicle  
62 | or vessel is not lawfully parked must stop when a person seeks  
63 | the return of the vehicle or vessel. The vehicle or vessel must  
64 | be returned upon the payment of a reasonable service fee of not  
65 | more than one-half of the posted rate for the towing or removal  
66 | service as provided in subparagraph 6. The vehicle or vessel may  
67 | be towed or removed if, after a reasonable opportunity, the owner  
68 | or legally authorized person in control of the vehicle or vessel  
69 | is unable to pay the service fee. If the vehicle or vessel is  
70 | redeemed, a detailed signed receipt must be given to the person  
71 | redeeming the vehicle or vessel.

72 |       4. A person may not pay or accept money or other valuable  
73 | consideration for the privilege of towing or removing vehicles or  
74 | vessels from a particular location.

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

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

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

98 c. The notice must also provide the name and current  
99 telephone number of the person or firm towing or removing the  
100 vehicles or vessels.

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

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

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

115 g. A property owner towing or removing vessels from real  
116 property must post notice, consistent with the requirements in

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117 | sub-subparagraphs a.-f., which apply to vehicles, that  
118 | unauthorized vehicles or vessels will be towed away at the  
119 | owner's expense.

120 |  
121 | A business owner or lessee may authorize the removal of a vehicle  
122 | or vessel by a towing company when the vehicle or vessel is  
123 | parked in such a manner that restricts the normal operation of  
124 | business; and if a vehicle or vessel parked on a public right-of-  
125 | way obstructs access to a private driveway the owner, lessee, or  
126 | agent may have the vehicle or vessel removed by a towing company  
127 | upon signing an order that the vehicle or vessel be removed  
128 | without a posted tow-away zone sign.

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

139 |         7. Any person or firm towing or removing any vehicles or  
140 | vessels from private property without the consent of the owner or  
141 | other legally authorized person in control of the vehicles or  
142 | vessels shall, on any trucks, wreckers as defined in s.  
143 | 713.78(1)(c), or other vehicles used in the towing or removal,  
144 | have the name, address, and telephone number of the company  
145 | performing such service clearly printed in contrasting colors on

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146 the driver and passenger sides of the vehicle. The name shall be  
147 in at least 3-inch permanently affixed letters, and the address  
148 and telephone number shall be in at least 1-inch permanently  
149 affixed letters.

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

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

170 10. Before removing a vehicle or vessel from property upon  
171 which is located a business establishment where alcoholic  
172 beverages are sold, a person or firm that tows vehicles or  
173 vessels must obtain written authorization to tow that specific  
174 vehicle or vessel from the owner or operator of such business

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175 establishment or a person authorized by the owner or operator to  
176 give such authorization. The authorization statement must include  
177 the date and time of removal; a description of the vehicle or  
178 vessel by make, model, and license tag or registration number;  
179 and the printed name and signature of the person authorizing the  
180 removal.

181 (b) These requirements are minimum standards and do not  
182 preclude enactment of additional regulations by any municipality  
183 or county including the right to regulate rates when vehicles or  
184 vessels are towed from private property.

185 (5) (a) Any person who violates subparagraph (2) (a)2. or  
186 subparagraph (2) (a)6. commits a misdemeanor of the first degree,  
187 punishable as provided in s. 775.082 or s. 775.083.

188 (b) Any person who violates subparagraph (2) (a)1.,  
189 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph  
190 (2) (a)7., ~~or~~ subparagraph (2) (a)9, or subparagraph (2) (a) (10).  
191 commits a felony of the third degree, punishable as provided in  
192 s. 775.082, s. 775.083, or s. 775.084.

193 Section 2. This act shall take effect July 1, 2008.