

HB 617

2014

1                                   A bill to be entitled  
 2           An act relating to towing of vehicles and vessels;  
 3           amending s. 715.07, F.S.; authorizing an owner or  
 4           lessee of real property to have a vehicle or vessel  
 5           removed from the property without certain signage if  
 6           the vehicle or vessel has remained on the property for  
 7           a specified period; providing an effective date.

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

10  
 11           Section 1.   Section 715.07, Florida Statutes, is amended to  
 12   read:

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

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

16           (a)   "Vehicle" means a ~~any~~ mobile item that ~~which~~ normally  
 17   uses wheels, whether motorized or not.

18           (b)   "Vessel" means every description of watercraft, barge,  
 19   and airboat used or capable of being used as a means of  
 20   transportation on water, other than a seaplane or a "documented  
 21   vessel" as defined in s. 327.02(9).

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

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28 towing vehicles or vessels, without liability for the costs of  
29 removal, transportation, or storage or damages caused by such  
30 removal, transportation, or storage, under any of the following  
31 circumstances:

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

37 1.a. A Any towed or removed vehicle or vessel must be  
38 stored at a site within a 10-mile radius of the point of removal  
39 in a any county with a population of 500,000 ~~population~~ or more  
40 ~~or, and~~ within a 15-mile radius of the point of removal in a any  
41 county with a population of less than 500,000 ~~population~~. That  
42 site must be open for the purpose of redemption of vehicles from  
43 8 a.m. to 6 p.m. on any day that the person or firm towing such  
44 vehicle or vessel is open for towing purposes, ~~from 8:00 a.m. to~~  
45 ~~6:00 p.m.,~~ and, when closed, shall have prominently posted a  
46 sign indicating a telephone number where the operator of the  
47 site can be reached at all times. Upon receipt of a telephoned  
48 request to open the site to redeem a vehicle or vessel, the  
49 operator must ~~shall~~ return to the site within 1 hour ~~or she or~~  
50 ~~he will be in violation of this section.~~

51 b. If no towing business providing such service is located  
52 within the area of towing limitations under ~~set forth in~~ sub-  
53 subparagraph a., the following limitations apply: a any towed or  
54 removed vehicle or vessel must be stored at a site within a 20-

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55 | mile radius of the point of removal in a any county with a  
 56 | population of 500,000 ~~population~~ or more ~~or,~~ and within a 30-  
 57 | mile radius of the point of removal in a any county with a  
 58 | population of less than 500,000 ~~population~~.

59 |       2. Within 30 minutes after completion of the towing or  
 60 | removal, the person or firm that towed or removed ~~towing or~~  
 61 | ~~removing~~ the vehicle or vessel must ~~shall,~~ ~~within 30 minutes~~  
 62 | ~~after completion of such towing or removal,~~ notify the municipal  
 63 | police department or, in an unincorporated area, the sheriff,  
 64 | of: the ~~such~~ towing or removal; the storage site; the time the  
 65 | vehicle or vessel was towed or removed; and the make, model,  
 66 | color, and license plate number of the vehicle or description  
 67 | and registration number of the vessel. The person or firm ~~and~~  
 68 | shall note on the trip record ~~obtain~~ the name of the person ~~at~~  
 69 | ~~that~~ department to whom such information was reported ~~and note~~  
 70 | ~~that name on the trip record.~~

71 |       3. A person in the process of towing or removing a vehicle  
 72 | or vessel from the premises or parking lot in which the vehicle  
 73 | or vessel is not lawfully parked must stop when a person seeks  
 74 | the return of the vehicle or vessel. The vehicle or vessel must  
 75 | be returned upon the payment of a reasonable service fee of not  
 76 | more than one-half of the posted rate for the towing or removal  
 77 | service as provided in subparagraph 7. 6. ~~6.~~ The vehicle or vessel  
 78 | may be towed or removed if, after a reasonable opportunity, the  
 79 | owner or legally authorized person in control of the vehicle or  
 80 | vessel is unable to pay the service fee. If the vehicle or  
 81 | vessel is redeemed, a detailed signed receipt must be given to

82 | the person redeeming the vehicle or vessel.

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

86 | 5. Except when the ~~for~~ property is appurtenant to and  
87 | obviously a part of a single-family residence or, ~~and except for~~  
88 | ~~instances~~ when notice is personally given to the owner or other  
89 | legally authorized person in control of the vehicle or vessel  
90 | that the area in which that vehicle or vessel is parked is  
91 | reserved or otherwise unavailable for unauthorized vehicles or  
92 | vessels and that the vehicle or vessel is subject to being  
93 | removed at the owner's or operator's expense, before towing or  
94 | removing a vehicle or vessel from private property without the  
95 | consent of the owner or other legally authorized person in  
96 | control of that vehicle or vessel, a ~~any~~ property owner or  
97 | lessee~~7~~ or person authorized by the property owner or lessee~~7~~  
98 | ~~prior to towing or removing any vehicle or vessel from private~~  
99 | ~~property without the consent of the owner or other legally~~  
100 | ~~authorized person in control of that vehicle or vessel,~~ must  
101 | post a notice subject to ~~meeting~~ the following ~~requirements~~:

102 | a. The notice must:

103 | (I) Be prominently placed at each driveway access or curb  
104 | cut allowing vehicular access to the property, within 5 feet  
105 | from the public right-of-way line. If there are no curbs or  
106 | access barriers, the signs must be posted not less than one sign  
107 | for each 25 feet of lot frontage.

108 | ~~(II) b. The notice must~~ Clearly indicate, in not less than

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109 2-inch high, light-reflective letters on a contrasting  
110 background, that unauthorized vehicles will be towed away at the  
111 owner's expense. The words "tow-away zone" must be included on  
112 the sign in not less than 4-inch high letters.

113 ~~(III)e.~~ ~~The notice must also~~ Provide the name and current  
114 telephone number of the person or firm towing or removing ~~the~~  
115 vehicles or vessels.

116 ~~b.d.~~ The sign structure containing the required notices  
117 must be permanently installed with the words "tow-away zone" at  
118 least ~~not less than~~ 3 feet but no ~~and not~~ more than 6 feet above  
119 ground level and must be continuously maintained on the property  
120 for at least ~~not less than~~ 24 hours before ~~prior to the~~ towing  
121 or removing a vehicle or vessel ~~removal of any vehicles or~~  
122 ~~vessels~~.

123 ~~e.~~ The local government may require permitting and  
124 inspection of such ~~these~~ signs before ~~prior to any~~ towing or  
125 removing a vehicle or vessel is ~~removal of vehicles or vessels~~  
126 ~~being~~ authorized.

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

133 ~~d.g.~~ A property owner towing or removing vessels from real  
134 property must post notice, consistent with the requirements in  
135 sub-subparagraphs a.-c. ~~a.-f.~~, which apply to vehicles, that

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136 | unauthorized vehicles or vessels will be towed away at the  
137 | owner's expense.

138 |       6. Notwithstanding subparagraph 5., ~~a business owner or~~  
139 | ~~lessee may authorize the removal of a vehicle or vessel by a~~  
140 | ~~towing company~~ when a the vehicle or vessel is parked in such a  
141 | manner that restricts the normal operation of business; is ~~and~~  
142 | ~~if a vehicle or vessel~~ parked on a public right-of-way in a  
143 | manner that obstructs access to a private driveway; or has been  
144 | parked or stored on private property for a period exceeding 10  
145 | days, the owner ~~or~~ lessee, or agent of the owner or lessee, of  
146 | the real property may have the vehicle or vessel removed by a  
147 | towing company upon signing an order that the vehicle or vessel  
148 | be removed without a posted tow-away zone sign.

149 |       ~~7.6.~~ A ~~Any~~ person or firm that tows or removes vehicles or  
150 | vessels and proposes to require an owner, operator, or person in  
151 | control of a vehicle or vessel to pay the costs of towing and  
152 | storage before ~~prior to~~ redemption of the vehicle or vessel must  
153 | file and keep on record with the local law enforcement agency a  
154 | complete copy of the current rates to be charged for such  
155 | services and post at the storage site an identical rate schedule  
156 | and any written contracts with property owners, lessees, or  
157 | persons in control of property which authorize such person or  
158 | firm to remove vehicles or vessels as provided in this section.

159 |       ~~8.7.~~ A ~~Any~~ person or firm towing or removing ~~any~~ vehicles  
160 | or vessels from private property without the consent of the  
161 | owner or other legally authorized person in control of the  
162 | vehicles or vessels shall, on any trucks, wreckers as defined in

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163 s. 713.78(1)(c), or other vehicles used in the towing or  
164 removal, have the name, address, and telephone number of the  
165 company performing such service clearly printed in contrasting  
166 colors on the driver and passenger sides of the vehicle. The  
167 name shall be in at least 3-inch, permanently affixed letters,  
168 and the address and telephone number shall be in at least 1-  
169 inch, permanently affixed letters.

170 ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle  
171 or vessel shall be allowed with reasonable care on the part of  
172 the person or firm towing the vehicle or vessel. Such person or  
173 firm shall be liable for any damage occasioned to the vehicle or  
174 vessel if such entry is not in accordance with the standard of  
175 reasonable care.

176 ~~10.9.~~ When a vehicle or vessel has been towed or removed  
177 pursuant to this section, it must be released to its owner or  
178 custodian within 1 ~~one~~ hour after requested. ~~A~~ Any vehicle or  
179 vessel owner or agent of the owner may ~~shall have the right to~~  
180 inspect the vehicle or vessel before accepting its return. ~~A~~  
181 ~~and no~~ release or waiver of any kind which would release the  
182 person or firm towing the vehicle or vessel from liability for  
183 damages noted by the owner or other legally authorized person at  
184 the time of the redemption may not be required from a ~~any~~  
185 vehicle or vessel owner ~~or~~ custodian ~~or agent~~ of the owner or  
186 custodian as a condition of release of the vehicle or vessel to  
187 its owner. A detailed, signed receipt showing the legal name of  
188 the company or person towing or removing the vehicle or vessel  
189 must be given to the person paying towing or storage charges at

190 the time of payment, whether requested or not.

191 (b) The ~~These~~ requirements of this subsection are minimum  
 192 standards and do not preclude enactment of additional  
 193 regulations by a ~~any~~ municipality or county including the right  
 194 to regulate rates when vehicles or vessels are towed from  
 195 private property.

196 (3) This section does not apply to law enforcement,  
 197 firefighting, rescue squad, ambulance, or other emergency  
 198 vehicles or vessels that are marked as such or to property owned  
 199 by a ~~any~~ governmental entity.

200 (4) When a person improperly causes a vehicle or vessel to  
 201 be removed, such person shall be liable to the owner or lessee  
 202 of the vehicle or vessel for the cost of removal,  
 203 transportation, and storage; any damages resulting from the  
 204 removal, transportation, or storage of the vehicle or vessel;  
 205 attorney's fees; and court costs.

206 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or  
 207 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the  
 208 first degree, punishable as provided in s. 775.082 or s.  
 209 775.083.

210 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,  
 211 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph  
 212 (2) (a)8. ~~(2) (a)7.~~, or subparagraph (2) (a)10. ~~(2) (a)9.~~ commits a  
 213 felony of the third degree, punishable as provided in s.  
 214 775.082, s. 775.083, or s. 775.084.

215 Section 2. This act shall take effect upon becoming a law.