

1                                   A bill to be entitled  
 2           An act relating to towing of vehicles and vessels;  
 3           amending s. 715.07, F.S.; providing for removal of a  
 4           vehicle or vessel by a cooperative association or a  
 5           homeowners' association; authorizing an owner or  
 6           lessee of real property to have a vehicle or vessel  
 7           removed from the property without certain signage  
 8           under certain circumstances; requiring a notice to be  
 9           attached to the vehicle or vessel and providing  
 10          requirements therefor; providing an effective date.

11  
 12   Be It Enacted by the Legislature of the State of Florida:

13  
 14          Section 1.   Section 715.07, Florida Statutes, is amended to  
 15   read:

16          715.07   Vehicles or vessels ~~parked on private property;~~  
 17   towing.—

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

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

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

25          (2)   The owner or lessee of real property, or a any person  
 26   authorized by the owner or lessee, which person may be the

27 designated representative of the condominium association if the  
28 real property is a condominium, the designated representative of  
29 the cooperative association if the real property is a  
30 cooperative, or the designated representative of the homeowners'  
31 association if the real property is owned by a homeowners'  
32 association, may cause a ~~any~~ vehicle or vessel parked on such  
33 property without her or his permission to be removed by a person  
34 regularly engaged in the business of towing vehicles or vessels,  
35 without liability for the costs of removal, transportation, or  
36 storage or damages caused by such removal, transportation, or  
37 storage, under any of the following circumstances:

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

43 1.a. A ~~Any~~ towed or removed vehicle or vessel must be  
44 stored at a site within a 10-mile radius of the point of removal  
45 in a ~~any~~ county with a population of 500,000 ~~population~~ or more  
46 ~~or,~~ and within a 15-mile radius of the point of removal in a ~~any~~  
47 county with a population of less than 500,000 ~~population~~. That  
48 site must be open for the purpose of redemption of vehicles from  
49 8 a.m. to 6 p.m. on any day that the person or firm towing such  
50 vehicle or vessel is open for towing purposes, ~~from 8:00 a.m. to~~  
51 ~~6:00 p.m.,~~ and, when closed, shall have prominently posted a  
52 sign indicating a telephone number where the operator of the

53 site can be reached at all times. Upon receipt of a telephoned  
 54 request to open the site to redeem a vehicle or vessel, the  
 55 operator must ~~shall~~ return to the site within 1 hour ~~or she or~~  
 56 ~~he will be in violation of this section.~~

57 b. If no towing business providing such service is located  
 58 within the area of towing limitations under ~~set forth in~~ sub-  
 59 subparagraph a., the following limitations apply: a ~~any~~ towed or  
 60 removed vehicle or vessel must be stored at a site within a 20-  
 61 mile radius of the point of removal in a ~~any~~ county with a  
 62 population of 500,000 ~~population~~ or more or, ~~and~~ within a 30-  
 63 mile radius of the point of removal in a ~~any~~ county with a  
 64 population of less than 500,000 ~~population~~.

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

77 3. A person in the process of towing or removing a vehicle  
 78 or vessel from the premises or parking lot in which the vehicle

79 or vessel is not lawfully parked must stop when a person seeks  
 80 the return of the vehicle or vessel. The vehicle or vessel must  
 81 be returned upon the payment of a reasonable service fee of not  
 82 more than one-half of the posted rate for the towing or removal  
 83 service as provided in subparagraph 7. 6. The vehicle or vessel  
 84 may be towed or removed if, after a reasonable opportunity, the  
 85 owner or legally authorized person in control of the vehicle or  
 86 vessel is unable to pay the service fee. If the vehicle or  
 87 vessel is redeemed, a detailed signed receipt must be given to  
 88 the person redeeming the vehicle or vessel.

89 4. A person may not pay or accept money or other valuable  
 90 consideration for the privilege of towing or removing vehicles  
 91 or vessels from a particular location.

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

105 ~~property without the consent of the owner or other legally~~  
 106 ~~authorized person in control of that vehicle or vessel,~~ must  
 107 post a notice subject to ~~meeting~~ the following ~~requirements~~:

108 a. The notice must:

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

114 ~~(II)b.~~ ~~The notice must~~ Clearly indicate, in not less than  
 115 2-inch high, light-reflective letters on a contrasting  
 116 background, that unauthorized vehicles will be towed away at the  
 117 owner's expense. The words "tow-away zone" must be included on  
 118 the sign in not less than 4-inch high letters.

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

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

129 e. The local government may require permitting and  
 130 inspection of such ~~these~~ signs before ~~prior to any~~ towing or

131 removing a vehicle or vessel is ~~removal of vehicles or vessels~~  
132 ~~being~~ authorized.

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

139 ~~d.g.~~ A property owner towing or removing vessels from real  
140 property must post notice, consistent with the requirements in  
141 sub-subparagraphs a.-c. ~~a.-f.~~, which apply to vehicles, that  
142 unauthorized vehicles or vessels will be towed away at the  
143 owner's expense.

144 6. Notwithstanding subparagraph 5., ~~a business owner or~~  
145 ~~lessee may authorize the removal of a vehicle or vessel by a~~  
146 ~~towing company when a~~ the vehicle or vessel is parked in such a  
147 manner that restricts the normal operation of business; is and  
148 ~~if a vehicle or vessel~~ parked on a public right-of-way in a  
149 manner that obstructs access to a private driveway; or has been  
150 parked or stored on private property for a period exceeding 10  
151 days, the owner ~~or~~ lessee, or agent of the owner or lessee, of  
152 the real property may have the vehicle or vessel removed by a  
153 towing company upon signing an order that the vehicle or vessel  
154 be removed without a posted tow-away zone sign. However, the 10-  
155 day period after which the owner or lessee, or agent of the  
156 owner or lessee, of the real property may have the vehicle or

157 vessel removed without tow-away zone signage does not begin  
158 until such owner, lessee, or agent attaches to the vehicle or  
159 vessel with adhesive material a notice that the vehicle or  
160 vessel will be towed or removed from the property. The notice  
161 must:

162 a. In the case of a vehicle, be attached to the vehicle's  
163 windshield.

164 b. In the case of a vessel, be attached adjacent to the  
165 vessel registration number on the left or port side of the  
166 vessel.

167 c. Be at least 8 1/2 inches by 11 inches in size.

168 d. Clearly indicate the date on which the notice was  
169 posted.

170 e. Clearly indicate in bold letters that the vehicle or  
171 vessel will be towed or removed from the real property 10 days  
172 after the date on which the notice was posted.

173 7.6. A ~~Any~~ person or firm that tows or removes vehicles or  
174 vessels and proposes to require an owner, operator, or person in  
175 control of a vehicle or vessel to pay the costs of towing and  
176 storage ~~before~~ ~~prior to~~ redemption of the vehicle or vessel must  
177 file and keep on record with the local law enforcement agency a  
178 complete copy of the current rates to be charged for such  
179 services and post at the storage site an identical rate schedule  
180 and any written contracts with property owners, lessees, or  
181 persons in control of property which authorize such person or  
182 firm to remove vehicles or vessels as provided in this section.

183        ~~8.7.~~ A ~~Any~~ person or firm towing or removing ~~any~~ vehicles  
 184 or vessels from private property without the consent of the  
 185 owner or other legally authorized person in control of the  
 186 vehicles or vessels shall, on any trucks, wreckers as defined in  
 187 s. 713.78(1)(c), or other vehicles used in the towing or  
 188 removal, have the name, address, and telephone number of the  
 189 company performing such service clearly printed in contrasting  
 190 colors on the driver and passenger sides of the vehicle. The  
 191 name shall be in at least 3-inch, permanently affixed letters,  
 192 and the address and telephone number shall be in at least 1-  
 193 inch, permanently affixed letters.

194        ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle  
 195 or vessel shall be allowed with reasonable care on the part of  
 196 the person or firm towing the vehicle or vessel. Such person or  
 197 firm shall be liable for any damage occasioned to the vehicle or  
 198 vessel if such entry is not in accordance with the standard of  
 199 reasonable care.

200        ~~10.9.~~ When a vehicle or vessel has been towed or removed  
 201 pursuant to this section, it must be released to its owner or  
 202 custodian within 1 ~~one~~ hour after requested. A ~~Any~~ vehicle or  
 203 vessel owner or agent of the owner may ~~shall have the right to~~  
 204 inspect the vehicle or vessel before accepting its return. A  
 205 ~~and no~~ release or waiver of any kind which would release the  
 206 person or firm towing the vehicle or vessel from liability for  
 207 damages noted by the owner or other legally authorized person at  
 208 the time of the redemption may not be required from a ~~any~~



209 vehicle or vessel owner or, custodian~~,~~ or agent of the owner or  
 210 custodian as a condition of release of the vehicle or vessel to  
 211 its owner. A detailed, signed receipt showing the legal name of  
 212 the company or person towing or removing the vehicle or vessel  
 213 must be given to the person paying towing or storage charges at  
 214 the time of payment, whether requested or not.

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

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

224 (4) When a person improperly causes a vehicle or vessel to  
 225 be removed, such person shall be liable to the owner or lessee  
 226 of the vehicle or vessel for the cost of removal,  
 227 transportation, and storage; any damages resulting from the  
 228 removal, transportation, or storage of the vehicle or vessel;  
 229 attorney's fees; and court costs.

230 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or  
 231 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the  
 232 first degree, punishable as provided in s. 775.082 or s.  
 233 775.083.

234 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,

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235 | subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph  
236 | (2)(a)8. ~~(2)(a)7.~~, or subparagraph (2)(a)10. ~~(2)(a)9.~~ commits a  
237 | felony of the third degree, punishable as provided in s.  
238 | 775.082, s. 775.083, or s. 775.084.

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