

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; requiring police verification
 11 and documentation of such a notice and requirements
 12 therefor; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 715.07, Florida Statutes, is amended to
 17 read:

18 715.07 Vehicles or vessels ~~parked on private property;~~
 19 towing.—

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

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

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

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

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

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

53 ~~6:00 p.m.,~~ and, when closed, shall have prominently posted a
 54 sign indicating a telephone number where the operator of the
 55 site can be reached at all times. Upon receipt of a telephoned
 56 request to open the site to redeem a vehicle or vessel, the
 57 operator must ~~shall~~ return to the site within 1 hour ~~or she or~~
 58 ~~he will be in violation of this section.~~

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

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

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

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

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

105 lessee, or person authorized by the property owner or lessee,
 106 ~~prior to towing or removing any vehicle or vessel from private~~
 107 ~~property without the consent of the owner or other legally~~
 108 ~~authorized person in control of that vehicle or vessel,~~ must
 109 post a notice subject to meeting the following requirements:

110 a. The notice must:

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

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

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

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

131 ~~e.~~ The local government may require permitting and
132 inspection of such ~~these~~ signs before ~~prior to any~~ towing or
133 removing a vehicle or vessel is ~~removal of vehicles or vessels~~
134 ~~being~~ authorized.

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

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

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

157 day period after which the owner or lessee, or agent of the
158 owner or lessee, of the real property may have the vehicle or
159 vessel removed without tow-away zone signage does not begin
160 until both of the following requirements are met:

161 a. Such owner, lessee, or agent attaches to the vehicle or
162 vessel with adhesive material a notice that the vehicle or
163 vessel will be towed or removed from the property. The notice
164 must:

165 I. In the case of a vehicle, be attached to the vehicle's
166 windshield.

167 II. In the case of a vessel, be attached adjacent to the
168 vessel registration number on the left or port side of the
169 vessel.

170 III. Be at least 8 inches by 10 inches in size and be
171 sufficiently weatherproofed to withstand normal exposure to the
172 elements.

173 IV. Clearly indicate the date on which the notice is
174 posted.

175 V. Clearly indicate in bold letters that the vehicle or
176 vessel will be towed or removed from the real property 5 days
177 after the date on which a local law enforcement agency verifies
178 and documents with a police report the notice's compliance with
179 this subparagraph.

180 VI. Provide the name and phone number of the proposed
181 towing company.

182 b. The local law enforcement agency is notified of the
 183 notice being posted pursuant to this subparagraph, and the local
 184 law enforcement agency verifies and documents the notice's
 185 compliance with this subparagraph with a police report that
 186 shall be provided to the property owner and the towing company.

187 ~~7.6.~~ A Any person or firm that tows or removes vehicles or
 188 vessels and proposes to require an owner, operator, or person in
 189 control of a vehicle or vessel to pay the costs of towing and
 190 storage before ~~prior to~~ redemption of the vehicle or vessel must
 191 file and keep on record with the local law enforcement agency a
 192 complete copy of the current rates to be charged for such
 193 services and post at the storage site an identical rate schedule
 194 and any written contracts with property owners, lessees, or
 195 persons in control of property which authorize such person or
 196 firm to remove vehicles or vessels as provided in this section.

197 ~~8.7.~~ A Any person or firm towing or removing ~~any~~ vehicles
 198 or vessels from private property without the consent of the
 199 owner or other legally authorized person in control of the
 200 vehicles or vessels shall, on any trucks, wreckers as defined in
 201 s. 713.78(1)(c), or other vehicles used in the towing or
 202 removal, have the name, address, and telephone number of the
 203 company performing such service clearly printed in contrasting
 204 colors on the driver and passenger sides of the vehicle. The
 205 name shall be in at least 3-inch, permanently affixed letters,
 206 and the address and telephone number shall be in at least 1-
 207 inch, permanently affixed letters.

208 ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle
 209 or vessel shall be allowed with reasonable care on the part of
 210 the person or firm towing the vehicle or vessel. Such person or
 211 firm shall be liable for any damage occasioned to the vehicle or
 212 vessel if such entry is not in accordance with the standard of
 213 reasonable care.

214 ~~10.9.~~ When a vehicle or vessel has been towed or removed
 215 pursuant to this section, it must be released to its owner or
 216 custodian within 1 ~~one~~ hour after requested. ~~A~~ Any vehicle or
 217 vessel owner or agent of the owner may ~~shall have the right to~~
 218 inspect the vehicle or vessel before accepting its return. ~~A~~
 219 ~~and no~~ release or waiver of any kind which would release the
 220 person or firm towing the vehicle or vessel from liability for
 221 damages noted by the owner or other legally authorized person at
 222 the time of the redemption may not be required from a any
 223 vehicle or vessel owner ~~or~~ custodian ~~or agent of the owner or~~
 224 custodian as a condition of release of the vehicle or vessel to
 225 its owner. A detailed, signed receipt showing the legal name of
 226 the company or person towing or removing the vehicle or vessel
 227 must be given to the person paying towing or storage charges at
 228 the time of payment, whether requested or not.

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

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

238 (4) When a person improperly causes a vehicle or vessel to
239 be removed, such person shall be liable to the owner or lessee
240 of the vehicle or vessel for the cost of removal,
241 transportation, and storage; any damages resulting from the
242 removal, transportation, or storage of the vehicle or vessel;
243 attorney's fees; and court costs.

244 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or
245 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the
246 first degree, punishable as provided in s. 775.082 or s.
247 775.083.

248 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,
249 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph
250 (2) (a)8. ~~(2) (a)7.~~, or subparagraph (2) (a)10. ~~(2) (a)9.~~ commits a
251 felony of the third degree, punishable as provided in s.
252 775.082, s. 775.083, or s. 775.084.

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