

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 974

INTRODUCER: Transportation Committee and Senator Abruzzo

SUBJECT: Towing of Vehicles and Vessels

DATE: March 20, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 974 authorizes an owner or lessee of real property to have a vehicle or vessel removed from the property without posted tow-away zone signage if the vehicle or vessel has been parked or stored on the property for more than ten days.

II. Present Situation:

Section 715.07, F.S., authorizes the owner or lessee of real property to have towed or removed from the property by a person regularly engaged in the business of towing any vehicle or vessel parked on such property without the property owner's permission and without liability for costs. This authorization is subject to strict compliance with specified conditions relating to storage of the towed vehicle or vessel, time limitations for notifying the local police department or sheriff of the towing, and required provision to the police department or sheriff of vehicle or vessel identification information.

With two exceptions,¹ the property owner or lessee must post a specified notice before towing or removing the vehicle or vessel.

¹ Property that is obviously a part of a single-family residence, or when notice is personally given to the owner or other authorized person in control of the vehicle or vessel that the property is unavailable for unauthorized parking and that the vehicle or vessel is subject to being removed at the owner's or operator's expense. See s. 715.07(2)(a)5., F.S.

The notice must:

- Be prominently placed at each driveway access or curb cut allowing vehicular access to the property within five feet from the public right-of-way line, except that if there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage;
- Clearly indicate that unauthorized vehicles will be towed away at the owner's expense, in light-reflective letters not less than 2 inches high on a contrasting background;
- Include in letters not less than 4 inches high the words "tow-away zone"; and
- Provide the name and current telephone number of the person or firm towing or removing the vehicle or vessel.

In addition, the sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than three feet or more than six feet above ground level and must be continuously maintained on the property for not less than 24 hours prior to towing or removing any vehicle or vessel.

A business with 20 or fewer parking spaces is authorized to satisfy the above-described requirements by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in light-reflective letters not less than 4 inches high.

Section 715.07, F.S., provides for two instances in which towing is permissible although signage is not visible. A business owner or lessee is authorized to have a vehicle or vessel removed by a towing company when the vehicle or vessel is parked in a manner that restricts the normal operation of business. If a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company. An order must be signed by the owner, lessee, or agent for the vehicle or vessel for the vehicle or vessel to be removed without a posted tow-away zone sign.²

III. Effect of Proposed Changes:

The bill amends s. 715.07, F.S., to provide that, in addition to current authorizations for causing a vehicle to be towed, when a vehicle or vessel has been parked or stored on private property for more than ten days, the owner or lessee, or agent of the owner or lessee, of the real property may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

The bill provides that the ten-day period does not begin to run until the owner or lessee (or agent) of the real property physically attaches to the vehicle or vessel with adhesive material notice that the vehicle or vessel will be towed or removed from the real property. The notice must:

- In the case of a vehicle, be attached to the vehicle's windshield.
- In the case of a vessel, be attached adjacent to the vessel registration number on the left or port side of the vessel.
- Be at least 8.5 by 11 inches in size.

² For parking and towing considerations pertinent to condominium association managers, see Joseph Sanders, *Towing Vehicles The Good, the Bad, and the Ugly*, *The Florida Community Association Journal*, 26-29 (Jan. 2009).

- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property after ten days from the date on which the notice was posted.

The bill also makes grammatical and editorial changes and corrects cross-references necessitated by statutory changes made elsewhere in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners and lessees of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than 10 days. Practically, it is expected that most business owners and lessees are likely to already have tow-away zone signage pursuant to current law. Thus, the cost savings is more likely to occur for non-business private property owners.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In the absence of proof that a vehicle or vessel has been parked or stored on private property for the required period exceeding 10 days, those who tow or remove a vehicle or vessel and the owners of the real property causing a tow may be subject to claims for damages incurred by the vehicle or vessel owner.

VIII. Statutes Affected:

This bill amends section 715.07 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 13, 2014:

Incorporates an amendment to provide that the 10-day period does not begin to run until a written notice is physically attached to the vehicle or vessel stating that it will be towed or removed after ten days from the date on which the notice was posted and to provide requirements for placement, size, and content of the notice.

- B. **Amendments:**

None.