

By Senator Abruzzo

25-01037-14

2014974__

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
 28 towing vehicles or vessels, ~~7~~ without liability for the costs of
 29 removal, transportation, or storage or damages caused by such

25-01037-14

2014974__

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-
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~~.

25-01037-14

2014974__

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.~~ 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~~

25-01037-14

2014974__

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, or person authorized by the property owner or lessee,
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
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) ~~c.~~ ~~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

25-01037-14

2014974__

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
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

25-01037-14

2014974__

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
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

25-01037-14

2014974__

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

25-01037-14

2014974__

204 removal, transportation, or storage of the vehicle or vessel;
205 attorney ~~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.