

By the Committee on Transportation; and Senator Abruzzo

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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 that the specified  
8 period does not begin until a certain notice is  
9 physically attached to the vehicle or vessel;  
10 providing requirements for the notice; providing an  
11 effective date.

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

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

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

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

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

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

26 (2) The owner or lessee of real property, or a any person  
27 authorized by the owner or lessee, which person may be the  
28 designated representative of the condominium association if the  
29 real property is a condominium, may cause a any vehicle or

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30 vessel parked on such property without her or his permission to  
31 be removed by a person regularly engaged in the business of  
32 towing vehicles or vessels, without liability for the costs of  
33 removal, transportation, or storage or damages caused by such  
34 removal, transportation, or storage, under any of the following  
35 circumstances:

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

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

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

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59 mile radius of the point of removal in a any county with a  
60 population of 500,000 ~~population~~ or more ~~or,~~ and within a 30-  
61 mile radius of the point of removal in a any county with a  
62 population of less than 500,000 ~~population~~.

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

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

87 4. A person may not pay or accept money or other valuable

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88 consideration for the privilege of towing or removing vehicles  
89 or vessels from a particular location.

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

106 a. The notice must:

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

112 (II) ~~b. The notice must~~ Clearly indicate, in not less than  
113 2-inch high, light-reflective letters on a contrasting  
114 background, that unauthorized vehicles will be towed away at the  
115 owner's expense. The words "tow-away zone" must be included on  
116 the sign in not less than 4-inch high letters.

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

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

127 ~~e.~~ The local government may require permitting and  
128 inspection of such ~~these~~ signs before ~~prior to any~~ towing or  
129 removing a vehicle or vessel is ~~removal of vehicles or vessels~~  
130 ~~being~~ authorized.

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

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

142 6. Notwithstanding subparagraph 5., ~~a business owner or~~  
143 ~~lessee may authorize the removal of a vehicle or vessel by a~~  
144 ~~towing company~~ when a ~~the~~ vehicle or vessel is parked in ~~such a~~  
145 manner that restricts the normal operation of business; is ~~and~~

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146 ~~if a vehicle or vessel~~ parked on a public right-of-way in a  
147 manner that obstructs access to a private driveway; or has been  
148 parked or stored on private property for a period exceeding 10  
149 days, the owner ~~or,~~ lessee, or agent of the owner or lessee, of  
150 the real property may have the vehicle or vessel removed by a  
151 towing company upon signing an order that the vehicle or vessel  
152 be removed without a posted tow-away zone sign.

153 a. The 10-day period after which towing or removal of a  
154 vehicle or vessel from real property without tow-away zone  
155 signage is authorized does not begin until the owner or lessee,  
156 or agent of the owner or lessee, of the real property physically  
157 attaches to the vehicle or vessel with adhesive material notice  
158 that the vehicle or vessel will be towed or removed from the  
159 real property. The notice must:

160 (I) In the case of a vehicle, be attached to the vehicle's  
161 windshield.

162 (II) In the case of a vessel, be attached adjacent to the  
163 vessel registration number on the left or port side of the  
164 vessel.

165 (III) Be at least 8.5 by 11 inches in size.

166 (IV) Clearly indicate the date on which the notice was  
167 posted.

168 (V) Clearly indicate in bold letters that the vehicle or  
169 vessel will be towed or removed from the real property after 10  
170 days from the date on which the notice was posted.

171 ~~7.6. A~~ Any person or firm that tows or removes vehicles or  
172 vessels and proposes to require an owner, operator, or person in  
173 control of a vehicle or vessel to pay the costs of towing and  
174 storage before ~~prior to~~ redemption of the vehicle or vessel must

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175 file and keep on record with the local law enforcement agency a  
176 complete copy of the current rates to be charged for such  
177 services and post at the storage site an identical rate schedule  
178 and any written contracts with property owners, lessees, or  
179 persons in control of property which authorize such person or  
180 firm to remove vehicles or vessels as provided in this section.

181 8.7. ~~A~~ Any person or firm towing or removing ~~any~~ vehicles  
182 or vessels from private property without the consent of the  
183 owner or other legally authorized person in control of the  
184 vehicles or vessels shall, on any trucks, wreckers as defined in  
185 s. 713.78(1)(c), or other vehicles used in the towing or  
186 removal, have the name, address, and telephone number of the  
187 company performing such service clearly printed in contrasting  
188 colors on the driver and passenger sides of the vehicle. The  
189 name shall be in at least 3-inch, permanently affixed letters,  
190 and the address and telephone number shall be in at least 1-  
191 inch, permanently affixed letters.

192 9.8. Vehicle entry for the purpose of removing the vehicle  
193 or vessel shall be allowed with reasonable care on the part of  
194 the person or firm towing the vehicle or vessel. Such person or  
195 firm shall be liable for any damage occasioned to the vehicle or  
196 vessel if such entry is not in accordance with the standard of  
197 reasonable care.

198 10.9. When a vehicle or vessel has been towed or removed  
199 pursuant to this section, it must be released to its owner or  
200 custodian within 1 ~~one~~ hour after requested. ~~A~~ Any vehicle or  
201 vessel owner or agent of the owner may ~~shall have the right to~~  
202 inspect the vehicle or vessel before accepting its return. ~~A~~  
203 ~~and no~~ release or waiver of any kind which would release the

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204 person or firm towing the vehicle or vessel from liability for  
205 damages noted by the owner or other legally authorized person at  
206 the time of the redemption may not be required from a any  
207 vehicle or vessel owner or custodian, or agent of the owner or  
208 custodian as a condition of release of the vehicle or vessel to  
209 its owner. A detailed, signed receipt showing the legal name of  
210 the company or person towing or removing the vehicle or vessel  
211 must be given to the person paying towing or storage charges at  
212 the time of payment, whether requested or not.

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

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

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

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

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

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

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