

By Senator Evers

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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.; 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.

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

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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 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 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.~~

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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 at the time of the telephone call
77 ~~obtain~~ the case number, badge number, or name of the person at
78 ~~that department~~ to whom such information was reported or attach
79 the electronic receipt received from the department or office to
80 the trip record if the notification was made by an electronic
81 notification process approved by the police department or
82 sheriff's office ~~and note that name on the trip record.~~

83 3. A person in the process of towing or removing a vehicle
84 or vessel from the premises or parking lot in which the vehicle
85 or vessel is not lawfully parked must stop when a person seeks
86 the return of the vehicle or vessel. The vehicle or vessel must
87 be returned upon the payment of a reasonable service fee of not

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88 more than one-half of the posted rate for the towing or removal
89 service as provided in subparagraph 7. ~~6.~~ The vehicle or vessel
90 may be towed or removed if, after a reasonable opportunity, the
91 owner or legally authorized person in control of the vehicle or
92 vessel is unable to pay the service fee. If the vehicle or
93 vessel is redeemed, a detailed signed receipt must be given to
94 the person redeeming the vehicle or vessel.

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

98 5. Except when the ~~for~~ property is appurtenant to and
99 obviously a part of a single-family residence or, ~~and except for~~
100 ~~instances~~ when notice is personally given to the owner or other
101 legally authorized person in control of the vehicle or vessel
102 that the area in which that vehicle or vessel is parked is
103 reserved or otherwise unavailable for unauthorized vehicles or
104 vessels and that the vehicle or vessel is subject to being
105 removed at the owner's or operator's expense, before towing or
106 removing a vehicle or vessel from private property without the
107 consent of the owner or other legally authorized person in
108 control of that vehicle or vessel, ~~a~~ any property owner or
109 lessee, ~~or person authorized by the property owner or lessee,~~
110 ~~prior to towing or removing any vehicle or vessel from private~~
111 ~~property without the consent of the owner or other legally~~
112 ~~authorized person in control of that vehicle or vessel,~~ must
113 post a notice subject to ~~meeting~~ the following ~~requirements~~:
114 a. The notice must:
115 (I) Be prominently placed at each driveway access or curb
116 cut allowing vehicular access to the property, within 5 feet

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117 from the public right-of-way line. If there are no curbs or
118 access barriers, the signs must be posted not less than one sign
119 for each 25 feet of lot frontage.

120 ~~(II)b.~~ ~~The notice must~~ Clearly indicate, in not less than
121 2-inch high, light-reflective letters on a contrasting
122 background, that unauthorized vehicles will be towed away at the
123 owner's expense. The words "tow-away zone" must be included on
124 the sign in not less than 4-inch high letters.

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

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

135 ~~e.~~ The local government may require permitting and
136 inspection of such ~~these~~ signs before ~~prior to any~~ towing or
137 removing a vehicle or vessel is ~~removal of vehicles or vessels~~
138 ~~being~~ authorized.

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

145 ~~d.g.~~ A property owner towing or removing vessels from real

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146 property must post notice, consistent with the requirements in
 147 sub-subparagraphs a.-c. ~~a.-f.~~, which apply to vehicles, that
 148 unauthorized vehicles or vessels will be towed away at the
 149 owner's expense.

150 6. Notwithstanding subparagraph 5., a business owner or
 151 lessee may authorize the removal of a vehicle or vessel by a
 152 towing company when a the vehicle or vessel is parked in such a
 153 manner that restricts the normal operation of business; is and
 154 if a vehicle or vessel parked on a public right-of-way in a
 155 manner that obstructs access to a private driveway; or has been
 156 parked or stored on private property for a period exceeding 5
 157 days, the owner or, lessee, or agent of the owner or lessee, of
 158 the real property may have the vehicle or vessel removed by a
 159 towing company upon signing an order that the vehicle or vessel
 160 be removed without a posted tow-away zone sign. However, the 5-
 161 day period after which the owner or lessee, or agent of the
 162 owner or lessee, of the real property may have the vehicle or
 163 vessel removed without tow-away zone signage does not begin
 164 until both of the following requirements are met:

165 a. Such owner, lessee, or agent attaches to the vehicle or
 166 vessel with adhesive material a notice that the vehicle or
 167 vessel will be towed or removed from the property. The notice
 168 must:

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

171 (II) In the case of a vessel, be attached adjacent to the
 172 vessel registration number on the left or port side of the
 173 vessel.

174 (III) Be at least 8 inches by 10 inches in size and be

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175 sufficiently weatherproofed to withstand normal exposure to the
176 elements.

177 (IV) Clearly indicate the date on which the notice is
178 posted.

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

184 (VI) Provide the name and phone number of the proposed
185 towing company.

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

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

201 8.7. A ~~Any~~ person or firm towing or removing ~~any~~
202 or vessels from private property without the consent of the
203 owner or other legally authorized person in control of the

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204 vehicles or vessels shall, on any trucks, wreckers as defined in
205 s. 713.78(1)(c), or other vehicles used in the towing or
206 removal, have the name, address, and telephone number of the
207 company performing such service clearly printed in contrasting
208 colors on the driver and passenger sides of the vehicle. The
209 name shall be in at least 3-inch, permanently affixed letters,
210 and the address and telephone number shall be in at least 1-
211 inch, permanently affixed letters.

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

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

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

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

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

248 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or
249 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the
250 first degree, punishable as provided in s. 775.082 or s.
251 775.083.

252 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,
253 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph
254 (2) (a)8. ~~(2) (a)7.~~, or subparagraph (2) (a)10. ~~(2) (a)9.~~ commits a
255 felony of the third degree, punishable as provided in s.
256 775.082, s. 775.083, or s. 775.084.

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