

By Senator Diaz

36-00955-22

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1 A bill to be entitled
2 An act relating to towing vehicles; amending s.
3 323.001, F.S.; providing construction; prohibiting
4 investigating agencies from releasing motor vehicles
5 towed to an agency's storage facility until certain
6 proof of payment is presented to the agency;
7 specifying that investigating agencies that do not
8 obtain proof of payment must pay certain charges
9 within a specified timeframe; requiring investigating
10 agencies to pay wrecker operators charges relating to
11 towing and storage within a specified timeframe if
12 certain judicial findings are made; amending ss.
13 713.78 and 715.07, F.S.; prohibiting towing companies
14 from releasing vehicles owned by rental car companies
15 which are towed under certain circumstances, to the
16 person who rented the vehicle unless the rental car
17 company appoints the person as its agent; providing
18 requirements for such appointment; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (1), paragraph (a) of subsection (2),
24 and subsection (3) of section 323.001, Florida Statutes, are
25 amended to read:

26 323.001 Wrecker operator storage facilities; vehicle
27 holds.—

28 (1) An investigating agency may place a hold on a motor
29 vehicle stored within a wrecker operator's storage facility for

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30 a period not to exceed 5 days, excluding holidays and weekends,
31 unless extended in writing. This subsection may not be construed
32 to prohibit an investigating agency from having a wrecker
33 operator tow a motor vehicle directly from the scene of the tow
34 to the investigating agency's storage facility. If a motor
35 vehicle is towed directly from the scene of the tow to the
36 investigating agency's storage facility, the vehicle may not be
37 released by the investigating agency to the owner or lienholder
38 of the vehicle until proof of payment of the towing and storage
39 charges incurred by the wrecker operator is presented to the
40 investigating agency. If the investigating agency releases the
41 vehicle to the owner or lienholder of the vehicle without
42 obtaining proof of payment, the investigating agency must pay
43 the wrecker operator the accrued towing and storage charges
44 within 60 days after the vehicle is released.

45 (2) The investigating agency must notify the wrecker
46 operator in writing within 5 days, excluding holidays and
47 weekends, whether the hold is to be continued. If no
48 notification follows this period of time, the wrecker operator
49 may release the vehicle to the designated person pursuant to s.
50 713.78.

51 (a) If the hold is to continue beyond 5 days, excluding
52 holidays and weekends, the investigating agency may have the
53 vehicle removed to a designated impound lot, in which event the
54 vehicle will not be released by the investigating agency to the
55 owner or lienholder of the vehicle until proof of payment of the
56 towing and storage charges incurred by the wrecker operator is
57 presented to the investigating agency. If the investigating
58 agency releases the vehicle to the owner or lienholder of the

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59 vehicle without obtaining proof of payment, the investigating
60 agency must pay the wrecker operator the accrued towing and
61 storage charges within 60 days after the vehicle is released.

62 (3) If there is a judicial finding of no probable cause for
63 having continued the immobilization or impoundment, the
64 investigating agency ordering the hold must pay the wrecker
65 operator the accrued charges for any towing and storage within
66 60 days after the judicial finding.

67 Section 2. Subsection (10) of section 713.78, Florida
68 Statutes, is amended to read:

69 713.78 Liens for recovering, towing, or storing vehicles
70 and vessels.—

71 (10) Persons who provide services pursuant to this section
72 shall permit vehicle or vessel owners, lienholders, insurance
73 company representatives, or their agents, which agency is
74 evidenced by an original writing acknowledged by the owner
75 before a notary public or other person empowered by law to
76 administer oaths, to inspect the towed vehicle or vessel and
77 shall release to the owner, lienholder, or agent the vehicle,
78 vessel, or all personal property not affixed to the vehicle or
79 vessel which was in the vehicle or vessel at the time the
80 vehicle or vessel came into the custody of the person providing
81 such services. For the purposes of this subsection, a rental car
82 agreement does not constitute evidence that the person who
83 rented a vehicle is an agent of the owner of the vehicle, and a
84 towing company may not release a vehicle owned by a rental car
85 company to the person who rented the vehicle unless the rental
86 car company appoints the person who rented the vehicle as its
87 agent. Such appointment must be evidenced in an original writing

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88 acknowledged by the rental car company before a notary public or
89 other person empowered by law to administer oaths and must
90 authorize the person to inspect and redeem the towed vehicle.

91 Section 3. Paragraph (a) of subsection (2) of section
92 715.07, Florida Statutes, is amended to read:

93 715.07 Vehicles or vessels parked on private property;
94 towing.—

95 (2) The owner or lessee of real property, or any person
96 authorized by the owner or lessee, which person may be the
97 designated representative of the condominium association if the
98 real property is a condominium, may cause any vehicle or vessel
99 parked on such property without her or his permission to be
100 removed by a person regularly engaged in the business of towing
101 vehicles or vessels, without liability for the costs of removal,
102 transportation, or storage or damages caused by such removal,
103 transportation, or storage, under any of the following
104 circumstances:

105 (a) The towing or removal of any vehicle or vessel from
106 private property without the consent of the registered owner or
107 other legally authorized person in control of that vehicle or
108 vessel is subject to substantial compliance with the following
109 conditions and restrictions:

110 1.a. Any towed or removed vehicle or vessel must be stored
111 at a site within a 10-mile radius of the point of removal in any
112 county of 500,000 population or more, and within a 15-mile
113 radius of the point of removal in any county of fewer than
114 500,000 population. That site must be open for the purpose of
115 redemption of vehicles on any day that the person or firm towing
116 such vehicle or vessel is open for towing purposes, from 8:00

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117 a.m. to 6:00 p.m., and, when closed, shall have prominently
118 posted a sign indicating a telephone number where the operator
119 of the site can be reached at all times. Upon receipt of a
120 telephoned request to open the site to redeem a vehicle or
121 vessel, the operator shall return to the site within 1 hour or
122 she or he will be in violation of this section.

123 b. If no towing business providing such service is located
124 within the area of towing limitations set forth in sub-
125 subparagraph a., the following limitations apply: any towed or
126 removed vehicle or vessel must be stored at a site within a 20-
127 mile radius of the point of removal in any county of 500,000
128 population or more, and within a 30-mile radius of the point of
129 removal in any county of fewer than 500,000 population.

130 2. The person or firm towing or removing the vehicle or
131 vessel shall, within 30 minutes after completion of such towing
132 or removal, notify the municipal police department or, in an
133 unincorporated area, the sheriff, of such towing or removal, the
134 storage site, the time the vehicle or vessel was towed or
135 removed, and the make, model, color, and license plate number of
136 the vehicle or description and registration number of the vessel
137 and shall obtain the name of the person at that department to
138 whom such information was reported and note that name on the
139 trip record.

140 3. A person in the process of towing or removing a vehicle
141 or vessel from the premises or parking lot in which the vehicle
142 or vessel is not lawfully parked must stop when a person seeks
143 the return of the vehicle or vessel. The vehicle or vessel must
144 be returned upon the payment of a reasonable service fee of not
145 more than one-half of the posted rate for the towing or removal

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146 service as provided in subparagraph 6. The vehicle or vessel may
147 be towed or removed if, after a reasonable opportunity, the
148 owner or legally authorized person in control of the vehicle or
149 vessel is unable to pay the service fee. If the vehicle or
150 vessel is redeemed, a detailed signed receipt must be given to
151 the person redeeming the vehicle or vessel.

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

155 5. Except for property appurtenant to and obviously a part
156 of a single-family residence, and except for instances when
157 notice is personally given to the owner or other legally
158 authorized person in control of the vehicle or vessel that the
159 area in which that vehicle or vessel is parked is reserved or
160 otherwise unavailable for unauthorized vehicles or vessels and
161 that the vehicle or vessel is subject to being removed at the
162 owner's or operator's expense, any property owner or lessee, or
163 person authorized by the property owner or lessee, before towing
164 or removing any vehicle or vessel from private property without
165 the consent of the owner or other legally authorized person in
166 control of that vehicle or vessel, must post a notice meeting
167 the following requirements:

168 a. The notice must be prominently placed at each driveway
169 access or curb cut allowing vehicular access to the property
170 within 10 feet from the road, as defined in s. 334.03(22). If
171 there are no curbs or access barriers, the signs must be posted
172 not fewer than one sign for each 25 feet of lot frontage.

173 b. The notice must clearly indicate, in not fewer than 2-
174 inch high, light-reflective letters on a contrasting background,

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175 that unauthorized vehicles will be towed away at the owner's
176 expense. The words "tow-away zone" must be included on the sign
177 in not fewer than 4-inch high letters.

178 c. The notice must also provide the name and current
179 telephone number of the person or firm towing or removing the
180 vehicles or vessels.

181 d. The sign structure containing the required notices must
182 be permanently installed with the words "tow-away zone" not
183 fewer than 3 feet and not more than 6 feet above ground level
184 and must be continuously maintained on the property for not
185 fewer than 24 hours before the towing or removal of any vehicles
186 or vessels.

187 e. The local government may require permitting and
188 inspection of these signs before any towing or removal of
189 vehicles or vessels being authorized.

190 f. A business with 20 or fewer parking spaces satisfies the
191 notice requirements of this subparagraph by prominently
192 displaying a sign stating "Reserved Parking for Customers Only
193 Unauthorized Vehicles or Vessels Will be Towed Away At the
194 Owner's Expense" in not fewer than 4-inch high, light-reflective
195 letters on a contrasting background.

196 g. A property owner towing or removing vessels from real
197 property must post notice, consistent with the requirements in
198 sub-subparagraphs a.-f., which apply to vehicles, that
199 unauthorized vehicles or vessels will be towed away at the
200 owner's expense.

201

202 A business owner or lessee may authorize the removal of a
203 vehicle or vessel by a towing company when the vehicle or vessel

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204 is parked in such a manner that restricts the normal operation
205 of business; and if a vehicle or vessel parked on a public
206 right-of-way obstructs access to a private driveway the owner,
207 lessee, or agent may have the vehicle or vessel removed by a
208 towing company upon signing an order that the vehicle or vessel
209 be removed without a posted tow-away zone sign.

210 6. Any person or firm that tows or removes vehicles or
211 vessels and proposes to require an owner, operator, or person in
212 control or custody of a vehicle or vessel to pay the costs of
213 towing and storage before redemption of the vehicle or vessel
214 must file and keep on record with the local law enforcement
215 agency a complete copy of the current rates to be charged for
216 such services and post at the storage site an identical rate
217 schedule and any written contracts with property owners,
218 lessees, or persons in control of property which authorize such
219 person or firm to remove vehicles or vessels as provided in this
220 section.

221 7. Any person or firm towing or removing any vehicles or
222 vessels from private property without the consent of the owner
223 or other legally authorized person in control or custody of the
224 vehicles or vessels shall, on any trucks, wreckers as defined in
225 s. 713.78(1)(c), or other vehicles used in the towing or
226 removal, have the name, address, and telephone number of the
227 company performing such service clearly printed in contrasting
228 colors on the driver and passenger sides of the vehicle. The
229 name shall be in at least 3-inch permanently affixed letters,
230 and the address and telephone number shall be in at least 1-inch
231 permanently affixed letters.

232 8. Vehicle entry for the purpose of removing the vehicle or

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233 vessel shall be allowed with reasonable care on the part of the
234 person or firm towing the vehicle or vessel. Such person or firm
235 shall be liable for any damage occasioned to the vehicle or
236 vessel if such entry is not in accordance with the standard of
237 reasonable care.

238 9. When a vehicle or vessel has been towed or removed
239 pursuant to this section, it must be released to its owner or
240 person in control or custody within 1 hour after requested. Any
241 vehicle or vessel owner or person in control or custody has the
242 right to inspect the vehicle or vessel before accepting its
243 return, and no release or waiver of any kind which would release
244 the person or firm towing the vehicle or vessel from liability
245 for damages noted by the owner or person in control or custody
246 at the time of the redemption may be required from any vehicle
247 or vessel owner or person in control or custody as a condition
248 of release of the vehicle or vessel to its owner or person in
249 control or custody. A detailed receipt showing the legal name of
250 the company or person towing or removing the vehicle or vessel
251 must be given to the person paying towing or storage charges at
252 the time of payment, whether requested or not. A towing company
253 may not release a vehicle owned by a rental car company to the
254 person who rented the vehicle unless the rental car company
255 appoints the person who rented the vehicle as its agent. Such
256 appointment must be evidenced in an original writing
257 acknowledged by the rental car company before a notary public or
258 other person empowered by law to administer oaths and must
259 authorize the person to inspect and redeem the towed vehicle.

260 Section 4. This act shall take effect July 1, 2022.