



26 | specified process; amending s. 323.001, F.S.;

27 | requiring an investigating agency or certain other

28 | persons to take possession of certain vehicles within

29 | a specified timeframe, unless another timeframe is

30 | otherwise agreed upon; amending s. 713.78, F.S.;

31 | providing and reordering definitions; authorizing

32 | towing-storage operators to charge certain fees;

33 | providing that towing-storage operators have a lien on

34 | a vehicle or vessel for such fees; authorizing towing-

35 | storage operators to enter, using reasonable care, a

36 | vehicle or vessel for specified purposes; providing

37 | liability under certain circumstances; revising

38 | requirements for law enforcement agencies, counties,

39 | municipalities, and the department relating to the

40 | removal of vehicles or vessels; revising requirements

41 | for notices of lien; revising requirements for towing-

42 | storage operators providing notice to public agencies

43 | of jurisdiction; authorizing certain persons and

44 | entities to initiate judicial proceedings to determine

45 | certain findings; authorizing certain persons and

46 | entities to post, without first initiating judicial

47 | proceedings, a cash or surety bond for a certain

48 | amount to have a vehicle or vessel released;

49 | prohibiting the requirement to initiate judicial

50 | proceedings in order to post such bond and the

51 requirement to use a particular form; requiring the  
52 clerk of the court to automatically issue a  
53 certificate notifying a towing-storage operator to  
54 release the vehicle or vessel; requiring the party  
55 that posts the bond to give a receipt to the towing-  
56 storage operator reciting any property loss or damage  
57 to the vehicle or vessel or the contents thereof, and  
58 waiving such claims if such receipt is not provided;  
59 requiring a towing-storage operator to release or  
60 return the vehicle or vessel to the interested party  
61 that posted the bond; requiring the clerk of the court  
62 to release the cash bond or issue a specified notice  
63 relating to the surety bond to the towing-storage  
64 operator if the interested party does not initiate  
65 judicial proceedings within a certain timeframe;  
66 providing obligations relating to such notice;  
67 providing for expiration of such notice; requiring the  
68 court to award all recovery, towing, and storage fees  
69 to the towing-storage operator if the defendant  
70 prevails in the judicial proceedings; revising the  
71 timeframe in which certain unclaimed vehicles or  
72 vessels may be sold; revising requirements for notices  
73 of sale; requiring approved third-party services to  
74 publish public notices of sale and report certain  
75 information by specified means to the department;

76 providing the maximum fee that approved third-party  
77 services may collect and retain for such services;  
78 revising provisions for permission to inspect a  
79 vehicle or vessel; providing timeframes in which a  
80 vehicle, vessel, or personal property must be made  
81 available for inspection and release; revising  
82 criminal penalties; requiring towing-storage operators  
83 to accept certain documents, one of which must be  
84 notarized, as evidence of a person's interest in a  
85 vehicle or vessel; prohibiting certain persons from  
86 being required to furnish more than one form of  
87 current government-issued photo identification for  
88 purposes of verifying their identity; requiring  
89 towing-storage operators to maintain certain records  
90 for a certain period of time; requiring towing-storage  
91 operators to accept certain types of payment;  
92 providing for preemption; requiring towing-storage  
93 operators to maintain a rate sheet; providing  
94 requirements for such rate sheet; providing that  
95 certain fees are unreasonable; requiring towing-  
96 storage operators to maintain an itemized invoice for  
97 specified fees; providing requirements for such  
98 invoice; requiring disclosure of such invoice to  
99 specified persons and entities within a certain  
100 timeframe; providing applicability; making technical

101 changes; amending s. 715.07, F.S.; conforming a cross-  
 102 reference; providing an effective date.

103

104 Be It Enacted by the Legislature of the State of Florida:

105

106 Section 1. Paragraphs (b) and (c) of subsection (1) of  
 107 section 125.0103, Florida Statutes, are amended, and paragraphs  
 108 (d) and (e) are added to that subsection, to read:

109 125.0103 Ordinances and rules imposing price controls.—

110 (1)

111 (b) This section does not prevent the enactment by local  
 112 governments of public service rates otherwise authorized by law,  
 113 including water, sewer, solid waste, public transportation,  
 114 taxicab, or port rates; ; rates for towing of vehicles or vessels  
 115 from or immobilization of vehicles or vessels on private  
 116 property; ; or rates for removal and storage of wrecked or  
 117 disabled vehicles or vessels from an accident scene or the  
 118 removal and storage of vehicles or vessels, ; in the event the  
 119 owner or operator is incapacitated, unavailable, leaves the  
 120 procurement of wrecker service to the law enforcement officer at  
 121 the scene, or otherwise does not consent to the removal of the  
 122 vehicle or vessel.

123 (c) Counties must establish maximum rates which may be  
 124 charged on the towing of vehicles or vessels from or  
 125 immobilization of vehicles or vessels on private property or

126 which may be charged for, removal and storage of wrecked or  
127 disabled vehicles or vessels from an accident scene or for the  
128 removal and storage of vehicles or vessels, in the event the  
129 owner or operator is incapacitated, unavailable, leaves the  
130 procurement of wrecker service to the law enforcement officer at  
131 the scene, or otherwise does not consent to the removal of the  
132 vehicle or vessel. However, if a municipality chooses to enact  
133 an ordinance establishing the maximum rates for the towing or  
134 immobilization of vehicles or vessels as described in paragraph  
135 (b), the county's ordinance does not apply within such  
136 municipality.

137 (d)1. Counties must, and municipalities may, establish  
138 maximum rates that a wrecker service may charge for cleanup and  
139 disposal of hazardous and nonhazardous materials incidental to  
140 removal and storage of wrecked or disabled vehicles or vessels  
141 from an accident scene or the removal and storage of vehicles or  
142 vessels, in the event the owner or operator is incapacitated,  
143 unavailable, leaves the procurement of wrecker service to the  
144 law enforcement officer at the scene, or otherwise does not  
145 consent to the removal of the vehicle or vessel. If a  
146 municipality enacts an ordinance establishing maximum rates  
147 under this paragraph, the county's ordinance does not apply  
148 within such municipality.

149 2. A wrecker service that is requested to perform cleanup  
150 or disposal of hazardous or nonhazardous materials subject to

151 the maximum rates established under subparagraph 1. must notify  
 152 the applicable local government as soon as practicable of its  
 153 intention not to perform such cleanup or disposal.

154 3. This paragraph does not create a duty on the part of a  
 155 vehicle or vessel owner who is a named insured on a valid  
 156 insurance contract, or the insurer that issues such contract, to  
 157 pay for cleanup or disposal of hazardous or nonhazardous  
 158 materials beyond what is covered under the vehicle's or vessel's  
 159 insurance contract in place at the time of the incident  
 160 requiring such cleanup or disposal of hazardous or nonhazardous  
 161 materials.

162 (e) A county or municipality that has established maximum  
 163 rates as described in paragraphs (c) and (d) must publish such  
 164 rates on its website and must establish a process for  
 165 investigating and resolving complaints regarding fees charged in  
 166 excess of such rates. In areas where no maximum rates as  
 167 described in paragraphs (c) and (d) have been established, the  
 168 maximum rates established by the Division of Florida Highway  
 169 Patrol under s. 321.051(2) apply.

170 Section 2. Paragraphs (b) and (c) of subsection (1) of  
 171 section 166.043, Florida Statutes, are amended, and paragraphs  
 172 (d) and (e) are added to that subsection, to read:

173 166.043 Ordinances and rules imposing price controls.—

174 (1)

175 (b) This section does not prevent the enactment by local

176 governments of public service rates otherwise authorized by law,  
177 including water, sewer, solid waste, public transportation,  
178 taxicab, or port rates; ~~rates~~ rates for towing of vehicles or vessels  
179 from or immobilization of vehicles or vessels on private  
180 property; ~~or~~ or rates for removal and storage of wrecked or  
181 disabled vehicles or vessels from an accident scene or the  
182 removal and storage of vehicles or vessels, in the event the  
183 owner or operator is incapacitated, unavailable, leaves the  
184 procurement of wrecker service to the law enforcement officer at  
185 the scene, or otherwise does not consent to the removal of the  
186 vehicle or vessel.

187 (c) Counties must establish maximum rates which may be  
188 charged on the towing of vehicles or vessels from or  
189 immobilization of vehicles or vessels on private property or  
190 which may be charged for ~~removal and storage of wrecked or~~  
191 disabled vehicles or vessels from an accident scene or for the  
192 removal and storage of vehicles or vessels, in the event the  
193 owner or operator is incapacitated, unavailable, leaves the  
194 procurement of wrecker service to the law enforcement officer at  
195 the scene, or otherwise does not consent to the removal of the  
196 vehicle or vessel. However, if a municipality chooses to enact  
197 an ordinance establishing the maximum rates for the towing or  
198 immobilization of vehicles or vessels as described in paragraph  
199 (b), the county's ordinance established under s. 125.0103 does  
200 not apply within such municipality.

201        (d)1. Counties must, and municipalities may, establish  
202 maximum rates that a wrecker service may charge for cleanup and  
203 disposal of hazardous and nonhazardous materials incidental to  
204 removal and storage of wrecked or disabled vehicles or vessels  
205 from an accident scene or the removal and storage of vehicles or  
206 vessels, in the event the owner or operator is incapacitated,  
207 unavailable, leaves the procurement of wrecker service to the  
208 law enforcement officer at the scene, or otherwise does not  
209 consent to the removal of the vehicle or vessel. If a  
210 municipality enacts an ordinance establishing maximum rates  
211 under this paragraph, the county's ordinance does not apply  
212 within such municipality.

213        2. A wrecker service that is requested to perform cleanup  
214 or disposal of hazardous or nonhazardous materials subject to  
215 the maximum rates established under subparagraph 1. must notify  
216 the applicable local government as soon as practicable of its  
217 intention not to perform such cleanup or disposal.

218        3. This paragraph does not create a duty on the part of a  
219 vehicle or vessel owner who is a named insured on a valid  
220 insurance contract, or the insurer that issues such contract, to  
221 pay for cleanup or disposal of hazardous or nonhazardous  
222 materials beyond what is covered under the vehicle's or vessel's  
223 insurance contract in place at the time of the incident  
224 requiring such cleanup or disposal of hazardous or nonhazardous  
225 materials.

226 (e) A county or municipality that has established maximum  
 227 rates as described in paragraphs (c) and (d) must publish such  
 228 rates on its website and must establish a process for  
 229 investigating and resolving complaints regarding fees charged in  
 230 excess of such rates. In areas where no maximum rates as  
 231 described in paragraphs (c) and (d) have been established, the  
 232 maximum rates established by the Division of Florida Highway  
 233 Patrol under s. 321.051(2) apply.

234 Section 3. Subsection (2) of section 321.051, Florida  
 235 Statutes, is amended to read:

236 321.051 Florida Highway Patrol wrecker operator system;  
 237 penalties for operation outside of system.—

238 (2)(a) The Division of Florida Highway Patrol of the  
 239 Department of Highway Safety and Motor Vehicles is authorized to  
 240 establish within areas designated by the patrol a wrecker  
 241 operator system using qualified, reputable wrecker operators for  
 242 removal and storage of wrecked or disabled vehicles from a crash  
 243 scene or for removal and storage of abandoned vehicles, in the  
 244 event the owner or operator is incapacitated or unavailable or  
 245 leaves the procurement of wrecker service to the officer at the  
 246 scene. All reputable wrecker operators are ~~shall be~~ eligible for  
 247 use in the system provided their equipment and drivers meet  
 248 recognized safety qualifications and mechanical standards set by  
 249 rules of the Division of Florida Highway Patrol for the size of  
 250 vehicle it is designed to handle. The division may not exclude a

251 wrecker operator from the wrecker operator system or fail to  
 252 designate a wrecker operator as an authorized wrecker operator  
 253 based solely on a prior felony conviction unless such conviction  
 254 is for a forcible felony as defined in s. 776.08 or a felony  
 255 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is  
 256 authorized to limit the number of wrecker operators  
 257 participating in the wrecker operator system, which authority  
 258 shall not affect wrecker operators currently participating in  
 259 the system established by this section. The division must ~~is~~  
 260 ~~authorized to~~ establish maximum rates for the towing and storage  
 261 of vehicles removed at the division's request, and for cleanup  
 262 and disposal of hazardous and nonhazardous materials incidental  
 263 to the towing of such vehicles, where such rates have not been  
 264 set by a county or municipality pursuant to s. 125.0103 or s.  
 265 166.043. Such rates shall not be considered rules for the  
 266 purpose of chapter 120; however, the department shall establish  
 267 by rule a procedure for setting such rates.

268 (b)1. A wrecker operator that is requested to perform  
 269 cleanup or disposal of hazardous or nonhazardous materials  
 270 subject to the maximum rates established under paragraph (a)  
 271 must notify the division or one of its officers as soon as  
 272 practicable of its intention not to perform such cleanup or  
 273 disposal.

274 2. This subsection does not create a duty on the part of a  
 275 vehicle owner who is a named insured on a valid insurance

276 contract, or the insurer that issues such contract, to pay for  
277 cleanup or disposal of hazardous or nonhazardous materials  
278 beyond what is covered under the vehicle's insurance contract in  
279 place at the time of the incident requiring such cleanup or  
280 disposal of hazardous or nonhazardous materials.

281 (c) The department must publish on its website the maximum  
282 rates established under this subsection and must establish a  
283 process for investigating and resolving complaints regarding  
284 fees charged in excess of such maximum rates.

285 (d) Any provision in chapter 120 to the contrary  
286 notwithstanding, a final order of the department denying,  
287 suspending, or revoking a wrecker operator's participation in  
288 the system shall be reviewable in the manner and within the time  
289 provided by the Florida Rules of Appellate Procedure only by a  
290 writ of certiorari issued by the circuit court in the county  
291 wherein such wrecker operator resides.

292 Section 4. Subsection (8) is added to section 323.001,  
293 Florida Statutes, to read:

294 323.001 Wrecker operator storage facilities; vehicle  
295 holds.—

296 (8) If a vehicle is stored at a wrecker operator's  
297 facility pursuant to an investigatory hold or a hold for other  
298 evidentiary purposes, the investigating agency or other person  
299 requiring such hold must take possession of the vehicle within  
300 30 days after the first day on which the vehicle is stored,

301 unless another timeframe is otherwise agreed upon by the wrecker  
 302 operator and the investigating agency or other person requiring  
 303 the hold.

304 Section 5. Subsections (1), (2), (4), (5), (6), (8), (9),  
 305 and (10), paragraph (a) of subsection (11), paragraphs (a) and  
 306 (d) of subsection (12), paragraphs (a), (b), and (d) of  
 307 subsection (13), and subsection (17) of section 713.78, Florida  
 308 Statutes, are amended, and subsections (18), (19), and (20) are  
 309 added to that section, to read:

310 713.78 Liens for recovering, towing, or storing vehicles  
 311 and vessels.—

312 (1) For the purposes of this section, the term:

313 (a)~~(e)~~ "Equivalent commercially available system" means a  
 314 service that charges a fee to provide vehicle information and  
 315 that at a minimum maintains records from those states  
 316 participating in data sharing with the National Motor Vehicle  
 317 Title Information System.

318 (b) "Good faith effort" means that all of the following  
 319 checks have been performed by a towing-storage operator to  
 320 establish the prior state of registration and title of a vehicle  
 321 or vessel that has been towed or stored by the towing-storage  
 322 operator:

323 1. A check of the department's database for the owner and  
 324 any lienholder.

325 2. A check of the electronic National Motor Vehicle Title

326 Information System or an equivalent commercially available  
327 system to determine the state of registration when there is not  
328 a current registration record for the vehicle or vessel on file  
329 with the department.

330 3. A check of the vehicle or vessel for any type of tag,  
331 tag record, temporary tag, or regular tag.

332 4. A check of the law enforcement report for a tag number  
333 or other information identifying the vehicle or vessel, if the  
334 vehicle or vessel was towed at the request of a law enforcement  
335 officer.

336 5. A check of the trip sheet or tow ticket of the tow  
337 truck operator to determine whether a tag was on the vehicle or  
338 vessel at the beginning of the tow, if a private tow.

339 6. If there is no address of the owner on the impound  
340 report, a check of the law enforcement report to determine  
341 whether an out-of-state address is indicated from driver license  
342 information.

343 7. A check of the vehicle or vessel for an inspection  
344 sticker or other stickers and decals that may indicate a state  
345 of possible registration.

346 8. A check of the interior of the vehicle or vessel for  
347 any papers that may be in the glove box, trunk, or other areas  
348 for a state of registration.

349 9. A check of the vehicle for a vehicle identification  
350 number.

351 10. A check of the vessel for a vessel registration  
352 number.

353 11. A check of the vessel hull for a hull identification  
354 number which should be carved, burned, stamped, embossed, or  
355 otherwise permanently affixed to the outboard side of the  
356 transom or, if there is no transom, to the outmost seaboard side  
357 at the end of the hull that bears the rudder or other steering  
358 mechanism.

359 (c)~~(d)~~ "National Motor Vehicle Title Information System"  
360 means the federally authorized electronic National Motor Vehicle  
361 Title Information System.

362 (d) "Newer model" means a vehicle or vessel that is 3  
363 model years old or less, beginning with the model year of the  
364 vehicle or vessel as year one.

365 (e) "Older model" means a vehicle or vessel that is more  
366 than 3 model years old, beginning with the model year of the  
367 vehicle or vessel as year one.

368 (f) "Towing-storage operator" means a person who regularly  
369 engages in the business of transporting vehicles or vessels by  
370 wrecker, tow truck, or car carrier, or the storing of such  
371 vehicles or vessels.

372 (g)~~(a)~~ "Vehicle" means any mobile item, whether motorized  
373 or not, which is mounted on wheels.

374 (h)~~(b)~~ "Vessel" means every description of watercraft,  
375 barge, and airboat used or capable of being used as a means of

376 transportation on water, other than a seaplane or a "documented  
377 vessel" as defined in s. 327.02.

378 (i)-(e) "Wrecker" means any truck or other vehicle that  
379 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~  
380 vehicles or vessels upon the streets and highways of this state  
381 and ~~which~~ is equipped for that purpose with a boom, winch, car  
382 carrier, or other similar equipment.

383 (2)(a) ~~Whenever~~ A towing-storage operator may charge the  
384 owner or operator of a vehicle or vessel only the following fees  
385 for, or incidental to, the recovery, removal, or storage of the  
386 vehicle or vessel:

387 1. Any reasonable fee for service specifically authorized  
388 under s. 125.0103 or s. 166.043 by ordinance, resolution,  
389 regulation, or rule of the county or municipality in which the  
390 service is performed.

391 2. Any reasonable fee for service specifically authorized  
392 by the Division of Florida Highway Patrol of the Department of  
393 Highway Safety and Motor Vehicles under s. 321.051(2).

394 3. Any reasonable fee for service as agreed upon in  
395 writing between a towing-storage operator and the owner of a  
396 vehicle or vessel.

397 4. Any lien release administrative fee as set forth in  
398 paragraph (15)(a).

399 5. Any reasonable administrative fee or charge imposed by  
400 a county or municipality pursuant to s. 125.01047, s. 166.04465,

401 or s. 323.002 upon the registered owner or other legally  
 402 authorized person in control of a vehicle or vessel.

403 (b) If a towing-storage operator ~~person regularly engaged~~  
 404 ~~in the business of transporting vehicles or vessels by wrecker,~~  
 405 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle  
 406 or vessel upon instructions from:

407 1.(a) The owner thereof;

408 2.(b) The owner or lessor, or a person authorized by the  
 409 owner or lessor, of property on which such vehicle or vessel is  
 410 wrongfully parked, and the removal is done in compliance with s.  
 411 715.07;

412 3.(e) The landlord or a person authorized by the landlord,  
 413 when such ~~motor~~ vehicle or vessel remained on the premises after  
 414 the tenancy terminated and the removal is done in compliance  
 415 with s. 83.806 or s. 715.104; or

416 4.(d) Any law enforcement agency, county, or municipality,

417  
 418 she or he has ~~shall have~~ a lien on the vehicle or vessel for  
 419 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~  
 420 ~~reasonable administrative fee or charge imposed by a county or~~  
 421 ~~municipality, and for a reasonable storage fee;~~ except that a  
 422 storage fee may not be charged if the vehicle or vessel is  
 423 stored for less ~~fewer~~ than 6 hours.

424 (c) A towing-storage operator may enter, using reasonable  
 425 care, a vehicle or vessel for purposes of recovering, removing,

426 or storing such vehicle or vessel. A towing-storage operator is  
 427 liable for any damage to the vehicle or vessel if such entry is  
 428 not in accordance with the standard of reasonable care.

429 (4)(a) A towing-storage operator ~~person regularly engaged~~  
 430 ~~in the business of recovering, towing, or storing vehicles or~~  
 431 ~~vessels~~ who comes into possession of a vehicle or vessel  
 432 pursuant to paragraph (2)(b) subsection (2), and who claims a  
 433 lien for recovery, towing, or storage services, must ~~shall~~ give  
 434 notice, by certified mail, pursuant to subsection (16), to the  
 435 registered owner, the insurance company insuring the vehicle or  
 436 vessel notwithstanding s. 627.736, and all persons claiming a  
 437 lien thereon, as disclosed by the records in the Department of  
 438 Highway Safety and Motor Vehicles or as disclosed by the records  
 439 of any corresponding agency in any other state in which the  
 440 vehicle or vessel is identified through a records check of the  
 441 National Motor Vehicle Title Information System or an equivalent  
 442 commercially available system as being titled or registered.

443 (b) When ~~Whenever~~ a law enforcement agency, county, or  
 444 municipality authorizes the removal of a vehicle or vessel, or  
 445 ~~whenever~~ a towing service, garage, repair shop, or automotive  
 446 service, storage, or parking place notifies a ~~the~~ law  
 447 enforcement agency of possession of a vehicle or vessel pursuant  
 448 to s. 715.07(2)(a)2., if an approved third-party service cannot  
 449 obtain the vehicle's or vessel's owner, lienholder, and insurer  
 450 information or last state of record pursuant to subsection (16),

451 then the person in charge of the towing service, garage, repair  
 452 shop, or automotive service, storage, or parking place must  
 453 request such information from the law enforcement agency of the  
 454 jurisdiction where the vehicle or vessel is stored. The law  
 455 enforcement agency to which the request was made must shall  
 456 contact the Department of Highway Safety and Motor Vehicles, or  
 457 the appropriate agency of the state of registration, if known,  
 458 within 24 hours through the medium of electronic communications,  
 459 giving the full description of the vehicle or vessel. Upon  
 460 receipt of the full description of the vehicle or vessel, the  
 461 department must ~~shall~~ search its files to determine the owner's  
 462 name, the insurance company insuring the vehicle or vessel, and  
 463 whether any person has filed a lien upon the vehicle or vessel  
 464 as provided in s. 319.27(2) and (3) and notify the applicable  
 465 law enforcement agency within 72 hours. The person in charge of  
 466 the towing service, garage, repair shop, or automotive service,  
 467 storage, or parking place must request ~~shall obtain~~ such  
 468 information from the applicable law enforcement agency within 5  
 469 days after the date of storage and must provide the information  
 470 to the approved third-party service in order to transmit notices  
 471 as required under subsection (16) ~~shall give notice pursuant to~~  
 472 ~~paragraph (a)~~. The department may release the insurance company  
 473 information to the requestor notwithstanding s. 627.736.  
 474 (c) The notice of lien must be sent by an approved third-  
 475 party service by certified mail to the registered owner, the

476 insurance company insuring the vehicle notwithstanding s.  
 477 627.736, and all other persons claiming a lien thereon within 5  
 478 7 business days, excluding a Saturday, and Sunday, or federal  
 479 legal holiday, after the date of storage of the vehicle or  
 480 vessel. ~~However, in no event shall the notice of lien be sent~~  
 481 ~~less than 30 days before the sale of the vehicle or vessel.~~ The  
 482 notice must state all of the following:

483 1. If the claim of lien is for a vehicle, the last 8  
 484 digits of the vehicle identification number of the vehicle  
 485 subject to the lien, or, if the claim of lien is for a vessel,  
 486 the hull identification number of the vessel subject to the  
 487 lien, clearly printed in the delivery address box and on the  
 488 outside of the envelope sent to the registered owner and all  
 489 other persons claiming an interest in ~~therein~~ or lien on the  
 490 vehicle or vessel ~~thereon~~.

491 2. The name, physical address, and telephone number of the  
 492 lienor, and the entity name, as registered with the Division of  
 493 Corporations, of the business where the towing and storage  
 494 occurred, which must also appear on the outside of the envelope  
 495 sent to the registered owner and all other persons claiming an  
 496 interest in or lien on the vehicle or vessel.

497 3. The fact of possession of the vehicle or vessel.

498 4. The name of the person or entity that authorized the  
 499 lienor to take possession of the vehicle or vessel.

500 5. That a lien as provided in paragraph (2) (b) ~~subsection~~

501 ~~(2)~~ is claimed.

502 6. That charges have accrued and include an itemized  
503 statement of the amount thereof.

504 7. That the lien is subject to enforcement under law and  
505 that the owner or lienholder, if any, has the right to initiate  
506 judicial proceedings ~~a hearing~~ as set forth in subsection (5).

507 8. That any vehicle or vessel that remains unclaimed, or  
508 for which the charges for recovery, towing, or storage services  
509 remain unpaid, may be sold free of all prior liens 35 days after  
510 the vehicle or vessel is stored by the lienor if the vehicle or  
511 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days  
512 after the vehicle or vessel is stored by the lienor if the  
513 vehicle or vessel is a newer model ~~3 years of age or less~~.

514 9. The address at which the vehicle or vessel is  
515 physically located.

516 (d) The notice of lien may not be sent to the registered  
517 owner, the insurance company insuring the vehicle or vessel, and  
518 all other persons claiming a lien thereon less than 30 days  
519 before the sale of a the vehicle or vessel that is an older  
520 model or less than 52 days before the sale of a vehicle or  
521 vessel that is a newer model.

522 (e) If attempts to locate the name and address of the  
523 registered owner, the insurance company insuring the vehicle or  
524 vessel, and any other person claiming a lien thereon are ~~or~~  
525 ~~lienholder prove unsuccessful, 5 the towing-storage operator~~

526 ~~shall, after 7 business days, excluding a Saturday, and Sunday,~~  
527 ~~or federal legal holiday,~~ after the initial tow or storage, the  
528 towing-storage operator must notify the public agency of  
529 jurisdiction where the vehicle or vessel is stored in writing by  
530 certified mail or receipt-acknowledged electronic delivery  
531 ~~acknowledged hand delivery~~ that the towing-storage operator  
532 ~~company~~ has been unable to locate the name and address of the  
533 owner or lienholder and a physical search of the vehicle or  
534 vessel has disclosed no ownership information and a good faith  
535 effort has been made, including records checks of the Department  
536 of Highway Safety and Motor Vehicles database and the National  
537 Motor Vehicle Title Information System or an equivalent  
538 commercially available system. ~~For purposes of this paragraph~~  
539 ~~and subsection (9), the term "good faith effort" means that the~~  
540 ~~following checks have been performed by the company to establish~~  
541 ~~the prior state of registration and for title:~~

- 542 ~~1. A check of the department's database for the owner and~~  
543 ~~any lienholder.~~
- 544 ~~2. A check of the electronic National Motor Vehicle Title~~  
545 ~~Information System or an equivalent commercially available~~  
546 ~~system to determine the state of registration when there is not~~  
547 ~~a current registration record for the vehicle or vessel on file~~  
548 ~~with the department.~~
- 549 ~~3. A check of the vehicle or vessel for any type of tag,~~  
550 ~~tag record, temporary tag, or regular tag.~~

551 ~~4. A check of the law enforcement report for a tag number~~  
 552 ~~or other information identifying the vehicle or vessel, if the~~  
 553 ~~vehicle or vessel was towed at the request of a law enforcement~~  
 554 ~~officer.~~

555 ~~5. A check of the trip sheet or tow ticket of the tow~~  
 556 ~~truck operator to determine whether a tag was on the vehicle or~~  
 557 ~~vessel at the beginning of the tow, if a private tow.~~

558 ~~6. If there is no address of the owner on the impound~~  
 559 ~~report, a check of the law enforcement report to determine~~  
 560 ~~whether an out-of-state address is indicated from driver license~~  
 561 ~~information.~~

562 ~~7. A check of the vehicle or vessel for an inspection~~  
 563 ~~sticker or other stickers and decals that may indicate a state~~  
 564 ~~of possible registration.~~

565 ~~8. A check of the interior of the vehicle or vessel for~~  
 566 ~~any papers that may be in the glove box, trunk, or other areas~~  
 567 ~~for a state of registration.~~

568 ~~9. A check of the vehicle for a vehicle identification~~  
 569 ~~number.~~

570 ~~10. A check of the vessel for a vessel registration~~  
 571 ~~number.~~

572 ~~11. A check of the vessel hull for a hull identification~~  
 573 ~~number which should be carved, burned, stamped, embossed, or~~  
 574 ~~otherwise permanently affixed to the outboard side of the~~  
 575 ~~transom or, if there is no transom, to the outmost seaboard side~~

576 ~~at the end of the hull that bears the rudder or other steering~~  
577 ~~mechanism.~~

578       (5) (a) The registered owner of a vehicle or vessel in the  
579 possession of a towing-storage operator, the insurance company  
580 insuring such vehicle or vessel, and any other removed pursuant  
581 to subsection (2), or any person claiming a lien thereon, other  
582 than the towing-storage operator, may initiate judicial  
583 proceedings within 10 days after the time she or he has  
584 knowledge of the location of the vehicle or vessel, may file a  
585 complaint in the county court of competent jurisdiction in the  
586 county in which the vehicle or vessel is stored to determine  
587 whether the vehicle or vessel her or his property was wrongfully  
588 taken or withheld or whether fees were wrongfully charged.

589       (b) Regardless of whether judicial proceedings have been  
590 initiated pursuant to paragraph (a), at any time before the sale  
591 of the vehicle or vessel by the towing-storage operator, the an  
592 owner of the vehicle or vessel, the insurance company insuring  
593 the vehicle or vessel, and any other person claiming a lien  
594 thereon, other than the towing-storage operator, or lienholder  
595 may have the her or his vehicle or vessel released upon posting  
596 with the clerk of the court in the county in which the vehicle  
597 or vessel is held a cash or surety bond or other adequate  
598 security equal to the amount of the accrued charges set forth in  
599 the notice of lien, plus accrued storage charges, at the time of  
600 the release of the vehicle or vessel, if any, for towing or

601 ~~storage and lot rental amount~~ to ensure the payment of such  
602 charges in the event a court determines that the vehicle or  
603 vessel was not wrongfully taken or withheld or fees were not  
604 wrongfully charged. The owner of the vehicle or vessel, the  
605 insurance company insuring the vehicle or vessel, and any other  
606 person claiming a lien thereon, other than the towing-storage  
607 operator, may not be required to initiate judicial proceedings  
608 in order to post the bond in the registry of the court and are  
609 not required to use a particular form for posting the bond  
610 unless the clerk provides such form ~~she or he does not prevail.~~  
611 Upon the posting of the bond and the payment of the applicable  
612 fee set forth in s. 28.24, the clerk of the court must  
613 automatically ~~shall~~ issue a certificate notifying the towing-  
614 storage operator ~~lienor~~ of the posting of the bond and directing  
615 the towing-storage operator ~~lienor~~ to release the vehicle or  
616 vessel to the party that posted the bond. At the time of such  
617 release, after reasonable inspection, the party that posted the  
618 bond must ~~she or he shall~~ give a receipt to the towing-storage  
619 operator ~~company~~ reciting any claims ~~she or he has~~ for loss or  
620 damage to the vehicle or vessel or the contents thereof, or such  
621 claims are deemed waived.

622 1. Upon receiving a copy of a certificate giving notice of  
623 the posting of a bond in the required amount and directing the  
624 release of the vehicle or vessel, a towing-storage operator must  
625 release or return the vehicle or vessel to the party that posted

626 the bond.

627 2. If the party posting the bond does not initiate  
 628 judicial proceedings pursuant to paragraph (a) within 45 days  
 629 after the issuance of the certificate by the clerk of the court,  
 630 then upon request by the towing-storage operator, the clerk of  
 631 the court must:

- 632 a. Release the cash to the towing-storage operator; or
- 633 b. Issue a notice certifying that a judicial proceeding  
 634 has not been initiated within 45 days after the issuance of the  
 635 certificate and requiring the surety that issued the bond to  
 636 promptly pay the full face value of the bond to the towing-  
 637 storage operator. The towing-storage operator has the  
 638 obligation, upon receipt of the clerk's notice, to timely notify  
 639 the surety of such notice. A notice issued by the clerk under  
 640 this sub-subparagraph expires 120 days after its issuance if the  
 641 notice is not delivered to the surety.

642 (c) Upon determining the respective rights of the parties,  
 643 the court may award damages, attorney ~~attorney's~~ fees, and costs  
 644 in favor of the prevailing party. In the any event the defendant  
 645 prevails, the final order must ~~shall~~ provide for immediate  
 646 payment in full of recovery, towing, and storage fees by the  
 647 vehicle or vessel owner or lienholder; or the agency ordering  
 648 the tow; or the owner, lessee, or agent thereof of the property  
 649 from which the vehicle or vessel was removed.

650 (6) A vehicle or vessel that is stored pursuant to

651 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for  
652 which reasonable charges for recovery, towing, or storing remain  
653 unpaid, and any contents not released pursuant to subsection  
654 (10), may be sold by the owner or operator of the storage space  
655 for such towing or storage charge 35 days after the vehicle or  
656 vessel is stored by the lienor if the vehicle or vessel is an  
657 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the  
658 vehicle or vessel is stored by the lienor if the vehicle or  
659 vessel is a newer model ~~3 years of age or less~~. The sale must  
660 ~~shall~~ be at public sale for cash. If the date of the sale was  
661 not included in the notice required in subsection (4), notice of  
662 the sale must ~~shall~~ be given to the person in whose name the  
663 vehicle or vessel is registered and to all persons claiming a  
664 lien on the vehicle or vessel as shown on the records of the  
665 Department of Highway Safety and Motor Vehicles or of any  
666 corresponding agency in any other state in which the vehicle is  
667 identified through a records check of the National Motor Vehicle  
668 Title Information System or an equivalent commercially available  
669 system as being titled. Notice of the sale must be sent by  
670 certified mail to the registered owner of the vehicle or vessel,  
671 the insurance company insuring the vehicle or vessel, and the  
672 person having the recorded lien on the vehicle or vessel at the  
673 address shown on the records of the registering agency at least  
674 30 days before the sale of the vehicle or vessel. ~~The notice~~  
675 ~~must have clearly identified and printed, if the claim of lien~~

676 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle  
677 identification number of the ~~motor~~ vehicle subject to the lien,  
678 or, if the claim of lien is for a vessel, the hull  
679 identification number of the vessel subject to the lien, must be  
680 clearly identified and printed in the delivery address box and  
681 on the outside of the envelope sent to the registered owner, the  
682 insurance company insuring the vehicle or vessel, and all other  
683 persons claiming an interest in ~~therein~~ or lien on the vehicle  
684 or vessel thereon. ~~The notice must be sent to the owner of the~~  
685 ~~vehicle or vessel and the person having the recorded lien on the~~  
686 ~~vehicle or vessel at the address shown on the records of the~~  
687 ~~registering agency at least 30 days before the sale of the~~  
688 ~~vehicle or vessel.~~ The notice must state the name, physical  
689 address, and telephone number of the lienor, and the vehicle  
690 identification number if the claim of lien is for a vehicle or  
691 the hull identification number if the claim of lien is for a  
692 vessel, all of which must also appear in the return address  
693 section on the outside of the envelope containing the notice of  
694 sale. After diligent search and inquiry, if the name and address  
695 of the registered owner or the owner of the recorded lien cannot  
696 be ascertained, the requirements of notice by mail may be  
697 dispensed with. In addition to the notice by mail, public notice  
698 of the time and place of sale must ~~shall~~ be made by publishing a  
699 notice thereof one time, at least 20 ~~10~~ days before the date of  
700 the sale, on the publicly available website maintained by an

701 approved third-party service. The third-party service must  
 702 electronically report to the Department of Highway Safety and  
 703 Motor Vehicles, via an electronic data exchange process using a  
 704 web interface, the name, physical address, and telephone number  
 705 of the lienor; the time and place of the sale; the vehicle's  
 706 license plate number, if known; the vehicle identification  
 707 number, if the claim of lien is for a vehicle, or the hull  
 708 identification number, if the claim of lien is for a vessel; and  
 709 the amount due for towing, recovery, storage, and administrative  
 710 fees. The third-party service that publishes the public notice  
 711 of sale and electronically reports the required information to  
 712 the department may collect and retain a service charge of no  
 713 more than \$1 in a newspaper of general circulation in the county  
 714 in which the sale is to be held. The proceeds of the sale, after  
 715 payment of reasonable towing and storage charges, and costs of  
 716 the sale, in that order of priority, must ~~shall~~ be deposited  
 717 with the clerk of the circuit court for the county if the owner  
 718 or lienholder is absent, and the clerk must ~~shall~~ hold such  
 719 proceeds subject to the claim of the owner or lienholder legally  
 720 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5  
 721 percent of such proceeds for the care and disbursement thereof.  
 722 The certificate of title issued under this section must ~~this law~~  
 723 ~~shall~~ be discharged of all liens unless otherwise provided by  
 724 court order. The owner or lienholder may file a complaint after  
 725 the vehicle or vessel has been sold in the ~~county~~ court of the

726 county in which it is stored. Upon determining the respective  
 727 rights of the parties, the court may award damages, attorney  
 728 fees, and costs in favor of the prevailing party.

729 (8) A towing-storage operator ~~person regularly engaged in~~  
 730 ~~the business of recovering, towing, or storing vehicles or~~  
 731 ~~vessels~~, except a person licensed under chapter 493 while  
 732 engaged in "repossession" activities as defined in s. 493.6101,  
 733 may not operate a wrecker, tow truck, or car carrier unless the  
 734 name, address, and telephone number of the company performing  
 735 the service is clearly printed in contrasting colors on the  
 736 driver and passenger sides of its vehicle. The name must be in  
 737 at least 3-inch permanently affixed letters, and the address and  
 738 telephone number must be in at least 1-inch permanently affixed  
 739 letters.

740 (9) Failure to make good faith efforts to comply with the  
 741 notice requirements of this section precludes the imposition of  
 742 any storage charges against the vehicle or vessel. If a lienor  
 743 fails to provide notice to a person claiming a lien on a vehicle  
 744 or vessel in accordance with subsection (4), the lienor may not  
 745 charge the person for more than 5 ~~7~~ days of storage, but such  
 746 failure does not affect charges made for towing the vehicle or  
 747 vessel or the priority of liens on the vehicle or vessel.

748 (10) A towing-storage operator must ~~Persons who provide~~  
 749 ~~services pursuant to this section shall~~ permit vehicle or vessel  
 750 owners, lienholders, insurance company representatives, or their

751 agents, whose interest in the vehicle or vessel is evidenced by  
 752 any of the documents listed in subsection (17) ~~which agency is~~  
 753 ~~evidenced by an original writing acknowledged by the owner~~  
 754 ~~before a notary public or other person empowered by law to~~  
 755 ~~administer oaths,~~ to inspect the towed vehicle or vessel and  
 756 must ~~shall~~ release to the owner, lienholder, or agent the  
 757 vehicle, vessel, or all personal property not affixed to the  
 758 vehicle or vessel which was in the vehicle or vessel at the time  
 759 the vehicle or vessel came into the custody of the towing-  
 760 storage operator. The inspection and release of the vehicle,  
 761 vessel, or personal property must be permitted within 1 hour  
 762 after the owner, lienholder, insurance company representative,  
 763 or their agent presents any of the documents listed in  
 764 subsection (17) to the towing-storage operator during normal  
 765 business hours at the site where the vehicle or vessel is  
 766 stored. Notwithstanding subparagraph (17)(a)5., a rental vehicle  
 767 or vessel agreement is not evidence that the person who rented a  
 768 vehicle or vessel is an agent of the rental vehicle or vessel  
 769 owner for the purpose of releasing the vehicle or vessel.  
 770 However, a towing-storage operator must release to the renter of  
 771 a rental vehicle or vessel all personal property belonging to  
 772 the renter which is not affixed to the rental vehicle or vessel  
 773 within 1 hour after the renter's arrival ~~person providing such~~  
 774 ~~services.~~

775 (11) (a) A towing-storage operator ~~Any person regularly~~

776 ~~engaged in the business of recovering, towing, or storing~~  
777 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
778 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has  
779 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
780 when such vehicle or vessel is to be sold for purposes of being  
781 dismantled, destroyed, or changed in such manner that it is not  
782 the ~~motor~~ vehicle or vessel described in the certificate of  
783 title, must ~~shall~~ report the vehicle to the National Motor  
784 Vehicle Title Information System and apply to the Department of  
785 Highway Safety and Motor Vehicles for a certificate of  
786 destruction. A certificate of destruction, which authorizes the  
787 dismantling or destruction of the vehicle or vessel described  
788 therein, is ~~shall be~~ reassignable a maximum of two times before  
789 dismantling or destruction of the vehicle is ~~shall be~~ required,  
790 and must ~~shall~~ accompany the vehicle or vessel for which it is  
791 issued, when such vehicle or vessel is sold for such purposes,  
792 in lieu of a certificate of title. The application for a  
793 certificate of destruction must include proof of reporting to  
794 the National Motor Vehicle Title Information System and an  
795 affidavit from the applicant that she or he ~~it~~ has complied with  
796 all applicable requirements of this section and, if the vehicle  
797 or vessel is not registered in this state or any other state, by  
798 a statement from a law enforcement officer that the vehicle or  
799 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
800 such documentation as may be required by the department.

801 (12) (a) Any person who violates ~~any provision of~~  
 802 ~~subsection (1),~~ subsection (2), subsection (4), subsection (5),  
 803 subsection (6), or subsection (7) is guilty of a misdemeanor of  
 804 the first degree, punishable as provided in s. 775.082 or s.  
 805 775.083.

806 (d) Employees of the Department of Highway Safety and  
 807 Motor Vehicles and law enforcement officers are authorized to  
 808 inspect the records of a towing-storage operator ~~any person~~  
 809 ~~regularly engaged in the business of recovering, towing, or~~  
 810 ~~storing vehicles or vessels or transporting vehicles or vessels~~  
 811 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with  
 812 the requirements of this section. A towing-storage operator ~~Any~~  
 813 ~~person~~ who fails to maintain records, or fails to produce  
 814 records when required in a reasonable manner and at a reasonable  
 815 time, commits a misdemeanor of the first degree, punishable as  
 816 provided in s. 775.082 or s. 775.083.

817 (13) (a) Upon receipt by the Department of Highway Safety  
 818 and Motor Vehicles of written notice from a wrecker operator who  
 819 claims a wrecker operator's lien under subparagraph (2) (b) 4.  
 820 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an  
 821 abandoned vehicle or vessel upon instructions from any law  
 822 enforcement agency, for which a certificate of destruction has  
 823 been issued under subsection (11) and the vehicle has been  
 824 reported to the National Motor Vehicle Title Information System,  
 825 the department shall place the name of the registered owner of

826 that vehicle or vessel on the list of those persons who may not  
827 be issued a license plate or revalidation sticker for any motor  
828 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
829 jointly by more than one person, the name of each registered  
830 owner must ~~shall~~ be placed on the list. The notice of wrecker  
831 operator's lien must ~~shall~~ be submitted on forms provided by the  
832 department and, which must include all of the following:

833 1. The name, address, and telephone number of the wrecker  
834 operator.

835 2. The name of the registered owner of the vehicle or  
836 vessel and the address to which the wrecker operator provided  
837 notice of the lien to the registered owner under subsection (4).

838 3. A general description of the vehicle or vessel,  
839 including its color, make, model, body style, and year.

840 4. The vehicle identification number (VIN); registration  
841 license plate number, state, and year; validation decal number,  
842 state, and year; vessel registration number; hull identification  
843 number; or other identification number, as applicable.

844 5. The name of the person or the corresponding law  
845 enforcement agency that requested that the vehicle or vessel be  
846 recovered, towed, or stored.

847 6. The amount of the wrecker operator's lien, not to  
848 exceed the amount allowed by paragraph (b).

849 (b) For purposes of this subsection only, the amount of  
850 the wrecker operator's lien for which the department will

851 prevent issuance of a license plate or revalidation sticker may  
852 not exceed the amount of the charges for recovery, towing, and  
853 storage of the vehicle or vessel for 7 days. These charges may  
854 not exceed the maximum rates imposed by the ordinances of the  
855 respective county or municipality under ss. 125.0103(1)(c) and  
856 166.043(1)(c). This paragraph does not limit the amount of a  
857 wrecker operator's lien claimed under paragraph (2)(b)  
858 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil  
859 remedies for enforcement of the entire amount of the lien, but  
860 limits only that portion of the lien for which the department  
861 will prevent issuance of a license plate or revalidation  
862 sticker.

863 (d) Upon discharge of the amount of the wrecker operator's  
864 lien allowed by paragraph (b), the wrecker operator must issue a  
865 certificate of discharged wrecker operator's lien on forms  
866 provided by the department to each registered owner of the  
867 vehicle or vessel attesting that the amount of the wrecker  
868 operator's lien allowed by paragraph (b) has been discharged.  
869 Upon presentation of the certificate of discharged wrecker  
870 operator's lien by the registered owner, the department must  
871 ~~shall~~ immediately remove the registered owner's name from the  
872 list of those persons who may not be issued a license plate or  
873 revalidation sticker for any motor vehicle under s. 320.03(8),  
874 thereby allowing issuance of a license plate or revalidation  
875 sticker. Issuance of a certificate of discharged wrecker

876 operator's lien under this paragraph does not discharge the  
877 entire amount of the wrecker operator's lien claimed under  
878 paragraph (2) (b) ~~subsection (2)~~, but only certifies to the  
879 department that the amount of the wrecker operator's lien  
880 allowed by paragraph (b), for which the department will prevent  
881 issuance of a license plate or revalidation sticker, has been  
882 discharged.

883 (17) (a) A towing-storage operator must accept an original  
884 or a copy of any of the following documents as evidence of a  
885 person's interest in a vehicle or vessel:

886 1. An electronic title.

887 2. A paper title.

888 3. A contract between a lender and the owner of the  
889 vehicle or vessel.

890 4. A contract between a lessor and the lessee of the  
891 vehicle or vessel.

892 5. Credentials establishing the person as an employee or  
893 contract agent of an insurance company along with documentation  
894 identifying the vehicle by the vehicle identification number or  
895 vessel by the hull identification number.

896 6. A written agreement evidencing that the person is an  
897 agent of the vehicle or vessel owner, lienholder, or insurance  
898 company representative.

899 (b) A towing-storage operator may not require any of the  
900 documents listed in paragraph (a) to be notarized, except for

901 the agreement in subparagraph (a) 6. if such agreement is  
902 presented for the purpose of releasing the vehicle or vessel.

903 (c) Presenting one form of current government-issued photo  
904 identification constitutes sufficient identity verification for  
905 the purposes of this section ~~A lienor must accept either a copy~~  
906 ~~of an electronic title or a paper title as evidence of a~~  
907 ~~person's interest in a vehicle or vessel.~~

908 (18) A towing-storage operator must retain for 3 years  
909 records produced for all vehicles or vessels recovered, towed,  
910 stored, or released. Such records must include at least all of  
911 the following:

912 (a) All notice publications and certified mailings.

913 (b) The purchase price of any unclaimed vehicle or vessel  
914 sold.

915 (c) The names and addresses of persons to which vehicles  
916 or vessels were released.

917 (d) The names and addresses of vehicle or vessel  
918 purchasers.

919 (e) All fees imposed under this section, including the  
920 itemized invoice required under paragraph (20) (c).

921 (19) (a) A towing-storage operator must accept payment for  
922 accrued charges from an authorized person listed in subsection  
923 (10) in any form from at least two of the following  
924 subparagraphs:

925 1. Cash, cashier's check, money order, or traveler's

926 check.

927 2. Bank, debit, or credit card.

928 3. Mobile payment service, digital wallet, or other  
 929 electronic payment system.

930 (b) Any of the authorized persons listed in subsection  
 931 (10) are not required to furnish more than one form of current  
 932 government-issued photo identification when payment is made in  
 933 any of the forms listed in paragraph (a).

934 (c) A county or municipal charter, ordinance, resolution,  
 935 regulation, or rule that conflicts with paragraph (a) is  
 936 expressly preempted.

937 (20) (a) A towing-storage operator must maintain a rate  
 938 sheet listing all fees for, or incidental to, the recovery,  
 939 removal, or storage of a vehicle or vessel and must do all of  
 940 the following:

941 1. Post the rate sheet at the towing-storage operator's  
 942 place of business.

943 2. Make the rate sheet available upon request by the  
 944 vehicle or vessel owner, lienholder, insurance company, or their  
 945 agent.

946 3. Before attaching a vehicle or vessel to a wrecker,  
 947 furnish the rate sheet to the owner or operator of the vehicle  
 948 or vessel, if the owner or operator is present at the scene of  
 949 the disabled vehicle or vessel.

950 (b) Any fee charged in excess of those listed on the rate

951 sheet required under this subsection is deemed unreasonable.

952 (c) An itemized invoice of actual fees charged by a  
953 towing-storage operator for a completed tow must be produced and  
954 be available to the vehicle or vessel owner, lienholder,  
955 insurance company, or their agent no later than 1 business day  
956 after:

957 1. The tow is completed; or

958 2. The towing-storage operator has obtained all necessary  
959 information to be included on the invoice, including any charges  
960 submitted by subcontractors used by the towing-storage operator  
961 to complete the tow and recovery.

962 (d) The itemized invoice required under paragraph (c) must  
963 contain all of the following information:

964 1. The date and time the vehicle or vessel was towed.

965 2. The location to which the vehicle or vessel was towed.

966 3. The name, address, and telephone number of the towing-  
967 storage operator.

968 4. A description of the towed vehicle or vessel, including  
969 the color, make, model, model year, and vehicle identification  
970 number of the vehicle or hull identification number of the  
971 vessel.

972 5. The license plate number and state of registration for  
973 the towed vehicle or vessel.

974 6. The cost of the initial towing service.

975 7. The cost of any storage fees, expressed as a daily

976 rate.

977 8. Other fees, including administrative fees, vehicle or  
 978 vessel search fees, fees for hazardous material and nonhazardous  
 979 material cleanup, and fees for labor.

980 9. A list of the services that were performed under a  
 981 warranty or that were otherwise performed at no cost to the  
 982 owner of the vehicle or vessel.

983 (e) Any service performed or fee charged in addition to  
 984 those described in subparagraph (d)6. or subparagraph (d)7. must  
 985 be set forth on the itemized invoice required under paragraph  
 986 (c) individually as a single line item that includes an  
 987 explanation of the service or fee and the exact amount charged  
 988 for the service or the exact amount of the fee.

989 (f) A towing-storage operator must make the itemized  
 990 invoice required under paragraph (c) available for inspection  
 991 and copying no later than 48 hours after receiving a written  
 992 request to inspect such invoice from:

- 993 1. A law enforcement agency;
- 994 2. The Attorney General; or
- 995 3. The vehicle or vessel owner, lienholder, insurance  
 996 company, or their agent.

997 Section 6. Paragraph (a) of subsection (2) of section  
 998 715.07, Florida Statutes, is amended to read:

999 715.07 Vehicles or vessels parked on private property;  
 1000 towing.-

1001           (2) The owner or lessee of real property, or any person  
 1002 authorized by the owner or lessee, which person may be the  
 1003 designated representative of the condominium association if the  
 1004 real property is a condominium, may cause any vehicle or vessel  
 1005 parked on such property without her or his permission to be  
 1006 removed by a person regularly engaged in the business of towing  
 1007 vehicles or vessels, without liability for the costs of removal,  
 1008 transportation, or storage or damages caused by such removal,  
 1009 transportation, or storage, under any of the following  
 1010 circumstances:

1011           (a) The towing or removal of any vehicle or vessel from  
 1012 private property without the consent of the registered owner or  
 1013 other legally authorized person in control of that vehicle or  
 1014 vessel is subject to substantial compliance with the following  
 1015 conditions and restrictions:

1016           1.a. Any towed or removed vehicle or vessel must be stored  
 1017 at a site within a 10-mile radius of the point of removal in any  
 1018 county of 500,000 population or more, and within a 15-mile  
 1019 radius of the point of removal in any county of fewer than  
 1020 500,000 population. That site must be open for the purpose of  
 1021 redemption of vehicles on any day that the person or firm towing  
 1022 such vehicle or vessel is open for towing purposes, from 8:00  
 1023 a.m. to 6:00 p.m., and, when closed, shall have prominently  
 1024 posted a sign indicating a telephone number where the operator  
 1025 of the site can be reached at all times. Upon receipt of a

1026 telephoned request to open the site to redeem a vehicle or  
1027 vessel, the operator shall return to the site within 1 hour or  
1028 she or he will be in violation of this section.

1029       b. If no towing business providing such service is located  
1030 within the area of towing limitations set forth in sub-  
1031 subparagraph a., the following limitations apply: any towed or  
1032 removed vehicle or vessel must be stored at a site within a 20-  
1033 mile radius of the point of removal in any county of 500,000  
1034 population or more, and within a 30-mile radius of the point of  
1035 removal in any county of fewer than 500,000 population.

1036       2. The person or firm towing or removing the vehicle or  
1037 vessel shall, within 30 minutes after completion of such towing  
1038 or removal, notify the municipal police department or, in an  
1039 unincorporated area, the sheriff, of such towing or removal, the  
1040 storage site, the time the vehicle or vessel was towed or  
1041 removed, and the make, model, color, and license plate number of  
1042 the vehicle or description and registration number of the vessel  
1043 and shall obtain the name of the person at that department to  
1044 whom such information was reported and note that name on the  
1045 trip record.

1046       3. A person in the process of towing or removing a vehicle  
1047 or vessel from the premises or parking lot in which the vehicle  
1048 or vessel is not lawfully parked must stop when a person seeks  
1049 the return of the vehicle or vessel. The vehicle or vessel must  
1050 be returned upon the payment of a reasonable service fee of not

1051 more than one-half of the posted rate for the towing or removal  
1052 service as provided in subparagraph 6. The vehicle or vessel may  
1053 be towed or removed if, after a reasonable opportunity, the  
1054 owner or legally authorized person in control of the vehicle or  
1055 vessel is unable to pay the service fee. If the vehicle or  
1056 vessel is redeemed, a detailed signed receipt must be given to  
1057 the person redeeming the vehicle or vessel.

1058 4. A person may not pay or accept money or other valuable  
1059 consideration for the privilege of towing or removing vehicles  
1060 or vessels from a particular location.

1061 5. Except for property appurtenant to and obviously a part  
1062 of a single-family residence, and except for instances when  
1063 notice is personally given to the owner or other legally  
1064 authorized person in control of the vehicle or vessel that the  
1065 area in which that vehicle or vessel is parked is reserved or  
1066 otherwise unavailable for unauthorized vehicles or vessels and  
1067 that the vehicle or vessel is subject to being removed at the  
1068 owner's or operator's expense, any property owner or lessee, or  
1069 person authorized by the property owner or lessee, before towing  
1070 or removing any vehicle or vessel from private property without  
1071 the consent of the owner or other legally authorized person in  
1072 control of that vehicle or vessel, must post a notice meeting  
1073 the following requirements:

1074 a. The notice must be prominently placed at each driveway  
1075 access or curb cut allowing vehicular access to the property

1076 within 10 feet from the road, as defined in s. 334.03(22). If  
1077 there are no curbs or access barriers, the signs must be posted  
1078 not fewer than one sign for each 25 feet of lot frontage.

1079       b. The notice must clearly indicate, in not fewer than 2-  
1080 inch high, light-reflective letters on a contrasting background,  
1081 that unauthorized vehicles will be towed away at the owner's  
1082 expense. The words "tow-away zone" must be included on the sign  
1083 in not fewer than 4-inch high letters.

1084       c. The notice must also provide the name and current  
1085 telephone number of the person or firm towing or removing the  
1086 vehicles or vessels.

1087       d. The sign structure containing the required notices must  
1088 be permanently installed with the words "tow-away zone" not  
1089 fewer than 3 feet and not more than 6 feet above ground level  
1090 and must be continuously maintained on the property for not  
1091 fewer than 24 hours before the towing or removal of any vehicles  
1092 or vessels.

1093       e. The local government may require permitting and  
1094 inspection of these signs before any towing or removal of  
1095 vehicles or vessels being authorized.

1096       f. A business with 20 or fewer parking spaces satisfies  
1097 the notice requirements of this subparagraph by prominently  
1098 displaying a sign stating "Reserved Parking for Customers Only  
1099 Unauthorized Vehicles or Vessels Will be Towed Away At the  
1100 Owner's Expense" in not fewer than 4-inch high, light-reflective

1101 letters on a contrasting background.

1102 g. A property owner towing or removing vessels from real  
 1103 property must post notice, consistent with the requirements in  
 1104 sub-subparagraphs a.-f., which apply to vehicles, that  
 1105 unauthorized vehicles or vessels will be towed away at the  
 1106 owner's expense.

1107  
 1108 A business owner or lessee may authorize the removal of a  
 1109 vehicle or vessel by a towing company when the vehicle or vessel  
 1110 is parked in such a manner that restricts the normal operation  
 1111 of business; and if a vehicle or vessel parked on a public  
 1112 right-of-way obstructs access to a private driveway the owner,  
 1113 lessee, or agent may have the vehicle or vessel removed by a  
 1114 towing company upon signing an order that the vehicle or vessel  
 1115 be removed without a posted tow-away zone sign.

1116 6. Any person or firm that tows or removes vehicles or  
 1117 vessels and proposes to require an owner, operator, or person in  
 1118 control or custody of a vehicle or vessel to pay the costs of  
 1119 towing and storage before redemption of the vehicle or vessel  
 1120 must file and keep on record with the local law enforcement  
 1121 agency a complete copy of the current rates to be charged for  
 1122 such services and post at the storage site an identical rate  
 1123 schedule and any written contracts with property owners,  
 1124 lessees, or persons in control of property which authorize such  
 1125 person or firm to remove vehicles or vessels as provided in this

1126 section.

1127         7. Any person or firm towing or removing any vehicles or  
1128 vessels from private property without the consent of the owner  
1129 or other legally authorized person in control or custody of the  
1130 vehicles or vessels shall, on any trucks, wreckers as defined in  
1131 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the  
1132 towing or removal, have the name, address, and telephone number  
1133 of the company performing such service clearly printed in  
1134 contrasting colors on the driver and passenger sides of the  
1135 vehicle. The name shall be in at least 3-inch permanently  
1136 affixed letters, and the address and telephone number shall be  
1137 in at least 1-inch permanently affixed letters.

1138         8. Vehicle entry for the purpose of removing the vehicle  
1139 or vessel shall be allowed with reasonable care on the part of  
1140 the person or firm towing the vehicle or vessel. Such person or  
1141 firm shall be liable for any damage occasioned to the vehicle or  
1142 vessel if such entry is not in accordance with the standard of  
1143 reasonable care.

1144         9. When a vehicle or vessel has been towed or removed  
1145 pursuant to this section, it must be released to its owner or  
1146 person in control or custody within 1 hour after requested. Any  
1147 vehicle or vessel owner or person in control or custody has the  
1148 right to inspect the vehicle or vessel before accepting its  
1149 return, and no release or waiver of any kind which would release  
1150 the person or firm towing the vehicle or vessel from liability

1151 | for damages noted by the owner or person in control or custody  
1152 | at the time of the redemption may be required from any vehicle  
1153 | or vessel owner or person in control or custody as a condition  
1154 | of release of the vehicle or vessel to its owner or person in  
1155 | control or custody. A detailed receipt showing the legal name of  
1156 | the company or person towing or removing the vehicle or vessel  
1157 | must be given to the person paying towing or storage charges at  
1158 | the time of payment, whether requested or not.

1159 |       Section 7. This act shall take effect July 1, 2024.