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1
 2 An act relating to towing and storage; amending ss.
 3 125.0103 and 166.043, F.S.; requiring certain counties
 4 and municipalities to publish specified rates on their
 5 websites and establish a specified process; providing
 6 that rates established by the Division of Florida
 7 Highway Patrol apply to certain areas of the state;
 8 amending s. 321.051, F.S.; prohibiting the division
 9 from excluding certain wrecker operators from the
 10 wrecker operator system or failing to designate
 11 certain wrecker operators as authorized wrecker
 12 operators; providing exceptions; requiring, rather
 13 than authorizing, the division to establish certain
 14 maximum rates; requiring the Department of Highway
 15 Safety and Motor Vehicles to publish such rates on its
 16 website and establish a specified process; amending s.
 17 323.001, F.S.; requiring an investigating agency or
 18 certain other persons to take possession of certain
 19 vehicles within a specified timeframe, unless another
 20 timeframe is otherwise agreed upon; amending s.
 21 713.78, F.S.; providing and reordering definitions;
 22 authorizing towing-storage operators to charge certain
 23 fees; providing that towing-storage operators have a
 24 lien on a vehicle or vessel for such fees; authorizing
 25 towing-storage operators to enter, using reasonable

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26 | care, a vehicle or vessel for specified purposes;
 27 | providing liability under certain circumstances;
 28 | revising requirements for law enforcement agencies,
 29 | counties, municipalities, and the department relating
 30 | to the removal of vehicles or vessels; revising
 31 | requirements for notices of lien; revising
 32 | requirements for towing-storage operators providing
 33 | notice to public agencies of jurisdiction; authorizing
 34 | certain persons and entities to initiate judicial
 35 | proceedings to determine certain findings; authorizing
 36 | certain persons and entities to post, without first
 37 | initiating judicial proceedings, a cash or surety bond
 38 | for a certain amount to have a vehicle or vessel
 39 | released; prohibiting the requirement to initiate
 40 | judicial proceedings in order to post such bond and
 41 | the requirement to use a particular form; requiring
 42 | the clerk of the court to automatically issue a
 43 | certificate notifying a towing-storage operator to
 44 | release the vehicle or vessel; requiring the party
 45 | that posts the bond to give a receipt to the towing-
 46 | storage operator reciting any property loss or damage
 47 | to the vehicle or vessel or the contents thereof, and
 48 | waiving such claims if such receipt is not provided;
 49 | requiring a towing-storage operator to release or
 50 | return the vehicle or vessel to the interested party

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51 | that posted the bond; requiring the clerk of the court
 52 | to release the cash bond or issue a specified notice
 53 | relating to the surety bond to the towing-storage
 54 | operator if the interested party does not initiate
 55 | judicial proceedings within a certain timeframe;
 56 | providing obligations relating to such notice;
 57 | providing for expiration of such notice; requiring the
 58 | court to award all recovery, towing, and storage fees
 59 | to the towing-storage operator if the defendant
 60 | prevails in the judicial proceedings; revising the
 61 | timeframe in which certain unclaimed vehicles or
 62 | vessels may be sold; revising requirements for notices
 63 | of sale; requiring approved third-party services to
 64 | publish public notices of sale and report certain
 65 | information by specified means to the department;
 66 | providing the maximum fee that approved third-party
 67 | services may collect and retain for such services;
 68 | revising provisions for permission to inspect a
 69 | vehicle or vessel; providing timeframes in which a
 70 | vehicle, vessel, or personal property must be made
 71 | available for inspection and release; revising
 72 | criminal penalties; requiring towing-storage operators
 73 | to accept certain documents, one of which must be
 74 | notarized, as evidence of a person's interest in a
 75 | vehicle or vessel; prohibiting certain persons from

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76 | being required to furnish more than one form of
 77 | current government-issued photo identification for
 78 | purposes of verifying their identity; requiring
 79 | towing-storage operators to maintain certain records
 80 | for a certain period of time; requiring towing-storage
 81 | operators to accept certain types of payment;
 82 | providing for preemption; requiring towing-storage
 83 | operators to maintain a rate sheet; providing
 84 | requirements for such rate sheet; providing that
 85 | certain fees are unreasonable; requiring towing-
 86 | storage operators to maintain an itemized invoice for
 87 | specified fees; providing requirements for such
 88 | invoice; requiring disclosure of such invoice to
 89 | specified persons and entities within a certain
 90 | timeframe; providing applicability; making technical
 91 | changes; amending s. 715.07, F.S.; conforming a cross-
 92 | reference; providing an effective date.

93 |
 94 | Be It Enacted by the Legislature of the State of Florida:

95 |
 96 | Section 1. Paragraphs (b) and (c) of subsection (1) of
 97 | section 125.0103, Florida Statutes, are amended, and paragraph
 98 | (d) is added to that subsection, to read:

99 | 125.0103 Ordinances and rules imposing price controls.—
 100 | (1)

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101 (b) This section does not prevent the enactment by local
 102 governments of public service rates otherwise authorized by law,
 103 including water, sewer, solid waste, public transportation,
 104 taxicab, or port rates;~~;~~ rates for towing of vehicles or vessels
 105 from or immobilization of vehicles or vessels on private
 106 property;~~;~~ or rates for removal and storage of wrecked or
 107 disabled vehicles or vessels from an accident scene or the
 108 removal and storage of vehicles or vessels, l in the event the
 109 owner or operator is incapacitated, unavailable, leaves the
 110 procurement of wrecker service to the law enforcement officer at
 111 the scene, or otherwise does not consent to the removal of the
 112 vehicle or vessel.

113 (c) Counties must establish maximum rates which may be
 114 charged on the towing of vehicles or vessels from or
 115 immobilization of vehicles or vessels on private property or
 116 which may be charged for~~;~~ removal and storage of wrecked or
 117 disabled vehicles or vessels from an accident scene or for 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. However, if a municipality chooses to enact
 123 an ordinance establishing the maximum rates for the towing or
 124 immobilization of vehicles or vessels as described in paragraph
 125 (b), the county's ordinance does not apply within such

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126 municipality.

127 (d) A county or municipality that has established maximum
 128 rates as described in paragraph (c) must publish such rates on
 129 its website and must establish a process for investigating and
 130 resolving complaints regarding fees charged in excess of such
 131 rates. In areas where no maximum rates as described in paragraph
 132 (c) have been established, the maximum rates established by the
 133 Division of Florida Highway Patrol under s. 321.051(2) apply.

134 Section 2. Paragraphs (b) and (c) of subsection (1) of
 135 section 166.043, Florida Statutes, are amended, and paragraph
 136 (d) is added to that subsection, to read:

137 166.043 Ordinances and rules imposing price controls.—

138 (1)

139 (b) This section does not prevent the enactment by local
 140 governments of public service rates otherwise authorized by law,
 141 including water, sewer, solid waste, public transportation,
 142 taxicab, or port rates;τ rates for towing of vehicles or vessels
 143 from or immobilization of vehicles or vessels on private
 144 property;τ or rates for removal and storage of wrecked or
 145 disabled vehicles or vessels from an accident scene or the
 146 removal and storage of vehicles or vessels, l in the event the
 147 owner or operator is incapacitated, unavailable, leaves the
 148 procurement of wrecker service to the law enforcement officer at
 149 the scene, or otherwise does not consent to the removal of the
 150 vehicle or vessel.

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151 (c) Counties must establish maximum rates which may be
 152 charged on the towing of vehicles or vessels from or
 153 immobilization of vehicles or vessels on private property or
 154 which may be charged for, removal and storage of wrecked or
 155 disabled vehicles or vessels from an accident scene or for the
 156 removal and storage of vehicles or vessels, in the event the
 157 owner or operator is incapacitated, unavailable, leaves the
 158 procurement of wrecker service to the law enforcement officer at
 159 the scene, or otherwise does not consent to the removal of the
 160 vehicle or vessel. However, if a municipality chooses to enact
 161 an ordinance establishing the maximum rates for the towing or
 162 immobilization of vehicles or vessels as described in paragraph
 163 (b), the county's ordinance established under s. 125.0103 does
 164 not apply within such municipality.

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

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

174 321.051 Florida Highway Patrol wrecker operator system;
 175 penalties for operation outside of system.—

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176 (2) (a) The Division of Florida Highway Patrol of the
 177 Department of Highway Safety and Motor Vehicles is authorized to
 178 establish within areas designated by the patrol a wrecker
 179 operator system using qualified, reputable wrecker operators for
 180 removal and storage of wrecked or disabled vehicles from a crash
 181 scene or for removal and storage of abandoned vehicles, in the
 182 event the owner or operator is incapacitated or unavailable or
 183 leaves the procurement of wrecker service to the officer at the
 184 scene. All reputable wrecker operators are ~~shall be~~ eligible for
 185 use in the system provided their equipment and drivers meet
 186 recognized safety qualifications and mechanical standards set by
 187 rules of the Division of Florida Highway Patrol for the size of
 188 vehicle it is designed to handle. The division may not exclude a
 189 wrecker operator from the wrecker operator system or fail to
 190 designate a wrecker operator as an authorized wrecker operator
 191 based solely on a prior felony conviction unless such conviction
 192 is for a forcible felony as defined in s. 776.08 or a felony
 193 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is
 194 authorized to limit the number of wrecker operators
 195 participating in the wrecker operator system, which authority
 196 shall not affect wrecker operators currently participating in
 197 the system established by this section. The division must ~~is~~
 198 ~~authorized to~~ establish maximum rates for the towing and storage
 199 of vehicles removed at the division's request, where such rates
 200 have not been set by a county or municipality pursuant to s.

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201 125.0103 or s. 166.043. Such rates shall not be considered rules
 202 for the purpose of chapter 120; however, the department shall
 203 establish by rule a procedure for setting such rates.

204 (b) The department must publish on its website the maximum
 205 rates established under this subsection and must establish a
 206 process for investigating and resolving complaints regarding
 207 fees charged in excess of such maximum rates.

208 (c) Any provision in chapter 120 to the contrary
 209 notwithstanding, a final order of the department denying,
 210 suspending, or revoking a wrecker operator's participation in
 211 the system shall be reviewable in the manner and within the time
 212 provided by the Florida Rules of Appellate Procedure only by a
 213 writ of certiorari issued by the circuit court in the county
 214 wherein such wrecker operator resides.

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

217 323.001 Wrecker operator storage facilities; vehicle
 218 holds.-

219 (8) If a vehicle is stored at a wrecker operator's
 220 facility pursuant to an investigatory hold or a hold for other
 221 evidentiary purposes, the investigating agency or other person
 222 requiring such hold must take possession of the vehicle within
 223 30 days after the first day on which the vehicle is stored,
 224 unless another timeframe is otherwise agreed upon by the wrecker
 225 operator and the investigating agency or other person requiring

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226 the hold.

227 Section 5. Subsections (1), (2), (4), (5), (6), (8), (9),
 228 and (10), paragraph (a) of subsection (11), paragraphs (a) and
 229 (d) of subsection (12), paragraphs (a), (b), and (d) of
 230 subsection (13), and subsection (17) of section 713.78, Florida
 231 Statutes, are amended, and subsections (18), (19), and (20) are
 232 added to that section, to read:

233 713.78 Liens for recovering, towing, or storing vehicles
 234 and vessels.—

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

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

241 (b) "Good faith effort" means that all of the following
 242 checks have been performed by a towing-storage operator to
 243 establish the prior state of registration and title of a vehicle
 244 or vessel that has been towed or stored by the towing-storage
 245 operator:

246 1. A check of the department's database for the owner and
 247 any lienholder.

248 2. A check of the electronic National Motor Vehicle Title
 249 Information System or an equivalent commercially available
 250 system to determine the state of registration when there is not

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251 a current registration record for the vehicle or vessel on file
 252 with the department.

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

255 4. A check of the law enforcement report for a tag number
 256 or other information identifying the vehicle or vessel, if the
 257 vehicle or vessel was towed at the request of a law enforcement
 258 officer.

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

262 6. If there is no address of the owner on the impound
 263 report, a check of the law enforcement report to determine
 264 whether an out-of-state address is indicated from driver license
 265 information.

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

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

272 9. A check of the vehicle for a vehicle identification
 273 number.

274 10. A check of the vessel for a vessel registration
 275 number.

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276 11. A check of the vessel hull for a hull identification
 277 number which should be carved, burned, stamped, embossed, or
 278 otherwise permanently affixed to the outboard side of the
 279 transom or, if there is no transom, to the outmost seaboard side
 280 at the end of the hull that bears the rudder or other steering
 281 mechanism.

282 (c)-(d) "National Motor Vehicle Title Information System"
 283 means the federally authorized electronic National Motor Vehicle
 284 Title Information System.

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

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

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

295 (g)-(a) "Vehicle" means any mobile item, whether motorized
 296 or not, which is mounted on wheels.

297 (h)-(b) "Vessel" means every description of watercraft,
 298 barge, and airboat used or capable of being used as a means of
 299 transportation on water, other than a seaplane or a "documented
 300 vessel" as defined in s. 327.02.

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

306 (2) (a) ~~Whenever~~ A towing-storage operator may charge the
 307 owner or operator of a vehicle or vessel only the following fees
 308 for, or incidental to, the recovery, removal, or storage of the
 309 vehicle or vessel:

310 1. Any reasonable fee for service specifically authorized
 311 under s. 125.0103 or s. 166.043 by ordinance, resolution,
 312 regulation, or rule of the county or municipality in which the
 313 service is performed.

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

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

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

322 5. Any reasonable administrative fee or charge imposed by
 323 a county or municipality pursuant to s. 125.01047, s. 166.04465,
 324 or s. 323.002 upon the registered owner or other legally
 325 authorized person in control of a vehicle or vessel.

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

330 1.(a) The owner thereof;

331 2.(b) The owner or lessor, or a person authorized by the
 332 owner or lessor, of property on which such vehicle or vessel is
 333 wrongfully parked, and the removal is done in compliance with s.
 334 715.07;

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

339 4.(d) Any law enforcement agency, county, or municipality,
 340

341 she or he has ~~shall have~~ a lien on the vehicle or vessel for
 342 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
 343 ~~reasonable administrative fee or charge imposed by a county or~~
 344 ~~municipality, and for a reasonable storage fee;~~ except that a
 345 storage fee may not be charged if the vehicle or vessel is
 346 stored for less ~~fewer~~ than 6 hours.

347 (c) A towing-storage operator may enter, using reasonable
 348 care, a vehicle or vessel for purposes of recovering, removing,
 349 or storing such vehicle or vessel. A towing-storage operator is
 350 liable for any damage to the vehicle or vessel if such entry is

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351 not in accordance with the standard of reasonable care.

352 (4)(a) A towing-storage operator ~~person regularly engaged~~
 353 ~~in the business of recovering, towing, or storing vehicles or~~
 354 ~~vessels~~ who comes into possession of a vehicle or vessel
 355 pursuant to paragraph (2)(b) ~~subsection (2)~~, and who claims a
 356 lien for recovery, towing, or storage services, must ~~shall~~ give
 357 notice, by certified mail, pursuant to subsection (16), to the
 358 registered owner, the insurance company insuring the vehicle or
 359 vessel notwithstanding s. 627.736, and all persons claiming a
 360 lien thereon, as disclosed by the records in the Department of
 361 Highway Safety and Motor Vehicles or as disclosed by the records
 362 of any corresponding agency in any other state in which the
 363 vehicle or vessel is identified through a records check of the
 364 National Motor Vehicle Title Information System or an equivalent
 365 commercially available system as being titled or registered.

366 (b) When ~~Whenever~~ a law enforcement agency, county, or
 367 municipality authorizes the removal of a vehicle or vessel, or
 368 ~~whenever~~ a towing service, garage, repair shop, or automotive
 369 service, storage, or parking place notifies a ~~the~~ law
 370 enforcement agency of possession of a vehicle or vessel pursuant
 371 to s. 715.07(2)(a)2., if an approved third-party service cannot
 372 obtain the vehicle's or vessel's owner, lienholder, and insurer
 373 information or last state of record pursuant to subsection (16),
 374 then the person in charge of the towing service, garage, repair
 375 shop, or automotive service, storage, or parking place must

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376 request such information from the law enforcement agency of the
 377 jurisdiction where the vehicle or vessel is stored. The law
 378 enforcement agency to which the request was made must ~~shall~~
 379 contact the Department of Highway Safety and Motor Vehicles, or
 380 the appropriate agency of the state of registration, if known,
 381 within 24 hours through the medium of electronic communications,
 382 giving the full description of the vehicle or vessel. Upon
 383 receipt of the full description of the vehicle or vessel, the
 384 department must ~~shall~~ search its files to determine the owner's
 385 name, the insurance company insuring the vehicle or vessel, and
 386 whether any person has filed a lien upon the vehicle or vessel
 387 as provided in s. 319.27(2) and (3) and notify the applicable
 388 law enforcement agency within 72 hours. The person in charge of
 389 the towing service, garage, repair shop, or automotive service,
 390 storage, or parking place must request ~~shall obtain~~ such
 391 information from the applicable law enforcement agency within 5
 392 days after the date of storage and must provide the information
 393 to the approved third-party service in order to transmit notices
 394 as required under subsection (16) ~~shall give notice pursuant to~~
 395 ~~paragraph (a)~~. The department may release the insurance company
 396 information to the requestor notwithstanding s. 627.736.
 397 (c) The notice of lien must be sent by an approved third-
 398 party service by certified mail to the registered owner, the
 399 insurance company insuring the vehicle notwithstanding s.
 400 627.736, and all other persons claiming a lien thereon within 5

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401 7 business days, excluding a Saturday, and Sunday, or federal
 402 legal holiday, after the date of storage of the vehicle or
 403 vessel. ~~However, in no event shall the notice of lien be sent~~
 404 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
 405 notice must state all of the following:

406 1. If the claim of lien is for a vehicle, the last 8
 407 digits of the vehicle identification number of the vehicle
 408 subject to the lien, or, if the claim of lien is for a vessel,
 409 the hull identification number of the vessel subject to the
 410 lien, clearly printed in the delivery address box and on the
 411 outside of the envelope sent to the registered owner and all
 412 other persons claiming an interest in ~~therein~~ or lien on the
 413 vehicle or vessel ~~thereon~~.

414 2. The name, physical address, and telephone number of the
 415 lienor, and the entity name, as registered with the Division of
 416 Corporations, of the business where the towing and storage
 417 occurred, which must also appear on the outside of the envelope
 418 sent to the registered owner and all other persons claiming an
 419 interest in or lien on the vehicle or vessel.

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

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

423 5. That a lien as provided in paragraph (2)(b) ~~subsection~~
 424 ~~(2)~~ is claimed.

425 6. That charges have accrued and include an itemized

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426 statement of the amount thereof.

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

430 8. That any vehicle or vessel that remains unclaimed, or
 431 for which the charges for recovery, towing, or storage services
 432 remain unpaid, may be sold free of all prior liens 35 days after
 433 the vehicle or vessel is stored by the lienor if the vehicle or
 434 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
 435 after the vehicle or vessel is stored by the lienor if the
 436 vehicle or vessel is a newer model ~~3 years of age or less~~.

437 9. The address at which the vehicle or vessel is
 438 physically located.

439 (d) The notice of lien may not be sent to the registered
 440 owner, the insurance company insuring the vehicle or vessel, and
 441 all other persons claiming a lien thereon less than 30 days
 442 before the sale of a the vehicle or vessel that is an older
 443 model or less than 52 days before the sale of a vehicle or
 444 vessel that is a newer model.

445 (e) If attempts to locate the name and address of the
 446 registered owner, the insurance company insuring the vehicle or
 447 vessel, and any other person claiming a lien thereon are ~~or~~
 448 ~~lienholder prove unsuccessful,~~ 5 ~~the towing-storage operator~~
 449 ~~shall, after 7~~ business days, excluding a Saturday, ~~and~~ Sunday,
 450 or federal legal holiday, after the initial tow or storage, the

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451 towing-storage operator must notify the public agency of
452 jurisdiction where the vehicle or vessel is stored in writing by
453 certified mail or receipt-acknowledged electronic delivery
454 ~~acknowledged hand delivery~~ that the towing-storage operator
455 ~~company~~ has been unable to locate the name and address of the
456 owner or lienholder and a physical search of the vehicle or
457 vessel has disclosed no ownership information and a good faith
458 effort has been made, including records checks of the Department
459 of Highway Safety and Motor Vehicles database and the National
460 Motor Vehicle Title Information System or an equivalent
461 commercially available system. ~~For purposes of this paragraph~~
462 ~~and subsection (9), the term "good faith effort" means that the~~
463 ~~following checks have been performed by the company to establish~~
464 ~~the prior state of registration and for title:~~

- 465 ~~1. A check of the department's database for the owner and~~
466 ~~any lienholder.~~
- 467 ~~2. A check of the electronic National Motor Vehicle Title~~
468 ~~Information System or an equivalent commercially available~~
469 ~~system to determine the state of registration when there is not~~
470 ~~a current registration record for the vehicle or vessel on file~~
471 ~~with the department.~~
- 472 ~~3. A check of the vehicle or vessel for any type of tag,~~
473 ~~tag record, temporary tag, or regular tag.~~
- 474 ~~4. A check of the law enforcement report for a tag number~~
475 ~~or other information identifying the vehicle or vessel, if the~~

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476 ~~vehicle or vessel was towed at the request of a law enforcement~~
 477 ~~officer.~~

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

481 ~~6. If there is no address of the owner on the impound~~
 482 ~~report, a check of the law enforcement report to determine~~
 483 ~~whether an out-of-state address is indicated from driver license~~
 484 ~~information.~~

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

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

491 ~~9. A check of the vehicle for a vehicle identification~~
 492 ~~number.~~

493 ~~10. A check of the vessel for a vessel registration~~
 494 ~~number.~~

495 ~~11. A check of the vessel hull for a hull identification~~
 496 ~~number which should be carved, burned, stamped, embossed, or~~
 497 ~~otherwise permanently affixed to the outboard side of the~~
 498 ~~transom or, if there is no transom, to the outmost seaboard side~~
 499 ~~at the end of the hull that bears the rudder or other steering~~
 500 ~~mechanism.~~

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501 (5) (a) The registered owner of a vehicle or vessel in the
 502 possession of a towing-storage operator, the insurance company
 503 insuring such vehicle or vessel, and any other ~~removed pursuant~~
 504 ~~to subsection (2), or any person claiming a lien thereon,~~ other
 505 than the towing-storage operator, may initiate judicial
 506 proceedings within 10 days after the time she or he has
 507 ~~knowledge of the location of the vehicle or vessel, may file a~~
 508 ~~complaint~~ in the ~~county~~ court of competent jurisdiction in the
 509 county in which the vehicle or vessel is stored to determine
 510 whether the vehicle or vessel ~~her or his property~~ was wrongfully
 511 taken or withheld or whether fees were wrongfully charged.

512 (b) Regardless of whether judicial proceedings have been
 513 initiated pursuant to paragraph (a), at any time before the sale
 514 of the vehicle or vessel by the towing-storage operator, the an
 515 owner of the vehicle or vessel, the insurance company insuring
 516 the vehicle or vessel, and any other person claiming a lien
 517 thereon, other than the towing-storage operator, or lienholder
 518 may have the her or his vehicle or vessel released upon posting
 519 with the clerk of the court in the county in which the vehicle
 520 or vessel is held a cash or surety bond or other adequate
 521 security equal to the amount of the accrued charges set forth in
 522 the notice of lien, plus accrued storage charges, at the time of
 523 the release of the vehicle or vessel, if any, for towing or
 524 ~~storage and lot rental amount~~ to ensure the payment of such
 525 charges in the event a court determines that the vehicle or

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526 vessel was not wrongfully taken or withheld or fees were not
 527 wrongfully charged. The owner of the vehicle or vessel, the
 528 insurance company insuring the vehicle or vessel, and any other
 529 person claiming a lien thereon, other than the towing-storage
 530 operator, may not be required to initiate judicial proceedings
 531 in order to post the bond in the registry of the court and are
 532 not required to use a particular form for posting the bond
 533 unless the clerk provides such form ~~she or he does not prevail.~~
 534 Upon the posting of the bond and the payment of the applicable
 535 fee set forth in s. 28.24, the clerk of the court must
 536 automatically ~~shall~~ issue a certificate notifying the towing-
 537 storage operator ~~lienor~~ of the posting of the bond and directing
 538 the towing-storage operator ~~lienor~~ to release the vehicle or
 539 vessel to the party that posted the bond. At the time of such
 540 release, after reasonable inspection, the party that posted the
 541 bond must ~~she or he shall~~ give a receipt to the towing-storage
 542 operator ~~company~~ reciting any claims ~~she or he has~~ for loss or
 543 damage to the vehicle or vessel or the contents thereof, or such
 544 claims are deemed waived.

545 1. Upon receiving a copy of a certificate giving notice of
 546 the posting of a bond in the required amount and directing the
 547 release of the vehicle or vessel, a towing-storage operator must
 548 release or return the vehicle or vessel to the party that posted
 549 the bond.

550 2. If the party posting the bond does not initiate

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551 judicial proceedings pursuant to paragraph (a) within 45 days
 552 after the issuance of the certificate by the clerk of the court,
 553 then upon request by the towing-storage operator, the clerk of
 554 the court must:

555 a. Release the cash to the towing-storage operator; or
 556 b. Issue a notice certifying that a judicial proceeding
 557 has not been initiated within 45 days after the issuance of the
 558 certificate and requiring the surety that issued the bond to
 559 promptly pay the full face value of the bond to the towing-
 560 storage operator. The towing-storage operator has the
 561 obligation, upon receipt of the clerk's notice, to timely notify
 562 the surety of such notice. A notice issued by the clerk under
 563 this sub-subparagraph expires 120 days after its issuance if the
 564 notice is not delivered to the surety.

565 (c) Upon determining the respective rights of the parties,
 566 the court may award damages, attorney ~~attorney's~~ fees, and costs
 567 in favor of the prevailing party. In the any event the defendant
 568 prevails, the final order must ~~shall~~ provide for immediate
 569 payment in full of recovery, towing, and storage fees by the
 570 vehicle or vessel owner or lienholder; or the agency ordering
 571 the tow; or the owner, lessee, or agent thereof of the property
 572 from which the vehicle or vessel was removed.

573 (6) A vehicle or vessel that is stored pursuant to
 574 paragraph (2) (b) subsection (2) and remains unclaimed, or for
 575 which reasonable charges for recovery, towing, or storing remain

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576 unpaid, and any contents not released pursuant to subsection
 577 (10), may be sold by the owner or operator of the storage space
 578 for such towing or storage charge 35 days after the vehicle or
 579 vessel is stored by the lienor if the vehicle or vessel is an
 580 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
 581 vehicle or vessel is stored by the lienor if the vehicle or
 582 vessel is a newer model ~~3 years of age or less~~. The sale must
 583 ~~shall~~ be at public sale for cash. If the date of the sale was
 584 not included in the notice required in subsection (4), notice of
 585 the sale must ~~shall~~ be given to the person in whose name the
 586 vehicle or vessel is registered and to all persons claiming a
 587 lien on the vehicle or vessel as shown on the records of the
 588 Department of Highway Safety and Motor Vehicles or of any
 589 corresponding agency in any other state in which the vehicle is
 590 identified through a records check of the National Motor Vehicle
 591 Title Information System or an equivalent commercially available
 592 system as being titled. Notice of the sale must be sent by
 593 certified mail to the registered owner of the vehicle or vessel,
 594 the insurance company insuring the vehicle or vessel, and the
 595 person having the recorded lien on the vehicle or vessel at the
 596 address shown on the records of the registering agency at least
 597 30 days before the sale of the vehicle or vessel. ~~The notice~~
 598 ~~must have clearly identified and printed, if the claim of lien~~
 599 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
 600 identification number of the ~~motor~~ vehicle subject to the lien,

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601 or, if the claim of lien is for a vessel, the hull
 602 identification number of the vessel subject to the lien, must be
 603 clearly identified and printed in the delivery address box and
 604 on the outside of the envelope sent to the registered owner, the
 605 insurance company insuring the vehicle or vessel, and all other
 606 persons claiming an interest in ~~therein~~ or lien on the vehicle
 607 or vessel thereon. ~~The notice must be sent to the owner of the~~
 608 ~~vehicle or vessel and the person having the recorded lien on the~~
 609 ~~vehicle or vessel at the address shown on the records of the~~
 610 ~~registering agency at least 30 days before the sale of the~~
 611 ~~vehicle or vessel~~. The notice must state the name, physical
 612 address, and telephone number of the lienor, and the vehicle
 613 identification number if the claim of lien is for a vehicle or
 614 the hull identification number if the claim of lien is for a
 615 vessel, all of which must also appear in the return address
 616 section on the outside of the envelope containing the notice of
 617 sale. After diligent search and inquiry, if the name and address
 618 of the registered owner or the owner of the recorded lien cannot
 619 be ascertained, the requirements of notice by mail may be
 620 dispensed with. In addition to the notice by mail, public notice
 621 of the time and place of sale must ~~shall~~ be made by publishing a
 622 notice thereof one time, at least 20 ~~10~~ days before the date of
 623 the sale, on the publicly available website maintained by an
 624 approved third-party service. The third-party service must
 625 electronically report to the Department of Highway Safety and

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626 Motor Vehicles, via an electronic data exchange process using a
 627 web interface, the name, physical address, and telephone number
 628 of the lienor; the time and place of the sale; the vehicle's
 629 license plate number, if known; the vehicle identification
 630 number, if the claim of lien is for a vehicle, or the hull
 631 identification number, if the claim of lien is for a vessel; and
 632 the amount due for towing, recovery, storage, and administrative
 633 fees. The third-party service that publishes the public notice
 634 of sale and electronically reports the required information to
 635 the department may collect and retain a service charge of no
 636 more than \$1 in a newspaper of general circulation in the county
 637 in which the sale is to be held. The proceeds of the sale, after
 638 payment of reasonable towing and storage charges, and costs of
 639 the sale, in that order of priority, ~~shall~~ must be deposited
 640 with the clerk of the circuit court for the county if the owner
 641 or lienholder is absent, and the clerk ~~shall~~ must hold such
 642 proceeds subject to the claim of the owner or lienholder legally
 643 entitled thereto. The clerk ~~is shall be~~ is entitled to receive 5
 644 percent of such proceeds for the care and disbursement thereof.
 645 The certificate of title issued under this section must ~~this law~~
 646 ~~shall~~ be discharged of all liens unless otherwise provided by
 647 court order. The owner or lienholder may file a complaint after
 648 the vehicle or vessel has been sold in the ~~county~~ court of the
 649 county in which it is stored. Upon determining the respective
 650 rights of the parties, the court may award damages, attorney

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651 fees, and costs in favor of the prevailing party.

652 (8) A towing-storage operator ~~person regularly engaged in~~
 653 ~~the business of recovering, towing, or storing vehicles or~~
 654 ~~vessels~~, except a person licensed under chapter 493 while
 655 engaged in "repossession" activities as defined in s. 493.6101,
 656 may not operate a wrecker, tow truck, or car carrier unless the
 657 name, address, and telephone number of the company performing
 658 the service is clearly printed in contrasting colors on the
 659 driver and passenger sides of its vehicle. The name must be in
 660 at least 3-inch permanently affixed letters, and the address and
 661 telephone number must be in at least 1-inch permanently affixed
 662 letters.

663 (9) Failure to make good faith efforts to comply with the
 664 notice requirements of this section precludes the imposition of
 665 any storage charges against the vehicle or vessel. If a lienor
 666 fails to provide notice to a person claiming a lien on a vehicle
 667 or vessel in accordance with subsection (4), the lienor may not
 668 charge the person for more than 5 ~~7~~ days of storage, but such
 669 failure does not affect charges made for towing the vehicle or
 670 vessel or the priority of liens on the vehicle or vessel.

671 (10) A towing-storage operator must ~~Persons who provide~~
 672 ~~services pursuant to this section shall~~ permit vehicle or vessel
 673 owners, lienholders, insurance company representatives, or their
 674 agents, whose interest in the vehicle or vessel is evidenced by
 675 any of the documents listed in subsection (17) ~~which agency is~~

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676 ~~evidenced by an original writing acknowledged by the owner~~
 677 ~~before a notary public or other person empowered by law to~~
 678 ~~administer oaths,~~ to inspect the towed vehicle or vessel and
 679 must ~~shall~~ release to the owner, lienholder, or agent the
 680 vehicle, vessel, or all personal property not affixed to the
 681 vehicle or vessel which was in the vehicle or vessel at the time
 682 the vehicle or vessel came into the custody of the towing-
 683 storage operator. The inspection and release of the vehicle,
 684 vessel, or personal property must be permitted within 1 hour
 685 after the owner, lienholder, insurance company representative,
 686 or their agent presents any of the documents listed in
 687 subsection (17) to the towing-storage operator during normal
 688 business hours at the site where the vehicle or vessel is
 689 stored. Notwithstanding subparagraph (17)(a)6., a rental vehicle
 690 or vessel agreement is not evidence that the person who rented a
 691 vehicle or vessel is an agent of the rental vehicle or vessel
 692 owner for the purpose of releasing the vehicle or vessel.
 693 However, a towing-storage operator must release to the renter of
 694 a rental vehicle or vessel all personal property belonging to
 695 the renter which is not affixed to the rental vehicle or vessel
 696 within 1 hour after the renter's arrival ~~person providing such~~
 697 ~~services.~~

698 (11) (a) A towing-storage operator ~~Any person regularly~~
 699 ~~engaged in the business of recovering, towing, or storing~~
 700 ~~vehicles or vessels~~ who comes into possession of a vehicle or

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701 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
 702 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
 703 when such vehicle or vessel is to be sold for purposes of being
 704 dismantled, destroyed, or changed in such manner that it is not
 705 the ~~motor~~ vehicle or vessel described in the certificate of
 706 title, must ~~shall~~ report the vehicle to the National Motor
 707 Vehicle Title Information System and apply to the Department of
 708 Highway Safety and Motor Vehicles for a certificate of
 709 destruction. A certificate of destruction, which authorizes the
 710 dismantling or destruction of the vehicle or vessel described
 711 therein, is ~~shall be~~ reassignable a maximum of two times before
 712 dismantling or destruction of the vehicle is ~~shall be~~ required,
 713 and must ~~shall~~ accompany the vehicle or vessel for which it is
 714 issued, when such vehicle or vessel is sold for such purposes,
 715 in lieu of a certificate of title. The application for a
 716 certificate of destruction must include proof of reporting to
 717 the National Motor Vehicle Title Information System and an
 718 affidavit from the applicant that she or he ~~it~~ has complied with
 719 all applicable requirements of this section and, if the vehicle
 720 or vessel is not registered in this state or any other state, by
 721 a statement from a law enforcement officer that the vehicle or
 722 vessel is not reported stolen, and must ~~shall~~ be accompanied by
 723 such documentation as may be required by the department.

724 (12) (a) Any person who violates ~~any provision of~~
 725 ~~subsection (1)~~, subsection (2), subsection (4), subsection (5),

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726 subsection (6), or subsection (7) is guilty of a misdemeanor of
727 the first degree, punishable as provided in s. 775.082 or s.
728 775.083.

729 (d) Employees of the Department of Highway Safety and
730 Motor Vehicles and law enforcement officers are authorized to
731 inspect the records of a towing-storage operator ~~any person~~
732 ~~regularly engaged in the business of recovering, towing, or~~
733 ~~storing vehicles or vessels or transporting vehicles or vessels~~
734 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with
735 the requirements of this section. A towing-storage operator ~~Any~~
736 ~~person~~ who fails to maintain records, or fails to produce
737 records when required in a reasonable manner and at a reasonable
738 time, commits a misdemeanor of the first degree, punishable as
739 provided in s. 775.082 or s. 775.083.

740 (13) (a) Upon receipt by the Department of Highway Safety
741 and Motor Vehicles of written notice from a wrecker operator who
742 claims a wrecker operator's lien under subparagraph (2) (b) 4.
743 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
744 abandoned vehicle or vessel upon instructions from any law
745 enforcement agency, for which a certificate of destruction has
746 been issued under subsection (11) and the vehicle has been
747 reported to the National Motor Vehicle Title Information System,
748 the department shall place the name of the registered owner of
749 that vehicle or vessel on the list of those persons who may not
750 be issued a license plate or revalidation sticker for any motor

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751 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 752 jointly by more than one person, the name of each registered
 753 owner must ~~shall~~ be placed on the list. The notice of wrecker
 754 operator's lien must ~~shall~~ be submitted on forms provided by the
 755 department and, which must include all of the following:

756 1. The name, address, and telephone number of the wrecker
 757 operator.

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

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

763 4. The vehicle identification number (VIN); registration
 764 license plate number, state, and year; validation decal number,
 765 state, and year; vessel registration number; hull identification
 766 number; or other identification number, as applicable.

767 5. The name of the person or the corresponding law
 768 enforcement agency that requested that the vehicle or vessel be
 769 recovered, towed, or stored.

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

772 (b) For purposes of this subsection only, the amount of
 773 the wrecker operator's lien for which the department will
 774 prevent issuance of a license plate or revalidation sticker may
 775 not exceed the amount of the charges for recovery, towing, and

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776 storage of the vehicle or vessel for 7 days. These charges may
777 not exceed the maximum rates imposed by the ordinances of the
778 respective county or municipality under ss. 125.0103(1)(c) and
779 166.043(1)(c). This paragraph does not limit the amount of a
780 wrecker operator's lien claimed under paragraph (2)(b)
781 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
782 remedies for enforcement of the entire amount of the lien, but
783 limits only that portion of the lien for which the department
784 will prevent issuance of a license plate or revalidation
785 sticker.

786 (d) Upon discharge of the amount of the wrecker operator's
787 lien allowed by paragraph (b), the wrecker operator must issue a
788 certificate of discharged wrecker operator's lien on forms
789 provided by the department to each registered owner of the
790 vehicle or vessel attesting that the amount of the wrecker
791 operator's lien allowed by paragraph (b) has been discharged.
792 Upon presentation of the certificate of discharged wrecker
793 operator's lien by the registered owner, the department must
794 ~~shall~~ immediately remove the registered owner's name from the
795 list of those persons who may not be issued a license plate or
796 revalidation sticker for any motor vehicle under s. 320.03(8),
797 thereby allowing issuance of a license plate or revalidation
798 sticker. Issuance of a certificate of discharged wrecker
799 operator's lien under this paragraph does not discharge the
800 entire amount of the wrecker operator's lien claimed under

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801 paragraph (2)(b) subsection (2), but only certifies to the
802 department that the amount of the wrecker operator's lien
803 allowed by paragraph (b), for which the department will prevent
804 issuance of a license plate or revalidation sticker, has been
805 discharged.

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

809 1. An electronic title.

810 2. A paper title.

811 3. A contract between a lender and the owner of the
812 vehicle or vessel.

813 4. A contract between a lessor and the lessee of the
814 vehicle or vessel.

815 5. Credentials establishing the person as an employee or
816 contract agent of an insurance company along with documentation
817 identifying the vehicle by the vehicle identification number or
818 vessel by the hull identification number.

819 6. A written agreement evidencing that the person is an
820 agent of the vehicle or vessel owner or lienholder.

821 (b) A towing-storage operator may not require any of the
822 documents listed in paragraph (a) to be notarized, except for
823 the agreement in subparagraph (a)6. if such agreement is
824 presented for the purpose of releasing the vehicle or vessel.

825 (c) Presenting one form of current government-issued photo

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826 identification constitutes sufficient identity verification for
 827 the purposes of this section ~~A lienor must accept either a copy~~
 828 ~~of an electronic title or a paper title as evidence of a~~
 829 ~~person's interest in a vehicle or vessel.~~

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

834 (a) All notice publications and certified mailings.

835 (b) The purchase price of any unclaimed vehicle or vessel
 836 sold.

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

839 (d) The names and addresses of vehicle or vessel
 840 purchasers.

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

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

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

849 2. Bank, debit, or credit card.

850 3. Mobile payment service, digital wallet, or other

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851 electronic payment system.

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

856 (c) A county or municipal charter, ordinance, resolution,
 857 regulation, or rule that conflicts with paragraph (a) is
 858 expressly preempted.

859 (20) (a) A towing-storage operator must maintain a rate
 860 sheet listing all fees for, or incidental to, the recovery,
 861 removal, or storage of a vehicle or vessel and must do all of
 862 the following:

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

865 2. Make the rate sheet available upon request by the
 866 vehicle or vessel owner, lienholder, insurance company, or their
 867 agent.

868 3. Before attaching a vehicle or vessel to a wrecker,
 869 furnish the rate sheet to the owner or operator of the vehicle
 870 or vessel, if the owner or operator is present at the scene of
 871 the disabled vehicle or vessel.

872 (b) Any fee charged in excess of those listed on the rate
 873 sheet required under this subsection is deemed unreasonable.

874 (c) An itemized invoice of actual fees charged by a
 875 towing-storage operator for a completed tow must be produced and

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876 be available to the vehicle or vessel owner, lienholder,
 877 insurance company, or their agent no later than 1 business day
 878 after:

- 879 1. The tow is completed; or
- 880 2. The towing-storage operator has obtained all necessary
 881 information to be included on the invoice, including any charges
 882 submitted by subcontractors used by the towing-storage operator
 883 to complete the tow and recovery.

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

- 886 1. The date and time the vehicle or vessel was towed.
- 887 2. The location to which the vehicle or vessel was towed.
- 888 3. The name, address, and telephone number of the towing-
 889 storage operator.
- 890 4. A description of the towed vehicle or vessel, including
 891 the color, make, model, model year, and vehicle identification
 892 number of the vehicle or hull identification number of the
 893 vessel.
- 894 5. The license plate number and state of registration for
 895 the towed vehicle or vessel.
- 896 6. The cost of the initial towing service.
- 897 7. The cost of any storage fees, expressed as a daily
 898 rate.
- 899 8. Other fees, including administrative fees, vehicle or
 900 vessel search fees, fees for hazardous material and nonhazardous

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901 material cleanup, and fees for labor.

902 9. A list of the services that were performed under a
 903 warranty or that were otherwise performed at no cost to the
 904 owner of the vehicle or vessel.

905 (e) Any service performed or fee charged in addition to
 906 those described in subparagraph (d)6. or subparagraph (d)7. must
 907 be set forth on the itemized invoice required under paragraph
 908 (c) individually as a single line item that includes an
 909 explanation of the service or fee and the exact amount charged
 910 for the service or the exact amount of the fee.

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

- 915 1. A law enforcement agency;
- 916 2. The Attorney General; or
- 917 3. The vehicle or vessel owner, lienholder, insurance
 918 company, or their agent.

919 Section 6. Paragraph (a) of subsection (2) of section
 920 715.07, Florida Statutes, is amended to read:

921 715.07 Vehicles or vessels parked on private property;
 922 towing.—

923 (2) The owner or lessee of real property, or any person
 924 authorized by the owner or lessee, which person may be the
 925 designated representative of the condominium association if the

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926 real property is a condominium, may cause any vehicle or vessel
 927 parked on such property without her or his permission to be
 928 removed by a person regularly engaged in the business of towing
 929 vehicles or vessels, without liability for the costs of removal,
 930 transportation, or storage or damages caused by such removal,
 931 transportation, or storage, under any of the following
 932 circumstances:

933 (a) The towing or removal of any vehicle or vessel from
 934 private property without the consent of the registered owner or
 935 other legally authorized person in control of that vehicle or
 936 vessel is subject to substantial compliance with the following
 937 conditions and restrictions:

938 1.a. Any towed or removed vehicle or vessel must be stored
 939 at a site within a 10-mile radius of the point of removal in any
 940 county of 500,000 population or more, and within a 15-mile
 941 radius of the point of removal in any county of fewer than
 942 500,000 population. That site must be open for the purpose of
 943 redemption of vehicles on any day that the person or firm towing
 944 such vehicle or vessel is open for towing purposes, from 8:00
 945 a.m. to 6:00 p.m., and, when closed, shall have prominently
 946 posted a sign indicating a telephone number where the operator
 947 of the site can be reached at all times. Upon receipt of a
 948 telephoned request to open the site to redeem a vehicle or
 949 vessel, the operator shall return to the site within 1 hour or
 950 she or he will be in violation of this section.

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951 b. If no towing business providing such service is located
 952 within the area of towing limitations set forth in sub-
 953 subparagraph a., the following limitations apply: any towed or
 954 removed vehicle or vessel must be stored at a site within a 20-
 955 mile radius of the point of removal in any county of 500,000
 956 population or more, and within a 30-mile radius of the point of
 957 removal in any county of fewer than 500,000 population.

958 2. The person or firm towing or removing the vehicle or
 959 vessel shall, within 30 minutes after completion of such towing
 960 or removal, notify the municipal police department or, in an
 961 unincorporated area, the sheriff, of such towing or removal, the
 962 storage site, the time the vehicle or vessel was towed or
 963 removed, and the make, model, color, and license plate number of
 964 the vehicle or description and registration number of the vessel
 965 and shall obtain the name of the person at that department to
 966 whom such information was reported and note that name on the
 967 trip record.

968 3. A person in the process of towing or removing a vehicle
 969 or vessel from the premises or parking lot in which the vehicle
 970 or vessel is not lawfully parked must stop when a person seeks
 971 the return of the vehicle or vessel. The vehicle or vessel must
 972 be returned upon the payment of a reasonable service fee of not
 973 more than one-half of the posted rate for the towing or removal
 974 service as provided in subparagraph 6. The vehicle or vessel may
 975 be towed or removed if, after a reasonable opportunity, the

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976 owner or legally authorized person in control of the vehicle or
 977 vessel is unable to pay the service fee. If the vehicle or
 978 vessel is redeemed, a detailed signed receipt must be given to
 979 the person redeeming the vehicle or vessel.

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

983 5. Except for property appurtenant to and obviously a part
 984 of a single-family residence, and except for instances when
 985 notice is personally given to the owner or other legally
 986 authorized person in control of the vehicle or vessel that the
 987 area in which that vehicle or vessel is parked is reserved or
 988 otherwise unavailable for unauthorized vehicles or vessels and
 989 that the vehicle or vessel is subject to being removed at the
 990 owner's or operator's expense, any property owner or lessee, or
 991 person authorized by the property owner or lessee, before towing
 992 or removing any vehicle or vessel from private property without
 993 the consent of the owner or other legally authorized person in
 994 control of that vehicle or vessel, must post a notice meeting
 995 the following requirements:

996 a. The notice must be prominently placed at each driveway
 997 access or curb cut allowing vehicular access to the property
 998 within 10 feet from the road, as defined in s. 334.03(22). If
 999 there are no curbs or access barriers, the signs must be posted
 1000 not fewer than one sign for each 25 feet of lot frontage.

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1001 b. The notice must clearly indicate, in not fewer than 2-
 1002 inch high, light-reflective letters on a contrasting background,
 1003 that unauthorized vehicles will be towed away at the owner's
 1004 expense. The words "tow-away zone" must be included on the sign
 1005 in not fewer than 4-inch high letters.

1006 c. The notice must also provide the name and current
 1007 telephone number of the person or firm towing or removing the
 1008 vehicles or vessels.

1009 d. The sign structure containing the required notices must
 1010 be permanently installed with the words "tow-away zone" not
 1011 fewer than 3 feet and not more than 6 feet above ground level
 1012 and must be continuously maintained on the property for not
 1013 fewer than 24 hours before the towing or removal of any vehicles
 1014 or vessels.

1015 e. The local government may require permitting and
 1016 inspection of these signs before any towing or removal of
 1017 vehicles or vessels being authorized.

1018 f. A business with 20 or fewer parking spaces satisfies
 1019 the notice requirements of this subparagraph by prominently
 1020 displaying a sign stating "Reserved Parking for Customers Only
 1021 Unauthorized Vehicles or Vessels Will be Towed Away At the
 1022 Owner's Expense" in not fewer than 4-inch high, light-reflective
 1023 letters on a contrasting background.

1024 g. A property owner towing or removing vessels from real
 1025 property must post notice, consistent with the requirements in

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1026 sub-subparagraphs a.-f., which apply to vehicles, that
 1027 unauthorized vehicles or vessels will be towed away at the
 1028 owner's expense.

1029
 1030 A business owner or lessee may authorize the removal of a
 1031 vehicle or vessel by a towing company when the vehicle or vessel
 1032 is parked in such a manner that restricts the normal operation
 1033 of business; and if a vehicle or vessel parked on a public
 1034 right-of-way obstructs access to a private driveway the owner,
 1035 lessee, or agent may have the vehicle or vessel removed by a
 1036 towing company upon signing an order that the vehicle or vessel
 1037 be removed without a posted tow-away zone sign.

1038 6. Any person or firm that tows or removes vehicles or
 1039 vessels and proposes to require an owner, operator, or person in
 1040 control or custody of a vehicle or vessel to pay the costs of
 1041 towing and storage before redemption of the vehicle or vessel
 1042 must file and keep on record with the local law enforcement
 1043 agency a complete copy of the current rates to be charged for
 1044 such services and post at the storage site an identical rate
 1045 schedule and any written contracts with property owners,
 1046 lessees, or persons in control of property which authorize such
 1047 person or firm to remove vehicles or vessels as provided in this
 1048 section.

1049 7. Any person or firm towing or removing any vehicles or
 1050 vessels from private property without the consent of the owner

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1051 or other legally authorized person in control or custody of the
 1052 vehicles or vessels shall, on any trucks, wreckers as defined in
 1053 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
 1054 towing or removal, have the name, address, and telephone number
 1055 of the company performing such service clearly printed in
 1056 contrasting colors on the driver and passenger sides of the
 1057 vehicle. The name shall be in at least 3-inch permanently
 1058 affixed letters, and the address and telephone number shall be
 1059 in at least 1-inch permanently affixed letters.

1060 8. Vehicle entry for the purpose of removing the vehicle
 1061 or vessel shall be allowed with reasonable care on the part of
 1062 the person or firm towing the vehicle or vessel. Such person or
 1063 firm shall be liable for any damage occasioned to the vehicle or
 1064 vessel if such entry is not in accordance with the standard of
 1065 reasonable care.

1066 9. When a vehicle or vessel has been towed or removed
 1067 pursuant to this section, it must be released to its owner or
 1068 person in control or custody within 1 hour after requested. Any
 1069 vehicle or vessel owner or person in control or custody has the
 1070 right to inspect the vehicle or vessel before accepting its
 1071 return, and no release or waiver of any kind which would release
 1072 the person or firm towing the vehicle or vessel from liability
 1073 for damages noted by the owner or person in control or custody
 1074 at the time of the redemption may be required from any vehicle
 1075 or vessel owner or person in control or custody as a condition

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1076 | of release of the vehicle or vessel to its owner or person in
1077 | control or custody. A detailed receipt showing the legal name of
1078 | the company or person towing or removing the vehicle or vessel
1079 | must be given to the person paying towing or storage charges at
1080 | the time of payment, whether requested or not.

1081 | Section 7. This act shall take effect July 1, 2024.