

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to towing and storage; amending s.
3 713.78, F.S.; defining the terms "newer model," "older
4 model," and "towing-storage operator"; authorizing a
5 towing-storage operator to charge certain fees;
6 providing that a lien can be placed only on specified
7 fees; revising requirements for law enforcement
8 agencies and the Department of Highway Safety and
9 Motor Vehicles relating to the removal of vehicles or
10 vessels; requiring certain notice requirements are met
11 by towing-storage operators to interested persons of
12 vehicles or vessels; revising requirements for notices
13 of lien; revising requirements relating to towing-
14 storage operators providing notice to public agencies
15 of jurisdiction; revising the timeframe in which
16 certain unclaimed vehicles or vessels may be sold;
17 revising requirements for notices of sale; prohibiting
18 towing-storage operators from collecting storage
19 charges if they fail to substantially comply with the
20 notice requirements; revising provisions regarding
21 permission to inspect a vehicle or vessel; requiring
22 that a vehicle or vessel be made available for
23 inspection within a specified timeframe; providing an
24 owner, lienholder, or insurance company representative
25 may designate an agent if certain requirements are
26 met; prohibiting vehicle or vessel rental agreements
27 as being evidence of ownership or agency of vehicle or
28 vessel for a person who rents the vehicle or vessel;
29 requiring a towing-storage operator to accept certain

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30 documents as evidence of a person's interest in a
31 vehicle or vessel; revising criminal penalties;
32 requiring a towing storage operator to maintain
33 certain records for at least a specified timeframe;
34 requiring towing-storage operators to accept certain
35 types of payment; prohibiting certain persons from
36 being required to furnish more than one form of
37 current government photo identification for purposes
38 of verifying their identity; preempting specified
39 local regulations; making technical changes; amending
40 s. 715.07, F.S.; conforming a cross-reference;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsections (1), (2), and (4), paragraph (a) of
46 subsection (5), subsections (6), (9), and (10), paragraph (a) of
47 subsection (11), paragraph (a) of subsection (12), and
48 paragraphs (a), (b), and (d) of subsection (13) of section
49 713.78, Florida Statutes, are amended, and subsections (18) and
50 (19) are added to that section, to read:

51 713.78 Liens for recovering, towing, or storing vehicles
52 and vessels.—

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

54 (f)~~(a)~~ "Vehicle" means any mobile item, whether motorized
55 or not, that ~~which~~ is mounted on wheels.

56 (g)~~(b)~~ "Vessel" means every description of watercraft,
57 barge, and airboat used or capable of being used as a means of
58 transportation on water, other than a seaplane or a "documented

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59 vessel" as defined in s. 327.02.

60 (h)~~(e)~~ "Wrecker" means any truck or other vehicle that
61 ~~which~~ is used to tow, carry, or otherwise transport motor
62 vehicles or vessels upon the streets and highways of this state
63 and which is equipped for that purpose with a boom, winch, car
64 carrier, or other similar equipment.

65 (b)~~(d)~~ "National Motor Vehicle Title Information System"
66 means the federally authorized electronic National Motor Vehicle
67 Title Information System.

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

73 (c) "Newer model" means a vehicle or vessel whose model
74 year is newer than an older model.

75 (d) "Older model" means a vehicle or vessel whose model
76 year is older than the 2 model years previous to the model year
77 corresponding to the current calendar year.

78 (e) "Towing-storage operator" means a person who regularly
79 engages in the business of transporting vehicles or vessels by
80 wrecker, tow truck, or car carrier.

81 (2) (a) A towing-storage operator may charge only the
82 following fees for, or incidental to, the recovery, removal, or
83 storage of a vehicle or vessel:

84 1. A reasonable hazardous waste fee.

85 2. Any reasonable fee for service authorized by ordinance,
86 resolution, regulation, or rule of the county or municipality in
87 which the service is performed.

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88 3. Any reasonable fee for service authorized by contract or
89 agreement between a towing-storage operator and a county,
90 municipality, or other governmental agency.

91 4. Any reasonable fee for service authorized by rule of the
92 Department of Highway Safety and Motor Vehicles.

93 5. Any reasonable fee for service as agreed upon in writing
94 between a towing-storage operator and the owner of a vehicle or
95 vessel.

96 6. Any lien release administrative fee as set forth in
97 paragraph (15) (a).

98 7. Any reasonable administrative fee or charge imposed by a
99 county or municipality pursuant to s. 125.01047, s. 166.04465,
100 or s. 323.002 upon the registered owner or other legally
101 authorized person in control of a vehicle or vessel.

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

106 1.(a) The owner thereof;

107 2.(b) The owner or lessor, or a person authorized by the
108 owner or lessor, of property on which such vehicle or vessel is
109 wrongfully parked, and the removal is done in compliance with s.
110 715.07;

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

115 4.(d) Any law enforcement agency, any county or
116 municipality, or any other governmental agency, she or he shall

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117 have a lien on the vehicle or vessel for a reasonable towing
118 fee, for a reasonable administrative fee or charge imposed by a
119 county or municipality, and for a reasonable storage fee; except
120 that a storage fee may not be charged if the vehicle or vessel
121 is stored for fewer than 6 hours.

122 (4) (a) A towing-storage operator ~~person regularly engaged~~
123 ~~in the business of recovering, towing, or storing vehicles or~~
124 ~~vessels~~ who comes into possession of a vehicle or vessel
125 pursuant to paragraph (2) (b) subsection (2), and who claims a
126 lien for recovery, towing, or storage services, must ~~shall~~ give
127 notice, by certified mail, pursuant to subsection (16), to the
128 registered owner, the insurance company insuring the vehicle
129 notwithstanding s. 627.736, and all persons claiming a lien
130 thereon, as disclosed by the records in the Department of
131 Highway Safety and Motor Vehicles or as disclosed by the records
132 of any corresponding agency in any other state in which the
133 vehicle is identified through a records check of the National
134 Motor Vehicle Title Information System or an equivalent
135 commercially available system as being titled or registered.

136 (b) Whenever a law enforcement agency authorizes the
137 removal of a vehicle or vessel or whenever a towing service,
138 garage, repair shop, or automotive service, storage, or parking
139 place notifies the law enforcement agency of possession of a
140 vehicle or vessel pursuant to s. 715.07(2) (a)2., if an approved
141 third-party service cannot obtain the vehicle's or vessel's
142 owner, lienholder, and insurer information or last state of
143 record pursuant to subsection (16), the law enforcement agency
144 of the jurisdiction where the vehicle or vessel is stored shall
145 contact the Department of Highway Safety and Motor Vehicles, or

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146 the appropriate agency of the state of registration, if known,
147 within 24 hours through the medium of electronic communications,
148 giving the full description of the vehicle or vessel. Upon
149 receipt of the full description of the vehicle or vessel, the
150 department shall search its files to determine the owner's name,
151 the insurance company insuring the vehicle or vessel, and
152 whether any person has filed a lien upon the vehicle or vessel
153 as provided in s. 319.27(2) and (3) and notify the applicable
154 law enforcement agency within 72 hours. The person in charge of
155 the towing service, garage, repair shop, or automotive service,
156 storage, or parking place shall request ~~obtain~~ such information
157 from the applicable law enforcement agency within 5 days after
158 the date of storage and shall give notice pursuant to paragraph
159 (a). The department may release the insurance company
160 information to the requestor notwithstanding s. 627.736.

161 (c) The notice of lien must be sent by certified mail to
162 the registered owner, the insurance company insuring the vehicle
163 notwithstanding s. 627.736, and all other persons claiming a
164 lien thereon within 4 ~~7~~ business days, excluding a Saturday, ~~and~~
165 Sunday, or federal legal holiday, after the date of storage of
166 the vehicle or vessel. ~~However, in no event shall the notice of~~
167 ~~lien be sent less than 30 days before the sale of the vehicle or~~
168 ~~vessel.~~ The notice must state:

169 1. If the claim of lien is for a vehicle, the last 8 digits
170 of the vehicle identification number of the vehicle subject to
171 the lien, or, if the claim of lien is for a vessel, the hull
172 identification number of the vessel subject to the lien, clearly
173 printed in the delivery address box and on the outside of the
174 envelope sent to the registered owner and all other persons

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175 claiming an interest in ~~therein~~ or lien on the vehicle or vessel
176 ~~thereon~~.

177 2. The name, physical address, and telephone number of the
178 lienor, and the entity name, as registered with the Division of
179 Corporations, of the business where the towing and storage
180 occurred, which must also appear on the outside of the envelope
181 sent to the registered owner and all other persons claiming an
182 interest in or lien on the vehicle or vessel.

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

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

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

188 6. That charges have accrued and include an itemized
189 statement of the amount thereof.

190 7. That the lien is subject to enforcement under law and
191 that the owner or lienholder, if any, has the right to a hearing
192 as set forth in subsection (5).

193 8. That any vehicle or vessel that remains unclaimed, or
194 for which the charges for recovery, towing, or storage services
195 remain unpaid, may be sold free of all prior liens 35 days after
196 the vehicle or vessel is stored by the lienor, if an older
197 model, ~~the vehicle or vessel is more than 3 years of age~~ or 65
198 50 days after the vehicle or vessel is stored by the lienor, if
199 a newer model ~~the vehicle or vessel is 3 years of age or less~~.

200 9. The address at which the vehicle or vessel is physically
201 located.

202 (d) The notice of lien may not be sent to the registered
203 owner, the insurance company insuring the vehicle or vessel, and

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204 all other persons claiming a lien thereon less than 30 days
205 before the sale of the vehicle or vessel, if an older model, or
206 60 days before the sale of the vehicle or vessel, if a newer
207 model.

208 (e) If attempts to locate the name and address of the owner
209 or lienholder prove unsuccessful, the towing-storage operator
210 shall, after 4 ~~7~~ business days, excluding a Saturday, and
211 Sunday, or federal legal holiday, after the initial tow or
212 storage, notify the public agency of jurisdiction where the
213 vehicle or vessel is stored in writing by certified mail or
214 electronic delivery ~~acknowledged hand delivery~~ that the towing-
215 storage company has been unable to locate the name and address
216 of the owner or lienholder and a physical search of the vehicle
217 or vessel has disclosed no ownership information and a good
218 faith effort has been made, including records checks of the
219 Department of Highway Safety and Motor Vehicles database and the
220 National Motor Vehicle Title Information System or an equivalent
221 commercially available system. For purposes of this paragraph
222 and subsection (9), the term "good faith effort" means that the
223 following checks have been performed by the company to establish
224 the prior state of registration and for title:

225 1. A check of the department's database for the owner and
226 any lienholder.

227 2. A check of the electronic National Motor Vehicle Title
228 Information System or an equivalent commercially available
229 system to determine the state of registration when there is not
230 a current registration record for the vehicle or vessel on file
231 with the department.

232 3. A check of the vehicle or vessel for any type of tag,

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233 tag record, temporary tag, or regular tag.

234 4. A check of the law enforcement report for a tag number
235 or other information identifying the vehicle or vessel, if the
236 vehicle or vessel was towed at the request of a law enforcement
237 officer.

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

241 6. If there is no address of the owner on the impound
242 report, a check of the law enforcement report to determine
243 whether an out-of-state address is indicated from driver license
244 information.

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

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

251 9. A check of the vehicle for a vehicle identification
252 number.

253 10. A check of the vessel for a vessel registration number.

254 11. A check of the vessel hull for a hull identification
255 number which should be carved, burned, stamped, embossed, or
256 otherwise permanently affixed to the outboard side of the
257 transom or, if there is no transom, to the outmost seaboard side
258 at the end of the hull that bears the rudder or other steering
259 mechanism.

260 (5) (a) The owner of a vehicle or vessel removed pursuant to
261 paragraph (2) (b) ~~subsection (2)~~, or any person claiming a lien,

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262 other than the towing-storage operator, within 10 days after the
263 time she or he has knowledge of the location of the vehicle or
264 vessel, may file a complaint in the county court of the county
265 in which the vehicle or vessel is stored to determine whether
266 her or his property was wrongfully taken or withheld.

267 (6) A vehicle or vessel that is stored pursuant to
268 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
269 which reasonable charges for recovery, towing, or storing remain
270 unpaid, and any contents not released pursuant to subsection
271 (10), may be sold by the owner or operator of the storage space
272 for such towing or storage charge 35 days after the vehicle or
273 vessel is stored by the lienor, if an older model, ~~the vehicle~~
274 ~~or vessel is more than 3 years of age or 65 50~~ days after the
275 vehicle or vessel is stored by the lienor, if a newer model ~~the~~
276 ~~vehicle or vessel is 3 years of age or less~~. The sale must ~~shall~~
277 be at public sale for cash. If the date of the sale was not
278 included in the notice required in subsection (4), notice of the
279 sale must ~~shall~~ be given to the person in whose name the vehicle
280 or vessel is registered and to all persons claiming a lien on
281 the vehicle or vessel as shown on the records of the Department
282 of Highway Safety and Motor Vehicles or of any corresponding
283 agency in any other state in which the vehicle is identified
284 through a records check of the National Motor Vehicle Title
285 Information System or an equivalent commercially available
286 system as being titled. Notice of the sale must be sent by
287 certified mail to the registered owner of the vehicle or vessel,
288 the insurance company insuring the vehicle or vessel, and the
289 person having the recorded lien on the vehicle or vessel at the
290 address shown on the records of the registered agency at least

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291 30 days before the sale of the vehicle or vessel. ~~The notice~~
292 ~~must have clearly identified and printed, if the claim of lien~~
293 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
294 identification number of the motor vehicle subject to the lien,
295 or, if the claim of lien is for a vessel, the hull
296 identification number of the vessel subject to the lien, must be
297 clearly identified and printed in the delivery address box and
298 on the outside of the envelope sent to the registered owner and
299 all other persons claiming an interest in ~~therein~~ or lien on the
300 vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
301 ~~of the vehicle or vessel and the person having the recorded lien~~
302 ~~on the vehicle or vessel at the address shown on the records of~~
303 ~~the registering agency at least 30 days before the sale of the~~
304 ~~vehicle or vessel.~~ The notice must state the name, physical
305 address, and telephone number of the lienor, and the vehicle
306 identification number if the claim of lien is for a vehicle or
307 the hull identification number if the claim of lien is for a
308 vessel, all of which must also appear in the return address
309 section on the outside of the envelope containing the notice of
310 sale. After diligent search and inquiry, if the name and address
311 of the registered owner or the owner of the recorded lien cannot
312 be ascertained, the requirements of notice by mail may be
313 dispensed with. In addition to the notice by mail, public notice
314 of the time and place of sale must ~~shall~~ be made by publishing a
315 notice thereof one time, at least 20 ~~10~~ days before the date of
316 the sale, in a newspaper of general circulation in the county in
317 which the sale is to be held. The proceeds of the sale, after
318 payment of reasonable towing and storage charges, and costs of
319 the sale, in that order of priority, must ~~shall~~ be deposited

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320 with the clerk of the circuit court for the county if the owner
321 or lienholder is absent, and the clerk shall hold such proceeds
322 subject to the claim of the owner or lienholder legally entitled
323 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
324 such proceeds for the care and disbursement thereof. The
325 certificate of title issued under this section ~~law~~ shall be
326 discharged of all liens unless otherwise provided by court
327 order. The owner or lienholder may file a complaint after the
328 vehicle or vessel has been sold in the county court of the
329 county in which it is stored. Upon determining the respective
330 rights of the parties, the court may award damages, attorney
331 fees, and costs in favor of the prevailing party.

332 (9) Failure to make good faith efforts to substantially
333 comply with the notice requirements of this section or ~~precludes~~
334 ~~the imposition of any storage charges against the vehicle or~~
335 ~~vessel. If a lienor fails to provide notice to a person claiming~~
336 a lien on a vehicle or vessel in accordance with subsection (4)
337 precludes the imposition of storage charges against the vehicle
338 or vessel, ~~the lienor may not charge the person for more than 4~~
339 7 days of storage, but such failure does not affect charges made
340 for towing the vehicle or vessel or the priority of liens on the
341 vehicle or vessel.

342 (10) (a) A towing-storage operator ~~Persons who provide~~
343 ~~services pursuant to this section~~ shall permit vehicle or vessel
344 owners, including rental vehicle or vessel owners, lienholders,
345 insurance company representatives, or their agents, ~~which agency~~
346 ~~is evidenced by an original writing acknowledged by the owner~~
347 ~~before a notary public or other person empowered by law to~~
348 ~~administer oaths~~, to inspect the towed vehicle or vessel and

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349 shall release to the owner, lienholder, or agent the vehicle,
350 vessel, or all personal property not affixed to the vehicle or
351 vessel which was in the vehicle or vessel at the time the
352 vehicle or vessel came into the custody of the towing-storage
353 operator ~~person providing such services.~~

354 (b) A towing-storage operator must allow the vehicle or
355 vessel owner, rental vehicle or vessel owner, lienholder,
356 insurance company representative, or agent to inspect the towed
357 vehicle or vessel during normal business hours within 30 minutes
358 after proper documentation of vehicle or vessel ownership is
359 verified at the storage site where the vehicle or vessel is
360 stored.

361 (c) A written agreement designating an agent which is
362 acknowledged by the owner, lienholder, or insurance company
363 representative before a notary public or other person empowered
364 by law to administer oaths is sufficient evidence of agency, and
365 a towing-storage operator must accept a photocopy or electronic
366 image of such agreement as proof of agency.

367 (d) A rental vehicle or vessel agreement is not evidence
368 that the person who rented a vehicle or vessel is an agent of
369 the rental vehicle or vessel owner.

370 (e) Towing-storage operators must accept a photocopy or
371 electronic image of a contract, an electronic title, or a paper
372 title as evidence of a person's interest in a vehicle or vessel.

373 (11) (a) A towing-storage operator ~~Any person regularly~~
374 ~~engaged in the business of recovering, towing, or storing~~
375 ~~vehicles or vessels~~ who comes into possession of a vehicle or
376 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
377 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),

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378 when such vehicle or vessel is to be sold for purposes of being
379 dismantled, destroyed, or changed in such manner that it is not
380 the motor vehicle or vessel described in the certificate of
381 title, must ~~shall~~ report the vehicle to the National Motor
382 Vehicle Title Information System and apply to the Department of
383 Highway Safety and Motor Vehicles for a certificate of
384 destruction. A certificate of destruction, which authorizes the
385 dismantling or destruction of the vehicle or vessel described
386 therein, is ~~shall be~~ reassignable a maximum of two times before
387 dismantling or destruction of the vehicle is ~~shall be~~ required,
388 and must ~~shall~~ accompany the vehicle or vessel for which it is
389 issued, when such vehicle or vessel is sold for such purposes,
390 in lieu of a certificate of title. The application for a
391 certificate of destruction must include proof of reporting to
392 the National Motor Vehicle Title Information System and an
393 affidavit from the applicant that she or he ~~it~~ has complied with
394 all applicable requirements of this section and, if the vehicle
395 or vessel is not registered in this state or any other state, by
396 a statement from a law enforcement officer that the vehicle or
397 vessel is not reported stolen, and must ~~shall~~ be accompanied by
398 such documentation as may be required by the department.

399 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
400 ~~provision of subsection (1), subsection (2),~~ subsection (4),
401 subsection (5), subsection (6), or subsection (7) is guilty of a
402 misdemeanor of the first degree, punishable as provided in s.
403 775.082 or s. 775.083.

404 (13) (a) Upon receipt by the Department of Highway Safety
405 and Motor Vehicles of written notice from a wrecker operator who
406 claims a wrecker operator's lien under subparagraph (2) (b) 4.

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407 ~~paragraph (2)(d)~~ for recovery, towing, or storage of an
408 abandoned vehicle or vessel upon instructions from any law
409 enforcement agency, for which a certificate of destruction has
410 been issued under subsection (11) and the vehicle has been
411 reported to the National Motor Vehicle Title Information System,
412 the department shall place the name of the registered owner of
413 that vehicle or vessel on the list of those persons who may not
414 be issued a license plate or revalidation sticker for any motor
415 vehicle under s. 320.03(8). If the vehicle or vessel is owned
416 jointly by more than one person, the name of each registered
417 owner must ~~shall~~ be placed on the list. The notice of wrecker
418 operator's lien must ~~shall~~ be submitted on forms provided by the
419 department and, ~~which must~~ include:

420 1. The name, address, and telephone number of the wrecker
421 operator.

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

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

427 4. The vehicle identification number (VIN); registration
428 license plate number, state, and year; validation decal number,
429 state, and year; vessel registration number; hull identification
430 number; or other identification number, as applicable.

431 5. The name of the person or the corresponding law
432 enforcement agency that requested that the vehicle or vessel be
433 recovered, towed, or stored.

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

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436 (b) For purposes of this subsection only, the amount of the
437 wrecker operator's lien for which the department will prevent
438 issuance of a license plate or revalidation sticker may not
439 exceed the amount of the charges for recovery, towing, and
440 storage of the vehicle or vessel for 7 days. These charges may
441 not exceed the maximum rates imposed by the ordinances of the
442 respective county or municipality under ss. 125.0103(1)(c) and
443 166.043(1)(c). This paragraph does not limit the amount of a
444 wrecker operator's lien claimed under paragraph (2)(b)
445 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
446 remedies for enforcement of the entire amount of the lien, but
447 limits only that portion of the lien for which the department
448 will prevent issuance of a license plate or revalidation
449 sticker.

450 (d) Upon discharge of the amount of the wrecker operator's
451 lien allowed by paragraph (b), the wrecker operator must issue a
452 certificate of discharged wrecker operator's lien on forms
453 provided by the department to each registered owner of the
454 vehicle or vessel attesting that the amount of the wrecker
455 operator's lien allowed by paragraph (b) has been discharged.
456 Upon presentation of the certificate of discharged wrecker
457 operator's lien by the registered owner, the department must
458 ~~shall~~ immediately remove the registered owner's name from the
459 list of those persons who may not be issued a license plate or
460 revalidation sticker for any motor vehicle under s. 320.03(8),
461 thereby allowing issuance of a license plate or revalidation
462 sticker. Issuance of a certificate of discharged wrecker
463 operator's lien under this paragraph does not discharge the
464 entire amount of the wrecker operator's lien claimed under

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465 paragraph (2) (b) subsection (2), but only certifies to the
466 department that the amount of the wrecker operator's lien
467 allowed by paragraph (b), for which the department will prevent
468 issuance of a license plate or revalidation sticker, has been
469 discharged.

470 (18) A towing-storage operator must retain records produced
471 for all vehicles or vessels towed or removed pursuant to s.
472 715.07 for at least 3 years. Such records include, at a minimum,
473 all of the following:

474 (a) All notice publications and certified mailings.

475 (b) The purchase price of any unclaimed vehicle or vessel
476 sold.

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

479 (d) The names and addresses of vehicle or vessel
480 purchasers.

481 (e) All fees imposed under this section.

482 (19) (a) A towing-storage operator must accept payment for
483 accrued charges from an authorized person listed in subsection
484 (10) from, at a minimum, 2 of the following payment forms:

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

486 2. Bank, debit, or credit card.

487 3. Mobile payment service, digital wallet, or other
488 electronic payment system.

489 (b) Any of the authorized persons listed in subsection (10)
490 are not required to furnish more than one form of current
491 government photo identification when payment is made in any of
492 the forms listed in paragraph (a). Presenting one form of
493 current government photo identification constitutes sufficient

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494 identity verification for the purposes of this subsection.

495 (c) This subsection preempts any county or municipal
496 charter, ordinance, resolution, regulation, or rule that imposes
497 a requirement upon a towing-storage operator more stringent than
498 this subsection.

499 Section 2. Paragraph (a) of subsection (2) of section
500 715.07, Florida Statutes, is amended to read:

501 715.07 Vehicles or vessels parked on private property;
502 towing.—

503 (2) The owner or lessee of real property, or any person
504 authorized by the owner or lessee, which person may be the
505 designated representative of the condominium association if the
506 real property is a condominium, may cause any vehicle or vessel
507 parked on such property without her or his permission to be
508 removed by a person regularly engaged in the business of towing
509 vehicles or vessels, without liability for the costs of removal,
510 transportation, or storage or damages caused by such removal,
511 transportation, or storage, under any of the following
512 circumstances:

513 (a) The towing or removal of any vehicle or vessel from
514 private property without the consent of the registered owner or
515 other legally authorized person in control of that vehicle or
516 vessel is subject to substantial compliance with the following
517 conditions and restrictions:

518 1.a. Any towed or removed vehicle or vessel must be stored
519 at a site within a 10-mile radius of the point of removal in any
520 county of 500,000 population or more, and within a 15-mile
521 radius of the point of removal in any county of fewer than
522 500,000 population. That site must be open for the purpose of

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523 redemption of vehicles on any day that the person or firm towing
524 such vehicle or vessel is open for towing purposes, from 8:00
525 a.m. to 6:00 p.m., and, when closed, shall have prominently
526 posted a sign indicating a telephone number where the operator
527 of the site can be reached at all times. Upon receipt of a
528 telephoned request to open the site to redeem a vehicle or
529 vessel, the operator shall return to the site within 1 hour or
530 she or he will be in violation of this section.

531 b. If no towing business providing such service is located
532 within the area of towing limitations set forth in sub-
533 subparagraph a., the following limitations apply: any towed or
534 removed vehicle or vessel must be stored at a site within a 20-
535 mile radius of the point of removal in any county of 500,000
536 population or more, and within a 30-mile radius of the point of
537 removal in any county of fewer than 500,000 population.

538 2. The person or firm towing or removing the vehicle or
539 vessel shall, within 30 minutes after completion of such towing
540 or removal, notify the municipal police department or, in an
541 unincorporated area, the sheriff, of such towing or removal, the
542 storage site, the time the vehicle or vessel was towed or
543 removed, and the make, model, color, and license plate number of
544 the vehicle or description and registration number of the vessel
545 and shall obtain the name of the person at that department to
546 whom such information was reported and note that name on the
547 trip record.

548 3. A person in the process of towing or removing a vehicle
549 or vessel from the premises or parking lot in which the vehicle
550 or vessel is not lawfully parked must stop when a person seeks
551 the return of the vehicle or vessel. The vehicle or vessel must

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552 be returned upon the payment of a reasonable service fee of not
553 more than one-half of the posted rate for the towing or removal
554 service as provided in subparagraph 6. The vehicle or vessel may
555 be towed or removed if, after a reasonable opportunity, the
556 owner or legally authorized person in control of the vehicle or
557 vessel is unable to pay the service fee. If the vehicle or
558 vessel is redeemed, a detailed signed receipt must be given to
559 the person redeeming the vehicle or vessel.

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

563 5. Except for property appurtenant to and obviously a part
564 of a single-family residence, and except for instances when
565 notice is personally given to the owner or other legally
566 authorized person in control of the vehicle or vessel that the
567 area in which that vehicle or vessel is parked is reserved or
568 otherwise unavailable for unauthorized vehicles or vessels and
569 that the vehicle or vessel is subject to being removed at the
570 owner's or operator's expense, any property owner or lessee, or
571 person authorized by the property owner or lessee, before towing
572 or removing any vehicle or vessel from private property without
573 the consent of the owner or other legally authorized person in
574 control of that vehicle or vessel, must post a notice meeting
575 the following requirements:

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

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

586 c. The notice must also provide the name and current
587 telephone number of the person or firm towing or removing the
588 vehicles or vessels.

589 d. The sign structure containing the required notices must
590 be permanently installed with the words "tow-away zone" not
591 fewer than 3 feet and not more than 6 feet above ground level
592 and must be continuously maintained on the property for not
593 fewer than 24 hours before the towing or removal of any vehicles
594 or vessels.

595 e. The local government may require permitting and
596 inspection of these signs before any towing or removal of
597 vehicles or vessels being authorized.

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

604 g. A property owner towing or removing vessels from real
605 property must post notice, consistent with the requirements in
606 sub-subparagraphs a.-f., which apply to vehicles, that
607 unauthorized vehicles or vessels will be towed away at the
608 owner's expense.

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610 A business owner or lessee may authorize the removal of a
611 vehicle or vessel by a towing company when the vehicle or vessel
612 is parked in such a manner that restricts the normal operation
613 of business; and if a vehicle or vessel parked on a public
614 right-of-way obstructs access to a private driveway the owner,
615 lessee, or agent may have the vehicle or vessel removed by a
616 towing company upon signing an order that the vehicle or vessel
617 be removed without a posted tow-away zone sign.

618 6. Any person or firm that tows or removes vehicles or
619 vessels and proposes to require an owner, operator, or person in
620 control or custody of a vehicle or vessel to pay the costs of
621 towing and storage before redemption of the vehicle or vessel
622 must file and keep on record with the local law enforcement
623 agency a complete copy of the current rates to be charged for
624 such services and post at the storage site an identical rate
625 schedule and any written contracts with property owners,
626 lessees, or persons in control of property which authorize such
627 person or firm to remove vehicles or vessels as provided in this
628 section.

629 7. Any person or firm towing or removing any vehicles or
630 vessels from private property without the consent of the owner
631 or other legally authorized person in control or custody of the
632 vehicles or vessels shall, on any trucks, wreckers as defined in
633 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
634 towing or removal, have the name, address, and telephone number
635 of the company performing such service clearly printed in
636 contrasting colors on the driver and passenger sides of the
637 vehicle. The name shall be in at least 3-inch permanently
638 affixed letters, and the address and telephone number shall be

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639 in at least 1-inch permanently affixed letters.

640 8. Vehicle entry for the purpose of removing the vehicle or
641 vessel shall be allowed with reasonable care on the part of the
642 person or firm towing the vehicle or vessel. Such person or firm
643 shall be liable for any damage occasioned to the vehicle or
644 vessel if such entry is not in accordance with the standard of
645 reasonable care.

646 9. When a vehicle or vessel has been towed or removed
647 pursuant to this section, it must be released to its owner or
648 person in control or custody within 1 hour after requested. Any
649 vehicle or vessel owner or person in control or custody has the
650 right to inspect the vehicle or vessel before accepting its
651 return, and no release or waiver of any kind which would release
652 the person or firm towing the vehicle or vessel from liability
653 for damages noted by the owner or person in control or custody
654 at the time of the redemption may be required from any vehicle
655 or vessel owner or person in control or custody as a condition
656 of release of the vehicle or vessel to its owner or person in
657 control or custody. A detailed receipt showing the legal name of
658 the company or person towing or removing the vehicle or vessel
659 must be given to the person paying towing or storage charges at
660 the time of payment, whether requested or not.

661 Section 3. This act shall take effect July 1, 2024.