



327644

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/21/2024	.	
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The Committee on Rules (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

125.0103 Ordinances and rules imposing price controls.—

(1)

(b) This section does not prevent the enactment by local
governments of public service rates otherwise authorized by law,



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12 including water, sewer, solid waste, public transportation,
13 taxicab, or port rates;~~;~~ rates for towing of vehicles or vessels
14 from or immobilization of vehicles or vessels on private
15 property;~~;~~ or rates for removal and storage of wrecked or
16 disabled vehicles or vessels from an accident scene or the
17 removal and storage of vehicles or vessels, in the event the
18 owner or operator is incapacitated, unavailable, leaves the
19 procurement of wrecker service to the law enforcement officer at
20 the scene, or otherwise does not consent to the removal of the
21 vehicle or vessel.

22 (c) Counties must establish maximum rates which may be
23 charged on the towing of vehicles or vessels from or
24 immobilization of vehicles or vessels on private property or
25 which may be charged for~~;~~ removal and storage of wrecked or
26 disabled vehicles or vessels from an accident scene or for the
27 removal and storage of vehicles or vessels, in the event the
28 owner or operator is incapacitated, unavailable, leaves the
29 procurement of wrecker service to the law enforcement officer at
30 the scene, or otherwise does not consent to the removal of the
31 vehicle or vessel. However, if a municipality chooses to enact
32 an ordinance establishing the maximum rates for the towing or
33 immobilization of vehicles or vessels as described in paragraph
34 (b), the county's ordinance does not apply within such
35 municipality.

36 (d)1. Counties must, and municipalities may, establish
37 maximum rates which a wrecker service may charge for cleanup and
38 disposal of hazardous and nonhazardous materials incidental to
39 removal and storage of wrecked or disabled vehicles or vessels
40 from an accident scene or the removal and storage of vehicles or



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41 vessels, in the event the owner or operator is incapacitated,
42 unavailable, leaves the procurement of wrecker service to the
43 law enforcement officer at the scene, or otherwise does not
44 consent to the removal of the vehicle or vessel. If a
45 municipality enacts an ordinance establishing maximum rates
46 under this paragraph, the county's ordinance does not apply
47 within such municipality.

48 2. A wrecker service that is requested to perform cleanup
49 or disposal of hazardous or nonhazardous materials subject to
50 maximum rates established under subparagraph 1. must notify the
51 applicable local government as soon as practicable of its
52 intention not to perform such cleanup or disposal.

53 3. This paragraph does not create a duty on the part of a
54 vehicle or vessel owner who is a named insured on a valid
55 insurance contract, or the insurer who issues such contract, to
56 pay for cleanup or disposal of hazardous or nonhazardous
57 materials beyond what is covered under the vehicle's or vessel's
58 insurance contract in place at the time of the incident
59 requiring such cleanup or disposal of hazardous or nonhazardous
60 materials.

61 (e) A county or municipality that has established maximum
62 rates as described in paragraphs (c) and (d) must publish such
63 rates on its website and must establish a process for
64 investigating and resolving complaints regarding fees charged in
65 excess of such rates. In areas where no maximum rates as
66 described in paragraphs (c) and (d) have been established, the
67 maximum rates established by the Division of Florida Highway
68 Patrol under s. 321.051(2) apply.

69 Section 2. Paragraphs (b) and (c) of subsection (1) of



70 section 166.043, Florida Statutes, are amended, and paragraphs
71 (d) and (e) are added to that subsection, to read:

72 166.043 Ordinances and rules imposing price controls.—

73 (1)

74 (b) This section does not prevent the enactment by local
75 governments of public service rates otherwise authorized by law,
76 including water, sewer, solid waste, public transportation,
77 taxicab, or port rates;; rates for towing of vehicles or vessels
78 from or immobilization of vehicles or vessels on private
79 property;; or rates for removal and storage of wrecked or
80 disabled vehicles or vessels from an accident scene or the
81 removal and storage of vehicles or vessels, in the event the
82 owner or operator is incapacitated, unavailable, leaves the
83 procurement of wrecker service to the law enforcement officer at
84 the scene, or otherwise does not consent to the removal of the
85 vehicle or vessel.

86 (c) Counties must establish maximum rates which may be
87 charged on the towing of vehicles or vessels from or
88 immobilization of vehicles or vessels on private property or
89 which may be charged for removal and storage of wrecked or
90 disabled vehicles or vessels from an accident scene or for the
91 removal and storage of vehicles or vessels, in the event the
92 owner or operator is incapacitated, unavailable, leaves the
93 procurement of wrecker service to the law enforcement officer at
94 the scene, or otherwise does not consent to the removal of the
95 vehicle or vessel. However, if a municipality chooses to enact
96 an ordinance establishing the maximum rates for the towing or
97 immobilization of vehicles or vessels as described in paragraph
98 (b), the county's ordinance established under s. 125.0103 does



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99 not apply within such municipality.

100 (d)1. Counties must, and municipalities may, establish
101 maximum rates which a wrecker service may charge for cleanup and
102 disposal of hazardous and nonhazardous materials incidental to
103 removal and storage of wrecked or disabled vehicles or vessels
104 from an accident scene or the removal and storage of vehicles or
105 vessels, in the event the owner or operator is incapacitated,
106 unavailable, leaves the procurement of wrecker service to the
107 law enforcement officer at the scene, or otherwise does not
108 consent to the removal of the vehicle or vessel. If a
109 municipality enacts an ordinance establishing maximum rates
110 under this paragraph, the county's ordinance does not apply
111 within such municipality.

112 2. A wrecker service that is requested to perform cleanup
113 or disposal of hazardous or nonhazardous materials subject to
114 maximum rates established under subparagraph 1. must notify the
115 applicable local government as soon as practicable of its
116 intention not to perform such cleanup or disposal.

117 3. This paragraph does not create a duty on the part of a
118 vehicle or vessel owner who is a named insured on a valid
119 insurance contract, or the insurer who issues such contract, to
120 pay for cleanup or disposal of hazardous or nonhazardous
121 materials beyond what is covered under the vehicle's or vessel's
122 insurance contract in place at the time of the incident
123 requiring such cleanup or disposal of hazardous or nonhazardous
124 materials.

125 (e) A county or municipality that has established maximum
126 rates as described in paragraphs (c) and (d) must publish such
127 rates on its website and must establish a process for



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128 investigating and resolving complaints regarding fees charged in
129 excess of such rates. In areas where no maximum rates as
130 described in paragraphs (c) and (d) have been established, the
131 maximum rates established by the Division of Florida Highway
132 Patrol under s. 321.051(2) apply.

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

135 321.051 Florida Highway Patrol wrecker operator system;
136 penalties for operation outside of system.—

137 (2) (a) The Division of Florida Highway Patrol of the
138 Department of Highway Safety and Motor Vehicles is authorized to
139 establish within areas designated by the patrol a wrecker
140 operator system using qualified, reputable wrecker operators for
141 removal and storage of wrecked or disabled vehicles from a crash
142 scene or for removal and storage of abandoned vehicles, in the
143 event the owner or operator is incapacitated or unavailable or
144 leaves the procurement of wrecker service to the officer at the
145 scene. All reputable wrecker operators are ~~shall be~~ eligible for
146 use in the system provided their equipment and drivers meet
147 recognized safety qualifications and mechanical standards set by
148 rules of the Division of Florida Highway Patrol for the size of
149 vehicle it is designed to handle. The division may not exclude a
150 wrecker operator from the wrecker operator system or fail to
151 designate a wrecker operator as an authorized wrecker operator
152 based solely on a prior felony conviction unless such conviction
153 is for a forcible felony as defined in s. 776.08 or a felony
154 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is
155 authorized to limit the number of wrecker operators
156 participating in the wrecker operator system, which authority



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157 shall not affect wrecker operators currently participating in
158 the system established by this section. The division must ~~is~~
159 ~~authorized to~~ establish maximum rates for the towing and storage
160 of vehicles removed at the division's request, and for cleanup
161 and disposal of hazardous and nonhazardous materials incidental
162 to the towing of such vehicles, where such rates have not been
163 set by a county or municipality pursuant to s. 125.0103 or s.
164 166.043. Such rates shall not be considered rules for the
165 purpose of chapter 120; however, the department shall establish
166 by rule a procedure for setting such rates.

167 (b)1. A wrecker operator that is requested to perform
168 cleanup or disposal of hazardous or nonhazardous materials
169 subject to maximum rates established under paragraph (a) must
170 notify the division or one of its officers as soon as
171 practicable of its intention not to perform such cleanup or
172 disposal.

173 2. This subsection does not create a duty on the part of a
174 vehicle owner who is a named insured on a valid insurance
175 contract, or the insurer who issues such contract, to pay for
176 cleanup or disposal of hazardous or nonhazardous materials
177 beyond what is covered under the vehicle's insurance contract in
178 place at the time of the incident requiring such cleanup or
179 disposal of hazardous or nonhazardous materials.

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

184 (d) Any provision in chapter 120 to the contrary
185 notwithstanding, a final order of the department denying,



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186 suspending, or revoking a wrecker operator's participation in
187 the system shall be reviewable in the manner and within the time
188 provided by the Florida Rules of Appellate Procedure only by a
189 writ of certiorari issued by the circuit court in the county
190 wherein such wrecker operator resides.

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

193 323.001 Wrecker operator storage facilities; vehicle
194 holds.—

195 (8) If a vehicle is stored at a wrecker operator's facility
196 pursuant to an investigatory hold or a hold for other
197 evidentiary purposes, the investigatory agency or other person
198 requiring such hold must take possession of the vehicle within
199 30 days after the first day on which the vehicle is stored,
200 unless another timeframe is otherwise agreed upon by the wrecker
201 operator and the investigatory agency or other person requiring
202 the hold.

203 Section 5. Subsections (1), (2), (4), (5), (6), (8), (9),
204 and (10), paragraph (a) of subsection (11), paragraphs (a) and
205 (d) of subsection (12), paragraphs (a), (b), and (d) of
206 subsection (13), and subsection (17) of section 713.78, Florida
207 Statutes, are amended, and subsections (18), (19), and (20) are
208 added to that section, to read:

209 713.78 Liens for recovering, towing, or storing vehicles
210 and vessels.—

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

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

214 (h)~~(b)~~ "Vessel" means every description of watercraft,



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215 barge, and airboat used or capable of being used as a means of
216 transportation on water, other than a seaplane or a "documented
217 vessel" as defined in s. 327.02.

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

223 (c)~~(d)~~ "National Motor Vehicle Title Information System"
224 means the federally authorized electronic National Motor Vehicle
225 Title Information System.

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

231 (b) "Good faith effort" means that all of the following
232 checks have been performed by a towing-storage operator to
233 establish the prior state of registration and title of a vehicle
234 or vessel that has been towed or stored by the towing-storage
235 operator:

236 1. A check of the department's database for the owner and
237 any lienholder.

238 2. A check of the electronic National Motor Vehicle Title
239 Information System or an equivalent commercially available
240 system to determine the state of registration when there is not
241 a current registration record for the vehicle or vessel on file
242 with the department.

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



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244 tag record, temporary tag, or regular tag.

245 4. A check of the law enforcement report for a tag number
246 or other information identifying the vehicle or vessel, if the
247 vehicle or vessel was towed at the request of a law enforcement
248 officer.

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

252 6. If there is no address of the owner on the impound
253 report, a check of the law enforcement report to determine
254 whether an out-of-state address is indicated from driver license
255 information.

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

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

262 9. A check of the vehicle for a vehicle identification
263 number.

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

265 11. A check of the vessel hull for a hull identification
266 number, which should be carved, burned, stamped, embossed, or
267 otherwise permanently affixed to the outboard side of the
268 transom or, if there is no transom, to the outmost seaboard side
269 at the end of the hull that bears the rudder or other steering
270 mechanism.

271 (d) "Newer model" means a vehicle or vessel that is 3 model
272 years old or less, beginning with the model year of the vehicle



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273 or vessel as year 1.

274 (e) "Older model" means a vehicle or vessel that is more
275 than 3 model years old, beginning with the model year of the
276 vehicle or vessel as year 1.

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

281 (2)(a) ~~Whenever~~ A towing-storage operator may charge the
282 owner or operator of a vehicle or vessel only the following fees
283 for, or incidental to, the recovery, removal, or storage of the
284 vehicle or vessel:

285 1. Any reasonable fee for service specifically authorized
286 under s. 125.0103 or s. 166.043 by ordinance, resolution,
287 regulation, or rule of the county or municipality in which the
288 service is performed.

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

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

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

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

301 (b) If a towing-storage operator ~~person regularly engaged~~



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302 ~~in the business of transporting vehicles or vessels by wrecker,~~
303 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
304 or vessel upon instructions from:

305 1.(a) The owner thereof;

306 2.(b) The owner or lessor, or a person authorized by the
307 owner or lessor, of property on which such vehicle or vessel is
308 wrongfully parked, and the removal is done in compliance with s.
309 715.07;

310 3.(c) The landlord or a person authorized by the landlord,
311 when such ~~motor~~ vehicle or vessel remained on the premises after
312 the tenancy terminated and the removal is done in compliance
313 with s. 83.806 or s. 715.104; or

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

315
316 she or he has ~~shall have~~ a lien on the vehicle or vessel for
317 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
318 ~~reasonable administrative fee or charge imposed by a county or~~
319 ~~municipality, and for a reasonable storage fee;~~ except that a
320 storage fee may not be charged if the vehicle or vessel is
321 stored for less ~~fewer~~ than 6 hours.

322 (c) A towing-storage operator may enter, using reasonable
323 care, a vehicle or vessel for purposes of recovering, removing,
324 or storing such vehicle or vessel. A towing-storage operator is
325 liable for any damage to the vehicle or vessel if such entry is
326 not in accordance with the standard of reasonable care.

327 (4) (a) A towing-storage operator ~~person regularly engaged~~
328 ~~in the business of recovering, towing, or storing vehicles or~~
329 ~~vessels~~ who comes into possession of a vehicle or vessel
330 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a



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331 lien for recovery, towing, or storage services, must ~~shall~~ give
332 notice, by certified mail, pursuant to subsection (16), to the
333 registered owner, the insurance company insuring the vehicle or
334 vessel notwithstanding s. 627.736, and all persons claiming a
335 lien thereon, as disclosed by the records in the Department of
336 Highway Safety and Motor Vehicles or as disclosed by the records
337 of any corresponding agency in any other state in which the
338 vehicle or vessel is identified through a records check of the
339 National Motor Vehicle Title Information System or an equivalent
340 commercially available system as being titled or registered.

341 (b) When ~~Whenever~~ a law enforcement agency, county, or
342 municipality authorizes the removal of a vehicle or vessel, or
343 ~~whenever~~ a towing service, garage, repair shop, or automotive
344 service, storage, or parking place notifies a ~~the~~ law
345 enforcement agency of possession of a vehicle or vessel pursuant
346 to s. 715.07(2)(a)2., if an approved third-party service cannot
347 obtain the vehicle's or vessel's owner, lienholder, and insurer
348 information or last state of record pursuant to subsection (16),
349 then the person in charge of the towing service, garage, repair
350 shop, or automotive service, storage, or parking place must
351 request such information from the law enforcement agency of the
352 jurisdiction where the vehicle or vessel is stored. The law
353 enforcement agency to which the request was made must ~~shall~~
354 contact the Department of Highway Safety and Motor Vehicles, or
355 the appropriate agency of the state of registration, if known,
356 within 24 hours through the medium of electronic communications,
357 giving the full description of the vehicle or vessel. Upon
358 receipt of the full description of the vehicle or vessel, the
359 department must ~~shall~~ search its files to determine the owner's



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360 name, the insurance company insuring the vehicle or vessel, and
361 whether any person has filed a lien upon the vehicle or vessel
362 as provided in s. 319.27(2) and (3) and notify the applicable
363 law enforcement agency within 72 hours. The person in charge of
364 the towing service, garage, repair shop, or automotive service,
365 storage, or parking place must request ~~shall obtain~~ such
366 information from the applicable law enforcement agency within 5
367 days after the date of storage and must provide the information
368 to the approved third-party service in order to transmit notices
369 as required under subsection (16) ~~shall give notice pursuant to~~
370 ~~paragraph (a)~~. The department may release the insurance company
371 information to the requestor notwithstanding s. 627.736.

372 (c) The notice of lien must be sent by an approved third-
373 party service by certified mail to the registered owner, the
374 insurance company insuring the vehicle notwithstanding s.
375 627.736, and all other persons claiming a lien thereon within 5
376 7 business days, excluding a Saturday, and Sunday, or federal
377 legal holiday, after the date of storage of the vehicle or
378 vessel. ~~However, in no event shall the notice of lien be sent~~
379 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
380 notice must state all of the following:

381 1. If the claim of lien is for a vehicle, the last 8 digits
382 of the vehicle identification number of the vehicle subject to
383 the lien, or, if the claim of lien is for a vessel, the hull
384 identification number of the vessel subject to the lien, clearly
385 printed in the delivery address box and on the outside of the
386 envelope sent to the registered owner and all other persons
387 claiming an interest in ~~therein~~ or lien on the vehicle or vessel
388 ~~thereon~~.



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389 2. The name, physical address, and telephone number of the
390 lienor, and the entity name, as registered with the Division of
391 Corporations, of the business where the towing and storage
392 occurred, which must also appear on the outside of the envelope
393 sent to the registered owner and all other persons claiming an
394 interest in or lien on the vehicle or vessel.

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

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

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

400 6. That charges have accrued and include an itemized
401 statement of the amount thereof.

402 7. That the lien is subject to enforcement under law and
403 that the owner or lienholder, if any, has the right to file a
404 complaint ~~hearing~~ as set forth in subsection (5).

405 8. That any vehicle or vessel that remains unclaimed, or
406 for which the charges for recovery, towing, or storage services
407 remain unpaid, may be sold free of all prior liens 35 days after
408 the vehicle or vessel is stored by the lienor if the vehicle or
409 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days
410 after the vehicle or vessel is stored by the lienor if the
411 vehicle or vessel is a newer model ~~3 years of age or less~~.

412 9. The address at which the vehicle or vessel is physically
413 located.

414 (d) The notice of lien may not be sent to the registered
415 owner, the insurance company insuring the vehicle or vessel, and
416 all other persons claiming a lien thereon less than 30 days
417 before the sale of a ~~the~~ vehicle or vessel that is an older



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418 model or less than 52 days before the sale of a vehicle or
419 vessel that is a newer model.

420 (e) If attempts to locate the name and address of the
421 registered owner, the insurance company insuring the vehicle or
422 vessel, and any other person claiming a lien thereon are ~~or~~
423 ~~lienholder prove unsuccessful, 5 the towing-storage operator~~
424 ~~shall, after 7 business days, excluding a Saturday, and Sunday,~~
425 ~~or federal legal holiday, after the initial tow or storage, the~~
426 ~~towing-storage operator must~~ notify the public agency of
427 jurisdiction where the vehicle or vessel is stored in writing by
428 certified mail or receipt-acknowledged electronic delivery
429 ~~acknowledged hand delivery~~ that the towing-storage operator
430 ~~company~~ has been unable to locate the name and address of the
431 owner or lienholder and a physical search of the vehicle or
432 vessel has disclosed no ownership information and a good faith
433 effort has been made, including records checks of the Department
434 of Highway Safety and Motor Vehicles database and the National
435 Motor Vehicle Title Information System or an equivalent
436 commercially available system. ~~For purposes of this paragraph~~
437 ~~and subsection (9), the term "good faith effort" means that the~~
438 ~~following checks have been performed by the company to establish~~
439 ~~the prior state of registration and for title:~~

440 ~~1. A check of the department's database for the owner and~~
441 ~~any lienholder.~~

442 ~~2. A check of the electronic National Motor Vehicle Title~~
443 ~~Information System or an equivalent commercially available~~
444 ~~system to determine the state of registration when there is not~~
445 ~~a current registration record for the vehicle or vessel on file~~
446 ~~with the department.~~



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- 447 ~~3. A check of the vehicle or vessel for any type of tag,~~
448 ~~tag record, temporary tag, or regular tag.~~
- 449 ~~4. A check of the law enforcement report for a tag number~~
450 ~~or other information identifying the vehicle or vessel, if the~~
451 ~~vehicle or vessel was towed at the request of a law enforcement~~
452 ~~officer.~~
- 453 ~~5. A check of the trip sheet or tow ticket of the tow truck~~
454 ~~operator to determine whether a tag was on the vehicle or vessel~~
455 ~~at the beginning of the tow, if a private tow.~~
- 456 ~~6. If there is no address of the owner on the impound~~
457 ~~report, a check of the law enforcement report to determine~~
458 ~~whether an out-of-state address is indicated from driver license~~
459 ~~information.~~
- 460 ~~7. A check of the vehicle or vessel for an inspection~~
461 ~~sticker or other stickers and decals that may indicate a state~~
462 ~~of possible registration.~~
- 463 ~~8. A check of the interior of the vehicle or vessel for any~~
464 ~~papers that may be in the glove box, trunk, or other areas for a~~
465 ~~state of registration.~~
- 466 ~~9. A check of the vehicle for a vehicle identification~~
467 ~~number.~~
- 468 ~~10. A check of the vessel for a vessel registration number.~~
- 469 ~~11. A check of the vessel hull for a hull identification~~
470 ~~number which should be carved, burned, stamped, embossed, or~~
471 ~~otherwise permanently affixed to the outboard side of the~~
472 ~~transom or, if there is no transom, to the outmost seaboard side~~
473 ~~at the end of the hull that bears the rudder or other steering~~
474 ~~mechanism.~~
- 475 (5) (a) The registered owner of a vehicle or vessel in the



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476 possession of a towing-storage operator removed pursuant to
477 subsection (2), the insurance company insuring the vehicle or
478 vessel, and all other persons claiming a lien thereon or any
479 person claiming a lien, other than the towing-storage operator,
480 may initiate judicial proceedings within 10 days after the time
481 she or he has knowledge of the location of the vehicle or
482 vessel, may file a complaint in the county court of competent
483 jurisdiction in the county in which the vehicle or vessel is
484 stored to determine whether the vehicle or vessel her or his
485 property was wrongfully taken or withheld or whether fees were
486 wrongfully charged.

487 (b) Regardless of whether judicial proceedings have been
488 initiated pursuant to paragraph (a), at any time before the sale
489 of the vehicle or vessel by the towing-storage operator, the an
490 owner of the vehicle or vessel, the insurance company insuring
491 the vehicle or vessel, and all other persons claiming a lien
492 thereon, other than the towing-storage operator, or lienholder
493 may have the her or his vehicle or vessel released upon posting
494 with the clerk of the court in the county in which the vehicle
495 is held court a cash or surety bond or other adequate security
496 equal to the amount of the accrued charges set forth in the
497 notice of lien, plus accrued storage charges, at the time of the
498 release of the vehicle or vessel, if any, of the charges for
499 towing or storage and lot rental amount to ensure the payment of
500 such charges in the event a court determines that the vehicle or
501 vessel was not wrongfully taken or withheld or fees were not
502 wrongfully charged she or he does not prevail. The owner of the
503 vehicle or vessel, the insurance company insuring the vehicle or
504 vessel, and all other persons claiming a lien thereon, other



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505 than the towing-storage operator, may not be required to
506 initiate judicial proceedings in order to post the bond in the
507 registry of the court and are not required to use a particular
508 form for posting the bond unless the clerk provides such form.
509 Upon the posting of the bond and the payment of the applicable
510 fee set forth in s. 28.24, the clerk of the court must
511 automatically issue a certificate notifying the towing-storage
512 operator of the posting of the bond and directing the towing-
513 storage operator to release the vehicle or vessel to the party
514 that posted the bond ~~the clerk of the court shall issue a~~
515 ~~certificate notifying the lienor of the posting of the bond and~~
516 ~~directing the lienor to release the vehicle or vessel.~~ At the
517 time of such release, after reasonable inspection, the party
518 that posted the bond must ~~she or he shall~~ give a receipt to the
519 towing-storage operator ~~company~~ reciting any claims ~~she or he~~
520 ~~has~~ for loss or damage to the vehicle or vessel or the contents
521 thereof, or such claims are deemed waived.

522 1. Upon receiving a copy of a certificate giving notice of
523 the posting of the bond in the required amount and directing
524 release of the vehicle or vessel, a towing-storage operator must
525 release or return the vehicle or vessel to the party that posted
526 the bond.

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

- 531 a. Release the cash to the towing-storage operator; or
532 b. Issue a notice certifying that no judicial proceeding
533 has been initiated within 45 days after the issuance of the



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534 certificate and requiring the surety that issued the bond to
535 promptly pay the full face value of the bond to the towing-
536 storage operator. The towing-storage operator has the
537 obligation, upon receipt of the clerk's notice, to timely notify
538 the surety. Any notice issued by the clerk under this sub-
539 subparagraph, if not delivered to the surety, expires 120 days
540 after issuance by the clerk.

541 (c) Upon determining the respective rights of the parties,
542 the court may award damages, attorney ~~attorney's~~ fees, and costs
543 in favor of the prevailing party. In the event the defendant
544 prevails ~~In any event~~, the final order must ~~shall~~ provide for
545 immediate payment in full of recovery, towing, and storage fees
546 by the vehicle or vessel owner or lienholder; or the agency
547 ordering the tow; or the owner, lessee, or agent thereof of the
548 property from which the vehicle or vessel was removed.

549 (6) A vehicle or vessel that is stored pursuant to
550 paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for
551 which reasonable charges for recovery, towing, or storing remain
552 unpaid, and any contents not released pursuant to subsection
553 (10), may be sold by the owner or operator of the storage space
554 for such towing or storage charge 35 days after the vehicle or
555 vessel is stored by the lienor if the vehicle or vessel is an
556 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
557 vehicle or vessel is stored by the lienor if the vehicle or
558 vessel is a newer model ~~3 years of age or less~~. The sale must
559 ~~shall~~ be at public sale for cash. If the date of the sale was
560 not included in the notice required in subsection (4), notice of
561 the sale must ~~shall~~ be given to the person in whose name the
562 vehicle or vessel is registered and to all persons claiming a



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563 lien on the vehicle or vessel as shown on the records of the
564 Department of Highway Safety and Motor Vehicles or of any
565 corresponding agency in any other state in which the vehicle is
566 identified through a records check of the National Motor Vehicle
567 Title Information System or an equivalent commercially available
568 system as being titled. Notice of the sale must be sent by
569 certified mail to the registered owner of the vehicle or vessel,
570 the insurance company insuring the vehicle or vessel, and the
571 person having the recorded lien on the vehicle or vessel at the
572 address shown on the records of the registering agency at least
573 30 days before the sale of the vehicle or vessel. ~~The notice~~
574 ~~must have clearly identified and printed, if the claim of lien~~
575 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
576 identification number of the ~~motor~~ vehicle subject to the lien,
577 or, if the claim of lien is for a vessel, the hull
578 identification number of the vessel subject to the lien, must be
579 clearly identified and printed in the delivery address box and
580 on the outside of the envelope sent to the registered owner, the
581 insurance company insuring the vehicle or vessel, and all other
582 persons claiming an interest in ~~therein~~ or lien on the vehicle
583 or vessel thereon. ~~The notice must be sent to the owner of the~~
584 ~~vehicle or vessel and the person having the recorded lien on the~~
585 ~~vehicle or vessel at the address shown on the records of the~~
586 ~~registering agency at least 30 days before the sale of the~~
587 ~~vehicle or vessel.~~ The notice must state the name, physical
588 address, and telephone number of the lienor, and the vehicle
589 identification number if the claim of lien is for a vehicle or
590 the hull identification number if the claim of lien is for a
591 vessel, all of which must also appear in the return address



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592 section on the outside of the envelope containing the notice of
593 sale. After diligent search and inquiry, if the name and address
594 of the registered owner or the owner of the recorded lien cannot
595 be ascertained, the requirements of notice by mail may be
596 dispensed with. In addition to the notice by mail, public notice
597 of the time and place of sale must ~~shall~~ be made by publishing a
598 notice thereof one time, at least 20 ~~10~~ days before the date of
599 the sale, on the publicly available website maintained by an
600 approved third-party service. The third-party service must
601 electronically report to the Department of Highway Safety and
602 Motor Vehicles, via an electronic data exchange process using a
603 web interface, the name, physical address, and telephone number
604 of the lienor; the time and place of the sale; the vehicle's
605 license plate number, if known; the vehicle identification
606 number, if the claim of lien is for a vehicle, or the hull
607 identification number, if the claim of lien is for a vessel; and
608 the amount due for towing, recovery, storage, and administrative
609 fees. The third-party service that publishes the public notice
610 of sale and electronically reports the required information to
611 the department may collect and retain a service charge of no
612 more than \$1 in a newspaper of general circulation in the county
613 in which the sale is to be held. The proceeds of the sale, after
614 payment of reasonable towing and storage charges, and costs of
615 the sale, in that order of priority, must ~~shall~~ be deposited
616 with the clerk of the circuit court for the county if the owner
617 or lienholder is absent, and the clerk must ~~shall~~ hold such
618 proceeds subject to the claim of the owner or lienholder legally
619 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
620 percent of such proceeds for the care and disbursement thereof.



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621 The certificate of title issued under this section must ~~this law~~
622 ~~shall~~ be discharged of all liens unless otherwise provided by
623 court order. The owner or lienholder may file a complaint after
624 the vehicle or vessel has been sold in the ~~county~~ court of the
625 county in which it is stored. Upon determining the respective
626 rights of the parties, the court may award damages, attorney
627 fees, and costs in favor of the prevailing party.

628 (8) A towing-storage operator ~~person regularly engaged in~~
629 ~~the business of recovering, towing, or storing vehicles or~~
630 ~~vessels~~, except a person licensed under chapter 493 while
631 engaged in "repossession" activities as defined in s. 493.6101,
632 may not operate a wrecker, tow truck, or car carrier unless the
633 name, address, and telephone number of the company performing
634 the service is clearly printed in contrasting colors on the
635 driver and passenger sides of its vehicle. The name must be in
636 at least 3-inch permanently affixed letters, and the address and
637 telephone number must be in at least 1-inch permanently affixed
638 letters.

639 (9) Failure to make good faith efforts to comply with the
640 notice requirements of this section precludes the imposition of
641 any storage charges against the vehicle or vessel. If a lienor
642 fails to provide notice to a person claiming a lien on a vehicle
643 or vessel in accordance with subsection (4), the lienor may not
644 charge the person for more than 5 7 days of storage, but such
645 failure does not affect charges made for towing the vehicle or
646 vessel or the priority of liens on the vehicle or vessel.

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



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650 agents, whose interest in the vehicle or vessel is evidenced by
651 any of the documents listed in subsection (17) ~~which agency is~~
652 ~~evidenced by an original writing acknowledged by the owner~~
653 ~~before a notary public or other person empowered by law to~~
654 ~~administer oaths, to inspect the towed vehicle or vessel and~~
655 ~~must shall~~ release to the owner, lienholder, or agent the
656 vehicle, vessel, or all personal property not affixed to the
657 vehicle or vessel which was in the vehicle or vessel at the time
658 the vehicle or vessel came into the custody of the towing-
659 storage operator. The inspection and release of the vehicle,
660 vessel, or personal property must be permitted within 1 hour
661 after the owner, lienholder, insurance company representative,
662 or their agent presents any of the documents listed in
663 subsection (17) to the towing-storage operator during normal
664 business hours at the site where the vehicle or vessel is
665 stored. Notwithstanding subparagraph (17) (a) 5., a rental vehicle
666 or vessel agreement is not evidence that the person who rented a
667 vehicle or vessel is an agent of the rental vehicle or vessel
668 owner for the purpose of releasing the vehicle or vessel.
669 However, a towing-storage operator must release to the renter of
670 a rental vehicle or vessel all personal property belonging to
671 the renter which is not affixed to the rental vehicle or vessel
672 within 1 hour after the renter's arrival ~~person providing such~~
673 ~~services.~~

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



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679 when such vehicle or vessel is to be sold for purposes of being
680 dismantled, destroyed, or changed in such manner that it is not
681 the ~~motor~~ vehicle or vessel described in the certificate of
682 title, must ~~shall~~ report the vehicle to the National Motor
683 Vehicle Title Information System and apply to the Department of
684 Highway Safety and Motor Vehicles for a certificate of
685 destruction. A certificate of destruction, which authorizes the
686 dismantling or destruction of the vehicle or vessel described
687 therein, is ~~shall be~~ reassignable a maximum of two times before
688 dismantling or destruction of the vehicle is ~~shall be~~ required,
689 and must ~~shall~~ accompany the vehicle or vessel for which it is
690 issued, when such vehicle or vessel is sold for such purposes,
691 in lieu of a certificate of title. The application for a
692 certificate of destruction must include proof of reporting to
693 the National Motor Vehicle Title Information System and an
694 affidavit from the applicant that she or he ~~it~~ has complied with
695 all applicable requirements of this section and, if the vehicle
696 or vessel is not registered in this state or any other state, by
697 a statement from a law enforcement officer that the vehicle or
698 vessel is not reported stolen, and must ~~shall~~ be accompanied by
699 such documentation as may be required by the department.

700 (12) (a) Any person who violates ~~any provision of subsection~~
701 ~~(1)~~, subsection (2), subsection (4), subsection (5), subsection
702 (6), or subsection (7) is guilty of a misdemeanor of the first
703 degree, punishable as provided in s. 775.082 or s. 775.083.

704 (d) Employees of the Department of Highway Safety and Motor
705 Vehicles and law enforcement officers are authorized to inspect
706 the records of a towing-storage operator ~~any person regularly~~
707 ~~engaged in the business of recovering, towing, or storing~~



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708 ~~vehicles or vessels or transporting vehicles or vessels by~~
709 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with
710 the requirements of this section. A towing-storage operator ~~Any~~
711 ~~person~~ who fails to maintain records, or fails to produce
712 records when required in a reasonable manner and at a reasonable
713 time, commits a misdemeanor of the first degree, punishable as
714 provided in s. 775.082 or s. 775.083.

715 (13) (a) Upon receipt by the Department of Highway Safety
716 and Motor Vehicles of written notice from a wrecker operator who
717 claims a wrecker operator's lien under subparagraph (2) (b) 4.
718 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
719 abandoned vehicle or vessel upon instructions from any law
720 enforcement agency, for which a certificate of destruction has
721 been issued under subsection (11) and the vehicle has been
722 reported to the National Motor Vehicle Title Information System,
723 the department shall place the name of the registered owner of
724 that vehicle or vessel on the list of those persons who may not
725 be issued a license plate or revalidation sticker for any motor
726 vehicle under s. 320.03(8). If the vehicle or vessel is owned
727 jointly by more than one person, the name of each registered
728 owner must ~~shall~~ be placed on the list. The notice of wrecker
729 operator's lien must ~~shall~~ be submitted on forms provided by the
730 department and, which must ~~and, which must~~ include all of the following:

731 1. The name, address, and telephone number of the wrecker
732 operator.

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

736 3. A general description of the vehicle or vessel,



737 including its color, make, model, body style, and year.

738 4. The vehicle identification number (VIN); registration
739 license plate number, state, and year; validation decal number,
740 state, and year; vessel registration number; hull identification
741 number; or other identification number, as applicable.

742 5. The name of the person or the corresponding law
743 enforcement agency that requested that the vehicle or vessel be
744 recovered, towed, or stored.

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

747 (b) For purposes of this subsection only, the amount of the
748 wrecker operator's lien for which the department will prevent
749 issuance of a license plate or revalidation sticker may not
750 exceed the amount of the charges for recovery, towing, and
751 storage of the vehicle or vessel for 7 days. These charges may
752 not exceed the maximum rates imposed by the ordinances of the
753 respective county or municipality under ss. 125.0103(1)(c) and
754 166.043(1)(c). This paragraph does not limit the amount of a
755 wrecker operator's lien claimed under paragraph (2)(b)
756 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
757 remedies for enforcement of the entire amount of the lien, but
758 limits only that portion of the lien for which the department
759 will prevent issuance of a license plate or revalidation
760 sticker.

761 (d) Upon discharge of the amount of the wrecker operator's
762 lien allowed by paragraph (b), the wrecker operator must issue a
763 certificate of discharged wrecker operator's lien on forms
764 provided by the department to each registered owner of the
765 vehicle or vessel attesting that the amount of the wrecker



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766 operator's lien allowed by paragraph (b) has been discharged.
767 Upon presentation of the certificate of discharged wrecker
768 operator's lien by the registered owner, the department must
769 ~~shall~~ immediately remove the registered owner's name from the
770 list of those persons who may not be issued a license plate or
771 revalidation sticker for any motor vehicle under s. 320.03(8),
772 thereby allowing issuance of a license plate or revalidation
773 sticker. Issuance of a certificate of discharged wrecker
774 operator's lien under this paragraph does not discharge the
775 entire amount of the wrecker operator's lien claimed under
776 paragraph (2)(b) subsection—(2), but only certifies to the
777 department that the amount of the wrecker operator's lien
778 allowed by paragraph (b), for which the department will prevent
779 issuance of a license plate or revalidation sticker, has been
780 discharged.

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

784 1. An electronic title.

785 2. A paper title.

786 3. A contract between a lender and the owner of the vehicle
787 or vessel.

788 4. A contract between a lessor and the lessee of the
789 vehicle or vessel.

790 5. Credentials establishing the person as an employee or
791 contract agent of an insurance company, along with documentation
792 identifying the vehicle by the vehicle identification number or
793 vessel by the hull identification number.

794 6. A written agreement evidencing that the person is an



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795 agent of the vehicle or vessel owner, lienholder, or insurance
796 company representative.

797 (b) A towing-storage operator may not require any of the
798 documents listed in paragraph (a) to be notarized, except for
799 the agreement in subparagraph (a)6. when such agreement is
800 presented for the purpose of releasing the vehicle or vessel.

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

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

810 (a) All notice publications and certified mailings.

811 (b) The purchase price of any unclaimed vehicle or vessel
812 sold.

813 (c) The names and addresses of persons to whom vehicles or
814 vessels were released.

815 (d) The names and addresses of vehicle or vessel
816 purchasers.

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

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

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

823 2. Bank, debit, or credit card.



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824 3. Mobile payment service, digital wallet, or other
825 electronic payment system.

826 (b) The authorized persons listed in subsection (10) are
827 not required to furnish more than one form of current
828 government-issued photo identification when payment is made in
829 any of the forms listed in paragraph (a).

830 (c) A county or municipal charter, ordinance, resolution,
831 regulation, or rule that conflicts with paragraph (a) is
832 expressly preempted.

833 (20) (a) A towing-storage operator must maintain a rate
834 sheet listing all fees for, or incidental to, the recovery,
835 removal, or storage of a vehicle or vessel and must do all of
836 the following:

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

839 2. Make the rate sheet available upon request by the
840 vehicle or vessel owner, lienholder, insurance company, or their
841 agent.

842 3. Before attaching a vehicle or vessel to a wrecker,
843 furnish the rate sheet to the owner or operator of the vehicle
844 or vessel, if the owner or operator is present at the scene of
845 the disabled vehicle or vessel.

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

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

852 1. The tow is completed; or



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853 2. The towing-storage operator has obtained all necessary
854 information to be included on the invoice, including any charges
855 submitted by subcontractors used by the towing-storage operator
856 to complete the tow and recovery.

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

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

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

861 3. The name, address, and telephone number of the towing-
862 storage operator.

863 4. A description of the towed vehicle or vessel, including
864 the color, make, model, model year, and vehicle identification
865 number of the vehicle or hull identification number of the
866 vessel.

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

869 6. The cost of the initial towing service.

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

871 8. Other fees, including administrative fees, vehicle or
872 vessel search fees, fees for hazardous material and nonhazardous
873 material cleanup, and fees for labor.

874 9. A list of the services that were performed under a
875 warranty or that were otherwise performed at no cost to the
876 owner of the vehicle or vessel.

877 (e) Any service performed or fee charged in addition to
878 those described in subparagraph (d)6. or subparagraph (d)7. must
879 be set forth on the itemized invoice required under paragraph
880 (c) individually as a single line item that includes an
881 explanation of the service or fee and the exact amount charged



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882 for the service or the exact amount of the fee.

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

- 887 1. A law enforcement agency;
888 2. The Attorney General; or
889 3. The vehicle or vessel owner, lienholder, insurance
890 company, or their agent.

891 Section 6. Paragraph (a) of subsection (2) of section
892 715.07, Florida Statutes, is amended to read:

893 715.07 Vehicles or vessels parked on private property;
894 towing.—

895 (2) The owner or lessee of real property, or any person
896 authorized by the owner or lessee, which person may be the
897 designated representative of the condominium association if the
898 real property is a condominium, may cause any vehicle or vessel
899 parked on such property without her or his permission to be
900 removed by a person regularly engaged in the business of towing
901 vehicles or vessels, without liability for the costs of removal,
902 transportation, or storage or damages caused by such removal,
903 transportation, or storage, under any of the following
904 circumstances:

905 (a) The towing or removal of any vehicle or vessel from
906 private property without the consent of the registered owner or
907 other legally authorized person in control of that vehicle or
908 vessel is subject to substantial compliance with the following
909 conditions and restrictions:

910 1.a. Any towed or removed vehicle or vessel must be stored



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911 at a site within a 10-mile radius of the point of removal in any
912 county of 500,000 population or more, and within a 15-mile
913 radius of the point of removal in any county of fewer than
914 500,000 population. That site must be open for the purpose of
915 redemption of vehicles on any day that the person or firm towing
916 such vehicle or vessel is open for towing purposes, from 8:00
917 a.m. to 6:00 p.m., and, when closed, shall have prominently
918 posted a sign indicating a telephone number where the operator
919 of the site can be reached at all times. Upon receipt of a
920 telephoned request to open the site to redeem a vehicle or
921 vessel, the operator shall return to the site within 1 hour or
922 she or he will be in violation of this section.

923 b. If no towing business providing such service is located
924 within the area of towing limitations set forth in sub-
925 subparagraph a., the following limitations apply: any towed or
926 removed vehicle or vessel must be stored at a site within a 20-
927 mile radius of the point of removal in any county of 500,000
928 population or more, and within a 30-mile radius of the point of
929 removal in any county of fewer than 500,000 population.

930 2. The person or firm towing or removing the vehicle or
931 vessel shall, within 30 minutes after completion of such towing
932 or removal, notify the municipal police department or, in an
933 unincorporated area, the sheriff, of such towing or removal, the
934 storage site, the time the vehicle or vessel was towed or
935 removed, and the make, model, color, and license plate number of
936 the vehicle or description and registration number of the vessel
937 and shall obtain the name of the person at that department to
938 whom such information was reported and note that name on the
939 trip record.



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940 3. A person in the process of towing or removing a vehicle
941 or vessel from the premises or parking lot in which the vehicle
942 or vessel is not lawfully parked must stop when a person seeks
943 the return of the vehicle or vessel. The vehicle or vessel must
944 be returned upon the payment of a reasonable service fee of not
945 more than one-half of the posted rate for the towing or removal
946 service as provided in subparagraph 6. The vehicle or vessel may
947 be towed or removed if, after a reasonable opportunity, the
948 owner or legally authorized person in control of the vehicle or
949 vessel is unable to pay the service fee. If the vehicle or
950 vessel is redeemed, a detailed signed receipt must be given to
951 the person redeeming the vehicle or vessel.

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

955 5. Except for property appurtenant to and obviously a part
956 of a single-family residence, and except for instances when
957 notice is personally given to the owner or other legally
958 authorized person in control of the vehicle or vessel that the
959 area in which that vehicle or vessel is parked is reserved or
960 otherwise unavailable for unauthorized vehicles or vessels and
961 that the vehicle or vessel is subject to being removed at the
962 owner's or operator's expense, any property owner or lessee, or
963 person authorized by the property owner or lessee, before towing
964 or removing any vehicle or vessel from private property without
965 the consent of the owner or other legally authorized person in
966 control of that vehicle or vessel, must post a notice meeting
967 the following requirements:

968 a. The notice must be prominently placed at each driveway



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969 access or curb cut allowing vehicular access to the property
970 within 10 feet from the road, as defined in s. 334.03(22). If
971 there are no curbs or access barriers, the signs must be posted
972 not fewer than one sign for each 25 feet of lot frontage.

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

978 c. The notice must also provide the name and current
979 telephone number of the person or firm towing or removing the
980 vehicles or vessels.

981 d. The sign structure containing the required notices must
982 be permanently installed with the words "tow-away zone" not
983 fewer than 3 feet and not more than 6 feet above ground level
984 and must be continuously maintained on the property for not
985 fewer than 24 hours before the towing or removal of any vehicles
986 or vessels.

987 e. The local government may require permitting and
988 inspection of these signs before any towing or removal of
989 vehicles or vessels being authorized.

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

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



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998 sub-subparagraphs a.-f., which apply to vehicles, that
999 unauthorized vehicles or vessels will be towed away at the
1000 owner's expense.

1001
1002 A business owner or lessee may authorize the removal of a
1003 vehicle or vessel by a towing company when the vehicle or vessel
1004 is parked in such a manner that restricts the normal operation
1005 of business; and if a vehicle or vessel parked on a public
1006 right-of-way obstructs access to a private driveway the owner,
1007 lessee, or agent may have the vehicle or vessel removed by a
1008 towing company upon signing an order that the vehicle or vessel
1009 be removed without a posted tow-away zone sign.

1010 6. Any person or firm that tows or removes vehicles or
1011 vessels and proposes to require an owner, operator, or person in
1012 control or custody of a vehicle or vessel to pay the costs of
1013 towing and storage before redemption of the vehicle or vessel
1014 must file and keep on record with the local law enforcement
1015 agency a complete copy of the current rates to be charged for
1016 such services and post at the storage site an identical rate
1017 schedule and any written contracts with property owners,
1018 lessees, or persons in control of property which authorize such
1019 person or firm to remove vehicles or vessels as provided in this
1020 section.

1021 7. Any person or firm towing or removing any vehicles or
1022 vessels from private property without the consent of the owner
1023 or other legally authorized person in control or custody of the
1024 vehicles or vessels shall, on any trucks, wreckers as defined in
1025 s. 713.78(1) ~~s. 713.78(1)(e)~~, or other vehicles used in the
1026 towing or removal, have the name, address, and telephone number



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1027 of the company performing such service clearly printed in
1028 contrasting colors on the driver and passenger sides of the
1029 vehicle. The name shall be in at least 3-inch permanently
1030 affixed letters, and the address and telephone number shall be
1031 in at least 1-inch permanently affixed letters.

1032 8. Vehicle entry for the purpose of removing the vehicle or
1033 vessel shall be allowed with reasonable care on the part of the
1034 person or firm towing the vehicle or vessel. Such person or firm
1035 shall be liable for any damage occasioned to the vehicle or
1036 vessel if such entry is not in accordance with the standard of
1037 reasonable care.

1038 9. When a vehicle or vessel has been towed or removed
1039 pursuant to this section, it must be released to its owner or
1040 person in control or custody within 1 hour after requested. Any
1041 vehicle or vessel owner or person in control or custody has the
1042 right to inspect the vehicle or vessel before accepting its
1043 return, and no release or waiver of any kind which would release
1044 the person or firm towing the vehicle or vessel from liability
1045 for damages noted by the owner or person in control or custody
1046 at the time of the redemption may be required from any vehicle
1047 or vessel owner or person in control or custody as a condition
1048 of release of the vehicle or vessel to its owner or person in
1049 control or custody. A detailed receipt showing the legal name of
1050 the company or person towing or removing the vehicle or vessel
1051 must be given to the person paying towing or storage charges at
1052 the time of payment, whether requested or not.

1053 Section 7. This act shall take effect July 1, 2024.

1054

1055 ===== T I T L E A M E N D M E N T =====



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1056 And the title is amended as follows:

1057 Delete everything before the enacting clause
1058 and insert:

1059 A bill to be entitled

1060 An act relating to towing and storage; amending ss.
1061 125.0103 and 166.043, F.S.; requiring certain counties
1062 and authorizing certain municipalities to establish
1063 maximum rates for cleanup and disposal of hazardous
1064 and nonhazardous materials under certain
1065 circumstances; providing applicability; requiring a
1066 wrecker service to make a certain notification under
1067 specified circumstances; providing construction;
1068 requiring certain counties and municipalities to
1069 publish specified rates on their websites and
1070 establish a specified process; providing that rates
1071 established by the Division of Florida Highway Patrol
1072 apply to certain areas of the state; amending s.
1073 321.051, F.S.; prohibiting the division from excluding
1074 certain wrecker operators from the wrecker operator
1075 system or failing to designate certain wrecker
1076 operators as authorized wrecker operators; providing
1077 exceptions; requiring, rather than authorizing, the
1078 division to establish certain maximum rates; requiring
1079 a wrecker operator to make a certain notification
1080 under specified circumstances; providing construction;
1081 requiring the Department of Highway Safety and Motor
1082 Vehicles to publish specified rates on its website and
1083 establish a specified process; amending s. 323.001,
1084 F.S.; requiring certain persons to take possession of



1085 certain vehicles within a specified timeframe, unless
1086 another timeframe is otherwise agreed upon; amending
1087 s. 713.78, F.S.; providing and reordering definitions;
1088 authorizing towing-storage operators to charge certain
1089 fees; providing that towing-storage operators have a
1090 lien on a vehicle or vessel for such fees; authorizing
1091 towing-storage operators to enter, using reasonable
1092 care, a vehicle or vessel for specified purposes;
1093 providing liability under certain circumstances;
1094 revising requirements for law enforcement agencies,
1095 counties, municipalities, and the department relating
1096 to the removal of vehicles or vessels; revising
1097 requirements for notices of lien; revising
1098 requirements for towing-storage operators; providing
1099 notice to public agencies of jurisdiction; authorizing
1100 certain persons with an interest in a vehicle or
1101 vessel in the possession of a towing-storage operator
1102 to initiate judicial proceedings where the vehicle or
1103 vessel was taken from to determine certain findings;
1104 authorizing certain interested parties of a vehicle or
1105 vessel to take possession of it prior to sale if the
1106 interested party posts a cash or surety bond with the
1107 county clerk of the court without first initiating
1108 judicial proceedings; requiring the clerk of the court
1109 to issue a certificate notifying the towing-storage
1110 operator of the posting of the bond and to direct the
1111 towing-storage operator to release the vehicle or
1112 vessel to the interested party; requiring the party
1113 who posts the bond to give a receipt to the towing-



1114 storage operator reciting any property loss or damage
1115 to the vehicle or vessel or the contents thereof, and
1116 waiving such claims if such receipt is not provided;
1117 requiring a towing-storage operator to release or
1118 return the vehicle or vessel to the interested party
1119 after the party posts a cash or surety bond; requiring
1120 the clerk of the court to release the cash bond or
1121 issue a specified notice relating to the surety bond
1122 to the towing-storage operator if the interested party
1123 does not initiate judicial proceedings within a
1124 certain timeframe; providing obligations relating to
1125 such notice; providing for expiration of such notice;
1126 requiring the court to award all fees to the towing-
1127 storage operator if the defendant prevails in the
1128 judicial proceedings; revising the timeframe in which
1129 certain unclaimed vehicles or vessels may be sold;
1130 revising requirements for notices of sale; requiring
1131 approved third-party services to publish public
1132 notices of sale and report certain information by
1133 specified means to the department; providing the
1134 maximum fee that approved third-party services may
1135 collect and retain for such services; revising
1136 provisions for permission to inspect a vehicle or
1137 vessel; providing timeframes in which a vehicle,
1138 vessel, or personal property must be made available
1139 for inspection and release; revising criminal
1140 penalties; requiring towing-storage operators to
1141 accept certain documents, one of which must be
1142 notarized, as evidence of a person's interest in a



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1143 vehicle or vessel; providing that one form of current
1144 government-issued identification constitutes
1145 sufficient identity verification for a certain
1146 purpose; requiring towing-storage operators to
1147 maintain certain records for a certain period of time;
1148 requiring towing-storage operators to accept certain
1149 types of payment; providing for preemption; requiring
1150 towing-storage operators to maintain a rate sheet;
1151 providing requirements for the rate sheet; providing
1152 that certain fees are unreasonable; requiring towing-
1153 storage operators to maintain an itemized invoice for
1154 specified fees; providing requirements for such
1155 invoice; requiring disclosure of such invoice to
1156 specified persons and entities within a certain
1157 timeframe; providing applicability; making technical
1158 changes; amending s. 715.07, F.S.; conforming a cross-
1159 reference; providing an effective date.