

By the Committee on Community Affairs; and Senator Perry

578-03038-24

2024774c1

1                                   A bill to be entitled  
2       An act relating to towing and storage; amending s.  
3       83.19, F.S.; conforming provisions to changes made by  
4       this act; amending ss. 125.0103 and 166.043, F.S.;  
5       requiring certain counties and municipalities to  
6       publish specified rates on their websites and  
7       establish a specified process; providing that rates  
8       established by the Division of Florida Highway Patrol  
9       apply to certain areas of the state; amending s.  
10      321.051, F.S.; requiring the Department of Highway  
11      Safety and Motor Vehicles to publish certain rates on  
12      its website and establish a specified process;  
13      prohibiting the Division of Florida Highway Patrol  
14      from excluding or failing to designate certain wrecker  
15      operators from the wrecker operator system solely  
16      because the wrecker operator has been convicted of  
17      certain felonies; amending s. 677.210, F.S.; requiring  
18      certain vehicles or vessels to be foreclosed pursuant  
19      to certain provisions; amending s. 713.78, F.S.;  
20      providing and reordering definitions; authorizing  
21      towing-storage operators to charge certain fees;  
22      requiring that towing-storage operators who come into  
23      possession of a vehicle or vessel and claim a lien on  
24      it give certain notice to the vehicle or vessel owner;  
25      prohibiting towing-storage operators from charging a  
26      storage fee if the vehicle or vessel is stored under  
27      certain circumstances; revising requirements for law  
28      enforcement agencies and the department relating to  
29      the removal of vehicles or vessels; revising

578-03038-24

2024774c1

30 requirements for notices of lien; requiring towing-  
31 storage operators in possession of a vehicle or vessel  
32 to request certain information from law enforcement if  
33 a third-party service cannot provide it; revising  
34 requirements for towing-storage operators providing  
35 notice to public agencies of jurisdiction; revising  
36 the timeframe within which certain unclaimed vehicles  
37 or vessels may be sold; revising requirements for  
38 notices of sale; authorizing certain persons with an  
39 interest on a vehicle or vessel in the possession of a  
40 towing-storage operator to initiate judicial  
41 proceedings where the vehicle or vessel was taken from  
42 to determine certain findings; authorizing certain  
43 interested parties of a vehicle or vessel to take  
44 possession of it prior to sale if the interested party  
45 posts a cash or surety bond with the county clerk of  
46 courts without first initiating judicial proceedings;  
47 requiring the clerk of court to issue a certificate  
48 notifying the towing-storage operator of the posting  
49 of the bond and to direct the towing-storage operator  
50 to release the vehicle or vessel to the interested  
51 party; requiring the party who posts the bond to give  
52 a receipt to the towing-storage operator reciting any  
53 property loss or damage to the vehicle or vessel or  
54 the contents thereof, and waiving such claims if such  
55 receipt is not provided; providing criminal penalties  
56 for towing-storage operators who fail to release or  
57 return the vehicle or vessel to the interested party  
58 after posting a cash or surety bond; requiring the

578-03038-24

2024774c1

59 clerk of courts to release the cash or surety bond to  
60 the towing-storage operator if the interested party  
61 does not initiate judicial proceedings within a  
62 certain timeframe; requiring the court award all fees  
63 to the towing-storage operator if he or she prevails  
64 in the judicial proceedings; revising the timeframes  
65 within which certain vehicles or vessels may be sold  
66 by a towing-storage operator if the vehicle or vessel  
67 is being stored by the lienor; revising notice  
68 requirements for sale; requiring approved third-party  
69 services to publish public notices of sale and report  
70 certain information by specified means to the  
71 department; providing the maximum fee that approved  
72 third-party services may collect and retain for such  
73 services; revising provisions for permission to  
74 inspect a vehicle or vessel; revising how many days a  
75 lienor may not charge for storage for failing to  
76 comply with the notice requirements; providing  
77 timeframes within which a vehicle, vessel, or personal  
78 property must be made available for inspection and  
79 release; revising criminal penalties; requiring  
80 towing-storage operators to accept certain documents  
81 as evidence of a person's interest in a vehicle or  
82 vessel; prohibiting certain persons from being  
83 required to furnish more than one form of current  
84 government-issued photo identification for purposes of  
85 verifying their identity; requiring towing-storage  
86 operators to maintain certain records for a certain  
87 period of time; requiring towing-storage operators to

578-03038-24

2024774c1

88 accept certain types of payment; requiring towing-  
89 storage operators to maintain a rate sheet; providing  
90 requirements for such rate sheet; providing that  
91 certain fees are unreasonable; requiring towing-  
92 storage operators to maintain an itemized invoice for  
93 specified fees; providing requirements for such  
94 invoice; requiring disclosure of such invoice to  
95 specified persons and entities within a certain  
96 timeframe; providing applicability; making technical  
97 changes; amending s. 715.07, F.S.; conforming a cross-  
98 reference; providing an effective date.

99

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

101

102 Section 1. Subsection (5) is added to section 83.19,  
103 Florida Statutes, to read:

104 83.19 Sale of property distrained.—

105 (5) A lien on a vehicle or vessel, as those terms are  
106 defined in s. 713.78(1), of a tenant or lessee must be  
107 foreclosed pursuant to s. 713.78 and may not be foreclosed  
108 pursuant to this section.

109 Section 2. Paragraphs (b) and (c) of subsection (1) of  
110 section 125.0103, Florida Statutes, are amended, and paragraph  
111 (d) is added to that subsection, to read:

112 125.0103 Ordinances and rules imposing price controls.—

113 (1)

114 (b) This section does not prevent the enactment by local  
115 governments of public service rates otherwise authorized by law,  
116 including water, sewer, solid waste, public transportation,

578-03038-24

2024774c1

117 taxicab, or port rates;~~;~~ rates for towing of vehicles or vessels  
118 from or immobilization of vehicles or vessels on private  
119 property;~~;~~ or rates for removal and storage of wrecked or  
120 disabled vehicles or vessels from an accident scene or the  
121 removal and storage of vehicles or vessels, in the event the  
122 owner or operator is incapacitated, unavailable, leaves the  
123 procurement of wrecker service to the law enforcement officer at  
124 the scene, or otherwise does not consent to the removal of the  
125 vehicle or vessel.

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

140 (d) A county or municipality that has established rates as  
141 described in paragraph (c) must publish such rates on its  
142 website and must establish a process for investigating and  
143 resolving complaints regarding fees charged in excess of such  
144 rates. In counties or municipalities where no rates as described  
145 in paragraph (c) have been established, the rates established by

578-03038-24

2024774c1

146 the Division of Florida Highway Patrol under s. 321.051(2) apply  
147 in such areas.

148 Section 3. Paragraph (c) of subsection (1) of section  
149 166.043, Florida Statutes, is amended to read:

150 166.043 Ordinances and rules imposing price controls.—

151 (1)

152 (c) Counties must establish maximum rates which may be  
153 charged on the towing of vehicles or vessels from or  
154 immobilization of vehicles or vessels on private property,  
155 removal and storage of wrecked or disabled vehicles or vessels  
156 from an accident scene or for the removal and storage of  
157 vehicles or vessels, in the event the owner or operator is  
158 incapacitated, unavailable, leaves the procurement of wrecker  
159 service to the law enforcement officer at the scene, or  
160 otherwise does not consent to the removal of the vehicle or  
161 vessel. However, if a municipality chooses to enact an ordinance  
162 establishing the maximum rates for the towing or immobilization  
163 of vehicles or vessels as described in paragraph (b), the  
164 county's ordinance established under s. 125.0103 does not apply  
165 within such municipality. A county or municipality that has  
166 established maximum rates pursuant to this paragraph must  
167 publish such rates on its website. A county or municipality  
168 where no maximum rates have been established pursuant to this  
169 paragraph, the maximum rates established by the Division of  
170 Florida Highway Patrol under s. 321.051(2) apply in such areas.

171 Section 4. Subsection (2) of section 321.051, Florida  
172 Statutes, is amended, and subsection (5) is added to that  
173 section, to read:

174 321.051 Florida Highway Patrol wrecker operator system;

578-03038-24

2024774c1

175 penalties for operation outside of system.—

176 (2) The Division of Florida Highway Patrol of the  
177 Department of Highway Safety and Motor Vehicles is authorized to  
178 establish within areas designated by the patrol a wrecker  
179 operator system using qualified, reputable wrecker operators for  
180 removal and storage of wrecked or disabled vehicles from a crash  
181 scene or for removal and storage of abandoned vehicles, in the  
182 event the owner or operator is incapacitated or unavailable or  
183 leaves the procurement of wrecker service to the officer at the  
184 scene. All reputable wrecker operators shall be eligible for use  
185 in the system provided their equipment and drivers meet  
186 recognized safety qualifications and mechanical standards set by  
187 rules of the Division of Florida Highway Patrol for the size of  
188 vehicle it is designed to handle. The division is authorized to  
189 limit the number of wrecker operators participating in the  
190 wrecker operator system, which authority shall not affect  
191 wrecker operators currently participating in the system  
192 established by this section. The division is authorized to  
193 establish maximum rates for the towing and storage of vehicles  
194 removed at the division's request, where such rates have not  
195 been set by a county or municipality pursuant to s. 125.0103 or  
196 s. 166.043. Such rates shall not be considered rules for the  
197 purpose of chapter 120; however, the department shall establish  
198 by rule a procedure for setting such rates. The department must  
199 publish on its website the maximum rates established under this  
200 subsection and must establish a process for investigating and  
201 resolving complaints regarding fees charged in excess of such  
202 maximum rates. Any provision in chapter 120 to the contrary  
203 notwithstanding, a final order of the department denying,

578-03038-24

2024774c1

204 suspending, or revoking a wrecker operator's participation in  
205 the system shall be reviewable in the manner and within the time  
206 provided by the Florida Rules of Appellate Procedure only by a  
207 writ of certiorari issued by the circuit court in the county  
208 wherein such wrecker operator resides.

209 (5) The Division of the Florida Highway Patrol may not  
210 exclude a wrecker operator from the wrecker operator system or  
211 fail to designate him or her as an authorized wrecker operator  
212 based solely on a prior felony conviction unless such conviction  
213 is for a forcible felony as defined in s. 776.08 or a felony  
214 listed under s. 812.014(2)(c)6. or s. 812.16(2).

215 Section 5. Subsection (10) is added to section 677.210,  
216 Florida Statutes, to read:

217 677.210 Enforcement of warehouse's lien.—

218 (10) A lien on a vehicle or vessel, as those terms are  
219 defined in s. 713.78(1), must be foreclosed pursuant to s.  
220 713.78 and may not be foreclosed pursuant to this section.

221 Section 6. Subsections (1), (2), (4), (5), (6), (8), (9),  
222 and (10), paragraph (a) of subsection (11), paragraphs (a) and  
223 (d) of subsection (12), paragraphs (a), (b), and (d) of  
224 subsection (13), and subsection (17) of section 713.78, Florida  
225 Statutes, are amended, and subsections (18) through (21) are  
226 added to that section, to read:

227 713.78 Liens for recovering, towing, or storing vehicles  
228 and vessels.—

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

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

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



578-03038-24

2024774c1

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

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

241 (c)~~(d)~~ "National Motor Vehicle Title Information System"  
242 means the federally authorized electronic National Motor Vehicle  
243 Title Information System.

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

249 (b) "Good faith effort" means that all of the following  
250 checks have been performed by a towing-storage operator to  
251 establish the prior state of registration and title of a vehicle  
252 or vessel that has been towed or stored by the towing-storage  
253 operator:

254 1. A check of the department's database for the owner and  
255 any lienholder.

256 2. A check of the electronic National Motor Vehicle Title  
257 Information System or an equivalent commercially available  
258 system to determine the state of registration when there is not  
259 a current registration record for the vehicle or vessel on file  
260 with the department.

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

578-03038-24

2024774c1

262 tag record, temporary tag, or regular tag.

263 4. A check of the law enforcement report for a tag number  
264 or other information identifying the vehicle or vessel, if the  
265 vehicle or vessel was towed at the request of a law enforcement  
266 officer.

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

270 6. If there is no address of the owner on the impound  
271 report, a check of the law enforcement report to determine  
272 whether an out-of-state address is indicated from driver license  
273 information.

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

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

280 9. A check of the vehicle for a vehicle identification  
281 number.

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

283 11. A check of the vessel hull for a hull identification  
284 number which should be carved, burned, stamped, embossed, or  
285 otherwise permanently affixed to the outboard side of the  
286 transom or, if there is no transom, to the outmost seaboard side  
287 at the end of the hull that bears the rudder or other steering  
288 mechanism.

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

578-03038-24

2024774c1

291 or vessel as year one.

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

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

299 (2)(a) ~~Whenever~~ A towing-storage operator may charge the  
300 owner or operator of a vehicle or vessel only the following fees  
301 for, or incidental to, the recovery, removal, or storage of the  
302 vehicle or vessel:

303 1. Any reasonable fee for service specifically authorized  
304 under s. 125.0103 or s. 166.043 by ordinance, resolution,  
305 regulation, or rule of the county or municipality in which the  
306 service is performed.

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

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

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

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

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

578-03038-24

2024774c1

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

323 1.(a) The owner thereof;

324 2.(b) The owner or lessor, or a person authorized by the  
325 owner or lessor, of property on which such vehicle or vessel is  
326 wrongfully parked, and the removal is done in compliance with s.  
327 715.07;

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

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

333  
334 she or he has ~~shall have~~ a lien on the vehicle or vessel for  
335 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~  
336 ~~reasonable administrative fee or charge imposed by a county or~~  
337 ~~municipality, and for a reasonable storage fee;~~ except that a  
338 storage fee may not be charged if the vehicle or vessel is  
339 stored for less ~~fewer~~ than 6 hours.

340 (4) (a) A towing-storage operator ~~person regularly engaged~~  
341 ~~in the business of recovering, towing, or storing vehicles or~~  
342 ~~vessels~~ who comes into possession of a vehicle or vessel  
343 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a  
344 lien for recovery, towing, or storage services, must ~~shall~~ give  
345 notice, by certified mail, pursuant to subsection (16), to the  
346 registered owner, the insurance company insuring the vehicle  
347 notwithstanding s. 627.736, and all persons claiming a lien  
348 thereon, as disclosed by the records in the Department of

578-03038-24

2024774c1

349 Highway Safety and Motor Vehicles or as disclosed by the records  
350 of any corresponding agency in any other state in which the  
351 vehicle is identified through a records check of the National  
352 Motor Vehicle Title Information System or an equivalent  
353 commercially available system as being titled or registered.

354 (b) When ~~Whenever~~ a law enforcement agency, county, or  
355 municipality authorizes the removal of a vehicle or vessel or  
356 ~~whenever~~ a towing service, garage, repair shop, or automotive  
357 service, storage, or parking place notifies the law enforcement  
358 agency of possession of a vehicle or vessel pursuant to s.  
359 715.07(2)(a)2., if an approved third-party service cannot obtain  
360 the vehicle's or vessel's owner, lienholder, and insurer  
361 information or last state of record pursuant to subsection (16),  
362 then the person in charge of the towing service, garage, repair  
363 shop, or automotive service, storage, or parking place must  
364 request such information from the law enforcement agency of the  
365 jurisdiction where the vehicle or vessel is stored. The law  
366 enforcement agency to which the request was made must ~~shall~~  
367 contact the Department of Highway Safety and Motor Vehicles, or  
368 the appropriate agency of the state of registration, if known,  
369 within 24 hours through the medium of electronic communications,  
370 giving the full description of the vehicle or vessel. Upon  
371 receipt of the full description of the vehicle or vessel, the  
372 department must ~~shall~~ search its files to determine the owner's  
373 name, the insurance company insuring the vehicle or vessel, and  
374 whether any person has filed a lien upon the vehicle or vessel  
375 as provided in s. 319.27(2) and (3) and notify the applicable  
376 law enforcement agency within 72 hours. The person in charge of  
377 the towing service, garage, repair shop, or automotive service,

578-03038-24

2024774c1

378 storage, or parking place must request ~~shall obtain~~ such  
379 information from the applicable law enforcement agency within 5  
380 days after the date of storage and, if such information is  
381 provided by the law enforcement agency, must provide the  
382 information to the approved third-party service in order to  
383 transmit notices as required under subsection (16) ~~shall give~~  
384 ~~notice pursuant to paragraph (a)~~. The department may release the  
385 insurance company information to the requestor notwithstanding  
386 s. 627.736.

387 (c) The notice of lien must be sent by an approved third-  
388 party service by certified mail to the registered owner, the  
389 insurance company insuring the vehicle notwithstanding s.  
390 627.736, and all other persons claiming a lien thereon within 5  
391 7 business days, excluding a Saturday, and Sunday, or federal  
392 legal holiday, after the date of storage of the vehicle or  
393 vessel. ~~However, in no event shall the notice of lien be sent~~  
394 ~~less than 30 days before the sale of the vehicle or vessel~~. The  
395 notice must state all of the following:

396 1. If the claim of lien is for a vehicle, the last 8 digits  
397 of the vehicle identification number of the vehicle subject to  
398 the lien, or, if the claim of lien is for a vessel, the hull  
399 identification number of the vessel subject to the lien, clearly  
400 printed in the delivery address box and on the outside of the  
401 envelope sent to the registered owner and all other persons  
402 claiming an interest in therein or lien on the vehicle or vessel  
403 ~~thereon~~.

404 2. The name, physical address, and telephone number of the  
405 lienor, and the entity name, as registered with the Division of  
406 Corporations, of the business where the towing and storage

578-03038-24

2024774c1

407 occurred, which must also appear on the outside of the envelope  
408 sent to the registered owner and all other persons claiming an  
409 interest in or lien on the vehicle or vessel.

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

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

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

415 6. That charges have accrued and include an itemized  
416 statement of the amount thereof.

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

420 8. That any vehicle or vessel that remains unclaimed, or  
421 for which the charges for recovery, towing, or storage services  
422 remain unpaid, may be sold free of all prior liens 35 days after  
423 the vehicle or vessel is stored by the lienor if the vehicle or  
424 vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days  
425 after the vehicle or vessel is stored by the lienor if the  
426 vehicle or vessel is a newer model ~~3 years of age or less~~.

427 9. The address at which the vehicle or vessel is physically  
428 located.

429 (d) The notice of lien may not be sent to the registered  
430 owner, the insurance company insuring the vehicle or vessel, and  
431 all other persons claiming a lien thereon less than 30 days  
432 before the sale of a the vehicle or vessel that is an older  
433 model or less than 55 days before the sale of a vehicle or  
434 vessel that is a newer model.

435 (e) If attempts to locate the name and address of the owner

578-03038-24

2024774c1

436 or lienholder are ~~prove~~ unsuccessful, 5 ~~the towing-storage~~  
437 ~~operator shall, after 7~~ business days, excluding a Saturday, and  
438 Sunday, or federal legal holiday, after the initial tow or  
439 storage, the towing-storage operator must notify the public  
440 agency of jurisdiction where the vehicle or vessel is stored in  
441 writing by certified mail or receipt-acknowledged electronic  
442 delivery ~~acknowledged hand-delivery~~ that the towing-storage  
443 operator ~~company~~ has been unable to locate the name and address  
444 of the owner or lienholder and a physical search of the vehicle  
445 or vessel has disclosed no ownership information and a good  
446 faith effort has been made, including records checks of the  
447 Department of Highway Safety and Motor Vehicles database and the  
448 National Motor Vehicle Title Information System or an equivalent  
449 commercially available system. ~~For purposes of this paragraph~~  
450 ~~and subsection (9), the term "good faith effort" means that the~~  
451 ~~following checks have been performed by the company to establish~~  
452 ~~the prior state of registration and for title:~~

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

455 2. ~~A check of the electronic National Motor Vehicle Title~~  
456 ~~Information System or an equivalent commercially available~~  
457 ~~system to determine the state of registration when there is not~~  
458 ~~a current registration record for the vehicle or vessel on file~~  
459 ~~with the department.~~

460 3. ~~A check of the vehicle or vessel for any type of tag,~~  
461 ~~tag record, temporary tag, or regular tag.~~

462 4. ~~A check of the law enforcement report for a tag number~~  
463 ~~or other information identifying the vehicle or vessel, if the~~  
464 ~~vehicle or vessel was towed at the request of a law enforcement~~



578-03038-24

2024774c1

465 officer.

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

469 ~~6. If there is no address of the owner on the impound~~  
470 ~~report, a check of the law enforcement report to determine~~  
471 ~~whether an out-of-state address is indicated from driver license~~  
472 ~~information.~~

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

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

479 ~~9. A check of the vehicle for a vehicle identification~~  
480 ~~number.~~

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

482 ~~11. A check of the vessel hull for a hull identification~~  
483 ~~number which should be carved, burned, stamped, embossed, or~~  
484 ~~otherwise permanently affixed to the outboard side of the~~  
485 ~~transom or, if there is no transom, to the outmost seaboard side~~  
486 ~~at the end of the hull that bears the rudder or other steering~~  
487 ~~mechanism.~~

488 (5) (a) The registered owner of a vehicle or vessel in the  
489 possession of a towing-storage operator removed pursuant to  
490 subsection (2), the insurance company insuring the vehicle or  
491 vessel, and all other persons claiming a lien thereon ~~or any~~  
492 ~~person claiming a lien, other than the towing-storage operator,~~  
493 may initiate judicial proceedings within 10 days after the time

578-03038-24

2024774c1

494 ~~she or he has knowledge of the location of the vehicle or~~  
495 ~~vessel, may file a complaint in the county court of competent~~  
496 ~~jurisdiction in the county in which the vehicle or vessel is~~  
497 ~~stored to determine whether the vehicle or vessel ~~her or his~~~~  
498 ~~property was wrongfully taken or withheld or whether fees were~~  
499 ~~wrongfully charged.~~

500 (b) Regardless of whether judicial proceedings have been  
501 initiated pursuant to subparagraph (a), at any time before the  
502 sale of the vehicle or vessel by the towing-storage operator,  
503 the ~~an~~ owner of the vehicle or vessel, the insurance company  
504 insuring the vehicle or vessel, and all other persons claiming a  
505 lien thereon other than the towing-storage operator ~~or~~  
506 lienholder may have the ~~her or his~~ vehicle or vessel released  
507 upon posting with the clerk of the county court in the county in  
508 which the vehicle is held ~~court~~ a cash or surety bond or other  
509 adequate security equal to the amount of the accrued charges set  
510 forth in the notice of lien, plus accrued storage charges, at  
511 the time of the release of the vehicle or vessel, if any, ~~of the~~  
512 ~~charges for towing or storage and lot rental amount~~ to ensure  
513 the payment of such charges in the event a court determines that  
514 the vehicle or vessel was not wrongfully taken or withheld or  
515 fees were not wrongfully charged ~~she or he does not prevail.~~ The  
516 owner of the vehicle or vessel, the insurance company insuring  
517 the vehicle or vessel, and all other persons claiming a lien  
518 thereon other than the towing-storage operator must not be  
519 required to initiate judicial proceedings in order to post the  
520 bond in the registry of the court and are not required to use a  
521 particular form for posting the bond unless the clerk provides  
522 such form. Upon the posting of the bond and the payment of the

578-03038-24

2024774c1

523 applicable fee set forth in s. 28.24, the clerk of the court  
524 must automatically issue a certificate notifying the towing-  
525 storage operator of the posting of the bond and directing the  
526 towing-storage operator to release the vehicle or vessel to the  
527 party that posted the bond ~~the clerk of the court shall issue a~~  
528 ~~certificate notifying the lienor of the posting of the bond and~~  
529 ~~directing the lienor to release the vehicle or vessel.~~ At the  
530 time of such release, after reasonable inspection, the party  
531 that posted the bond must ~~she or he shall~~ give a receipt to the  
532 towing-storage operator ~~company~~ reciting any claims ~~she or he~~  
533 ~~has~~ for loss or damage to the vehicle or vessel or the contents  
534 thereof, or such claims are deemed waived.

535 1. Upon receiving a copy of a certificate giving notice of  
536 the posting of the bond in the required amount and directing  
537 release of the vehicle or vessel, a towing-storage operator who  
538 fails to release or return the vehicle or vessel to the party  
539 which posted the bond commits a misdemeanor of the second  
540 degree, punishable as provided in s. 775.082 or s. 775.083.

541 2. If the party posting the bond does not initiate judicial  
542 proceedings pursuant to paragraph (a) within 60 days after the  
543 issuance of the certificate by the clerk of the court, then upon  
544 request by the towing-storage operator the clerk of court must  
545 release the cash or surety bond to the towing-storage operator.

546 (c) Upon determining the respective rights of the parties,  
547 the court may award damages, attorney ~~attorney's~~ fees, and costs  
548 in favor of the prevailing party. In the event the towing-  
549 storage operator prevails ~~In any event,~~ the final order must  
550 ~~shall~~ provide for immediate payment in full of recovery, towing,  
551 and storage fees by the vehicle or vessel owner or lienholder;

578-03038-24

2024774c1

552 or the agency ordering the tow; or the owner, lessee, or agent  
553 thereof of the property from which the vehicle or vessel was  
554 removed.

555 (6) A vehicle or vessel that is stored pursuant to  
556 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for  
557 which reasonable charges for recovery, towing, or storing remain  
558 unpaid, and any contents not released pursuant to subsection  
559 (10), may be sold by the owner or operator of the storage space  
560 for such towing or storage charge 35 days after the vehicle or  
561 vessel is stored by the lienor if the vehicle or vessel is an  
562 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the  
563 vehicle or vessel is stored by the lienor if the vehicle or  
564 vessel is a newer model ~~3 years of age or less~~. The sale must  
565 ~~shall~~ be at public sale for cash. If the date of the sale was  
566 not included in the notice required in subsection (4), notice of  
567 the sale must ~~shall~~ be given to the person in whose name the  
568 vehicle or vessel is registered and to all persons claiming a  
569 lien on the vehicle or vessel as shown on the records of the  
570 Department of Highway Safety and Motor Vehicles or of any  
571 corresponding agency in any other state in which the vehicle is  
572 identified through a records check of the National Motor Vehicle  
573 Title Information System or an equivalent commercially available  
574 system as being titled. Notice of the sale must be sent by  
575 certified mail to the registered owner of the vehicle or vessel,  
576 the insurance company insuring the vehicle or vessel, and the  
577 person having the recorded lien on the vehicle or vessel at the  
578 address shown on the records of the registering agency at least  
579 30 days before the sale of the vehicle or vessel. ~~The notice~~  
580 ~~must have clearly identified and printed, if the claim of lien~~

578-03038-24

2024774c1

581 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle  
582 identification number of the ~~motor~~ vehicle subject to the lien,  
583 or, if the claim of lien is for a vessel, the hull  
584 identification number of the vessel subject to the lien, must be  
585 clearly identified and printed in the delivery address box and  
586 on the outside of the envelope sent to the registered owner and  
587 all other persons claiming an interest in ~~therein~~ or lien on the  
588 vehicle or vessel ~~thereon~~. ~~The notice must be sent to the owner~~  
589 ~~of the vehicle or vessel and the person having the recorded lien~~  
590 ~~on the vehicle or vessel at the address shown on the records of~~  
591 ~~the registering agency at least 30 days before the sale of the~~  
592 ~~vehicle or vessel~~. The notice must state the name, physical  
593 address, and telephone number of the lienor, and the vehicle  
594 identification number if the claim of lien is for a vehicle or  
595 the hull identification number if the claim of lien is for a  
596 vessel, all of which must also appear in the return address  
597 section on the outside of the envelope containing the notice of  
598 sale. After diligent search and inquiry, if the name and address  
599 of the registered owner or the owner of the recorded lien cannot  
600 be ascertained, the requirements of notice by mail may be  
601 dispensed with. In addition to the notice by mail, public notice  
602 of the time and place of sale must ~~shall~~ be made by publishing a  
603 notice thereof one time, at least 20 ~~10~~ days before the date of  
604 the sale, on the publicly available website maintained by an  
605 approved third-party service. The third-party service must  
606 electronically report to the Department of Highway Safety and  
607 Motor Vehicles, via an electronic data exchange process using a  
608 web interface, the name, physical address, and telephone number  
609 of the lienor; the time and place of the sale; the vehicle's

578-03038-24

2024774c1

610 license plate number, if known; the vehicle identification  
611 number, if the claim of lien is for a vehicle, or the hull  
612 identification number, if the claim of lien is for a vessel; and  
613 the amount due for towing, recovery, storage, and administrative  
614 fees. The third-party service that publishes the public notice  
615 of sale and electronically reports the required information to  
616 the department may collect and retain a service charge of no  
617 more than \$1 in a newspaper of general circulation in the county  
618 ~~in which the sale is to be held.~~ The proceeds of the sale, after  
619 payment of reasonable towing and storage charges, and costs of  
620 the sale, in that order of priority, must ~~shall~~ be deposited  
621 with the clerk of the circuit court for the county if the owner  
622 or lienholder is absent, and the clerk must ~~shall~~ hold such  
623 proceeds subject to the claim of the owner or lienholder legally  
624 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5  
625 percent of such proceeds for the care and disbursement thereof.  
626 The certificate of title issued under this section must ~~this law~~  
627 ~~shall~~ be discharged of all liens unless otherwise provided by  
628 court order. The owner or lienholder may file a complaint after  
629 the vehicle or vessel has been sold in the county court of the  
630 county in which it is stored. Upon determining the respective  
631 rights of the parties, the court may award damages, attorney  
632 fees, and costs in favor of the prevailing party.

633 (8) A towing-storage operator ~~person regularly engaged in~~  
634 ~~the business of recovering, towing, or storing vehicles or~~  
635 ~~vessels,~~ except a person licensed under chapter 493 while  
636 engaged in "repossession" activities as defined in s. 493.6101,  
637 may not operate a wrecker, tow truck, or car carrier unless the  
638 name, address, and telephone number of the company performing

578-03038-24

2024774c1

639 the service is clearly printed in contrasting colors on the  
640 driver and passenger sides of its vehicle. The name must be in  
641 at least 3-inch permanently affixed letters, and the address and  
642 telephone number must be in at least 1-inch permanently affixed  
643 letters.

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

652 (10) A towing-storage operator must ~~Persons who provide~~  
653 ~~services pursuant to this section shall~~ permit vehicle or vessel  
654 owners, lienholders, insurance company representatives, or their  
655 agents, whose interest in the vehicle or vessel is evidenced by  
656 any of the documents listed in subsection (17) ~~which agency is~~  
657 ~~evidenced by an original writing acknowledged by the owner~~  
658 ~~before a notary public or other person empowered by law to~~  
659 ~~administer oaths~~, to inspect the towed vehicle or vessel and  
660 must shall release to the owner, lienholder, or agent the  
661 vehicle, vessel, or all personal property not affixed to the  
662 vehicle or vessel which was in the vehicle or vessel at the time  
663 the vehicle or vessel came into the custody of the towing-  
664 storage operator. The inspection and release of the vehicle,  
665 vessel, or personal property must be permitted within 1 hour  
666 after the owner, lienholder, insurance company representative,  
667 or their agent presents any of the documents listed in

578-03038-24

2024774c1

668 subsection (17) to the towing-storage operator during normal  
669 business hours at the site where the vehicle or vessel is  
670 stored. Notwithstanding subparagraph (17) (a) 5., a rental vehicle  
671 or vessel agreement is not evidence that the person who rented a  
672 vehicle or vessel is an agent of the rental vehicle or vessel  
673 owner for the purpose of releasing the vehicle or vessel.  
674 However, a towing-storage operator must release to the renter of  
675 a rental vehicle or vessel all personal property belonging to  
676 the renter which is not affixed to the rental vehicle or vessel  
677 within 1 hour after the renter's arrival ~~person providing such~~  
678 services.

679 (11) (a) A towing-storage operator ~~Any person regularly~~  
680 ~~engaged in the business of recovering, towing, or storing~~  
681 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
682 vessel pursuant to paragraph (2) (b) subsection (2) and who has  
683 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
684 when such vehicle or vessel is to be sold for purposes of being  
685 dismantled, destroyed, or changed in such manner that it is not  
686 the ~~motor~~ vehicle or vessel described in the certificate of  
687 title, must ~~shall~~ report the vehicle to the National Motor  
688 Vehicle Title Information System and apply to the Department of  
689 Highway Safety and Motor Vehicles for a certificate of  
690 destruction. A certificate of destruction, which authorizes the  
691 dismantling or destruction of the vehicle or vessel described  
692 therein, is ~~shall be~~ reassignable a maximum of two times before  
693 dismantling or destruction of the vehicle is ~~shall be~~ required,  
694 and must ~~shall~~ accompany the vehicle or vessel for which it is  
695 issued, when such vehicle or vessel is sold for such purposes,  
696 in lieu of a certificate of title. The application for a



578-03038-24

2024774c1

697 certificate of destruction must include proof of reporting to  
698 the National Motor Vehicle Title Information System and an  
699 affidavit from the applicant that she or he ~~it~~ has complied with  
700 all applicable requirements of this section and, if the vehicle  
701 or vessel is not registered in this state or any other state, by  
702 a statement from a law enforcement officer that the vehicle or  
703 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
704 such documentation as may be required by the department.

705 (12) (a) Any person who violates ~~any provision of subsection~~  
706 ~~(1)~~, subsection (2), subsection (4), subsection (5), subsection  
707 (6), or subsection (7) commits ~~is guilty of~~ a misdemeanor of the  
708 first degree, punishable as provided in s. 775.082 or s.  
709 775.083.

710 (d) Employees of the Department of Highway Safety and Motor  
711 Vehicles and law enforcement officers are authorized to inspect  
712 the records of a towing-storage operator ~~any person regularly~~  
713 ~~engaged in the business of recovering, towing, or storing~~  
714 ~~vehicles or vessels or transporting vehicles or vessels by~~  
715 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with  
716 the requirements of this section. A towing-storage operator ~~Any~~  
717 ~~person~~ who fails to maintain records, or fails to produce  
718 records when required in a reasonable manner and at a reasonable  
719 time, commits a misdemeanor of the first degree, punishable as  
720 provided in s. 775.082 or s. 775.083.

721 (13) (a) Upon receipt by the Department of Highway Safety  
722 and Motor Vehicles of written notice from a wrecker operator who  
723 claims a wrecker operator's lien under subparagraph (2) (b) 4.  
724 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an  
725 abandoned vehicle or vessel upon instructions from any law

578-03038-24

2024774c1

726 enforcement agency, for which a certificate of destruction has  
727 been issued under subsection (11) and the vehicle has been  
728 reported to the National Motor Vehicle Title Information System,  
729 the department shall place the name of the registered owner of  
730 that vehicle or vessel on the list of those persons who may not  
731 be issued a license plate or revalidation sticker for any motor  
732 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
733 jointly by more than one person, the name of each registered  
734 owner must ~~shall~~ be placed on the list. The notice of wrecker  
735 operator's lien must ~~shall~~ be submitted on forms provided by the  
736 department and, which must include all of the following:

737 1. The name, address, and telephone number of the wrecker  
738 operator.

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

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

744 4. The vehicle identification number (VIN); registration  
745 license plate number, state, and year; validation decal number,  
746 state, and year; vessel registration number; hull identification  
747 number; or other identification number, as applicable.

748 5. The name of the person or the corresponding law  
749 enforcement agency that requested that the vehicle or vessel be  
750 recovered, towed, or stored.

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

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

578-03038-24

2024774c1

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

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

578-03038-24

2024774c1

784 allowed by paragraph (b), for which the department will prevent  
785 issuance of a license plate or revalidation sticker, has been  
786 discharged.

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

790 1. An electronic title.

791 2. A paper title.

792 3. A contract between a lender and the owner of the vehicle  
793 or vessel.

794 4. A contract between a lessor and the lessee of the  
795 vehicle or vessel.

796 5. A notarized written agreement evidencing that the person  
797 is an agent of the vehicle or vessel owner, lienholder, or  
798 insurance company.

799 (b) Except as otherwise provided, a towing-storage operator  
800 may not require any of the documents listed in paragraph (a) to  
801 be notarized.

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

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

811 (a) All notice publications and certified mailings.

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

578-03038-24

2024774c1

813 sold.

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

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

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

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

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

825 2. Bank, debit, or credit card.

826 3. Mobile payment service, digital wallet, or other  
827 electronic payment system.

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

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

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

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

841 3. Before attaching a vehicle or vessel to a wrecker,

578-03038-24

2024774c1

842 furnish the rate sheet to the owner or operator of the vehicle  
843 or vessel, if the owner or operator is present at the scene of  
844 the disabled vehicle or vessel.

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

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

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

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

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

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

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

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

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

868 6. The cost of the initial towing service.

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

870 8. Other fees, including administrative fees, vehicle or

578-03038-24

2024774c1

871 vessel search fees, fees for hazardous material and nonhazardous  
872 material cleanup, and fees for labor.

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

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

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

886 1. A law enforcement agency;

887 2. The Attorney General;

888 3. A city attorney, a county attorney, or the prosecuting  
889 attorney having jurisdiction in the location of any of the  
890 towing-storage operator's business locations;

891 4. The vehicle or vessel owner, lienholder, insurance  
892 company, or their agent; or

893 5. If the vehicle or vessel was involved in a collision,  
894 any individual involved in the underlying collision or the  
895 individual's insurance company.

896 (21) This section is the exclusive remedy for the placement  
897 or foreclosure of a storage lien placed on a vehicle or vessel  
898 pursuant to ss. 83.19 and 677.210.

899 Section 7. Paragraph (a) of subsection (2) of section

578-03038-24

2024774c1

900 715.07, Florida Statutes, is amended to read:

901 715.07 Vehicles or vessels parked on private property;  
902 towing.—

903 (2) The owner or lessee of real property, or any person  
904 authorized by the owner or lessee, which person may be the  
905 designated representative of the condominium association if the  
906 real property is a condominium, may cause any vehicle or vessel  
907 parked on such property without her or his permission to be  
908 removed by a person regularly engaged in the business of towing  
909 vehicles or vessels, without liability for the costs of removal,  
910 transportation, or storage or damages caused by such removal,  
911 transportation, or storage, under any of the following  
912 circumstances:

913 (a) The towing or removal of any vehicle or vessel from  
914 private property without the consent of the registered owner or  
915 other legally authorized person in control of that vehicle or  
916 vessel is subject to substantial compliance with the following  
917 conditions and restrictions:

918 1.a. Any towed or removed vehicle or vessel must be stored  
919 at a site within a 10-mile radius of the point of removal in any  
920 county of 500,000 population or more, and within a 15-mile  
921 radius of the point of removal in any county of fewer than  
922 500,000 population. That site must be open for the purpose of  
923 redemption of vehicles on any day that the person or firm towing  
924 such vehicle or vessel is open for towing purposes, from 8:00  
925 a.m. to 6:00 p.m., and, when closed, shall have prominently  
926 posted a sign indicating a telephone number where the operator  
927 of the site can be reached at all times. Upon receipt of a  
928 telephoned request to open the site to redeem a vehicle or



578-03038-24

2024774c1

929 vessel, the operator shall return to the site within 1 hour or  
930 she or he will be in violation of this section.

931 b. If no towing business providing such service is located  
932 within the area of towing limitations set forth in sub-  
933 subparagraph a., the following limitations apply: any towed or  
934 removed vehicle or vessel must be stored at a site within a 20-  
935 mile radius of the point of removal in any county of 500,000  
936 population or more, and within a 30-mile radius of the point of  
937 removal in any county of fewer than 500,000 population.

938 2. The person or firm towing or removing the vehicle or  
939 vessel shall, within 30 minutes after completion of such towing  
940 or removal, notify the municipal police department or, in an  
941 unincorporated area, the sheriff, of such towing or removal, the  
942 storage site, the time the vehicle or vessel was towed or  
943 removed, and the make, model, color, and license plate number of  
944 the vehicle or description and registration number of the vessel  
945 and shall obtain the name of the person at that department to  
946 whom such information was reported and note that name on the  
947 trip record.

948 3. A person in the process of towing or removing a vehicle  
949 or vessel from the premises or parking lot in which the vehicle  
950 or vessel is not lawfully parked must stop when a person seeks  
951 the return of the vehicle or vessel. The vehicle or vessel must  
952 be returned upon the payment of a reasonable service fee of not  
953 more than one-half of the posted rate for the towing or removal  
954 service as provided in subparagraph 6. The vehicle or vessel may  
955 be towed or removed if, after a reasonable opportunity, the  
956 owner or legally authorized person in control of the vehicle or  
957 vessel is unable to pay the service fee. If the vehicle or

578-03038-24

2024774c1

958 vessel is redeemed, a detailed signed receipt must be given to  
959 the person redeeming the vehicle or vessel.

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

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

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

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

986 c. The notice must also provide the name and current

578-03038-24

2024774c1

987 telephone number of the person or firm towing or removing the  
988 vehicles or vessels.

989 d. The sign structure containing the required notices must  
990 be permanently installed with the words "tow-away zone" not  
991 fewer than 3 feet and not more than 6 feet above ground level  
992 and must be continuously maintained on the property for not  
993 fewer than 24 hours before the towing or removal of any vehicles  
994 or vessels.

995 e. The local government may require permitting and  
996 inspection of these signs before any towing or removal of  
997 vehicles or vessels being authorized.

998 f. A business with 20 or fewer parking spaces satisfies the  
999 notice requirements of this subparagraph by prominently  
1000 displaying a sign stating "Reserved Parking for Customers Only  
1001 Unauthorized Vehicles or Vessels Will be Towed Away At the  
1002 Owner's Expense" in not fewer than 4-inch high, light-reflective  
1003 letters on a contrasting background.

1004 g. A property owner towing or removing vessels from real  
1005 property must post notice, consistent with the requirements in  
1006 sub-subparagraphs a.-f., which apply to vehicles, that  
1007 unauthorized vehicles or vessels will be towed away at the  
1008 owner's expense.

1009  
1010 A business owner or lessee may authorize the removal of a  
1011 vehicle or vessel by a towing company when the vehicle or vessel  
1012 is parked in such a manner that restricts the normal operation  
1013 of business; and if a vehicle or vessel parked on a public  
1014 right-of-way obstructs access to a private driveway the owner,  
1015 lessee, or agent may have the vehicle or vessel removed by a

578-03038-24

2024774c1

1016 towing company upon signing an order that the vehicle or vessel  
1017 be removed without a posted tow-away zone sign.

1018         6. Any person or firm that tows or removes vehicles or  
1019 vessels and proposes to require an owner, operator, or person in  
1020 control or custody of a vehicle or vessel to pay the costs of  
1021 towing and storage before redemption of the vehicle or vessel  
1022 must file and keep on record with the local law enforcement  
1023 agency a complete copy of the current rates to be charged for  
1024 such services and post at the storage site an identical rate  
1025 schedule and any written contracts with property owners,  
1026 lessees, or persons in control of property which authorize such  
1027 person or firm to remove vehicles or vessels as provided in this  
1028 section.

1029         7. Any person or firm towing or removing any vehicles or  
1030 vessels from private property without the consent of the owner  
1031 or other legally authorized person in control or custody of the  
1032 vehicles or vessels shall, on any trucks, wreckers as defined in  
1033 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the  
1034 towing or removal, have the name, address, and telephone number  
1035 of the company performing such service clearly printed in  
1036 contrasting colors on the driver and passenger sides of the  
1037 vehicle. The name shall be in at least 3-inch permanently  
1038 affixed letters, and the address and telephone number shall be  
1039 in at least 1-inch permanently affixed letters.

1040         8. Vehicle entry for the purpose of removing the vehicle or  
1041 vessel shall be allowed with reasonable care on the part of the  
1042 person or firm towing the vehicle or vessel. Such person or firm  
1043 shall be liable for any damage occasioned to the vehicle or  
1044 vessel if such entry is not in accordance with the standard of

578-03038-24

2024774c1

1045 reasonable care.

1046       9. When a vehicle or vessel has been towed or removed  
1047 pursuant to this section, it must be released to its owner or  
1048 person in control or custody within 1 hour after requested. Any  
1049 vehicle or vessel owner or person in control or custody has the  
1050 right to inspect the vehicle or vessel before accepting its  
1051 return, and no release or waiver of any kind which would release  
1052 the person or firm towing the vehicle or vessel from liability  
1053 for damages noted by the owner or person in control or custody  
1054 at the time of the redemption may be required from any vehicle  
1055 or vessel owner or person in control or custody as a condition  
1056 of release of the vehicle or vessel to its owner or person in  
1057 control or custody. A detailed receipt showing the legal name of  
1058 the company or person towing or removing the vehicle or vessel  
1059 must be given to the person paying towing or storage charges at  
1060 the time of payment, whether requested or not.

1061       Section 8. This act shall take effect July 1, 2024.