

By the Committees on Rules; and Community Affairs; and Senator Perry

595-03595-24

2024774c2

1 A bill to be entitled
2 An act relating to towing and storage; amending ss.
3 125.0103 and 166.043, F.S.; requiring certain counties
4 and authorizing certain municipalities to establish
5 maximum rates for cleanup and disposal of hazardous
6 and nonhazardous materials under certain
7 circumstances; providing applicability; requiring a
8 wrecker service to make a certain notification under
9 specified circumstances; providing construction;
10 requiring certain counties and municipalities to
11 publish specified rates on their websites and
12 establish a specified process; providing that rates
13 established by the Division of Florida Highway Patrol
14 apply to certain areas of the state; amending s.
15 321.051, F.S.; prohibiting the division from excluding
16 certain wrecker operators from the wrecker operator
17 system or failing to designate certain wrecker
18 operators as authorized wrecker operators; providing
19 exceptions; requiring, rather than authorizing, the
20 division to establish certain maximum rates; requiring
21 a wrecker operator to make a certain notification
22 under specified circumstances; providing construction;
23 requiring the Department of Highway Safety and Motor
24 Vehicles to publish specified rates on its website and
25 establish a specified process; amending s. 323.001,
26 F.S.; requiring certain persons to take possession of
27 certain vehicles within a specified timeframe, unless
28 another timeframe is otherwise agreed upon; amending
29 s. 713.78, F.S.; providing and reordering definitions;

595-03595-24

2024774c2

30 authorizing towing-storage operators to charge certain
31 fees; providing that towing-storage operators have a
32 lien on a vehicle or vessel for such fees; authorizing
33 towing-storage operators to enter, using reasonable
34 care, a vehicle or vessel for specified purposes;
35 providing liability under certain circumstances;
36 revising requirements for law enforcement agencies,
37 counties, municipalities, and the department relating
38 to the removal of vehicles or vessels; revising
39 requirements for notices of lien; revising
40 requirements for towing-storage operators; providing
41 notice to public agencies of jurisdiction; authorizing
42 certain persons with an interest in a vehicle or
43 vessel in the possession of a towing-storage operator
44 to initiate judicial proceedings where the vehicle or
45 vessel was taken from to determine certain findings;
46 authorizing certain interested parties of a vehicle or
47 vessel to take possession of it prior to sale if the
48 interested party posts a cash or surety bond with the
49 county clerk of the court without first initiating
50 judicial proceedings; requiring the clerk of the court
51 to issue a certificate notifying the towing-storage
52 operator of the posting of the bond and to direct the
53 towing-storage operator to release the vehicle or
54 vessel to the interested party; requiring the party
55 who posts the bond to give a receipt to the towing-
56 storage operator reciting any property loss or damage
57 to the vehicle or vessel or the contents thereof, and
58 waiving such claims if such receipt is not provided;

595-03595-24

2024774c2

59 requiring a towing-storage operator to release or
60 return the vehicle or vessel to the interested party
61 after the party posts a cash or surety bond; requiring
62 the clerk of the court to release the cash bond or
63 issue a specified notice relating to the surety bond
64 to the towing-storage operator if the interested party
65 does not initiate judicial proceedings within a
66 certain timeframe; providing obligations relating to
67 such notice; providing for expiration of such notice;
68 requiring the court to award all fees to the towing-
69 storage operator if the defendant prevails in the
70 judicial proceedings; revising the timeframe in which
71 certain unclaimed vehicles or vessels may be sold;
72 revising requirements for notices of sale; requiring
73 approved third-party services to publish public
74 notices of sale and report certain information by
75 specified means to the department; providing the
76 maximum fee that approved third-party services may
77 collect and retain for such services; revising
78 provisions for permission to inspect a vehicle or
79 vessel; providing timeframes in which a vehicle,
80 vessel, or personal property must be made available
81 for inspection and release; revising criminal
82 penalties; requiring towing-storage operators to
83 accept certain documents, one of which must be
84 notarized, as evidence of a person's interest in a
85 vehicle or vessel; providing that one form of current
86 government-issued identification constitutes
87 sufficient identity verification for a certain

595-03595-24

2024774c2

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

102
103 Be It Enacted by the Legislature of the State of Florida:

104
105 Section 1. Paragraphs (b) and (c) of subsection (1) of
106 section 125.0103, Florida Statutes, are amended, and paragraphs
107 (d) and (e) are added to that subsection, to read:

108 125.0103 Ordinances and rules imposing price controls.-

109 (1)

110 (b) This section does not prevent the enactment by local
111 governments of public service rates otherwise authorized by law,
112 including water, sewer, solid waste, public transportation,
113 taxicab, or port rates; ; rates for towing of vehicles or vessels
114 from or immobilization of vehicles or vessels on private
115 property; ; or rates for removal and storage of wrecked or
116 disabled vehicles or vessels from an accident scene or the

595-03595-24

2024774c2

117 removal and storage of vehicles or vessels, in the event the
118 owner or operator is incapacitated, unavailable, leaves the
119 procurement of wrecker service to the law enforcement officer at
120 the scene, or otherwise does not consent to the removal of the
121 vehicle or vessel.

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

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

595-03595-24

2024774c2

146 under this paragraph, the county's ordinance does not apply
147 within such municipality.

148 2. A wrecker service that is requested to perform cleanup
149 or disposal of hazardous or nonhazardous materials subject to
150 maximum rates established under subparagraph 1. must notify the
151 applicable local government as soon as practicable of its
152 intention not to perform such cleanup or disposal.

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

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

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

172 166.043 Ordinances and rules imposing price controls.—

173 (1)

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

595-03595-24

2024774c2

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

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

200 (d)1. Counties must, and municipalities may, establish
201 maximum rates which a wrecker service may charge for cleanup and
202 disposal of hazardous and nonhazardous materials incidental to
203 removal and storage of wrecked or disabled vehicles or vessels

595-03595-24

2024774c2

204 from an accident scene or the removal and storage of vehicles or
205 vessels, in the event the owner or operator is incapacitated,
206 unavailable, leaves the procurement of wrecker service to the
207 law enforcement officer at the scene, or otherwise does not
208 consent to the removal of the vehicle or vessel. If a
209 municipality enacts an ordinance establishing maximum rates
210 under this paragraph, the county's ordinance does not apply
211 within such municipality.

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

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

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

595-03595-24

2024774c2

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

235 321.051 Florida Highway Patrol wrecker operator system;
236 penalties for operation outside of system.-

237 (2) (a) The Division of Florida Highway Patrol of the
238 Department of Highway Safety and Motor Vehicles is authorized to
239 establish within areas designated by the patrol a wrecker
240 operator system using qualified, reputable wrecker operators for
241 removal and storage of wrecked or disabled vehicles from a crash
242 scene or for removal and storage of abandoned vehicles, in the
243 event the owner or operator is incapacitated or unavailable or
244 leaves the procurement of wrecker service to the officer at the
245 scene. All reputable wrecker operators are ~~shall be~~ eligible for
246 use in the system provided their equipment and drivers meet
247 recognized safety qualifications and mechanical standards set by
248 rules of the Division of Florida Highway Patrol for the size of
249 vehicle it is designed to handle. The division may not exclude a
250 wrecker operator from the wrecker operator system or fail to
251 designate a wrecker operator as an authorized wrecker operator
252 based solely on a prior felony conviction unless such conviction
253 is for a forcible felony as defined in s. 776.08 or a felony
254 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is
255 authorized to limit the number of wrecker operators
256 participating in the wrecker operator system, which authority
257 shall not affect wrecker operators currently participating in
258 the system established by this section. The division must ~~is~~
259 ~~authorized to~~ establish maximum rates for the towing and storage
260 of vehicles removed at the division's request, and for cleanup
261 and disposal of hazardous and nonhazardous materials incidental

595-03595-24

2024774c2

262 to the towing of such vehicles, where such rates have not been
263 set by a county or municipality pursuant to s. 125.0103 or s.
264 166.043. Such rates shall not be considered rules for the
265 purpose of chapter 120; however, the department shall establish
266 by rule a procedure for setting such rates.

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

273 2. This subsection does not create a duty on the part of a
274 vehicle owner who is a named insured on a valid insurance
275 contract, or the insurer who issues such contract, to pay for
276 cleanup or disposal of hazardous or nonhazardous materials
277 beyond what is covered under the vehicle's insurance contract in
278 place at the time of the incident requiring such cleanup or
279 disposal of hazardous or nonhazardous materials.

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

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

595-03595-24

2024774c2

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

293 323.001 Wrecker operator storage facilities; vehicle
294 holds.—

295 (8) If a vehicle is stored at a wrecker operator's facility
296 pursuant to an investigatory hold or a hold for other
297 evidentiary purposes, the investigatory agency or other person
298 requiring such hold must take possession of the vehicle within
299 30 days after the first day on which the vehicle is stored,
300 unless another timeframe is otherwise agreed upon by the wrecker
301 operator and the investigatory agency or other person requiring
302 the hold.

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

309 713.78 Liens for recovering, towing, or storing vehicles
310 and vessels.—

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

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

314 (h)~~(b)~~ "Vessel" means every description of watercraft,
315 barge, and airboat used or capable of being used as a means of
316 transportation on water, other than a seaplane or a "documented
317 vessel" as defined in s. 327.02.

318 (i)~~(c)~~ "Wrecker" means any truck or other vehicle that
319 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~

595-03595-24

2024774c2

320 vehicles or vessels upon the streets and highways of this state
321 and ~~which~~ is equipped for that purpose with a boom, winch, car
322 carrier, or other similar equipment.

323 (c)~~(d)~~ "National Motor Vehicle Title Information System"
324 means the federally authorized electronic National Motor Vehicle
325 Title Information System.

326 (a)~~(e)~~ "Equivalent commercially available system" means a
327 service that charges a fee to provide vehicle information and
328 that, at a minimum, maintains records from those states
329 participating in data sharing with the National Motor Vehicle
330 Title Information System.

331 (b) "Good faith effort" means that all of the following
332 checks have been performed by a towing-storage operator to
333 establish the prior state of registration and title of a vehicle
334 or vessel that has been towed or stored by the towing-storage
335 operator:

336 1. A check of the department's database for the owner and
337 any lienholder.

338 2. A check of the electronic National Motor Vehicle Title
339 Information System or an equivalent commercially available
340 system to determine the state of registration when there is not
341 a current registration record for the vehicle or vessel on file
342 with the department.

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

345 4. A check of the law enforcement report for a tag number
346 or other information identifying the vehicle or vessel, if the
347 vehicle or vessel was towed at the request of a law enforcement
348 officer.

595-03595-24

2024774c2

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

352 6. If there is no address of the owner on the impound
353 report, a check of the law enforcement report to determine
354 whether an out-of-state address is indicated from driver license
355 information.

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

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

362 9. A check of the vehicle for a vehicle identification
363 number.

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

365 11. A check of the vessel hull for a hull identification
366 number, which should be carved, burned, stamped, embossed, or
367 otherwise permanently affixed to the outboard side of the
368 transom or, if there is no transom, to the outmost seaboard side
369 at the end of the hull that bears the rudder or other steering
370 mechanism.

371 (d) "Newer model" means a vehicle or vessel that is 3 model
372 years old or less, beginning with the model year of the vehicle
373 or vessel as year 1.

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

377 (f) "Towing-storage operator" means a person who regularly

595-03595-24

2024774c2

378 engages in the business of transporting vehicles or vessels by
379 wrecker, tow truck, or car carrier, or the storing of such
380 vehicles or vessels.

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

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

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

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

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

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

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

405 1. ~~(a)~~ The owner thereof;

406 2. ~~(b)~~ The owner or lessor, or a person authorized by the

595-03595-24

2024774c2

407 owner or lessor, of property on which such vehicle or vessel is
408 wrongfully parked, and the removal is done in compliance with s.
409 715.07;

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

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

415
416 she or he has ~~shall have~~ a lien on the vehicle or vessel for
417 fees specified in paragraph (a) a reasonable towing fee, for a
418 reasonable administrative fee or charge imposed by a county or
419 municipality, and for a reasonable storage fee; except that a
420 storage fee may not be charged if the vehicle or vessel is
421 stored for less ~~fewer~~ than 6 hours.

422 (c) A towing-storage operator may enter, using reasonable
423 care, a vehicle or vessel for purposes of recovering, removing,
424 or storing such vehicle or vessel. A towing-storage operator is
425 liable for any damage to the vehicle or vessel if such entry is
426 not in accordance with the standard of reasonable care.

427 (4) (a) A towing-storage operator ~~person regularly engaged~~
428 ~~in the business of recovering, towing, or storing vehicles or~~
429 ~~vessels~~ who comes into possession of a vehicle or vessel
430 pursuant to paragraph (2) (b) subsection (2), and who claims a
431 lien for recovery, towing, or storage services, must ~~shall~~ give
432 notice, by certified mail, pursuant to subsection (16), to the
433 registered owner, the insurance company insuring the vehicle or
434 vessel notwithstanding s. 627.736, and all persons claiming a
435 lien thereon, as disclosed by the records in the Department of

595-03595-24

2024774c2

436 Highway Safety and Motor Vehicles or as disclosed by the records
437 of any corresponding agency in any other state in which the
438 vehicle or vessel is identified through a records check of the
439 National Motor Vehicle Title Information System or an equivalent
440 commercially available system as being titled or registered.

441 (b) When ~~Whenever~~ a law enforcement agency, county, or
442 municipality authorizes the removal of a vehicle or vessel, or
443 ~~whenever~~ a towing service, garage, repair shop, or automotive
444 service, storage, or parking place notifies a ~~the~~ law
445 enforcement agency of possession of a vehicle or vessel pursuant
446 to s. 715.07(2)(a)2., if an approved third-party service cannot
447 obtain the vehicle's or vessel's owner, lienholder, and insurer
448 information or last state of record pursuant to subsection (16),
449 the person in charge of the towing service, garage, repair shop,
450 or automotive service, storage, or parking place must request
451 such information from the law enforcement agency of the
452 jurisdiction where the vehicle or vessel is stored. The law
453 enforcement agency to which the request was made must ~~shall~~
454 contact the Department of Highway Safety and Motor Vehicles, or
455 the appropriate agency of the state of registration, if known,
456 within 24 hours through the medium of electronic communications,
457 giving the full description of the vehicle or vessel. Upon
458 receipt of the full description of the vehicle or vessel, the
459 department must ~~shall~~ search its files to determine the owner's
460 name, the insurance company insuring the vehicle or vessel, and
461 whether any person has filed a lien upon the vehicle or vessel
462 as provided in s. 319.27(2) and (3) and notify the applicable
463 law enforcement agency within 72 hours. The person in charge of
464 the towing service, garage, repair shop, or automotive service,

595-03595-24

2024774c2

465 storage, or parking place must request ~~shall obtain~~ such
466 information from the applicable law enforcement agency within 5
467 days after the date of storage and must provide the information
468 to the approved third-party service in order to transmit notices
469 as required under subsection (16) ~~shall give notice pursuant to~~
470 ~~paragraph (a)~~. The department may release the insurance company
471 information to the requestor notwithstanding s. 627.736.

472 (c) The notice of lien must be sent by an approved third-
473 party service by certified mail to the registered owner, the
474 insurance company insuring the vehicle notwithstanding s.
475 627.736, and all other persons claiming a lien thereon within 5
476 7 business days, excluding a Saturday, and Sunday, or federal
477 legal holiday, after the date of storage of the vehicle or
478 vessel. ~~However, in no event shall the notice of lien be sent~~
479 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
480 notice must state all of the following:

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

489 2. The name, physical address, and telephone number of the
490 lienor, and the entity name, as registered with the Division of
491 Corporations, of the business where the towing and storage
492 occurred, which must also appear on the outside of the envelope
493 sent to the registered owner and all other persons claiming an

595-03595-24

2024774c2

494 interest in or lien on the vehicle or vessel.

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

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

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

500 6. That charges have accrued and include an itemized
501 statement of the amount thereof.

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

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

512 9. The address at which the vehicle or vessel is physically
513 located.

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

520 (e) If attempts to locate the name and address of the
521 registered owner, the insurance company insuring the vehicle or
522 vessel, and any other person claiming a lien thereon are ~~or~~

595-03595-24

2024774c2

523 ~~lienholder prove unsuccessful, 5 the towing-storage operator~~
524 ~~shall, after 7 business days, excluding a Saturday, and Sunday,~~
525 ~~or federal legal holiday, after the initial tow or storage, the~~
526 ~~towing-storage operator must~~ notify the public agency of
527 jurisdiction where the vehicle or vessel is stored in writing by
528 certified mail or receipt-acknowledged electronic delivery
529 ~~acknowledged hand delivery~~ that the towing-storage operator
530 ~~company~~ has been unable to locate the name and address of the
531 owner or lienholder and a physical search of the vehicle or
532 vessel has disclosed no ownership information and a good faith
533 effort has been made, including records checks of the Department
534 of Highway Safety and Motor Vehicles database and the National
535 Motor Vehicle Title Information System or an equivalent
536 commercially available system. ~~For purposes of this paragraph~~
537 ~~and subsection (9), the term "good faith effort" means that the~~
538 ~~following checks have been performed by the company to establish~~
539 ~~the prior state of registration and for title:~~

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

542 2. ~~A check of the electronic National Motor Vehicle Title~~
543 ~~Information System or an equivalent commercially available~~
544 ~~system to determine the state of registration when there is not~~
545 ~~a current registration record for the vehicle or vessel on file~~
546 ~~with the department.~~

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

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

595-03595-24

2024774c2

552 officer.

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

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

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

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

566 ~~9. A check of the vehicle for a vehicle identification~~
567 ~~number.~~

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

569 ~~11. A check of the vessel hull for a hull identification~~
570 ~~number which should be carved, burned, stamped, embossed, or~~
571 ~~otherwise permanently affixed to the outboard side of the~~
572 ~~transom or, if there is no transom, to the outmost seaboard side~~
573 ~~at the end of the hull that bears the rudder or other steering~~
574 ~~mechanism.~~

575 (5) (a) The registered owner of a vehicle or vessel in the
576 possession of a towing-storage operator removed pursuant to
577 subsection (2), the insurance company insuring the vehicle or
578 vessel, and all other persons claiming a lien thereon ~~or any~~
579 ~~person claiming a lien, other than the towing-storage operator,~~
580 may initiate judicial proceedings within 10 days after the time

595-03595-24

2024774c2

581 ~~she or he has knowledge of the location of the vehicle or~~
582 ~~vessel, may file a complaint in the county court of competent~~
583 ~~jurisdiction in the county in which the vehicle or vessel is~~
584 ~~stored to determine whether the vehicle or vessel ~~her or his~~~~
585 ~~property was wrongfully taken or withheld or whether fees were~~
586 ~~wrongfully charged.~~

587 (b) Regardless of whether judicial proceedings have been
588 initiated pursuant to paragraph (a), at any time before the sale
589 of the vehicle or vessel ~~by the towing-storage operator, the an~~
590 owner ~~of the vehicle or vessel, the insurance company insuring~~
591 the vehicle or vessel, and all other persons claiming a lien
592 thereon, other than the towing-storage operator, ~~or lienholder~~
593 may have ~~the her or his~~ vehicle or vessel released upon posting
594 with the clerk of the court in the county in which the vehicle
595 ~~is held court~~ a cash or surety bond or other adequate security
596 equal to the amount of the accrued charges set forth in the
597 notice of lien, plus accrued storage charges, at the time of the
598 release of the vehicle or vessel, if any, ~~of the charges for~~
599 ~~towing or storage and lot rental amount~~ to ensure the payment of
600 such charges in the event a court determines that the vehicle or
601 vessel was not wrongfully taken or withheld or fees were not
602 wrongfully charged ~~she or he does not prevail~~. The owner of the
603 vehicle or vessel, the insurance company insuring the vehicle or
604 vessel, and all other persons claiming a lien thereon, other
605 than the towing-storage operator, may not be required to
606 initiate judicial proceedings in order to post the bond in the
607 registry of the court and are not required to use a particular
608 form for posting the bond unless the clerk provides such form.
609 Upon the posting of the bond and the payment of the applicable

595-03595-24

2024774c2

610 fee set forth in s. 28.24, the clerk of the court must
611 automatically issue a certificate notifying the towing-storage
612 operator of the posting of the bond and directing the towing-
613 storage operator to release the vehicle or vessel to the party
614 that posted the bond ~~the clerk of the court shall issue a~~
615 ~~certificate notifying the lienor of the posting of the bond and~~
616 ~~directing the lienor to release the vehicle or vessel.~~ At the
617 time of such release, after reasonable inspection, the party
618 that posted the bond must ~~she or he shall~~ give a receipt to the
619 towing-storage operator ~~company~~ reciting any claims ~~she or he~~
620 ~~has~~ for loss or damage to the vehicle or vessel or the contents
621 thereof, or such claims are deemed waived.

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

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

631 a. Release the cash to the towing-storage operator; or
632 b. Issue a notice certifying that no judicial proceeding
633 has been initiated within 45 days after the issuance of the
634 certificate and requiring the surety that issued the bond to
635 promptly pay the full face value of the bond to the towing-
636 storage operator. The towing-storage operator has the
637 obligation, upon receipt of the clerk's notice, to timely notify
638 the surety. Any notice issued by the clerk under this sub-

595-03595-24

2024774c2

639 subparagraph, if not delivered to the surety, expires 120 days
640 after issuance by the clerk.

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

649 (6) A vehicle or vessel that is stored pursuant to
650 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
651 which reasonable charges for recovery, towing, or storing remain
652 unpaid, and any contents not released pursuant to subsection
653 (10), may be sold by the owner or operator of the storage space
654 for such towing or storage charge 35 days after the vehicle or
655 vessel is stored by the lienor if the vehicle or vessel is an
656 older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the
657 vehicle or vessel is stored by the lienor if the vehicle or
658 vessel is a newer model ~~3 years of age or less~~. The sale must
659 ~~shall~~ be at public sale for cash. If the date of the sale was
660 not included in the notice required in subsection (4), notice of
661 the sale must ~~shall~~ be given to the person in whose name the
662 vehicle or vessel is registered and to all persons claiming a
663 lien on the vehicle or vessel as shown on the records of the
664 Department of Highway Safety and Motor Vehicles or of any
665 corresponding agency in any other state in which the vehicle is
666 identified through a records check of the National Motor Vehicle
667 Title Information System or an equivalent commercially available

595-03595-24

2024774c2

668 system as being titled. Notice of the sale must be sent by
669 certified mail to the registered owner of the vehicle or vessel,
670 the insurance company insuring the vehicle or vessel, and the
671 person having the recorded lien on the vehicle or vessel at the
672 address shown on the records of the registering agency at least
673 30 days before the sale of the vehicle or vessel. ~~The notice~~
674 ~~must have clearly identified and printed, if the claim of lien~~
675 ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
676 identification number of the ~~motor~~ vehicle subject to the lien,
677 or, if the claim of lien is for a vessel, the hull
678 identification number of the vessel subject to the lien, must be
679 clearly identified and printed in the delivery address box and
680 on the outside of the envelope sent to the registered owner, the
681 insurance company insuring the vehicle or vessel, and all other
682 persons claiming an interest in ~~therein~~ or lien on the vehicle
683 or vessel ~~thereon.~~ ~~The notice must be sent to the owner of the~~
684 ~~vehicle or vessel and the person having the recorded lien on the~~
685 ~~vehicle or vessel at the address shown on the records of the~~
686 ~~registering agency at least 30 days before the sale of the~~
687 ~~vehicle or vessel.~~ The notice must state the name, physical
688 address, and telephone number of the lienor, and the vehicle
689 identification number if the claim of lien is for a vehicle or
690 the hull identification number if the claim of lien is for a
691 vessel, all of which must also appear in the return address
692 section on the outside of the envelope containing the notice of
693 sale. After diligent search and inquiry, if the name and address
694 of the registered owner or the owner of the recorded lien cannot
695 be ascertained, the requirements of notice by mail may be
696 dispensed with. In addition to the notice by mail, public notice

595-03595-24

2024774c2

697 of the time and place of sale must ~~shall~~ be made by publishing a
698 notice thereof one time, at least 20 ~~10~~ days before the date of
699 the sale, on the publicly available website maintained by an
700 approved third-party service. The third-party service must
701 electronically report to the Department of Highway Safety and
702 Motor Vehicles, via an electronic data exchange process using a
703 web interface, the name, physical address, and telephone number
704 of the lienor; the time and place of the sale; the vehicle's
705 license plate number, if known; the vehicle identification
706 number, if the claim of lien is for a vehicle, or the hull
707 identification number, if the claim of lien is for a vessel; and
708 the amount due for towing, recovery, storage, and administrative
709 fees. The third-party service that publishes the public notice
710 of sale and electronically reports the required information to
711 the department may collect and retain a service charge of no
712 more than \$1 ~~in a newspaper of general circulation in the county~~
713 ~~in which the sale is to be held.~~ The proceeds of the sale, after
714 payment of reasonable towing and storage charges, and costs of
715 the sale, in that order of priority, must ~~shall~~ be deposited
716 with the clerk of the circuit court for the county if the owner
717 or lienholder is absent, and the clerk must ~~shall~~ hold such
718 proceeds subject to the claim of the owner or lienholder legally
719 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
720 percent of such proceeds for the care and disbursement thereof.
721 The certificate of title issued under this section must ~~this law~~
722 ~~shall~~ be discharged of all liens unless otherwise provided by
723 court order. The owner or lienholder may file a complaint after
724 the vehicle or vessel has been sold in the ~~county~~ court of the
725 county in which it is stored. Upon determining the respective

595-03595-24

2024774c2

726 rights of the parties, the court may award damages, attorney
727 fees, and costs in favor of the prevailing party.

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

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

747 (10) A towing-storage operator must ~~Persons who provide~~
748 ~~services pursuant to this section shall~~ permit vehicle or vessel
749 owners, lienholders, insurance company representatives, or their
750 agents, whose interest in the vehicle or vessel is evidenced by
751 any of the documents listed in subsection (17) ~~which agency is~~
752 ~~evidenced by an original writing acknowledged by the owner~~
753 ~~before a notary public or other person empowered by law to~~
754 ~~administer oaths~~, to inspect the towed vehicle or vessel and

595-03595-24

2024774c2

755 must ~~shall~~ release to the owner, lienholder, or agent the
756 vehicle, vessel, or all personal property not affixed to the
757 vehicle or vessel which was in the vehicle or vessel at the time
758 the vehicle or vessel came into the custody of the towing-
759 storage operator. The inspection and release of the vehicle,
760 vessel, or personal property must be permitted within 1 hour
761 after the owner, lienholder, insurance company representative,
762 or their agent presents any of the documents listed in
763 subsection (17) to the towing-storage operator during normal
764 business hours at the site where the vehicle or vessel is
765 stored. Notwithstanding subparagraph (17)(a)6., a rental vehicle
766 or vessel agreement is not evidence that the person who rented a
767 vehicle or vessel is an agent of the rental vehicle or vessel
768 owner for the purpose of releasing the vehicle or vessel.
769 However, a towing-storage operator must release to the renter of
770 a rental vehicle or vessel all personal property belonging to
771 the renter which is not affixed to the rental vehicle or vessel
772 within 1 hour after the renter's arrival ~~person providing such~~
773 ~~services.~~

774 (11) (a) A towing-storage operator ~~Any person regularly~~
775 ~~engaged in the business of recovering, towing, or storing~~
776 ~~vehicles or vessels~~ who comes into possession of a vehicle or
777 vessel pursuant to paragraph (2)(b) ~~subsection (2)~~ and who has
778 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
779 when such vehicle or vessel is to be sold for purposes of being
780 dismantled, destroyed, or changed in such manner that it is not
781 the ~~motor~~ vehicle or vessel described in the certificate of
782 title, must ~~shall~~ report the vehicle to the National Motor
783 Vehicle Title Information System and apply to the Department of

595-03595-24

2024774c2

784 Highway Safety and Motor Vehicles for a certificate of
785 destruction. A certificate of destruction, which authorizes the
786 dismantling or destruction of the vehicle or vessel described
787 therein, is ~~shall be~~ reassignable a maximum of two times before
788 dismantling or destruction of the vehicle is ~~shall be~~ required,
789 and must ~~shall~~ accompany the vehicle or vessel for which it is
790 issued, when such vehicle or vessel is sold for such purposes,
791 in lieu of a certificate of title. The application for a
792 certificate of destruction must include proof of reporting to
793 the National Motor Vehicle Title Information System and an
794 affidavit from the applicant that she or he ~~it~~ has complied with
795 all applicable requirements of this section and, if the vehicle
796 or vessel is not registered in this state or any other state, by
797 a statement from a law enforcement officer that the vehicle or
798 vessel is not reported stolen, and must ~~shall~~ be accompanied by
799 such documentation as may be required by the department.

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

805 (d) Employees of the Department of Highway Safety and Motor
806 Vehicles and law enforcement officers are authorized to inspect
807 the records of a towing-storage operator ~~any person regularly~~
808 ~~engaged in the business of recovering, towing, or storing~~
809 ~~vehicles or vessels or transporting vehicles or vessels by~~
810 ~~wrecker, tow truck, or car carrier,~~ to ensure compliance with
811 the requirements of this section. A towing-storage operator ~~Any~~
812 ~~person~~ who fails to maintain records, or fails to produce

595-03595-24

2024774c2

813 records when required in a reasonable manner and at a reasonable
814 time, commits a misdemeanor of the first degree, punishable as
815 provided in s. 775.082 or s. 775.083.

816 (13) (a) Upon receipt by the Department of Highway Safety
817 and Motor Vehicles of written notice from a wrecker operator who
818 claims a wrecker operator's lien under subparagraph (2) (b) 4.
819 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
820 abandoned vehicle or vessel upon instructions from any law
821 enforcement agency, for which a certificate of destruction has
822 been issued under subsection (11) and the vehicle has been
823 reported to the National Motor Vehicle Title Information System,
824 the department shall place the name of the registered owner of
825 that vehicle or vessel on the list of those persons who may not
826 be issued a license plate or revalidation sticker for any motor
827 vehicle under s. 320.03(8). If the vehicle or vessel is owned
828 jointly by more than one person, the name of each registered
829 owner must ~~shall~~ be placed on the list. The notice of wrecker
830 operator's lien must ~~shall~~ be submitted on forms provided by the
831 department and, which must ~~and, which must~~ include all of the following:

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

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

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

839 4. The vehicle identification number (VIN); registration
840 license plate number, state, and year; validation decal number,
841 state, and year; vessel registration number; hull identification

595-03595-24

2024774c2

842 number; or other identification number, as applicable.

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

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

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

862 (d) Upon discharge of the amount of the wrecker operator's
863 lien allowed by paragraph (b), the wrecker operator must issue a
864 certificate of discharged wrecker operator's lien on forms
865 provided by the department to each registered owner of the
866 vehicle or vessel attesting that the amount of the wrecker
867 operator's lien allowed by paragraph (b) has been discharged.
868 Upon presentation of the certificate of discharged wrecker
869 operator's lien by the registered owner, the department must
870 ~~shall~~ immediately remove the registered owner's name from the

595-03595-24

2024774c2

871 list of those persons who may not be issued a license plate or
872 revalidation sticker for any motor vehicle under s. 320.03(8),
873 thereby allowing issuance of a license plate or revalidation
874 sticker. Issuance of a certificate of discharged wrecker
875 operator's lien under this paragraph does not discharge the
876 entire amount of the wrecker operator's lien claimed under
877 paragraph (2)(b) subsection (2), but only certifies to the
878 department that the amount of the wrecker operator's lien
879 allowed by paragraph (b), for which the department will prevent
880 issuance of a license plate or revalidation sticker, has been
881 discharged.

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

885 1. An electronic title.

886 2. A paper title.

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

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

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

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

897 (b) A towing-storage operator may not require any of the
898 documents listed in paragraph (a) to be notarized, except for
899 the agreement in subparagraph (a)6. when such agreement is

595-03595-24

2024774c2

900 presented for the purpose of releasing the vehicle or vessel.

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

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

910 (a) All notice publications and certified mailings.

911 (b) The purchase price of any unclaimed vehicle or vessel
912 sold.

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

915 (d) The names and addresses of vehicle or vessel
916 purchasers.

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

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

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

924 2. Bank, debit, or credit card.

925 3. Mobile payment service, digital wallet, or other
926 electronic payment system.

927 (b) The authorized persons listed in subsection (10) are
928 not required to furnish more than one form of current

595-03595-24

2024774c2

929 government-issued photo identification when payment is made in
930 any of the forms listed in paragraph (a).

931 (c) A county or municipal charter, ordinance, resolution,
932 regulation, or rule that conflicts with paragraph (a) is
933 expressly preempted.

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

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

940 2. Make the rate sheet available upon request by the
941 vehicle or vessel owner, lienholder, insurance company, or their
942 agent.

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

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

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

953 1. The tow is completed; or

954 2. The towing-storage operator has obtained all necessary
955 information to be included on the invoice, including any charges
956 submitted by subcontractors used by the towing-storage operator
957 to complete the tow and recovery.

595-03595-24

2024774c2

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

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

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

962 3. The name, address, and telephone number of the towing-
963 storage operator.

964 4. A description of the towed vehicle or vessel, including
965 the color, make, model, model year, and vehicle identification
966 number of the vehicle or hull identification number of the
967 vessel.

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

970 6. The cost of the initial towing service.

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

972 8. Other fees, including administrative fees, vehicle or
973 vessel search fees, fees for hazardous material and nonhazardous
974 material cleanup, and fees for labor.

975 9. A list of the services that were performed under a
976 warranty or that were otherwise performed at no cost to the
977 owner of the vehicle or vessel.

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

984 (f) A towing-storage operator must make the itemized
985 invoice required under paragraph (c) available for inspection
986 and copying no later than 48 hours after receiving a written

595-03595-24

2024774c2

987 request to inspect such invoice from:

988 1. A law enforcement agency;

989 2. The Attorney General; or

990 3. The vehicle or vessel owner, lienholder, insurance
991 company, or their agent.

992 Section 6. Paragraph (a) of subsection (2) of section
993 715.07, Florida Statutes, is amended to read:

994 715.07 Vehicles or vessels parked on private property;
995 towing.—

996 (2) The owner or lessee of real property, or any person
997 authorized by the owner or lessee, which person may be the
998 designated representative of the condominium association if the
999 real property is a condominium, may cause any vehicle or vessel
1000 parked on such property without her or his permission to be
1001 removed by a person regularly engaged in the business of towing
1002 vehicles or vessels, without liability for the costs of removal,
1003 transportation, or storage or damages caused by such removal,
1004 transportation, or storage, under any of the following
1005 circumstances:

1006 (a) The towing or removal of any vehicle or vessel from
1007 private property without the consent of the registered owner or
1008 other legally authorized person in control of that vehicle or
1009 vessel is subject to substantial compliance with the following
1010 conditions and restrictions:

1011 1.a. Any towed or removed vehicle or vessel must be stored
1012 at a site within a 10-mile radius of the point of removal in any
1013 county of 500,000 population or more, and within a 15-mile
1014 radius of the point of removal in any county of fewer than
1015 500,000 population. That site must be open for the purpose of

595-03595-24

2024774c2

1016 redemption of vehicles on any day that the person or firm towing
1017 such vehicle or vessel is open for towing purposes, from 8:00
1018 a.m. to 6:00 p.m., and, when closed, shall have prominently
1019 posted a sign indicating a telephone number where the operator
1020 of the site can be reached at all times. Upon receipt of a
1021 telephoned request to open the site to redeem a vehicle or
1022 vessel, the operator shall return to the site within 1 hour or
1023 she or he will be in violation of this section.

1024 b. If no towing business providing such service is located
1025 within the area of towing limitations set forth in sub-
1026 subparagraph a., the following limitations apply: any towed or
1027 removed vehicle or vessel must be stored at a site within a 20-
1028 mile radius of the point of removal in any county of 500,000
1029 population or more, and within a 30-mile radius of the point of
1030 removal in any county of fewer than 500,000 population.

1031 2. The person or firm towing or removing the vehicle or
1032 vessel shall, within 30 minutes after completion of such towing
1033 or removal, notify the municipal police department or, in an
1034 unincorporated area, the sheriff, of such towing or removal, the
1035 storage site, the time the vehicle or vessel was towed or
1036 removed, and the make, model, color, and license plate number of
1037 the vehicle or description and registration number of the vessel
1038 and shall obtain the name of the person at that department to
1039 whom such information was reported and note that name on the
1040 trip record.

1041 3. A person in the process of towing or removing a vehicle
1042 or vessel from the premises or parking lot in which the vehicle
1043 or vessel is not lawfully parked must stop when a person seeks
1044 the return of the vehicle or vessel. The vehicle or vessel must

595-03595-24

2024774c2

1045 be returned upon the payment of a reasonable service fee of not
1046 more than one-half of the posted rate for the towing or removal
1047 service as provided in subparagraph 6. The vehicle or vessel may
1048 be towed or removed if, after a reasonable opportunity, the
1049 owner or legally authorized person in control of the vehicle or
1050 vessel is unable to pay the service fee. If the vehicle or
1051 vessel is redeemed, a detailed signed receipt must be given to
1052 the person redeeming the vehicle or vessel.

1053 4. A person may not pay or accept money or other valuable
1054 consideration for the privilege of towing or removing vehicles
1055 or vessels from a particular location.

1056 5. Except for property appurtenant to and obviously a part
1057 of a single-family residence, and except for instances when
1058 notice is personally given to the owner or other legally
1059 authorized person in control of the vehicle or vessel that the
1060 area in which that vehicle or vessel is parked is reserved or
1061 otherwise unavailable for unauthorized vehicles or vessels and
1062 that the vehicle or vessel is subject to being removed at the
1063 owner's or operator's expense, any property owner or lessee, or
1064 person authorized by the property owner or lessee, before towing
1065 or removing any vehicle or vessel from private property without
1066 the consent of the owner or other legally authorized person in
1067 control of that vehicle or vessel, must post a notice meeting
1068 the following requirements:

1069 a. The notice must be prominently placed at each driveway
1070 access or curb cut allowing vehicular access to the property
1071 within 10 feet from the road, as defined in s. 334.03(22). If
1072 there are no curbs or access barriers, the signs must be posted
1073 not fewer than one sign for each 25 feet of lot frontage.

595-03595-24

2024774c2

1074 b. The notice must clearly indicate, in not fewer than 2-
1075 inch high, light-reflective letters on a contrasting background,
1076 that unauthorized vehicles will be towed away at the owner's
1077 expense. The words "tow-away zone" must be included on the sign
1078 in not fewer than 4-inch high letters.

1079 c. The notice must also provide the name and current
1080 telephone number of the person or firm towing or removing the
1081 vehicles or vessels.

1082 d. The sign structure containing the required notices must
1083 be permanently installed with the words "tow-away zone" not
1084 fewer than 3 feet and not more than 6 feet above ground level
1085 and must be continuously maintained on the property for not
1086 fewer than 24 hours before the towing or removal of any vehicles
1087 or vessels.

1088 e. The local government may require permitting and
1089 inspection of these signs before any towing or removal of
1090 vehicles or vessels being authorized.

1091 f. A business with 20 or fewer parking spaces satisfies the
1092 notice requirements of this subparagraph by prominently
1093 displaying a sign stating "Reserved Parking for Customers Only
1094 Unauthorized Vehicles or Vessels Will be Towed Away At the
1095 Owner's Expense" in not fewer than 4-inch high, light-reflective
1096 letters on a contrasting background.

1097 g. A property owner towing or removing vessels from real
1098 property must post notice, consistent with the requirements in
1099 sub-subparagraphs a.-f., which apply to vehicles, that
1100 unauthorized vehicles or vessels will be towed away at the
1101 owner's expense.

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595-03595-24

2024774c2

1103 A business owner or lessee may authorize the removal of a
1104 vehicle or vessel by a towing company when the vehicle or vessel
1105 is parked in such a manner that restricts the normal operation
1106 of business; and if a vehicle or vessel parked on a public
1107 right-of-way obstructs access to a private driveway the owner,
1108 lessee, or agent may have the vehicle or vessel removed by a
1109 towing company upon signing an order that the vehicle or vessel
1110 be removed without a posted tow-away zone sign.

1111 6. Any person or firm that tows or removes vehicles or
1112 vessels and proposes to require an owner, operator, or person in
1113 control or custody of a vehicle or vessel to pay the costs of
1114 towing and storage before redemption of the vehicle or vessel
1115 must file and keep on record with the local law enforcement
1116 agency a complete copy of the current rates to be charged for
1117 such services and post at the storage site an identical rate
1118 schedule and any written contracts with property owners,
1119 lessees, or persons in control of property which authorize such
1120 person or firm to remove vehicles or vessels as provided in this
1121 section.

1122 7. Any person or firm towing or removing any vehicles or
1123 vessels from private property without the consent of the owner
1124 or other legally authorized person in control or custody of the
1125 vehicles or vessels shall, on any trucks, wreckers as defined in
1126 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
1127 towing or removal, have the name, address, and telephone number
1128 of the company performing such service clearly printed in
1129 contrasting colors on the driver and passenger sides of the
1130 vehicle. The name shall be in at least 3-inch permanently
1131 affixed letters, and the address and telephone number shall be

595-03595-24

2024774c2

1132 in at least 1-inch permanently affixed letters.

1133 8. Vehicle entry for the purpose of removing the vehicle or
1134 vessel shall be allowed with reasonable care on the part of the
1135 person or firm towing the vehicle or vessel. Such person or firm
1136 shall be liable for any damage occasioned to the vehicle or
1137 vessel if such entry is not in accordance with the standard of
1138 reasonable care.

1139 9. When a vehicle or vessel has been towed or removed
1140 pursuant to this section, it must be released to its owner or
1141 person in control or custody within 1 hour after requested. Any
1142 vehicle or vessel owner or person in control or custody has the
1143 right to inspect the vehicle or vessel before accepting its
1144 return, and no release or waiver of any kind which would release
1145 the person or firm towing the vehicle or vessel from liability
1146 for damages noted by the owner or person in control or custody
1147 at the time of the redemption may be required from any vehicle
1148 or vessel owner or person in control or custody as a condition
1149 of release of the vehicle or vessel to its owner or person in
1150 control or custody. A detailed receipt showing the legal name of
1151 the company or person towing or removing the vehicle or vessel
1152 must be given to the person paying towing or storage charges at
1153 the time of payment, whether requested or not.

1154 Section 7. This act shall take effect July 1, 2024.