

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

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

42

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

44

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

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

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

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

56 (g)~~(b)~~ "Vessel" means every description of watercraft,
57 barge, and airboat used or capable of being used as a means of
58 transportation on water, other than a seaplane or a "documented
59 vessel" as defined in s. 327.02.

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

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

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

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

75 (d) "Older model" means a vehicle or vessel whose model

76 year is older than the 2 model years previous to the model year
 77 corresponding to the current calendar year.

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

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

84 1. A reasonable hazardous waste fee.

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

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

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

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

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

98 7. Any reasonable administrative fee or charge imposed by
 99 a county or municipality pursuant to s. 125.01047, s. 166.04465,
 100 or s. 323.002 upon the registered owner or other legally

101 authorized person in control of a vehicle or vessel.

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

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

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

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

115 ~~4.(d)~~ Any law enforcement agency, any county or
 116 municipality, or any other governmental agency, she or he shall
 117 have a lien on the vehicle or vessel for a reasonable towing
 118 fee, for a reasonable administrative fee or charge imposed by a
 119 county or municipality, and for a reasonable storage fee; except
 120 that a storage fee may not be charged if the vehicle or vessel
 121 is stored for fewer than 6 hours.

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

126 | lien for recovery, towing, or storage services, must ~~shall~~ give
127 | notice, by certified mail, pursuant to subsection (16), to the
128 | registered owner, the insurance company insuring the vehicle
129 | notwithstanding s. 627.736, and all persons claiming a lien
130 | thereon, as disclosed by the records in the Department of
131 | Highway Safety and Motor Vehicles or as disclosed by the records
132 | of any corresponding agency in any other state in which the
133 | vehicle is identified through a records check of the National
134 | Motor Vehicle Title Information System or an equivalent
135 | commercially available system as being titled or registered.

136 | (b) Whenever a law enforcement agency authorizes the
137 | removal of a vehicle or vessel or whenever a towing service,
138 | garage, repair shop, or automotive service, storage, or parking
139 | place notifies the law enforcement agency of possession of a
140 | vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved
141 | third-party service cannot obtain the vehicle's or vessel's
142 | owner, lienholder, and insurer information or last state of
143 | record pursuant to subsection (16), the law enforcement agency
144 | of the jurisdiction where the vehicle or vessel is stored shall
145 | contact the Department of Highway Safety and Motor Vehicles, or
146 | the appropriate agency of the state of registration, if known,
147 | within 24 hours through the medium of electronic communications,
148 | giving the full description of the vehicle or vessel. Upon
149 | receipt of the full description of the vehicle or vessel, the
150 | department shall search its files to determine the owner's name,

151 the insurance company insuring the vehicle or vessel, and
 152 whether any person has filed a lien upon the vehicle or vessel
 153 as provided in s. 319.27(2) and (3) and notify the applicable
 154 law enforcement agency within 72 hours. The person in charge of
 155 the towing service, garage, repair shop, or automotive service,
 156 storage, or parking place shall request ~~obtain~~ such information
 157 from the applicable law enforcement agency within 5 days after
 158 the date of storage and shall give notice pursuant to paragraph
 159 (a). The department may release the insurance company
 160 information to the requestor notwithstanding s. 627.736.

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

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

176 vehicle or vessel ~~thereon~~.

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

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

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

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

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

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

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

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

201 physically located.

202 (d) The notice of lien may not be sent to the registered
 203 owner, the insurance company insuring the vehicle or vessel, and
 204 all other persons claiming a lien thereon less than 30 days
 205 before the sale of the vehicle or vessel, if an older model, or
 206 60 days before the sale of the vehicle or vessel, if a newer
 207 model.

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

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

226 any lienholder.

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

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

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

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

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

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

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

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

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

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

261 (5) (a) The owner of a vehicle or vessel removed pursuant
 262 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a
 263 lien, other than the towing-storage operator, within 10 days
 264 after the time she or he has knowledge of the location of the
 265 vehicle or vessel, may file a complaint in the county court of
 266 the county in which the vehicle or vessel is stored to determine
 267 whether her or his property was wrongfully taken or withheld.

268 (6) A vehicle or vessel that is stored pursuant to
 269 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
 270 which reasonable charges for recovery, towing, or storing remain
 271 unpaid, and any contents not released pursuant to subsection
 272 (10), may be sold by the owner or operator of the storage space
 273 for such towing or storage charge 35 days after the vehicle or
 274 vessel is stored by the lienor, if an older model, ~~the vehicle~~
 275 ~~or vessel is more than 3 years of age or 65 50 days after the~~

276 | vehicle or vessel is stored by the lienor, if a newer model ~~the~~
 277 | ~~vehicle or vessel is 3 years of age or less.~~ The sale must ~~shall~~
 278 | be at public sale for cash. If the date of the sale was not
 279 | included in the notice required in subsection (4), notice of the
 280 | sale must ~~shall~~ be given to the person in whose name the vehicle
 281 | or vessel is registered and to all persons claiming a lien on
 282 | the vehicle or vessel as shown on the records of the Department
 283 | of Highway Safety and Motor Vehicles or of any corresponding
 284 | agency in any other state in which the vehicle is identified
 285 | through a records check of the National Motor Vehicle Title
 286 | Information System or an equivalent commercially available
 287 | system as being titled. Notice of the sale must be sent by
 288 | certified mail to the registered owner of the vehicle or vessel,
 289 | the insurance company insuring the vehicle or vessel, and the
 290 | person having the recorded lien on the vehicle or vessel at the
 291 | address shown on the records of the registered agency at least
 292 | 30 days before the sale of the vehicle or vessel. ~~The notice~~
 293 | ~~must have clearly identified and printed, if the claim of lien~~
 294 | ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
 295 | identification number of the motor vehicle subject to the lien,
 296 | or, if the claim of lien is for a vessel, the hull
 297 | identification number of the vessel subject to the lien, must be
 298 | clearly identified and printed in the delivery address box and
 299 | on the outside of the envelope sent to the registered owner and
 300 | all other persons claiming an interest in ~~therein~~ or lien on the

301 vehicle or vessel ~~thereon~~. The notice ~~must be sent to the owner~~
 302 ~~of the vehicle or vessel and the person having the recorded lien~~
 303 ~~on the vehicle or vessel at the address shown on the records of~~
 304 ~~the registering agency at least 30 days before the sale of the~~
 305 ~~vehicle or vessel~~. The notice must state the name, physical
 306 address, and telephone number of the lienor, and the vehicle
 307 identification number if the claim of lien is for a vehicle or
 308 the hull identification number if the claim of lien is for a
 309 vessel, all of which must also appear in the return address
 310 section on the outside of the envelope containing the notice of
 311 sale. After diligent search and inquiry, if the name and address
 312 of the registered owner or the owner of the recorded lien cannot
 313 be ascertained, the requirements of notice by mail may be
 314 dispensed with. In addition to the notice by mail, public notice
 315 of the time and place of sale must ~~shall~~ be made by publishing a
 316 notice thereof one time, at least 20 ~~10~~ days before the date of
 317 the sale, in a newspaper of general circulation in the county in
 318 which the sale is to be held. The proceeds of the sale, after
 319 payment of reasonable towing and storage charges, and costs of
 320 the sale, in that order of priority, must ~~shall~~ be deposited
 321 with the clerk of the circuit court for the county if the owner
 322 or lienholder is absent, and the clerk shall hold such proceeds
 323 subject to the claim of the owner or lienholder legally entitled
 324 thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of
 325 such proceeds for the care and disbursement thereof. The

326 certificate of title issued under this section ~~law~~ shall be
 327 discharged of all liens unless otherwise provided by court
 328 order. The owner or lienholder may file a complaint after the
 329 vehicle or vessel has been sold in the county court of the
 330 county in which it is stored. Upon determining the respective
 331 rights of the parties, the court may award damages, attorney
 332 fees, and costs in favor of the prevailing party.

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

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

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

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

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

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

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

374 (11) (a) A towing-storage operator ~~Any person regularly~~
375 ~~engaged in the business of recovering, towing, or storing~~

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376 ~~vehicles or vessels~~ who comes into possession of a vehicle or
377 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
378 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
379 when such vehicle or vessel is to be sold for purposes of being
380 dismantled, destroyed, or changed in such manner that it is not
381 the motor vehicle or vessel described in the certificate of
382 title, must ~~shall~~ report the vehicle to the National Motor
383 Vehicle Title Information System and apply to the Department of
384 Highway Safety and Motor Vehicles for a certificate of
385 destruction. A certificate of destruction, which authorizes the
386 dismantling or destruction of the vehicle or vessel described
387 therein, is ~~shall be~~ reassignable a maximum of two times before
388 dismantling or destruction of the vehicle is ~~shall be~~ required,
389 and must ~~shall~~ accompany the vehicle or vessel for which it is
390 issued, when such vehicle or vessel is sold for such purposes,
391 in lieu of a certificate of title. The application for a
392 certificate of destruction must include proof of reporting to
393 the National Motor Vehicle Title Information System and an
394 affidavit from the applicant that she or he ~~it~~ has complied with
395 all applicable requirements of this section and, if the vehicle
396 or vessel is not registered in this state or any other state, by
397 a statement from a law enforcement officer that the vehicle or
398 vessel is not reported stolen, and must ~~shall~~ be accompanied by
399 such documentation as may be required by the department.

400 (12) (a) Any person who violates paragraph (2) (b) ~~any~~

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401 ~~provision of subsection (1), subsection (2),~~ subsection (4),
402 subsection (5), subsection (6), or subsection (7) is guilty of a
403 misdemeanor of the first degree, punishable as provided in s.
404 775.082 or s. 775.083.

405 (13) (a) Upon receipt by the Department of Highway Safety
406 and Motor Vehicles of written notice from a wrecker operator who
407 claims a wrecker operator's lien under subparagraph (2) (b) 4.
408 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
409 abandoned vehicle or vessel upon instructions from any law
410 enforcement agency, for which a certificate of destruction has
411 been issued under subsection (11) and the vehicle has been
412 reported to the National Motor Vehicle Title Information System,
413 the department shall place the name of the registered owner of
414 that vehicle or vessel on the list of those persons who may not
415 be issued a license plate or revalidation sticker for any motor
416 vehicle under s. 320.03(8). If the vehicle or vessel is owned
417 jointly by more than one person, the name of each registered
418 owner must ~~shall~~ be placed on the list. The notice of wrecker
419 operator's lien must ~~shall~~ be submitted on forms provided by the
420 department and, ~~which must~~ include:

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

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

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

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

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

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

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

451 (d) Upon discharge of the amount of the wrecker operator's
 452 lien allowed by paragraph (b), the wrecker operator must issue a
 453 certificate of discharged wrecker operator's lien on forms
 454 provided by the department to each registered owner of the
 455 vehicle or vessel attesting that the amount of the wrecker
 456 operator's lien allowed by paragraph (b) has been discharged.
 457 Upon presentation of the certificate of discharged wrecker
 458 operator's lien by the registered owner, the department must
 459 ~~shall~~ immediately remove the registered owner's name from the
 460 list of those persons who may not be issued a license plate or
 461 revalidation sticker for any motor vehicle under s. 320.03(8),
 462 thereby allowing issuance of a license plate or revalidation
 463 sticker. Issuance of a certificate of discharged wrecker
 464 operator's lien under this paragraph does not discharge the
 465 entire amount of the wrecker operator's lien claimed under
 466 paragraph (2)(b) subsection (2), but only certifies to the
 467 department that the amount of the wrecker operator's lien
 468 allowed by paragraph (b), for which the department will prevent
 469 issuance of a license plate or revalidation sticker, has been
 470 discharged.

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

475 (a) All notice publications and certified mailings.

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

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

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

482 (e) All fees imposed under this section.

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

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

488 2. Bank, debit, or credit card.

489 3. Mobile payment service, digital wallet, or other
 490 electronic payment system.

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

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

501 Section 2. Paragraph (a) of subsection (2) of section
 502 715.07, Florida Statutes, is amended to read:

503 715.07 Vehicles or vessels parked on private property;
 504 towing.—

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

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

520 1.a. Any towed or removed vehicle or vessel must be stored
 521 at a site within a 10-mile radius of the point of removal in any
 522 county of 500,000 population or more, and within a 15-mile
 523 radius of the point of removal in any county of fewer than
 524 500,000 population. That site must be open for the purpose of
 525 redemption of vehicles on any day that the person or firm towing

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

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

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

550 3. A person in the process of towing or removing a vehicle

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

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

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

576 control of that vehicle or vessel, must post a notice meeting
577 the following requirements:

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

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

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

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

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

600 f. A business with 20 or fewer parking spaces satisfies

601 the notice requirements of this subparagraph by prominently
602 displaying a sign stating "Reserved Parking for Customers Only
603 Unauthorized Vehicles or Vessels Will be Towed Away At the
604 Owner's Expense" in not fewer than 4-inch high, light-reflective
605 letters on a contrasting background.

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

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

620 6. Any person or firm that tows or removes vehicles or
621 vessels and proposes to require an owner, operator, or person in
622 control or custody of a vehicle or vessel to pay the costs of
623 towing and storage before redemption of the vehicle or vessel
624 must file and keep on record with the local law enforcement
625 agency a complete copy of the current rates to be charged for

626 such services and post at the storage site an identical rate
627 schedule and any written contracts with property owners,
628 lessees, or persons in control of property which authorize such
629 person or firm to remove vehicles or vessels as provided in this
630 section.

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

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

648 9. When a vehicle or vessel has been towed or removed
649 pursuant to this section, it must be released to its owner or
650 person in control or custody within 1 hour after requested. Any

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651 vehicle or vessel owner or person in control or custody has the
652 right to inspect the vehicle or vessel before accepting its
653 return, and no release or waiver of any kind which would release
654 the person or firm towing the vehicle or vessel from liability
655 for damages noted by the owner or person in control or custody
656 at the time of the redemption may be required from any vehicle
657 or vessel owner or person in control or custody as a condition
658 of release of the vehicle or vessel to its owner or person in
659 control or custody. A detailed receipt showing the legal name of
660 the company or person towing or removing the vehicle or vessel
661 must be given to the person paying towing or storage charges at
662 the time of payment, whether requested or not.

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