



26 weekends, unless extended in writing as provided in subsection  
 27 (2).

28 (b) This section does not prohibit an investigating agency  
 29 from having a wrecker operator tow a vehicle directly from the  
 30 scene of the tow to the investigating agency's storage facility.  
 31 If a vehicle is towed directly from the scene of the tow to the  
 32 investigating agency's storage facility, the investigating  
 33 agency may not release the vehicle to the owner or lienholder of  
 34 the vehicle until proof of payment of the towing and storage  
 35 charges incurred by the wrecker operator is presented to the  
 36 investigating agency. If the investigating agency releases the  
 37 vehicle to the owner or lienholder without obtaining such proof  
 38 of payment, the investigating agency must pay the wrecker  
 39 operator such towing and storage charges within 60 days after  
 40 the vehicle is released.

41 (2) The investigating agency must notify the wrecker  
 42 operator in writing within 5 days, excluding holidays and  
 43 weekends, whether the hold is to be continued. If no  
 44 notification follows this period of time, the wrecker operator  
 45 may release the vehicle to the designated person pursuant to s.  
 46 713.78.

47 (a) If the hold is to continue beyond 5 days, excluding  
 48 holidays and weekends, the investigating agency may have the  
 49 vehicle removed to a designated impound lot, in which event the  
 50 vehicle will not be released by the investigating agency to the

51 owner or lienholder of the vehicle until proof of payment of the  
52 towing and storage charges incurred by the wrecker operator is  
53 presented to the investigating agency. If the investigating  
54 agency releases the vehicle to the owner or lienholder without  
55 obtaining such proof of payment, the investigating agency must  
56 pay the wrecker operator such towing and storage charges within  
57 60 days after the vehicle is released.

58 (3) If there is a judicial finding of no probable cause  
59 for having continued the immobilization or impoundment, the  
60 investigating agency ordering the hold must pay the wrecker  
61 operator the accrued charges for any towing and storage within  
62 60 days after the judicial finding.

63 Section 2. Subsection (10) of section 713.78, Florida  
64 Statutes, is amended to read:

65 713.78 Liens for recovering, towing, or storing vehicles  
66 and vessels.—

67 (10) (a) Persons who provide services pursuant to this  
68 section shall permit vehicle or vessel owners, lienholders,  
69 insurance company representatives, or their agents, which agency  
70 is evidenced by an original writing acknowledged by the owner  
71 before a notary public or other person empowered by law to  
72 administer oaths, to inspect the towed vehicle or vessel and  
73 shall release to the owner, lienholder, or agent the vehicle,  
74 vessel, or all personal property not affixed to the vehicle or  
75 vessel which was in the vehicle or vessel at the time the

76 | vehicle or vessel came into the custody of the person providing  
 77 | such services.

78 |       (b) Notwithstanding any provision of this section to the  
 79 | contrary, a rental car agreement does not constitute evidence  
 80 | that the person who rented a vehicle is an agent of the owner of  
 81 | the rental car. A towing company may not release a vehicle owned  
 82 | by a rental car company to the person who rented the vehicle  
 83 | unless the rental car company appoints the person who rented the  
 84 | vehicle as its agent, which agency is evidenced by an original  
 85 | writing acknowledged by the rental car company before a notary  
 86 | public or other person empowered by law to administer oaths,  
 87 | authorizing the person to inspect and redeem the towed vehicle.

88 |       Section 3. Paragraph (a) of subsection (2) of section  
 89 | 715.07, Florida Statutes, is amended to read:

90 |       715.07 Vehicles or vessels parked on private property;  
 91 | towing.—

92 |       (2) The owner or lessee of real property, or any person  
 93 | authorized by the owner or lessee, which person may be the  
 94 | designated representative of the condominium association if the  
 95 | real property is a condominium, may cause any vehicle or vessel  
 96 | parked on such property without her or his permission to be  
 97 | removed by a person regularly engaged in the business of towing  
 98 | vehicles or vessels, without liability for the costs of removal,  
 99 | transportation, or storage or damages caused by such removal,  
 100 | transportation, or storage, under any of the following

101 | circumstances:

102 |       (a) The towing or removal of any vehicle or vessel from  
103 | private property without the consent of the registered owner or  
104 | other legally authorized person in control of that vehicle or  
105 | vessel is subject to substantial compliance with the following  
106 | conditions and restrictions:

107 |       1.a. Any towed or removed vehicle or vessel must be stored  
108 | at a site within a 10-mile radius of the point of removal in any  
109 | county of 500,000 population or more, and within a 15-mile  
110 | radius of the point of removal in any county of fewer than  
111 | 500,000 population. That site must be open for the purpose of  
112 | redemption of vehicles on any day that the person or firm towing  
113 | such vehicle or vessel is open for towing purposes, from 8:00  
114 | a.m. to 6:00 p.m., and, when closed, shall have prominently  
115 | posted a sign indicating a telephone number where the operator  
116 | of the site can be reached at all times. Upon receipt of a  
117 | telephoned request to open the site to redeem a vehicle or  
118 | vessel, the operator shall return to the site within 1 hour or  
119 | she or he will be in violation of this section.

120 |       b. If no towing business providing such service is located  
121 | within the area of towing limitations set forth in sub-  
122 | subparagraph a., the following limitations apply: any towed or  
123 | removed vehicle or vessel must be stored at a site within a 20-  
124 | mile radius of the point of removal in any county of 500,000  
125 | population or more, and within a 30-mile radius of the point of

126 removal in any county of fewer than 500,000 population.

127       2. The person or firm towing or removing the vehicle or  
128 vessel shall, within 30 minutes after completion of such towing  
129 or removal, notify the municipal police department or, in an  
130 unincorporated area, the sheriff, of such towing or removal, the  
131 storage site, the time the vehicle or vessel was towed or  
132 removed, and the make, model, color, and license plate number of  
133 the vehicle or description and registration number of the vessel  
134 and shall obtain the name of the person at that department to  
135 whom such information was reported and note that name on the  
136 trip record.

137       3. A person in the process of towing or removing a vehicle  
138 or vessel from the premises or parking lot in which the vehicle  
139 or vessel is not lawfully parked must stop when a person seeks  
140 the return of the vehicle or vessel. The vehicle or vessel must  
141 be returned upon the payment of a reasonable service fee of not  
142 more than one-half of the posted rate for the towing or removal  
143 service as provided in subparagraph 6. The vehicle or vessel may  
144 be towed or removed if, after a reasonable opportunity, the  
145 owner or legally authorized person in control of the vehicle or  
146 vessel is unable to pay the service fee. If the vehicle or  
147 vessel is redeemed, a detailed signed receipt must be given to  
148 the person redeeming the vehicle or vessel.

149       4. A person may not pay or accept money or other valuable  
150 consideration for the privilege of towing or removing vehicles

151 or vessels from a particular location.

152         5. Except for property appurtenant to and obviously a part  
153 of a single-family residence, and except for instances when  
154 notice is personally given to the owner or other legally  
155 authorized person in control of the vehicle or vessel that the  
156 area in which that vehicle or vessel is parked is reserved or  
157 otherwise unavailable for unauthorized vehicles or vessels and  
158 that the vehicle or vessel is subject to being removed at the  
159 owner's or operator's expense, any property owner or lessee, or  
160 person authorized by the property owner or lessee, before towing  
161 or removing any vehicle or vessel from private property without  
162 the consent of the owner or other legally authorized person in  
163 control of that vehicle or vessel, must post a notice meeting  
164 the following requirements:

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

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

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

176 telephone number of the person or firm towing or removing the  
177 vehicles or vessels.

178 d. The sign structure containing the required notices must  
179 be permanently installed with the words "tow-away zone" not  
180 fewer than 3 feet and not more than 6 feet above ground level  
181 and must be continuously maintained on the property for not  
182 fewer than 24 hours before the towing or removal of any vehicles  
183 or vessels.

184 e. The local government may require permitting and  
185 inspection of these signs before any towing or removal of  
186 vehicles or vessels being authorized.

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

193 g. A property owner towing or removing vessels from real  
194 property must post notice, consistent with the requirements in  
195 sub-subparagraphs a.-f., which apply to vehicles, that  
196 unauthorized vehicles or vessels will be towed away at the  
197 owner's expense.

198  
199 A business owner or lessee may authorize the removal of a  
200 vehicle or vessel by a towing company when the vehicle or vessel



201 is parked in such a manner that restricts the normal operation  
202 of business; and if a vehicle or vessel parked on a public  
203 right-of-way obstructs access to a private driveway the owner,  
204 lessee, or agent may have the vehicle or vessel removed by a  
205 towing company upon signing an order that the vehicle or vessel  
206 be removed without a posted tow-away zone sign.

207         6. Any person or firm that tows or removes vehicles or  
208 vessels and proposes to require an owner, operator, or person in  
209 control or custody of a vehicle or vessel to pay the costs of  
210 towing and storage before redemption of the vehicle or vessel  
211 must file and keep on record with the local law enforcement  
212 agency a complete copy of the current rates to be charged for  
213 such services and post at the storage site an identical rate  
214 schedule and any written contracts with property owners,  
215 lessees, or persons in control of property which authorize such  
216 person or firm to remove vehicles or vessels as provided in this  
217 section.

218         7. Any person or firm towing or removing any vehicles or  
219 vessels from private property without the consent of the owner  
220 or other legally authorized person in control or custody of the  
221 vehicles or vessels shall, on any trucks, wreckers as defined in  
222 s. 713.78(1)(c), or other vehicles used in the towing or  
223 removal, have the name, address, and telephone number of the  
224 company performing such service clearly printed in contrasting  
225 colors on the driver and passenger sides of the vehicle. The

226 name shall be in at least 3-inch permanently affixed letters,  
227 and the address and telephone number shall be in at least 1-inch  
228 permanently affixed letters.

229 8. Vehicle entry for the purpose of removing the vehicle  
230 or vessel shall be allowed with reasonable care on the part of  
231 the person or firm towing the vehicle or vessel. Such person or  
232 firm shall be liable for any damage occasioned to the vehicle or  
233 vessel if such entry is not in accordance with the standard of  
234 reasonable care.

235 9.a. When a vehicle or vessel has been towed or removed  
236 pursuant to this section, it must be released to its owner or  
237 person in control or custody within 1 hour after requested. Any  
238 vehicle or vessel owner or person in control or custody has the  
239 right to inspect the vehicle or vessel before accepting its  
240 return, and no release or waiver of any kind which would release  
241 the person or firm towing the vehicle or vessel from liability  
242 for damages noted by the owner or person in control or custody  
243 at the time of the redemption may be required from any vehicle  
244 or vessel owner or person in control or custody as a condition  
245 of release of the vehicle or vessel to its owner or person in  
246 control or custody.

247 b. Notwithstanding any provision of this section to the  
248 contrary, a towing company may not release a vehicle owned by a  
249 rental car company to the person who rented the vehicle unless  
250 the rental car company appoints the person who rented the

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251 vehicle as its agent, which agency is evidenced by an original  
252 writing acknowledged by the rental car company before a notary  
253 public or other person empowered by law to administer oaths,  
254 authorizing the person to inspect and redeem the towed vehicle.

255 c. A detailed receipt showing the legal name of the  
256 company or person towing or removing the vehicle or vessel must  
257 be given to the person paying towing or storage charges at the  
258 time of payment, whether requested or not requested.

259 Section 4. This act shall take effect July 1, 2022.