

CHAPTER 2024-27

Committee Substitute for Committee Substitute for House Bill No. 179

An act relating to towing and storage; amending ss. 125.0103 and 166.043, F.S.; requiring certain counties and municipalities to publish specified rates on their websites and establish a specified process; providing that rates established by the Division of Florida Highway Patrol apply to certain areas of the state; amending s. 321.051, F.S.; prohibiting the division from excluding certain wrecker operators from the wrecker operator system or failing to designate certain wrecker operators as authorized wrecker operators; providing exceptions; requiring, rather than authorizing, the division to establish certain maximum rates; requiring the Department of Highway Safety and Motor Vehicles to publish such rates on its website and establish a specified process; amending s. 323.001, F.S.; requiring an investigating agency or certain other persons to take possession of certain vehicles within a specified timeframe, unless another timeframe is otherwise agreed upon; amending s. 713.78, F.S.; providing and reordering definitions; authorizing towing-storage operators to charge certain fees; providing that towing-storage operators have a lien on a vehicle or vessel for such fees; authorizing towing-storage operators to enter, using reasonable care, a vehicle or vessel for specified purposes; providing liability under certain circumstances; revising requirements for law enforcement agencies, counties, municipalities, and the department relating to the removal of vehicles or vessels; revising requirements for notices of lien; revising requirements for towing-storage operators providing notice to public agencies of jurisdiction; authorizing certain persons and entities to initiate judicial proceedings to determine certain findings; authorizing certain persons and entities to post, without first initiating judicial proceedings, a cash or surety bond for a certain amount to have a vehicle or vessel released; prohibiting the requirement to initiate judicial proceedings in order to post such bond and the requirement to use a particular form; requiring the clerk of the court to automatically issue a certificate notifying a towing-storage operator to release the vehicle or vessel; requiring the party that posts the bond to give a receipt to the towing-storage operator reciting any property loss or damage to the vehicle or vessel or the contents thereof, and waiving such claims if such receipt is not provided; requiring a towing-storage operator to release or return the vehicle or vessel to the interested party that posted the bond; requiring the clerk of the court to release the cash bond or issue a specified notice relating to the surety bond to the towing-storage operator if the interested party does not initiate judicial proceedings within a certain timeframe; providing obligations relating to such notice; providing for expiration of such notice; requiring the court to award all recovery, towing, and storage fees to the towing-storage operator if the defendant prevails in the judicial proceedings; revising the timeframe in which certain unclaimed vehicles or vessels may be sold; revising

requirements for notices of sale; requiring approved third-party services to publish public notices of sale and report certain information by specified means to the department; providing the maximum fee that approved third-party services may collect and retain for such services; revising provisions for permission to inspect a vehicle or vessel; providing time-frames in which a vehicle, vessel, or personal property must be made available for inspection and release; revising criminal penalties; requiring towing-storage operators to accept certain documents, one of which must be notarized, as evidence of a person's interest in a vehicle or vessel; prohibiting certain persons from being required to furnish more than one form of current government-issued photo identification for purposes of verifying their identity; requiring towing-storage operators to maintain certain records for a certain period of time; requiring towing-storage operators to accept certain types of payment; providing for preemption; requiring towing-storage operators to maintain a rate sheet; providing requirements for such rate sheet; providing that certain fees are unreasonable; requiring towing-storage operators to maintain an itemized invoice for specified fees; providing requirements for such invoice; requiring disclosure of such invoice to specified persons and entities within a certain timeframe; providing applicability; making technical changes; amending s. 715.07, F.S.; conforming a cross-reference; providing an effective date.

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

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

125.0103 Ordinances and rules imposing price controls.—

(1)

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates;³ rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property;³ or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for; removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to

the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance does not apply within such municipality.

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

Section 2. Paragraphs (b) and (c) of subsection (1) of section 166.043, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

166.043 Ordinances and rules imposing price controls.—

(1)

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

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

(d) A county or municipality that has established maximum rates as described in paragraph (c) must publish such rates on its website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such rates. In areas where no maximum rates as

described in paragraph (c) have been established, the maximum rates established by the Division of Florida Highway Patrol under s. 321.051(2) apply.

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

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

(2)(a) The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles is authorized to establish within areas designated by the patrol a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash scene or for removal and storage of abandoned vehicles, in the event the owner or operator is incapacitated or unavailable or leaves the procurement of wrecker service to the officer at the scene. All reputable wrecker operators are ~~shall be~~ eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of vehicle it is designed to handle. The division may not exclude a wrecker operator from the wrecker operator system or fail to designate a wrecker operator as an authorized wrecker operator based solely on a prior felony conviction unless such conviction is for a forcible felony as defined in s. 776.08 or a felony listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is authorized to limit the number of wrecker operators participating in the wrecker operator system, which authority shall not affect wrecker operators currently participating in the system established by this section. The division must ~~is authorized to~~ establish maximum rates for the towing and storage of vehicles removed at the division's request, where such rates have not been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. Such rates shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates.

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

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

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

323.001 Wrecker operator storage facilities; vehicle holds.—

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

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

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

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

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

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

1. A check of the department’s database for the owner and any lienholder.

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

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

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

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

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

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

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

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

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

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

(c)(d) “National Motor Vehicle Title Information System” means the federally authorized electronic National Motor Vehicle Title Information System.

(d) “Newer model” means a vehicle or vessel that is 3 model years old or less, beginning with the model year of the vehicle or vessel as year one.

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

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

(g)(a) “Vehicle” means any mobile item, whether motorized or not, which is mounted on wheels.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4)(a) A towing-storage operator person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to paragraph (2)(b) subsection (2), and who claims a lien for recovery, towing, or storage services, must shall give notice, by certified mail, pursuant to subsection (16), to the registered owner, the insurance company insuring the vehicle or vessel notwithstanding s. 627.736, and all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or as disclosed by the records of any corresponding agency in any other state in~~

which the vehicle or vessel is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered.

(b) ~~When Whenever~~ a law enforcement agency, county, or municipality authorizes the removal of a vehicle or vessel, or whenever a towing service, garage, repair shop, or automotive service, storage, or parking place notifies a the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved third-party service cannot obtain the vehicle's or vessel's owner, lienholder, and insurer information or last state of record pursuant to subsection (16), then the person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place must request such information from the law enforcement agency of the jurisdiction where the vehicle or vessel is stored. The law enforcement agency to which the request was made must shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department must shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place must request shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and must provide the information to the approved third-party service in order to transmit notices as required under subsection (16) shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding s. 627.736.

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

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

2. The name, physical address, and telephone number of the lienor, and the entity name, as registered with the Division of Corporations, of the business where the towing and storage occurred, which must also appear on

the outside of the envelope sent to the registered owner and all other persons claiming an interest in or lien on the vehicle or vessel.

3. The fact of possession of the vehicle or vessel.
4. The name of the person or entity that authorized the lienor to take possession of the vehicle or vessel.
5. That a lien as provided in paragraph (2)(b) ~~subsection (2)~~ is claimed.
6. That charges have accrued and include an itemized statement of the amount thereof.
7. That the lien is subject to enforcement under law and that the owner or lienholder, if any, has the right to initiate judicial proceedings a hearing as set forth in subsection (5).
8. That any vehicle or vessel that remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is an older model more than 3 years of age or 57 50 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is a newer model 3 years of age or less.
9. The address at which the vehicle or vessel is physically located.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(a) The registered owner of a vehicle or vessel in the possession of a towing-storage operator, the insurance company insuring such vehicle or vessel, and any other removed pursuant to subsection (2), or any person claiming a lien thereon, other than the towing-storage operator, may initiate judicial proceedings within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of competent jurisdiction in the county in which the vehicle or vessel is stored to determine whether the vehicle or vessel her or his property was wrongfully taken or withheld or whether fees were wrongfully charged.

(b) Regardless of whether judicial proceedings have been initiated pursuant to paragraph (a), at any time before the sale of the vehicle or

vessel by the towing-storage operator, the an owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and any other person claiming a lien thereon, other than the towing-storage operator, or lienholder may have the her or his vehicle or vessel released upon posting with the clerk of the court in the county in which the vehicle or vessel is held a cash or surety bond or other adequate security equal to the amount of the accrued charges set forth in the notice of lien, plus accrued storage charges, at the time of the release of the vehicle or vessel, if any, for towing or storage and lot rental amount to ensure the payment of such charges in the event a court determines that the vehicle or vessel was not wrongfully taken or withheld or fees were not wrongfully charged. The owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and any other person claiming a lien thereon, other than the towing-storage operator, may not be required to initiate judicial proceedings in order to post the bond in the registry of the court and are not required to use a particular form for posting the bond unless the clerk provides such form she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court must automatically shall issue a certificate notifying the towing-storage operator lienor of the posting of the bond and directing the towing-storage operator lienor to release the vehicle or vessel to the party that posted the bond. At the time of such release, after reasonable inspection, the party that posted the bond must she or he shall give a receipt to the towing-storage operator eompany reciting any claims she or he has for loss or damage to the vehicle or vessel or the contents thereof, or such claims are deemed waived.

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

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

a. Release the cash to the towing-storage operator; or

b. Issue a notice certifying that a judicial proceeding has not been initiated within 45 days after the issuance of the certificate and requiring the surety that issued the bond to promptly pay the full face value of the bond to the towing-storage operator. The towing-storage operator has the obligation, upon receipt of the clerk's notice, to timely notify the surety of such notice. A notice issued by the clerk under this sub-subparagraph expires 120 days after its issuance if the notice is not delivered to the surety.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney attorney's fees, and costs in favor of the prevailing party. In the any event the defendant prevails, the final order must shall provide for immediate payment in full of recovery, towing, and storage fees

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

(6) A vehicle or vessel that is stored pursuant to paragraph (2)(b) subsection (2) and remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is an older model more than 3 years of age or 57 50 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is a newer model 3 years of age or less. The sale must shall be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale must shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of any corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled. Notice of the sale must be sent by certified mail to the registered owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency at least 30 days before the sale of the vehicle or vessel. ~~The notice must have clearly identified and printed, if the claim of lien is for a motor vehicle, The last 8 digits of the vehicle identification number of the motor vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, must be clearly identified and printed in the delivery address box and on the outside of the envelope sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming an interest in therein or lien on the vehicle or vessel thereon. The notice must be sent to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency at least 30 days before the sale of the vehicle or vessel.~~ The notice must state the name, physical address, and telephone number of the lienor, and the vehicle identification number if the claim of lien is for a vehicle or the hull identification number if the claim of lien is for a vessel, all of which must also appear in the return address section on the outside of the envelope containing the notice of sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale must shall be made by publishing a notice thereof one time, at least 20 10 days before the date of the sale, on the publicly available website maintained by an approved third-party service. The third-party service must electronically report to the Department of Highway Safety and Motor Vehicles, via an electronic data exchange process using a web interface, the name, physical address, and telephone number of

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

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

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

(10) A towing-storage operator must ~~Persons who provide services pursuant to this section shall~~ permit vehicle or vessel owners, lienholders, insurance company representatives, or their agents, whose interest in the vehicle or vessel is evidenced by any of the documents listed in subsection (17) which agency is evidenced by an original writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and must shall release to the owner, lienholder, or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the towing-storage operator. The inspection and release of the vehicle, vessel, or personal

property must be permitted within 1 hour after the owner, lienholder, insurance company representative, or their agent presents any of the documents listed in subsection (17) to the towing-storage operator during normal business hours at the site where the vehicle or vessel is stored. Notwithstanding subparagraph (17)(a)6., a rental vehicle or vessel agreement is not evidence that the person who rented a vehicle or vessel is an agent of the rental vehicle or vessel owner for the purpose of releasing the vehicle or vessel. However, a towing-storage operator must release to the renter of a rental vehicle or vessel all personal property belonging to the renter which is not affixed to the rental vehicle or vessel within 1 hour after the renter's arrival person providing such services.

(11)(a) A towing-storage operator ~~Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to paragraph (2)(b) subsection (2) and who has complied with the provisions of subsections (4) (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, must shall report the vehicle to the National Motor Vehicle Title Information System and apply to the Department of Highway Safety and Motor Vehicles for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, is shall be reassignable a maximum of two times before dismantling or destruction of the vehicle is shall be required, and must shall accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include proof of reporting to the National Motor Vehicle Title Information System and an affidavit from the applicant that she or he it has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state or any other state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and must shall be accompanied by such documentation as may be required by the department.~~

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

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

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

1. The name, address, and telephone number of the wrecker operator.
2. The name of the registered owner of the vehicle or vessel and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).
3. A general description of the vehicle or vessel, including its color, make, model, body style, and year.
4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.
5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel be recovered, towed, or stored.
6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

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

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each

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

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

1. An electronic title.
2. A paper title.
3. A contract between a lender and the owner of the vehicle or vessel.
4. A contract between a lessor and the lessee of the vehicle or vessel.
5. Credentials establishing the person as an employee or contract agent of an insurance company along with documentation identifying the vehicle by the vehicle identification number or vessel by the hull identification number.
6. A written agreement evidencing that the person is an agent of the vehicle or vessel owner or lienholder.

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

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

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

- (a) All notice publications and certified mailings.
- (b) The purchase price of any unclaimed vehicle or vessel sold.

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

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

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

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

- 1. Cash, cashier’s check, money order, or traveler’s check.
- 2. Bank, debit, or credit card.
- 3. Mobile payment service, digital wallet, or other electronic payment system.

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

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

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

- 1. Post the rate sheet at the towing-storage operator’s place of business.
- 2. Make the rate sheet available upon request by the vehicle or vessel owner, lienholder, insurance company, or their agent.
- 3. Before attaching a vehicle or vessel to a wrecker, furnish the rate sheet to the owner or operator of the vehicle or vessel, if the owner or operator is present at the scene of the disabled vehicle or vessel.

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

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

- 1. The tow is completed; or
- 2. The towing-storage operator has obtained all necessary information to be included on the invoice, including any charges submitted by

subcontractors used by the towing-storage operator to complete the tow and recovery.

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

1. The date and time the vehicle or vessel was towed.
2. The location to which the vehicle or vessel was towed.
3. The name, address, and telephone number of the towing-storage operator.
4. A description of the towed vehicle or vessel, including the color, make, model, model year, and vehicle identification number of the vehicle or hull identification number of the vessel.
5. The license plate number and state of registration for the towed vehicle or vessel.
6. The cost of the initial towing service.
7. The cost of any storage fees, expressed as a daily rate.
8. Other fees, including administrative fees, vehicle or vessel search fees, fees for hazardous material and nonhazardous material cleanup, and fees for labor.
9. A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the vehicle or vessel.

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

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

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

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

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

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

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

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

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

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

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

service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor March 22, 2024.

Filed in Office Secretary of State March 22, 2024.