

Bill No. CS for CS for SB 1270, 2nd Eng.

Amendment No. (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Bloom offered the following:

Amendment (with title amendment)

On page 7, line 23,

insert:

Section 1. Subsection (1) of section 125.0103, Florida Statutes, 1998 Supplement, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.--

(1)(a) Except as hereinafter provided, no county, municipality, or other entity of local government shall adopt or maintain in effect an ordinance or a rule which has the effect of imposing price controls upon a lawful business activity which is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) The provisions of this section shall 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

1 for towing of vehicles from or immobilization of vehicles on
2 private property, or rates for removal and storage of wrecked
3 or disabled vehicles from an accident scene or the removal and
4 storage of vehicles if the owner or operator is incapacitated,
5 unavailable, leaves the procurement of wrecker service to the
6 law enforcement officer at the scene, or otherwise does not
7 consent to the removal of the vehicle.

8 (c) Counties must establish maximum rates fees which
9 may be charged on the towing of vehicles from or
10 immobilization of vehicles on private property, removal and
11 storage of wrecked or disabled vehicles from an accident scene
12 or for the removal and storage of vehicles, in the event the
13 owner or operator is incapacitated, unavailable, leaves the
14 procurement of wrecker service to the law enforcement officer
15 at the scene, or otherwise does not consent to the removal of
16 the vehicle. However, if a municipality enacts an ordinance
17 establishing the maximum fees for the towing or immobilization
18 of vehicles as provided in paragraph (b), the county's
19 ordinance does not apply within that municipality.

20 Section 2. Subsection (1) of section 166.043, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 166.043 Ordinances and rules imposing price controls;
23 findings required; procedures.--

24 (1)(a) Except as hereinafter provided, no county,
25 municipality, or other entity of local government shall adopt
26 or maintain in effect an ordinance or a rule which has the
27 effect of imposing price controls upon a lawful business
28 activity which is not franchised by, owned by, or under
29 contract with, the governmental agency, unless specifically
30 provided by general law.

31 (b) The provisions of this section shall not prevent

1 the enactment by local governments of public service rates
2 otherwise authorized by law, including water, sewer, solid
3 waste, public transportation, taxicab, or port rates, rates
4 for towing of vehicles from or immobilization of vehicles on
5 private property, or rates for removal and storage of wrecked
6 or disabled vehicles from an accident scene or the removal and
7 storage of vehicles if the owner or operator is incapacitated,
8 unavailable, leaves the procurement of wrecker service to the
9 law enforcement officer at the scene, or otherwise does not
10 consent to the removal of the vehicle.

11 (c) Counties must establish maximum rates ~~fees~~ which
12 may be charged on the towing of vehicles from or
13 immobilization of vehicles on private property, removal and
14 storage of wrecked or disabled vehicles from an accident scene
15 or for the removal and storage of vehicles, in the event the
16 owner or operator is incapacitated, unavailable, leaves the
17 procurement of wrecker service to the law enforcement officer
18 at the scene, or otherwise does not consent to the removal of
19 the vehicle. However, if a municipality enacts an ordinance
20 establishing the maximum fees for the towing or immobilization
21 of vehicles as provided in paragraph (b), the county's
22 ordinance established under s. 125.0103 does not apply within
23 that municipality.

24 Section 3. The provisions of this act are declared to
25 be severable. If any provision of s. 125.0103 or s. 166.043,
26 Florida Statutes, as amended by this act is determined to be
27 invalid, such invalidity shall not affect the validity of the
28 remaining sections of this act, which sections express the
29 primary intent of the Legislature in enacting this act.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 3,

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5 after "safety;" insert:

6 amending ss. 125.0103 and 166.043, F.S.;

7 providing for local governments to adopt rates

8 for the towing, removal, and storage of certain

9 vehicles; providing severability;

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