

Bill No. CS for CS for SB 1566, 1st 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 18, line 11,

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 2,

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5 after the semicolon 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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