

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

HB 1635 requires government action (citation for improper parking) before a business owner may authorize the removal of a vehicle from a public right-of-way.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

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

Effect of Proposed Changes

HB 1635 provides that a business owner may not authorize the removal of a vehicle parked on a public right-of-way (and a towing company may not remove the vehicle) unless the vehicle has been cited for improper parking by a parking enforcement agent or other law enforcement agency, and the citation signed by the agent has been left with the vehicle. If such a vehicle is removed without having first been cited for improper parking, the owner or person in control of the vehicle will not be liable for the cost of removal or the storage of the vehicle.

C. SECTION DIRECTORY:

Section 1. Amends s. 715.07, F.S., requiring issuance of a citation for improper parking to a vehicle parked in a right-of-way before a business owner may have it removed for obstructing access, and eliminating liability of vehicle owner for towing and storage fees if the vehicle is improperly towed.

Section 2. Reenacts a portion of s. 316.515, F.S., for the purpose of incorporating the amendment into a cross-reference.

Section 3. Reenacts a portion of s. 713.78, F.S., for the purpose of incorporating the amendment into a cross-reference.

Section 4. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
Indeterminate, see FISCAL COMMENTS section.
2. Expenditures:
Indeterminate, see FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
Indeterminate, see FISCAL COMMENTS section.
2. Expenditures:
Indeterminate, see FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill may result in more requests from business owners to law enforcement agencies to issue citations for improper parking in order to have vehicles towed. Revenues from improper parking violations accrues to local governments, however, the amount of additional revenue is unknown because it is impossible to predict the how many additional citations will result from the provisions of the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 1635 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES