

By Senator Artiles

40-00342-17

2017282\_\_

1                   A bill to be entitled  
 2           An act relating to towing and storage fees; creating  
 3           ss. 125.01047 and 166.04465, F.S.; prohibiting  
 4           counties and municipalities from enacting certain  
 5           ordinances or rules to impose a fee or charge on  
 6           wrecker operators or vehicle storage companies;  
 7           providing exceptions; providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11       Section 1. Section 125.01047, Florida Statutes, is created  
 12   to read:

13       125.01047 Rules and ordinances relating to towing or  
 14   storage services.-

15       (1) A county may not enact an ordinance or rule that would  
 16   impose a fee or charge on an authorized wrecker operator, as  
 17   defined in s. 323.002(1), or a vehicle storage company for  
 18   towing, storing, or impounding a vehicle by the wrecker operator  
 19   or vehicle storage company. This prohibition applies to and  
 20   includes, but is not limited to, situations where:

21       (a) The county contacts the wrecker operator or the vehicle  
 22   storage company to provide such services.

23       (b) A county law enforcement officer causes a vehicle to be  
 24   towed, stored, or impounded after an accident or after the  
 25   vehicle has become disabled.

26       (c) A vehicle is towed, stored, or impounded as a result of  
 27   the commission or attempted commission of a crime or  
 28   misdemeanor.

29       (d) A county law enforcement officer causes a vehicle to be  
 30   towed, stored, or impounded when the owner or operator is  
 31   incapacitated.

32       (e) A vehicle is towed at the request of a person who is

40-00342-17

2017282\_\_

33 not a law enforcement officer or at the request of a person as  
34 set forth in s. 715.07(2).

35 (2) The prohibition set forth in subsection (1) does not  
36 affect a county's authority to:

37 (a) Levy a reasonable business tax under s. 205.0315, s.  
38 205.033, or s. 205.0535.

39 (b) Impose a reasonable fee or charge, not to exceed the  
40 maximum rates approved by ordinance or rule under s. 125.0103 or  
41 s. 166.043, on the legal owner of a vehicle if a county law  
42 enforcement officer has caused the owner's vehicle to be towed  
43 to and impounded at a facility owned by the county.

44 Section 2. Section 166.04465, Florida Statutes, is created  
45 to read:

46 166.04465 Rules and ordinances relating to towing or  
47 storage services.-

48 (1) A municipality may not enact an ordinance or rule that  
49 would impose a fee or charge on an authorized wrecker operator,  
50 as defined in s. 323.002(1), or a vehicle storage company for  
51 towing, storing, or impounding a vehicle by the wrecker operator  
52 or vehicle storage company. This prohibition applies to and  
53 includes, but is not limited to, situations where:

54 (a) The municipality contacts the wrecker operator or the  
55 vehicle storage company to provide such services.

56 (b) A municipal law enforcement officer causes a vehicle to  
57 be towed, stored, or impounded after an accident or after a  
58 vehicle has become disabled.

59 (c) A vehicle is towed, stored, or impounded as a result of  
60 the commission or attempted commission of a crime or  
61 misdemeanor.

40-00342-17

2017282\_\_

62       (d) A municipal law enforcement officer causes a vehicle to  
63 be towed, stored, or impounded when the owner or operator is  
64 incapacitated.

65       (e) A vehicle is towed at the request of a person who is  
66 not a law enforcement officer or at the request of a person as  
67 set forth in s. 715.07(2).

68       (2) The prohibition set forth in subsection (1) does not  
69 affect a municipality's authority to:

70       (a) Levy a reasonable business tax under s. 205.0315, s.  
71 205.043, or s. 205.0535.

72       (b) Impose a reasonable fee or charge, not to exceed the  
73 maximum rates approved by ordinance or rule under s. 125.0103 or  
74 s. 166.043, on the legal owner of a vehicle if a municipal law  
75 enforcement officer has caused the owner's vehicle to be towed  
76 to and impounded at a facility owned by the municipality.

77       Section 3. This act shall take effect July 1, 2017.