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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Transportation (Mayfield) recommended the following:

1   **Senate Amendment**

2

3   Delete lines 90 - 152

4   and insert:

5   (c) Impose a reasonable fee for implementing or

6   administering a towing licensing program.

7   Section 3. Paragraphs (b) and (c) of subsection (1) of

8   section 166.043, Florida Statutes, are amended to read:

9   166.043 Ordinances and rules imposing price controls;

10   findings required; procedures.—

2/5/2018 7:35:54 AM

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11   (1)

12   (b) The provisions of this section shall not prevent the

13 enactment by local governments of public service rates otherwise

14 authorized by law, including water, sewer, solid waste, public

15 transportation, taxicab, or port rates, rates for towing of

16 vehicles or vessels from or immobilization of vehicles or

17 vessels on private property, or rates for removal and storage of

18 wrecked or disabled vehicles or vessels from an accident scene

19 or the removal and storage of vehicles or vessels in the event

20 the owner or operator is incapacitated, unavailable, leaves the

21 procurement of wrecker service to the law enforcement officer at

22 the scene, or otherwise does not consent to the removal of the

23 vehicle or vessel.

24   (c) Counties must establish maximum rates which may be

25 charged on the towing of vehicles or vessels from or

26 immobilization of vehicles or vessels on private property,

27 removal and storage of wrecked or disabled vehicles or vessels

28 from an accident scene or for the removal and storage of

29 vehicles or vessels, in the event the owner or operator is

30 incapacitated, unavailable, leaves the procurement of wrecker

31 service to the law enforcement officer at the scene, or

32 otherwise does not consent to the removal of the vehicle or

33 vessel. The maximum rate to immobilize a vehicle or vessel on

34 public or private property may not exceed 20 percent of the

35 maximum rate to tow a vehicle or vessel from private property.

36 However, if a municipality chooses to enact an ordinance

37 establishing the maximum rates fees for the towing or

38 immobilization of vehicles or vessels as described in paragraph

39 (b), the county's ordinance established under s. 125.0103 shall

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40 not apply within such municipality. For purposes of this
41 paragraph, the term "immobilize" means the act of rendering a
42 vehicle or vessel inoperable by the use of a device such as a
43 "boot" or "club," the "Barnacle," or any other device that
44 renders a vehicle or vessel inoperable.
45   Section 4. Section 166.04465, Florida Statutes, is created
46 to read:
47   166.04465 Rules and ordinances relating to towing
48 services.—
49   (1) A municipality may not enact an ordinance or rule that
50 would impose a fee or charge on an authorized wrecker operator,
51 as defined in s. 323.002(1), or on a towing business for towing,
52 impounding, or storing a vehicle or vessel. As used in this
53 section, the term "towing business" means a business that
54 provides towing services for monetary gain.
55   (2) The prohibition set forth in subsection (1) does not
56 affect a municipality's authority to:
57   (a) Levy a reasonable business tax under s. 205.0315, s.
58 205.043, or s. 205.0535.
59   (b) Impose and collect a reasonable administrative fee or
60 charge on the registered owner or other legally authorized
61 person in control of a vehicle or vessel, or the lienholder of a
62 vehicle or vessel, not to exceed 25 percent of the maximum
63 towing rate, to cover the cost of enforcement, including parking
64 enforcement, by the municipality when the vehicle or vessel is
65 towed from public property. However, an authorized wrecker
66 operator or towing business may impose and collect the
67 administrative fee or charge on behalf of the municipality and
68 shall remit such fee or charge to the municipality only after it

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69 is collected.
70   (c) Impose a reasonable fee for implementing or
71 administering a towing licensing program.