

By Senator Mayfield

17-01484B-18

20181632__

1 A bill to be entitled
2 An act relating to towing and immobilization fees and
3 charges; amending ss. 125.0103 and 166.043, F.S.;
4 expanding the application of certain provisions
5 related to ordinances and rules imposing price
6 controls to include the towing or immobilization of
7 vessels; establishing a maximum rate that counties and
8 municipalities may charge for the immobilization of
9 vehicles or vessels under certain conditions; defining
10 the term "immobilize"; creating ss. 125.01047 and
11 166.04465, F.S.; prohibiting counties and
12 municipalities from enacting certain ordinances or
13 rules that impose fees or charges on authorized
14 wrecker operators or towing businesses; defining the
15 term "towing business"; providing exceptions to the
16 prohibition; amending s. 323.002, F.S.; prohibiting
17 counties and municipalities from imposing charges,
18 costs, expenses, fines, fees, or penalties on
19 registered owners, other legally authorized persons in
20 control, or lienholders of vehicles or vessels under
21 certain conditions; providing an exception; amending
22 s. 713.78, F.S.; authorizing certain persons to place
23 liens on vehicles or vessels to recover specified fees
24 or charges; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Paragraphs (b) and (c) of subsection (1) of
29 section 125.0103, Florida Statutes, are amended to read:

17-01484B-18

20181632__

30 125.0103 Ordinances and rules imposing price controls;
31 findings required; procedures.—

32 (1)

33 (b) The provisions of this section shall not prevent the
34 enactment by local governments of public service rates otherwise
35 authorized by law, including water, sewer, solid waste, public
36 transportation, taxicab, or port rates, rates for towing of
37 vehicles or vessels from or immobilization of vehicles or
38 vessels on private property, or rates for removal and storage of
39 wrecked or disabled vehicles or vessels from an accident scene
40 or the removal and storage of vehicles or vessels in the event
41 the owner or operator is incapacitated, unavailable, leaves the
42 procurement of wrecker service to the law enforcement officer at
43 the scene, or otherwise does not consent to the removal of the
44 vehicle or vessel.

45 (c) Counties must establish maximum rates which may be
46 charged on the towing of vehicles or vessels from or
47 immobilization of vehicles or vessels on private property,
48 removal and storage of wrecked or disabled vehicles or vessels
49 from an accident scene or for the removal and storage of
50 vehicles or vessels, in the event the owner or operator is
51 incapacitated, unavailable, leaves the procurement of wrecker
52 service to the law enforcement officer at the scene, or
53 otherwise does not consent to the removal of the vehicle or
54 vessel. The maximum rate to immobilize a vehicle or vessel on
55 public or private property may not exceed 20 percent of the
56 maximum rate to tow a vehicle or vessel from private property.
57 However, if a municipality chooses to enact an ordinance
58 establishing the maximum rates ~~fees~~ for the towing or

17-01484B-18

20181632__

59 immobilization of vehicles or vessels as described in paragraph
60 (b), the county's ordinance shall not apply within such
61 municipality. For purposes of this paragraph, the term
62 "immobilize" means the act of rendering a vehicle or vessel
63 inoperable by the use of a device such as a "boot" or "club,"
64 the "Barnacle," or any other device that renders a vehicle or
65 vessel inoperable.

66 Section 2. Section 125.01047, Florida Statutes, is created
67 to read:

68 125.01047 Rules and ordinances relating to towing
69 services.—

70 (1) A county may not enact an ordinance or rule that would
71 impose a fee or charge on an authorized wrecker operator, as
72 defined in s. 323.002(1), or on a towing business for towing,
73 impounding, or storing a vehicle or vessel. As used in this
74 section, the term "towing business" means a business that
75 provides towing services for monetary gain.

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

78 (a) Levy a reasonable business tax under s. 205.0315, s.
79 205.033, or s. 205.0535.

80 (b) Impose and collect a reasonable administrative fee or
81 charge on the registered owner or other legally authorized
82 person in control of a vehicle or vessel, or the lienholder of a
83 vehicle or vessel, not to exceed 25 percent of the maximum
84 towing rate, to cover the cost of enforcement, including parking
85 enforcement, by the county when the vehicle or vessel is towed
86 from public property. However, an authorized wrecker operator or
87 towing business may impose and collect the administrative fee or

17-01484B-18

20181632__

88 charge on behalf of the county and shall remit such fee or
89 charge to the county only after it is collected.

90 Section 3. Paragraphs (b) and (c) of subsection (1) of
91 section 166.043, Florida Statutes, are amended to read:

92 166.043 Ordinances and rules imposing price controls;
93 findings required; procedures.—

94 (1)

95 (b) The provisions of this section shall not prevent the
96 enactment by local governments of public service rates otherwise
97 authorized by law, including water, sewer, solid waste, public
98 transportation, taxicab, or port rates, rates for towing of
99 vehicles or vessels from or immobilization of vehicles or
100 vessels on private property, or rates for removal and storage of
101 wrecked or disabled vehicles or vessels from an accident scene
102 or the removal and storage of vehicles or vessels in the event
103 the owner or operator is incapacitated, unavailable, leaves the
104 procurement of wrecker service to the law enforcement officer at
105 the scene, or otherwise does not consent to the removal of the
106 vehicle or vessel.

107 (c) Counties must establish maximum rates which may be
108 charged on the towing of vehicles or vessels from or
109 immobilization of vehicles or vessels on private property,
110 removal and storage of wrecked or disabled vehicles or vessels
111 from an accident scene or for the removal and storage of
112 vehicles or vessels, in the event the owner or operator is
113 incapacitated, unavailable, leaves the procurement of wrecker
114 service to the law enforcement officer at the scene, or
115 otherwise does not consent to the removal of the vehicle or
116 vessel. The maximum rate to immobilize a vehicle or vessel on

17-01484B-18

20181632__

117 public or private property may not exceed 20 percent of the
118 maximum rate to tow a vehicle or vessel from private property.
119 However, if a municipality chooses to enact an ordinance
120 establishing the maximum rates ~~fees~~ for the towing or
121 immobilization of vehicles or vessels as described in paragraph
122 (b), the county's ordinance established under s. 125.0103 shall
123 not apply within such municipality. For purposes of this
124 paragraph, the term "immobilize" means the act of rendering a
125 vehicle or vessel inoperable by the use of a device such as a
126 "boot" or "club," the "Barnacle," or any other device that
127 renders a vehicle or vessel inoperable.

128 Section 4. Section 166.04465, Florida Statutes, is created
129 to read:

130 166.04465 Rules and ordinances relating to towing
131 services.-

132 (1) A municipality may not enact an ordinance or rule that
133 would impose a fee or charge on an authorized wrecker operator,
134 as defined in s. 323.002(1), or on a towing business for towing,
135 impounding, or storing a vehicle or vessel. As used in this
136 section, the term "towing business" means a business that
137 provides towing services for monetary gain.

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

140 (a) Levy a reasonable business tax under s. 205.0315, s.
141 205.043, or s. 205.0535.

142 (b) Impose and collect a reasonable administrative fee or
143 charge on the registered owner or other legally authorized
144 person in control of a vehicle or vessel, or the lienholder of a
145 vehicle or vessel, not to exceed 25 percent of the maximum

17-01484B-18

20181632__

146 towing rate, to cover the cost of enforcement, including parking
147 enforcement, by the municipality when the vehicle or vessel is
148 towed from public property. However, an authorized wrecker
149 operator or towing business may impose and collect the
150 administrative fee or charge on behalf of the municipality and
151 shall remit such fee or charge to the municipality only after it
152 is collected.

153 Section 5. Subsection (4) of section 323.002, Florida
154 Statutes, is renumbered as subsection (5), and a new subsection
155 (4) is added to that section, to read:

156 323.002 County and municipal wrecker operator systems;
157 penalties for operation outside of system.—

158 (4) (a) Except as provided in paragraph (b), a county or
159 municipality may not adopt or maintain in effect an ordinance or
160 rule that imposes a charge, cost, expense, fine, fee, or penalty
161 on a registered owner or other legally authorized person in
162 control of a vehicle or vessel, or the lienholder of a vehicle
163 or vessel, when the vehicle or vessel is towed by an authorized
164 wrecker operator under this chapter.

165 (b) A county or municipality may adopt or maintain an
166 ordinance or rule that imposes a reasonable administrative fee
167 or charge on the registered owner or other legally authorized
168 person in control of a vehicle or vessel, or the lienholder of a
169 vehicle or vessel, which is towed by an authorized wrecker
170 operator, not to exceed 25 percent of the maximum towing rate,
171 to cover the cost of enforcement, including parking enforcement,
172 by the county or municipality when the vehicle or vessel is
173 towed from public property. However, an authorized wrecker
174 operator or towing business may impose and collect the

17-01484B-18

20181632__

175 administrative fee or charge on behalf of the county or
176 municipality and shall remit such fee or charge to the county or
177 municipality only after it is collected.

178 Section 6. Subsection (2) of section 713.78, Florida
179 Statutes, is amended to read:

180 713.78 Liens for recovering, towing, or storing vehicles
181 and vessels.—

182 (2) Whenever a person regularly engaged in the business of
183 transporting vehicles or vessels by wrecker, tow truck, or car
184 carrier recovers, removes, or stores a vehicle or vessel upon
185 instructions from:

186 (a) The owner thereof;

187 (b) The owner or lessor, or a person authorized by the
188 owner or lessor, of property on which such vehicle or vessel is
189 wrongfully parked, and the removal is done in compliance with s.
190 715.07;

191 (c) The landlord or a person authorized by the landlord,
192 when such motor vehicle or vessel remained on the premises after
193 the tenancy terminated and the removal is done in compliance
194 with s. 83.806 or s. 715.104; or

195 (d) Any law enforcement agency,

196

197 she or he shall have a lien on the vehicle or vessel for a
198 reasonable towing fee, for a reasonable administrative fee or
199 charge imposed by a county or municipality, and for a reasonable
200 storage fee; except that no storage fee shall be charged if the
201 vehicle or vessel is stored for less than 6 hours.

202 Section 7. This act shall take effect July 1, 2018.