

1 A bill to be entitled

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

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 | 125.0103 Ordinances and rules imposing price controls;
27 | findings required; procedures.—

28 | (1)

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

41 | (c) Counties must establish maximum rates which may be
42 | charged on the towing of vehicles or vessels from or
43 | immobilization of vehicles or vessels on private property,
44 | removal and storage of wrecked or disabled vehicles or vessels
45 | from an accident scene or for the removal and storage of
46 | vehicles or vessels, in the event the owner or operator is
47 | incapacitated, unavailable, leaves the procurement of wrecker
48 | service to the law enforcement officer at the scene, or
49 | otherwise does not consent to the removal of the vehicle or
50 | vessel. The maximum rate to immobilize a vehicle or vessel on

51 public or private property may not exceed 20 percent of the
52 maximum rate to tow a vehicle or vessel from private property.
53 However, if a municipality chooses to enact an ordinance
54 establishing the maximum rates ~~fees~~ for the towing or
55 immobilization of vehicles or vessels as described in paragraph
56 (b), the county's ordinance shall not apply within such
57 municipality. For purposes of this paragraph, the term
58 "immobilize" means the act of rendering a vehicle or vessel
59 inoperable by the use of a device such as a "boot" or "club,"
60 the "Barnacle," or any other device which renders a vehicle or
61 vessel inoperable.

62 Section 2. Section 125.01047, Florida Statutes, is created
63 to read:

64 125.01047 Rules and ordinances relating to towing
65 services.—

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

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

74 (a) Levy a reasonable business tax under s. 205.0315, s.
75 205.033, or s. 205.0535.

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

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

88 166.043 Ordinances and rules imposing price controls;
 89 findings required; procedures.-

90 (1)

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

101 the scene, or otherwise does not consent to the removal of the
 102 vehicle or vessel.

103 (c) Counties must establish maximum rates which may be
 104 charged on the towing of vehicles or vessels from or
 105 immobilization of vehicles or vessels on private property,
 106 removal and storage of wrecked or disabled vehicles or vessels
 107 from an accident scene or for the removal and storage of
 108 vehicles or vessels, in the event the owner or operator is
 109 incapacitated, unavailable, leaves the procurement of wrecker
 110 service to the law enforcement officer at the scene, or
 111 otherwise does not consent to the removal of the vehicle or
 112 vessel. The maximum rate to immobilize a vehicle or vessel on
 113 public or private property may not exceed 20 percent of the
 114 maximum rate to tow a vehicle or vessel from private property.
 115 However, if a municipality chooses to enact an ordinance
 116 establishing the maximum rates ~~fees~~ for the towing or
 117 immobilization of vehicles or vessels as described in paragraph
 118 (b), the county's ordinance established under s. 125.0103 shall
 119 not apply within such municipality. For purposes of this
 120 paragraph, the term "immobilize" means the act of rendering a
 121 vehicle or vessel inoperable by the use of a device such as a
 122 "boot" or "club," the "Barnacle," or any other device which
 123 renders a vehicle or vessel inoperable.

124 Section 4. Section 166.04465, Florida Statutes, is created
 125 to read:

126 166.04465 Rules and ordinances relating to towing
 127 services.—

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

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

136 (a) Levy a reasonable business tax under s. 205.0315, s.
 137 205.043, or s. 205.0535.

138 (b) Impose and collect a reasonable administrative fee or
 139 charge on the registered owner or other legally authorized
 140 person in control of a vehicle or vessel, or the lienholder of a
 141 vehicle or vessel, not to exceed 25 percent of the maximum
 142 towing rate, to cover the cost of enforcement, including parking
 143 enforcement, by the municipality when the vehicle or vessel is
 144 towed from public property. However, an authorized wrecker
 145 operator or towing business may impose and collect the
 146 administrative fee or charge on behalf of the municipality and
 147 shall remit such fee or charge to the municipality only after it
 148 is collected.

149 Section 5. Subsection (4) of section 323.002, Florida
 150 Statutes, is renumbered as subsection (5), and a new subsection

151 (4) is added to that section to read:

152 323.002 County and municipal wrecker operator systems;
153 penalties for operation outside of system.-

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

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

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

176 713.78 Liens for recovering, towing, or storing vehicles
177 and vessels.—

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

182 (a) The owner thereof;

183 (b) The owner or lessor, or a person authorized by the
184 owner or lessor, of property on which such vehicle or vessel is
185 wrongfully parked, and the removal is done in compliance with s.
186 715.07;

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

191 (d) Any law enforcement agency,

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

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