

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: Business & Professions  
2 Subcommittee

3 Representative McClain offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (b) and (c) of subsection (1) of section  
8 125.0103, Florida Statutes, are amended to read:

9 125.0103 Ordinances and rules imposing price controls;  
10 findings required; procedures.—

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

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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. However, if a municipality chooses to enact an ordinance  
34 establishing the maximum rates ~~fees~~ for the towing or  
35 immobilization of vehicles or vessels as described in paragraph  
36 (b), the county's ordinance shall not apply within such  
37 municipality.

38 Section 2. Section 125.01047, Florida Statutes, is created  
39 to read:

40 125.01047 Rules and ordinances relating to towing  
41 services.-

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

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

50 (a) Levy a reasonable business tax under s. 205.0315, s.  
51 205.033, or s. 205.0535.

52 (b) Impose and collect a reasonable administrative fee or  
53 charge on the registered owner or other legally authorized  
54 person in control of a vehicle or vessel, or the lienholder of a  
55 vehicle or vessel, not to exceed 25 percent of the maximum  
56 towing rate, to cover the cost of enforcement, including parking  
57 enforcement, by the county when the vehicle or vessel is towed  
58 from public property. However, an authorized wrecker operator or  
59 towing business may impose and collect the administrative fee or  
60 charge on behalf of the county and shall remit such fee or  
61 charge to the county only after it is collected.

62 (3) Subsection (1) does not apply to a county with an  
63 existing towing license program as of January 1, 2019. However,  
64 such county may not levy a business tax as set forth in  
65 paragraph (2) (a) or impose and collect an administrative fee or  
66 charge as set forth in paragraph (2) (b).

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

69 166.043 Ordinances and rules imposing price controls;  
70 findings required; procedures.—

71 (1)

72 (b) The provisions of this section shall not prevent the  
73 enactment by local governments of public service rates otherwise  
74 authorized by law, including water, sewer, solid waste, public  
75 transportation, taxicab, or port rates, rates for towing of  
76 vehicles or vessels from or immobilization of vehicles or  
77 vessels on private property, or rates for removal and storage of  
78 wrecked or disabled vehicles or vessels from an accident scene  
79 or the removal and storage of vehicles or vessels in the event  
80 the owner or operator is incapacitated, unavailable, leaves the  
81 procurement of wrecker service to the law enforcement officer at  
82 the scene, or otherwise does not consent to the removal of the  
83 vehicle or vessel.

84 (c) Counties must establish maximum rates which may be  
85 charged on the towing of vehicles or vessels from or  
86 immobilization of vehicles or vessels on private property,  
87 removal and storage of wrecked or disabled vehicles or vessels  
88 from an accident scene or for the removal and storage of  
89 vehicles or vessels, in the event the owner or operator is  
90 incapacitated, unavailable, leaves the procurement of wrecker  
91 service to the law enforcement officer at the scene, or

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92 otherwise does not consent to the removal of the vehicle or  
93 vessel. However, if a municipality chooses to enact an ordinance  
94 establishing the maximum rates fees for the towing or  
95 immobilization of vehicles or vessels as described in paragraph  
96 (b), the county's ordinance established under s. 125.0103 shall  
97 not apply within such municipality.

98 Section 4. Section 166.04465, Florida Statutes, is created  
99 to read:

100 166.04465 Rules and ordinances relating to towing  
101 services.-

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

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

110 (a) Levy a reasonable business tax under s. 205.0315, s.  
111 205.043, or s. 205.0535.

112 (b) Impose and collect a reasonable administrative fee or  
113 charge on the registered owner or other legally authorized  
114 person in control of a vehicle or vessel, or the lienholder of a  
115 vehicle or vessel, not to exceed 25 percent of the maximum  
116 towing rate, to cover the cost of enforcement, including parking

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117 enforcement, by the municipality when the vehicle or vessel is  
118 towed from public property. However, an authorized wrecker  
119 operator or towing business may impose and collect the  
120 administrative fee or charge on behalf of the municipality and  
121 shall remit such fee or charge to the municipality only after it  
122 is collected.

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

126 323.002 County and municipal wrecker operator systems;  
127 penalties for operation outside of system.-

128 (4) (a) Except as provided in paragraph (b), a county or  
129 municipality may not adopt or maintain in effect an ordinance or  
130 rule that imposes a charge, cost, expense, fine, fee, or penalty  
131 on an authorized wrecker operator, registered owner or other  
132 legally authorized person in control of a vehicle or vessel, or  
133 the lienholder of a vehicle or vessel, when the vehicle or  
134 vessel is towed by an authorized wrecker operator under this  
135 chapter.

136 (b) A county or municipality may adopt or maintain an  
137 ordinance or rule that imposes a reasonable administrative fee  
138 or charge on the registered owner or other legally authorized  
139 person in control of a vehicle or vessel, or the lienholder of a  
140 vehicle or vessel, that is towed by an authorized wrecker  
141 operator, not to exceed 25 percent of the maximum towing rate,

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142 to cover the cost of enforcement, including parking enforcement,  
143 by the county or 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 county or  
147 municipality and shall remit such fee or charge to the county or  
148 municipality only after it is collected.

149 (c) No municipality or county may enact an ordinance or  
150 rule requiring an authorized wrecker operator to accept checks  
151 as a form of payment.

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

154 713.78 Liens for recovering, towing, or storing vehicles  
155 and vessels.—

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

160 (a) The owner thereof;

161 (b) The owner or lessor, or a person authorized by the  
162 owner or lessor, of property on which such vehicle or vessel is  
163 wrongfully parked, and the removal is done in compliance with s.  
164 715.07;

165 (c) The landlord or a person authorized by the landlord,  
166 when such motor vehicle or vessel remained on the premises after

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167 the tenancy terminated and the removal is done in compliance  
168 with s. 83.806 or s. 715.104; or

169 (d) Any law enforcement agency,

170

171 she or he shall have a lien on the vehicle or vessel for a  
172 reasonable towing fee, for a reasonable administrative fee or  
173 charge imposed by a county or municipality, and for a reasonable  
174 storage fee; except that no storage fee shall be charged if the  
175 vehicle or vessel is stored for less than 6 hours.

176 Section 7. Paragraph (a) of subsection (2) and subsection  
177 (4) of section 715.07, Florida Statutes, are amended to read:

178 715.07 Vehicles or vessels parked on private property;  
179 towing.-

180 (2) The owner or lessee of real property, or any person  
181 authorized by the owner or lessee, which person may be the  
182 designated representative of the condominium association if the  
183 real property is a condominium, may cause any vehicle or vessel  
184 parked on such property without her or his permission to be  
185 removed by a person regularly engaged in the business of towing  
186 vehicles or vessels, without liability for the costs of removal,  
187 transportation, or storage or damages caused by such removal,  
188 transportation, or storage, under any of the following  
189 circumstances:

190 (a) The towing or removal of any vehicle or vessel from  
191 private property without the consent of the registered owner or



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192 other legally authorized person in control of that vehicle or  
193 vessel is subject to substantial ~~strict~~ compliance with the  
194 following conditions and restrictions:

195 1.a. Any towed or removed vehicle or vessel must be stored  
196 at a site within a 10-mile radius of the point of removal in any  
197 county of 500,000 population or more, and within a 15-mile  
198 radius of the point of removal in any county of less than  
199 500,000 population. That site must be open for the purpose of  
200 redemption of vehicles on any day that the person or firm towing  
201 such vehicle or vessel is open for towing purposes, from 8:00  
202 a.m. to 6:00 p.m., and, when closed, shall have prominently  
203 posted a sign indicating a telephone number where the operator  
204 of the site can be reached at all times. Upon receipt of a  
205 telephoned request to open the site to redeem a vehicle or  
206 vessel, the operator shall return to the site within 1 hour or  
207 she or he will be in violation of this section.

208 b. If no towing business providing such service is located  
209 within the area of towing limitations set forth in sub-  
210 subparagraph a., the following limitations apply: any towed or  
211 removed vehicle or vessel must be stored at a site within a 20-  
212 mile radius of the point of removal in any county of 500,000  
213 population or more, and within a 30-mile radius of the point of  
214 removal in any county of less than 500,000 population.

215 2. The person or firm towing or removing the vehicle or  
216 vessel shall, within 30 minutes after completion of such towing

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217 or removal, notify the municipal police department or, in an  
218 unincorporated area, the sheriff, of such towing or removal, the  
219 storage site, the time the vehicle or vessel was towed or  
220 removed, and the make, model, color, and license plate number of  
221 the vehicle or description and registration number of the vessel  
222 and shall obtain the name of the person at that department to  
223 whom such information was reported and note that name on the  
224 trip record.

225 3. A person in the process of towing or removing a vehicle  
226 or vessel from the premises or parking lot in which the vehicle  
227 or vessel is not lawfully parked must stop when a person seeks  
228 the return of the vehicle or vessel. The vehicle or vessel must  
229 be returned upon the payment of a reasonable service fee of not  
230 more than one-half of the posted rate for the towing or removal  
231 service as provided in subparagraph 6. The vehicle or vessel may  
232 be towed or removed if, after a reasonable opportunity, the  
233 owner or legally authorized person in control of the vehicle or  
234 vessel is unable to pay the service fee. If the vehicle or  
235 vessel is redeemed, a detailed signed receipt must be given to  
236 the person redeeming the vehicle or vessel.

237 4. A person may not pay or accept money or other valuable  
238 consideration for the privilege of towing or removing vehicles  
239 or vessels from a particular location.

240 5. Except for property appurtenant to and obviously a part  
241 of a single-family residence, and except for instances when

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242 notice is personally given to the owner or other legally  
243 authorized person in control of the vehicle or vessel that the  
244 area in which that vehicle or vessel is parked is reserved or  
245 otherwise unavailable for unauthorized vehicles or vessels and  
246 that the vehicle or vessel is subject to being removed at the  
247 owner's or operator's expense, any property owner or lessee, or  
248 person authorized by the property owner or lessee, prior to  
249 towing or removing any vehicle or vessel from private property  
250 without the consent of the owner or other legally authorized  
251 person in control of that vehicle or vessel, must post a notice  
252 meeting the following requirements:

253 a. The notice must be prominently placed at each driveway  
254 access or curb cut allowing vehicular access to the property,  
255 ~~within 5 feet from the public right-of-way line.~~ If there are no  
256 curbs or access barriers, the signs must be posted not less than  
257 one sign for each 25 feet of lot frontage.

258 b. The notice must ~~clearly~~ indicate, in not less than 2-  
259 inch high, light-reflective letters on a contrasting background,  
260 that unauthorized vehicles will be towed away at the owner's  
261 expense. The words "tow-away zone" must be included on the sign  
262 in not less than 4-inch high letters.

263 c. The notice must also provide the name and current  
264 telephone number of the person or firm towing or removing the  
265 vehicles or vessels.

266 d. The sign structure containing the required notices must

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267 be permanently installed with the words "tow-away zone" ~~not less~~  
268 ~~than 3 feet and not more than 6 feet above ground level~~ and must  
269 be continuously maintained on the property for not less than 24  
270 hours prior to the towing or removal of any vehicles or vessels.

271 e. The local government may require permitting and  
272 inspection of these signs prior to any towing or removal of  
273 vehicles or vessels being authorized.

274 f. A business with 20 or fewer parking spaces satisfies the  
275 notice requirements of this subparagraph by prominently  
276 displaying a sign stating "Reserved Parking for Customers Only  
277 Unauthorized Vehicles or Vessels Will be Towed Away At the  
278 Owner's Expense" in not less than 4-inch high, light-reflective  
279 letters on a contrasting background.

280 g. A property owner towing or removing vessels from real  
281 property must post notice, consistent with the requirements in  
282 sub-subparagraphs a.-f., which apply to vehicles, that  
283 unauthorized vehicles or vessels will be towed away at the  
284 owner's expense.

285

286 A business owner or lessee may authorize the removal of a  
287 vehicle or vessel by a towing company when the vehicle or vessel  
288 is parked in such a manner that restricts the normal operation  
289 of business; and if a vehicle or vessel parked on a public  
290 right-of-way obstructs access to a private driveway the owner,  
291 lessee, or agent may have the vehicle or vessel removed by a

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292 towing company upon signing an order that the vehicle or vessel  
293 be removed without a posted tow-away zone sign.

294 6. Any person or firm that tows or removes vehicles or  
295 vessels and proposes to require an owner, operator, or person in  
296 control or custody of a vehicle or vessel to pay the costs of  
297 towing and storage prior to redemption of the vehicle or vessel  
298 must file and keep on record with the local law enforcement  
299 agency a complete copy of the current rates to be charged for  
300 such services and post at the storage site an identical rate  
301 schedule and any written contracts with property owners,  
302 lessees, or persons in control of property which authorize such  
303 person or firm to remove vehicles or vessels as provided in this  
304 section.

305 7. Any person or firm towing or removing any vehicles or  
306 vessels from private property without the consent of the owner  
307 or other legally authorized person in control or custody of the  
308 vehicles or vessels shall, on any trucks, wreckers as defined in  
309 s. 713.78(1)(c), or other vehicles used in the towing or  
310 removal, have the name, address, and telephone number of the  
311 company performing such service clearly printed in contrasting  
312 colors on the driver and passenger sides of the vehicle. The  
313 name shall be in at least 3-inch permanently affixed letters,  
314 and the address and telephone number shall be in at least 1-inch  
315 permanently affixed letters.

316 8. Vehicle entry for the purpose of removing the vehicle or

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317 vessel shall be allowed with reasonable care on the part of the  
318 person or firm towing the vehicle or vessel. Such person or firm  
319 shall be liable for any damage occasioned to the vehicle or  
320 vessel if such entry is not in accordance with the standard of  
321 reasonable care.

322 9. When a vehicle or vessel has been towed or removed  
323 pursuant to this section, it must be released to its owner or  
324 person in control or custody ~~eustodian~~ within one hour after  
325 requested. Any vehicle or vessel owner or person in control or  
326 custody has ~~agent shall have~~ the right to inspect the vehicle or  
327 vessel before accepting its return, and no release or waiver of  
328 any kind which would release the person or firm towing the  
329 vehicle or vessel from liability for damages noted by the owner  
330 or the person in control or custody ~~other legally authorized~~  
331 ~~person~~ at the time of the redemption may be required from any  
332 vehicle or vessel owner, or person in control or custody  
333 ~~eustodian, or agent~~ as a condition of release of the vehicle or  
334 vessel to its owner. A detailed, signed receipt showing the  
335 legal name of the company or person towing or removing the  
336 vehicle or vessel must be given to the person paying towing or  
337 storage charges at the time of payment, whether requested or  
338 not.

339 (b) These requirements are minimum standards and do not  
340 preclude enactment of additional regulations by any municipality  
341 or county including the right to regulate rates when vehicles or

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342 vessels are towed from private property, except that no  
343 municipality or county may enact an ordinance or rule requiring  
344 a towing business to accept checks as a form of payment.  
345 Notwithstanding the foregoing, no municipality or county shall  
346 authorize attorney's fees or court costs in connection with the  
347 towing of vehicles or vessels from private property. This  
348 section expressly preempts the regulation of attorney's fees and  
349 court courts in connection with the towing of vehicles or  
350 vessels from private property to the state and supersedes any  
351 municipal or county ordinance on the subject.

352 ~~(4) When a person improperly causes a vehicle or vessel to~~  
353 ~~be removed, such person shall be liable to the owner or lessee~~  
354 ~~of the vehicle or vessel for the cost of removal,~~  
355 ~~transportation, and storage; any damages resulting from the~~  
356 ~~removal, transportation, or storage of the vehicle or vessel;~~  
357 ~~attorney's fees; and court costs.~~

359 -----

360 **T I T L E A M E N D M E N T**

361 Remove everything before the enacting clause and insert:  
362 An act relating to towing of vehicles and vessels; amending ss.  
363 125.0103 and 166.043, F.S.; authorizing local governments to  
364 enact rates to tow vessels on private property and to remove and  
365 store vessels under specified circumstances; creating ss.  
366 125.01047 and 166.04465, F.S.; prohibiting counties or

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367 municipalities from enacting certain ordinances or rules that  
368 impose fees or charges on authorized wrecker operators or towing  
369 businesses; defining the term "towing business"; providing  
370 exceptions; amending s. 323.002, F.S.; prohibiting counties or  
371 municipalities from imposing charges, costs, expenses, fines,  
372 fees, or penalties on registered owners, other legally  
373 authorized persons in control, or lienholders of vehicles or  
374 vessels under certain conditions; providing an exception;  
375 amending s. 713.78, F.S.; authorizing certain persons to place  
376 liens on vehicles or vessels to recover specified fees or  
377 charges; amending s. 715.07, F.S.; removing a requirement  
378 regarding notices and signs concerning the towing or removal of  
379 vehicles and vessels; providing an effective date.