

1                                   A bill to be entitled  
2           An act relating to towing and immobilizing vehicles  
3           and vessels; amending ss. 125.0103 and 166.043, F.S.;  
4           authorizing local governments to enact rates to tow or  
5           immobilize vessels on private property and to remove  
6           and store vessels under specified circumstances;  
7           creating ss. 125.01047 and 166.04465, F.S.;  
8           prohibiting counties or municipalities from enacting  
9           certain ordinances or rules that impose fees or  
10          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 adopting  
14          or maintaining in effect certain ordinances or rules  
15          that impose charges, costs, expenses, fines, fees, or  
16          penalties on registered owners, other legally  
17          authorized persons in control, or lienholders of  
18          vehicles or vessels under certain conditions;  
19          providing an exception; prohibiting counties or  
20          municipalities from enacting certain ordinances or  
21          rules that require authorized wrecker operators to  
22          accept a specified form of payment; providing  
23          exceptions; providing application; amending s. 713.78,  
24          F.S.; authorizing certain persons to place liens on  
25          vehicles or vessels to recover specified fees or

26 | charges; amending s. 715.07, F.S.; removing a  
 27 | requirement regarding notices and signs concerning the  
 28 | towing or removal of vehicles or vessels; prohibiting  
 29 | counties or municipalities from enacting certain  
 30 | ordinances or rules that require towing businesses to  
 31 | accept a specified form of payment; prohibiting  
 32 | counties or municipalities from authorizing attorney  
 33 | fees in connection with certain towing activities;  
 34 | providing exceptions; providing application;  
 35 | preempting to the state the regulation of attorney  
 36 | fees in connection with certain towing activities;  
 37 | removing a requirement regarding liability for  
 38 | attorney fees; providing an effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

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

44 | 125.0103 Ordinances and rules imposing price controls;  
 45 | findings required; procedures.—

46 | (1)

47 | (b) ~~The provisions of~~ This section does ~~shall~~ not prevent  
 48 | the enactment by local governments of public service rates  
 49 | otherwise authorized by law, including water, sewer, solid  
 50 | waste, public transportation, taxicab, or port rates, rates for

51 towing of vehicles or vessels from or immobilization of vehicles  
52 or vessels on private property, or rates for removal and storage  
53 of wrecked or disabled vehicles or vessels from an accident  
54 scene or the removal and storage of vehicles or vessels in the  
55 event the owner or operator is incapacitated, unavailable,  
56 leaves the procurement of wrecker service to the law enforcement  
57 officer at the scene, or otherwise does not consent to the  
58 removal of the vehicle or vessel.

59 (c) Counties must establish maximum rates which may be  
60 charged on the towing of vehicles or vessels from or  
61 immobilization of vehicles or vessels on private property,  
62 removal and storage of wrecked or disabled vehicles or vessels  
63 from an accident scene or for the removal and storage of  
64 vehicles or vessels, in the event the owner or operator is  
65 incapacitated, unavailable, leaves the procurement of wrecker  
66 service to the law enforcement officer at the scene, or  
67 otherwise does not consent to the removal of the vehicle or  
68 vessel. However, if a municipality chooses to enact an ordinance  
69 establishing the maximum rates ~~fees~~ for the towing or  
70 immobilization of vehicles or vessels as described in paragraph  
71 (b), the county's ordinance shall not apply within such  
72 municipality.

73 Section 2. Section 125.01047, Florida Statutes, is created  
74 to read:

75 125.01047 Rules and ordinances relating to towing

76 services.-

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

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

85 (a) Levy a reasonable business tax under s. 205.0315, s.  
86 205.033, or s. 205.0535.

87 (b) Impose and collect a reasonable administrative fee or  
88 charge on the registered owner or other legally authorized  
89 person in control of a vehicle or vessel, or the lienholder of a  
90 vehicle or vessel, not to exceed 25 percent of the maximum  
91 towing rate, to cover the cost of enforcement, including parking  
92 enforcement, by the county when the vehicle or vessel is towed  
93 from public property. However, an authorized wrecker operator or  
94 towing business may impose and collect the administrative fee or  
95 charge on behalf of the county and shall remit such fee or  
96 charge to the county only after it is collected.

97 (3) Subsection (1) does not apply to a county with an  
98 existing towing license program as of January 1, 2019. However,  
99 such a county may not levy a business tax as set forth in  
100 paragraph (2) (a) or impose and collect an administrative fee or

101 charge as set forth in paragraph (2) (b).

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

104 166.043 Ordinances and rules imposing price controls;  
 105 findings required; procedures.—

106 (1)

107 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent  
 108 the enactment by local governments of public service rates  
 109 otherwise authorized by law, including water, sewer, solid  
 110 waste, public transportation, taxicab, or port rates, rates for  
 111 towing of vehicles or vessels from or immobilization of vehicles  
 112 or vessels on private property, or rates for removal and storage  
 113 of wrecked or disabled vehicles or vessels from an accident  
 114 scene or the removal and storage of vehicles or vessels in the  
 115 event the owner or operator is incapacitated, unavailable,  
 116 leaves the procurement of wrecker service to the law enforcement  
 117 officer at the scene, or otherwise does not consent to the  
 118 removal of the vehicle or vessel.

119 (c) Counties must establish maximum rates which may be  
 120 charged on the towing of vehicles or vessels from or  
 121 immobilization of vehicles or vessels on private property,  
 122 removal and storage of wrecked or disabled vehicles or vessels  
 123 from an accident scene or for the removal and storage of  
 124 vehicles or vessels, in the event the owner or operator is  
 125 incapacitated, unavailable, leaves the procurement of wrecker

126 | service to the law enforcement officer at the scene, or  
 127 | otherwise does not consent to the removal of the vehicle or  
 128 | vessel. However, if a municipality chooses to enact an ordinance  
 129 | establishing the maximum rates ~~fees~~ for the towing or  
 130 | immobilization of vehicles or vessels as described in paragraph  
 131 | (b), the county's ordinance established under s. 125.0103 shall  
 132 | not apply within such municipality.

133 | Section 4. Section 166.04465, Florida Statutes, is created  
 134 | to read:

135 | 166.04465 Rules and ordinances relating to towing  
 136 | services.-

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

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

145 | (a) Levy a reasonable business tax under s. 205.0315, s.  
 146 | 205.043, or s. 205.0535.

147 | (b) Impose and collect a reasonable administrative fee or  
 148 | charge on the registered owner or other legally authorized  
 149 | person in control of a vehicle or vessel, or the lienholder of a  
 150 | vehicle or vessel, not to exceed 25 percent of the maximum

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

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

161 323.002 County and municipal wrecker operator systems;  
162 penalties for operation outside of system.—

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

171 (b) A county or municipality may adopt or maintain an  
172 ordinance or rule that imposes a reasonable administrative fee  
173 or charge on the registered owner or other legally authorized  
174 person in control of a vehicle or vessel, or the lienholder of a  
175 vehicle or vessel, that is towed by an authorized wrecker

176 operator, not to exceed 25 percent of the maximum towing rate,  
177 to cover the cost of enforcement, including parking enforcement,  
178 by the county or municipality when the vehicle or vessel is  
179 towed from public property. However, an authorized wrecker  
180 operator or towing business may impose and collect the  
181 administrative fee or charge on behalf of the county or  
182 municipality and shall remit such fee or charge to the county or  
183 municipality only after it is collected.

184 (c) A county or municipality may not enact an ordinance or  
185 rule that requires an authorized wrecker operator to accept a  
186 credit card as a form of payment. However, if an authorized  
187 wrecker operator does not accept a credit card as a form of  
188 payment, the wrecker operator must maintain an operable  
189 automatic teller machine for the use of the public at its place  
190 of business. This paragraph does not apply to a county or  
191 municipality that adopted an ordinance or rule before January 1,  
192 2019, requiring an authorized wrecker operator to accept a  
193 credit card as a form of payment.

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

196 713.78 Liens for recovering, towing, or storing vehicles  
197 and vessels.—

198 (2) Whenever a person regularly engaged in the business of  
199 transporting vehicles or vessels by wrecker, tow truck, or car  
200 carrier recovers, removes, or stores a vehicle or vessel upon



201 instructions from:

202 (a) The owner thereof;

203 (b) The owner or lessor, or a person authorized by the  
 204 owner or lessor, of property on which such vehicle or vessel is  
 205 wrongfully parked, and the removal is done in compliance with s.  
 206 715.07;

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

211 (d) Any law enforcement agency,

212

213 she or he shall have a lien on the vehicle or vessel for a  
 214 reasonable towing fee, for a reasonable administrative fee or  
 215 charge imposed by a county or municipality, and for a reasonable  
 216 storage fee; except that no storage fee shall be charged if the  
 217 vehicle or vessel is stored for less than 6 hours.

218 Section 7. Subsections (2) and (4) of section 715.07,  
 219 Florida Statutes, are amended to read:

220 715.07 Vehicles or vessels parked on private property;  
 221 towing.—

222 (2) The owner or lessee of real property, or any person  
 223 authorized by the owner or lessee, which person may be the  
 224 designated representative of the condominium association if the  
 225 real property is a condominium, may cause any vehicle or vessel

226 | parked on such property without her or his permission to be  
227 | removed by a person regularly engaged in the business of towing  
228 | vehicles or vessels, without liability for the costs of removal,  
229 | transportation, or storage or damages caused by such removal,  
230 | transportation, or storage, under any of the following  
231 | circumstances:

232 |       (a) The towing or removal of any vehicle or vessel from  
233 | private property without the consent of the registered owner or  
234 | other legally authorized person in control of that vehicle or  
235 | vessel is subject to substantial ~~strict~~ compliance with the  
236 | following conditions and restrictions:

237 |       1.a. Any towed or removed vehicle or vessel must be stored  
238 | at a site within a 10-mile radius of the point of removal in any  
239 | county of 500,000 population or more, and within a 15-mile  
240 | radius of the point of removal in any county of less than  
241 | 500,000 population. That site must be open for the purpose of  
242 | redemption of vehicles on any day that the person or firm towing  
243 | such vehicle or vessel is open for towing purposes, from 8:00  
244 | a.m. to 6:00 p.m., and, when closed, shall have prominently  
245 | posted a sign indicating a telephone number where the operator  
246 | of the site can be reached at all times. Upon receipt of a  
247 | telephoned request to open the site to redeem a vehicle or  
248 | vessel, the operator shall return to the site within 1 hour or  
249 | she or he will be in violation of this section.

250 |       b. If no towing business providing such service is located

251 within the area of towing limitations set forth in sub-  
252 subparagraph a., the following limitations apply: any towed or  
253 removed vehicle or vessel must be stored at a site within a 20-  
254 mile radius of the point of removal in any county of 500,000  
255 population or more, and within a 30-mile radius of the point of  
256 removal in any county of less than 500,000 population.

257 2. The person or firm towing or removing the vehicle or  
258 vessel shall, within 30 minutes after completion of such towing  
259 or removal, notify the municipal police department or, in an  
260 unincorporated area, the sheriff, of such towing or removal, the  
261 storage site, the time the vehicle or vessel was towed or  
262 removed, and the make, model, color, and license plate number of  
263 the vehicle or description and registration number of the vessel  
264 and shall obtain the name of the person at that department to  
265 whom such information was reported and note that name on the  
266 trip record.

267 3. A person in the process of towing or removing a vehicle  
268 or vessel from the premises or parking lot in which the vehicle  
269 or vessel is not lawfully parked must stop when a person seeks  
270 the return of the vehicle or vessel. The vehicle or vessel must  
271 be returned upon the payment of a reasonable service fee of not  
272 more than one-half of the posted rate for the towing or removal  
273 service as provided in subparagraph 6. The vehicle or vessel may  
274 be towed or removed if, after a reasonable opportunity, the  
275 owner or legally authorized person in control of the vehicle or

276 vessel is unable to pay the service fee. If the vehicle or  
 277 vessel is redeemed, a detailed signed receipt must be given to  
 278 the person redeeming the vehicle or vessel.

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

282 5. Except for property appurtenant to and obviously a part  
 283 of a single-family residence, and except for instances when  
 284 notice is personally given to the owner or other legally  
 285 authorized person in control of the vehicle or vessel that the  
 286 area in which that vehicle or vessel is parked is reserved or  
 287 otherwise unavailable for unauthorized vehicles or vessels and  
 288 that the vehicle or vessel is subject to being removed at the  
 289 owner's or operator's expense, any property owner or lessee, or  
 290 person authorized by the property owner or lessee, prior to  
 291 towing or removing any vehicle or vessel from private property  
 292 without the consent of the owner or other legally authorized  
 293 person in control of that vehicle or vessel, must post a notice  
 294 meeting the following requirements:

295 a. The notice must be prominently placed at each driveway  
 296 access or curb cut allowing vehicular access to the property ~~7~~  
 297 ~~within 5 feet from the public right-of-way line.~~ If there are no  
 298 curbs or access barriers, the signs must be posted not less than  
 299 one sign for each 25 feet of lot frontage.

300 b. The notice must ~~e~~clearly indicate, in not less than 2-

301 inch high, light-reflective letters on a contrasting background,  
302 that unauthorized vehicles will be towed away at the owner's  
303 expense. The words "tow-away zone" must be included on the sign  
304 in not less than 4-inch high letters.

305 c. The notice must also provide the name and current  
306 telephone number of the person or firm towing or removing the  
307 vehicles or vessels.

308 d. The sign structure containing the required notices must  
309 be permanently installed with the words "tow-away zone" ~~not less~~  
310 ~~than 3 feet and not more than 6 feet above ground level~~ and must  
311 be continuously maintained on the property for not less than 24  
312 hours prior to the towing or removal of any vehicles or vessels.

313 e. The local government may require permitting and  
314 inspection of these signs prior to any towing or removal of  
315 vehicles or vessels being authorized.

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

322 g. A property owner towing or removing vessels from real  
323 property must post notice, consistent with the requirements in  
324 sub-subparagraphs a.-f., which apply to vehicles, that  
325 unauthorized vehicles or vessels will be towed away at the

326 owner's expense.

327

328 A business owner or lessee may authorize the removal of a  
329 vehicle or vessel by a towing company when the vehicle or vessel  
330 is parked in such a manner that restricts the normal operation  
331 of business; and if a vehicle or vessel parked on a public  
332 right-of-way obstructs access to a private driveway the owner,  
333 lessee, or agent may have the vehicle or vessel removed by a  
334 towing company upon signing an order that the vehicle or vessel  
335 be removed without a posted tow-away zone sign.

336 6. Any person or firm that tows or removes vehicles or  
337 vessels and proposes to require an owner, operator, or person in  
338 control or custody of a vehicle or vessel to pay the costs of  
339 towing and storage prior to redemption of the vehicle or vessel  
340 must file and keep on record with the local law enforcement  
341 agency a complete copy of the current rates to be charged for  
342 such services and post at the storage site an identical rate  
343 schedule and any written contracts with property owners,  
344 lessees, or persons in control of property which authorize such  
345 person or firm to remove vehicles or vessels as provided in this  
346 section.

347 7. Any person or firm towing or removing any vehicles or  
348 vessels from private property without the consent of the owner  
349 or other legally authorized person in control or custody of the  
350 vehicles or vessels shall, on any trucks, wreckers as defined in

351 s. 713.78(1)(c), or other vehicles used in the towing or  
352 removal, have the name, address, and telephone number of the  
353 company performing such service clearly printed in contrasting  
354 colors on the driver and passenger sides of the vehicle. The  
355 name shall be in at least 3-inch permanently affixed letters,  
356 and the address and telephone number shall be in at least 1-inch  
357 permanently affixed letters.

358 8. Vehicle entry for the purpose of removing the vehicle  
359 or vessel shall be allowed with reasonable care on the part of  
360 the person or firm towing the vehicle or vessel. Such person or  
361 firm shall be liable for any damage occasioned to the vehicle or  
362 vessel if such entry is not in accordance with the standard of  
363 reasonable care.

364 9. When a vehicle or vessel has been towed or removed  
365 pursuant to this section, it must be released to its owner or  
366 person in control or custody ~~custodian~~ within one hour after  
367 requested. Any vehicle or vessel owner or person in control or  
368 custody ~~has agent shall have~~ the right to inspect the vehicle or  
369 vessel before accepting its return, and no release or waiver of  
370 any kind which would release the person or firm towing the  
371 vehicle or vessel from liability for damages noted by the owner  
372 or the person in control or custody ~~other legally authorized~~  
373 ~~person~~ at the time of the redemption may be required from any  
374 vehicle or vessel owner, or person in control or custody  
375 ~~custodian, or agent~~ as a condition of release of the vehicle or

376 vessel to its owner. A detailed, ~~signed~~ receipt showing the  
377 legal name of the company or person towing or removing the  
378 vehicle or vessel must be given to the person paying towing or  
379 storage charges at the time of payment, whether requested or  
380 not.

381 (b) These requirements are minimum standards and do not  
382 preclude enactment of additional regulations by any municipality  
383 or county including the right to regulate rates when vehicles or  
384 vessels are towed from private property, except that a county or  
385 municipality may not enact an ordinance or rule that requires a  
386 towing business to accept a credit card as a form of payment. If  
387 a towing business does not accept a credit card as a form of  
388 payment, the towing business must maintain an operable automatic  
389 teller machine for use by the public at its place of business.  
390 This paragraph does not apply to a county or municipality that  
391 adopted an ordinance or rule before January 1, 2019, requiring a  
392 towing business to accept a credit card as a form of payment.  
393 Additionally, a municipality or county may not authorize  
394 attorney fees in connection with the towing of vehicles or  
395 vessels from private property. The regulation of attorney fees  
396 in connection with the towing of vehicles or vessels from  
397 private property is expressly preempted to the state and any  
398 municipal or county ordinance on the subject is void.

399 (4) When a person improperly causes a vehicle or vessel to  
400 be removed, such person shall be liable to the owner or lessee



401 | of the vehicle or vessel for the cost of removal,  
402 | transportation, and storage; any damages resulting from the  
403 | removal, transportation, or storage of the vehicle or vessel;  
404 | ~~attorney's fees;~~ and court costs.

405 |       Section 8. This act shall take effect July 1, 2019.