



658588

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/03/2019	.	
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	.	
	.	

The Committee on Infrastructure and Security (Gruters)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1)

(b) ~~The provisions of~~ This section does shall not prevent



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11 the enactment by local governments of public service rates
12 otherwise authorized by law, including water, sewer, solid
13 waste, public transportation, taxicab, or port rates, rates for
14 towing of vehicles or vessels that are located on land from or
15 immobilization of vehicles or vessels on private property, or
16 rates for removal and storage of wrecked or disabled vehicles or
17 vessels from an accident scene or the removal and storage of
18 vehicles or vessels in the event the owner or operator is
19 incapacitated, unavailable, leaves the procurement of wrecker
20 service to the law enforcement officer at the scene, or
21 otherwise does not consent to the removal of the vehicle or
22 vessel.

23 (c) Counties must establish maximum rates which may be
24 charged on the towing of vehicles or vessels from or
25 immobilization of vehicles or vessels on private property,
26 removal and storage of wrecked or disabled vehicles or vessels
27 from an accident scene or for the removal and storage of
28 vehicles or vessels, in the event the owner or operator is
29 incapacitated, unavailable, leaves the procurement of wrecker
30 service to the law enforcement officer at the scene, or
31 otherwise does not consent to the removal of the vehicle or
32 vessel. However, if a municipality chooses to enact an ordinance
33 establishing the maximum rates ~~fees~~ for the towing or
34 immobilization of vehicles or vessels as described in paragraph
35 (b), the county's ordinance shall not apply within such
36 municipality.

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

39 125.01047 Rules and ordinances relating to towing



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40 services.-

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

47 (2) The prohibition imposed in subsection (1) does not
48 affect a county's authority to:

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

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

61 (3) This section does not affect an ordinance, resolution,
62 or regulation enacted on or before January 1, 2019, by a charter
63 county with a population exceeding 1.3 million according to the
64 most recent decennial census which relates to the towing,
65 impounding, removal, or storage of vehicles or vessels,
66 including any amendment or revision made to such ordinance,
67 resolution, or regulation after July 1, 2019; however, any
68 changes to the ordinance, resolution or regulation cannot



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69 include new fees or charges to the towing operator or owner of
70 the vehicle or vessel.

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

73 166.043 Ordinances and rules imposing price controls;
74 findings required; procedures.—

75 (1)

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

88 (c) Counties must establish maximum rates which may be
89 charged on the towing of vehicles or vessels from or
90 immobilization of vehicles or vessels on private property,
91 removal and storage of wrecked or disabled vehicles or vessels
92 from an accident scene or for the removal and storage of
93 vehicles or vessels, in the event the owner or operator is
94 incapacitated, unavailable, leaves the procurement of wrecker
95 service to the law enforcement officer at the scene, or
96 otherwise does not consent to the removal of the vehicle or
97 vessel. However, if a municipality chooses to enact an ordinance



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98 establishing the maximum rates ~~fees~~ for the towing or
99 immobilization of vehicles or vessels as described in paragraph
100 (b), the county's ordinance established under s. 125.0103 shall
101 not apply within such municipality.

102 Section 4. Section 166.04465, Florida Statutes, is created
103 to read:

104 166.04465 Rules and ordinances relating to towing
105 services.—

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

112 (2) The prohibition imposed in subsection (1) does not
113 affect a municipality's authority to:

114 (a) Levy a reasonable business tax under s. 205.0315, s.
115 205.043, or s. 205.0535.

116 (b) Impose and collect a reasonable administrative fee or
117 charge on the registered owner or other legally authorized
118 person in control of a vehicle or vessel, or the lienholder of a
119 vehicle or vessel, not to exceed 25 percent of the maximum
120 towing rate, to cover the cost of enforcement, including parking
121 enforcement, by the municipality when the vehicle or vessel is
122 towed from public property. However, an authorized wrecker
123 operator or towing business may impose and collect the
124 administrative fee or charge on behalf of the municipality and
125 shall remit such fee or charge to the municipality only after it
126 is collected.



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127 Section 5. Present subsection (4) of section 323.002,
128 Florida Statutes, is redesignated as subsection (6), and new
129 subsections (4) and (5) are added to that section, to read:

130 323.002 County and municipal wrecker operator systems;
131 penalties for operation outside of system.-

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

140 (b) A county or municipality may adopt or maintain an
141 ordinance or rule that imposes a reasonable administrative fee
142 or charge on the registered owner or other legally authorized
143 person in control of a vehicle or vessel, or the lienholder of a
144 vehicle or vessel, that is towed by an authorized wrecker
145 operator, not to exceed 25 percent of the maximum towing rate,
146 to cover the cost of enforcement, including parking enforcement,
147 by the county or 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 county or
151 municipality and shall remit such fee or charge to the county or
152 municipality only after it is collected.

153 (c) A municipality or county may not enact an ordinance or
154 rule requiring an authorized wrecker operator to accept checks
155 as a form of payment.



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156 (5) This section does not affect an ordinance, resolution,
157 or regulation enacted on or before January 1, 2019, by a charter
158 county with a population exceeding 1.3 million according to the
159 most recent decennial census which relates to the towing,
160 impounding, removal, or storage of vehicles or vessels,
161 including any amendment or revision made to such ordinance,
162 resolution, or regulation after July 1, 2019; however, any
163 changes to the ordinance, resolution, or regulation may not
164 include new fees or charges to the towing operator or owner of
165 the vehicle or vessel.

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

168 713.78 Liens for recovering, towing, or storing vehicles
169 and vessels.—

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

174 (a) The owner thereof;

175 (b) The owner or lessor, or a person authorized by the
176 owner or lessor, of property on which such vehicle or vessel is
177 wrongfully parked, and the removal is done in compliance with s.
178 715.07;

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

183 (d) Any law enforcement agency,

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185 she or he shall have a lien on the vehicle or vessel for a
186 reasonable towing fee, for a reasonable administrative fee or
187 charge imposed by a county or municipality, and for a reasonable
188 storage fee; except that no storage fee shall be charged if the
189 vehicle or vessel is stored for less than 6 hours.

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

192 715.07 Vehicles or vessels parked on private property;
193 towing.—

194 (2) The owner or lessee of real property, or any person
195 authorized by the owner or lessee, which person may be the
196 designated representative of the condominium association if the
197 real property is a condominium, may cause any vehicle or vessel
198 parked on such property without her or his permission to be
199 removed by a person regularly engaged in the business of towing
200 vehicles or vessels, without liability for the costs of removal,
201 transportation, or storage or damages caused by such removal,
202 transportation, or storage, under any of the following
203 circumstances:

204 (a) The towing or removal of any vehicle or vessel from
205 private property without the consent of the registered owner or
206 other legally authorized person in control of that vehicle or
207 vessel is subject to strict compliance with the following
208 conditions and restrictions:

209 1.a. Any towed or removed vehicle or vessel must be stored
210 at a site within a 10-mile radius of the point of removal in any
211 county of 500,000 population or more, and within a 15-mile
212 radius of the point of removal in any county of less than
213 500,000 population. That site must be open for the purpose of



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214 redemption of vehicles on any day that the person or firm towing
215 such vehicle or vessel is open for towing purposes, from 8:00
216 a.m. to 6:00 p.m., and, when closed, shall have prominently
217 posted a sign indicating a telephone number where the operator
218 of the site can be reached at all times. Upon receipt of a
219 telephoned request to open the site to redeem a vehicle or
220 vessel, the operator shall return to the site within 1 hour or
221 she or he will be in violation of this section.

222 b. If no towing business providing such service is located
223 within the area of towing limitations set forth in sub-
224 subparagraph a., the following limitations apply: any towed or
225 removed vehicle or vessel must be stored at a site within a 20-
226 mile radius of the point of removal in any county of 500,000
227 population or more, and within a 30-mile radius of the point of
228 removal in any county of less than 500,000 population.

229 2. The person or firm towing or removing the vehicle or
230 vessel shall, within 30 minutes after completion of such towing
231 or removal, notify the municipal police department or, in an
232 unincorporated area, the sheriff, of such towing or removal, the
233 storage site, the time the vehicle or vessel was towed or
234 removed, and the make, model, color, and license plate number of
235 the vehicle or description and registration number of the vessel
236 and shall obtain the name of the person at that department to
237 whom such information was reported and note that name on the
238 trip record.

239 3. A person in the process of towing or removing a vehicle
240 or vessel from the premises or parking lot in which the vehicle
241 or vessel is not lawfully parked must stop when a person seeks
242 the return of the vehicle or vessel. The vehicle or vessel must



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243 be returned upon the payment of a reasonable service fee of not
244 more than one-half of the posted rate for the towing or removal
245 service as provided in subparagraph 6. The vehicle or vessel may
246 be towed or removed if, after a reasonable opportunity, the
247 owner or legally authorized person in control of the vehicle or
248 vessel is unable to pay the service fee. If the vehicle or
249 vessel is redeemed, a detailed signed receipt must be given to
250 the person redeeming the vehicle or vessel.

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

254 5. Except for property appurtenant to and obviously a part
255 of a single-family residence, and except for instances when
256 notice is personally given to the owner or other legally
257 authorized person in control of the vehicle or vessel that the
258 area in which that vehicle or vessel is parked is reserved or
259 otherwise unavailable for unauthorized vehicles or vessels and
260 that the vehicle or vessel is subject to being removed at the
261 owner's or operator's expense, any property owner or lessee, or
262 person authorized by the property owner or lessee, prior to
263 towing or removing any vehicle or vessel from private property
264 without the consent of the owner or other legally authorized
265 person in control of that vehicle or vessel, must post a notice
266 meeting the following requirements:

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



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

277 c. The notice must also provide the name and current
278 telephone number of the person or firm towing or removing the
279 vehicles or vessels.

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

285 e. The local government may require permitting and
286 inspection of these signs prior to any towing or removal of
287 vehicles or vessels being authorized.

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

294 g. A property owner towing or removing vessels from real
295 property must post notice, consistent with the requirements in
296 sub-subparagraphs a.-f., which apply to vehicles, that
297 unauthorized vehicles or vessels will be towed away at the
298 owner's expense.

299
300 A business owner or lessee may authorize the removal of a



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301 vehicle or vessel by a towing company when the vehicle or vessel
302 is parked in such a manner that restricts the normal operation
303 of business; and if a vehicle or vessel parked on a public
304 right-of-way obstructs access to a private driveway the owner,
305 lessee, or agent may have the vehicle or vessel removed by a
306 towing company upon signing an order that the vehicle or vessel
307 be removed without a posted tow-away zone sign.

308 6. Any person or firm that tows or removes vehicles or
309 vessels and proposes to require an owner, operator, or person in
310 control or custody of a vehicle or vessel to pay the costs of
311 towing and storage prior to redemption of the vehicle or vessel
312 must file and keep on record with the local law enforcement
313 agency a complete copy of the current rates to be charged for
314 such services and post at the storage site an identical rate
315 schedule and any written contracts with property owners,
316 lessees, or persons in control of property which authorize such
317 person or firm to remove vehicles or vessels as provided in this
318 section.

319 7. Any person or firm towing or removing any vehicles or
320 vessels from private property without the consent of the owner
321 or other legally authorized person in control or custody of the
322 vehicles or vessels shall, on any trucks, wreckers as defined in
323 s. 713.78(1)(c), or other vehicles used in the towing or
324 removal, have the name, address, and telephone number of the
325 company performing such service clearly printed in contrasting
326 colors on the driver and passenger sides of the vehicle. The
327 name shall be in at least 3-inch permanently affixed letters,
328 and the address and telephone number shall be in at least 1-inch
329 permanently affixed letters.



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330 8. Vehicle entry for the purpose of removing the vehicle or
331 vessel shall be allowed with reasonable care on the part of the
332 person or firm towing the vehicle or vessel. Such person or firm
333 shall be liable for any damage occasioned to the vehicle or
334 vessel if such entry is not in accordance with the standard of
335 reasonable care.

336 9. When a vehicle or vessel has been towed or removed
337 pursuant to this section, it must be released to its owner or
338 person in control or custody ~~custodian~~ within one hour after
339 requested. Any vehicle or vessel owner or person in control or
340 custody ~~agent shall have~~ the right to inspect the vehicle or
341 vessel before accepting its return, and no release or waiver of
342 any kind which would release the person or firm towing the
343 vehicle or vessel from liability for damages noted by the owner
344 or the person in control or custody ~~other legally authorized~~
345 ~~person~~ at the time of the redemption may be required from any
346 vehicle or vessel owner or person in control or custody,
347 ~~custodian, or agent~~ as a condition of release of the vehicle or
348 vessel to its owner. A detailed, signed receipt showing the
349 legal name of the company or person towing or removing the
350 vehicle or vessel must be given to the person paying towing or
351 storage charges at the time of payment, whether requested or
352 not.

353 (b) These requirements are minimum standards and do not
354 preclude enactment of additional regulations by any municipality
355 or county including the right to regulate rates when vehicles or
356 vessels are towed from private property. However, a municipality
357 or county may not enact an ordinance or rule requiring a towing
358 business to accept checks as a form of payment. Additionally, a



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359 municipality or county may not authorize attorney fees or court
360 costs in connection with the towing of vehicles or vessels from
361 private property. The regulation of attorney fees and court
362 courts in connection with the towing of vehicles or vessels from
363 private property is expressly preempted to the state and any
364 municipal or county ordinance on the subject is void.

365 ~~(4) When a person improperly causes a vehicle or vessel to~~
366 ~~be removed, such person shall be liable to the owner or lessee~~
367 ~~of the vehicle or vessel for the cost of removal,~~
368 ~~transportation, and storage; any damages resulting from the~~
369 ~~removal, transportation, or storage of the vehicle or vessel;~~
370 ~~attorney's fees; and court costs.~~

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

372
373 ===== T I T L E A M E N D M E N T =====

374 And the title is amended as follows:

375 Delete everything before the enacting clause
376 and insert:

377 A bill to be entitled
378 An act relating to towing of vehicles and vessels;
379 amending ss. 125.0103 and 166.043, F.S.; specifying
380 that local governments may enact rates to tow or
381 immobilize vessels on private property and to remove
382 and store vessels under specified circumstances;
383 creating ss. 125.01047 and 166.04465, F.S.;
384 prohibiting counties or municipalities from enacting
385 certain ordinances or rules that impose fees or
386 charges on authorized wrecker operators or towing
387 businesses; defining the term "towing business";



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388 providing exceptions; amending s. 323.002, F.S.;

389 prohibiting counties or municipalities from imposing

390 charges, costs, expenses, fines, fees, or penalties on

391 registered owners, other legally authorized persons in

392 control, or lienholders of vehicles or vessels under

393 certain conditions; prohibiting municipalities or

394 counties from enacting an ordinance or rule requiring

395 an authorized wrecker operator to accept checks as a

396 form of payment; providing an exception; amending s.

397 713.78, F.S.; authorizing certain persons to place

398 liens on vehicles or vessels to recover specified fees

399 or charges; amending s. 715.07, F.S.; revising certain

400 notice and signage requirements; revising requirements

401 relating to towing and to removing vehicles or vessels

402 to include persons who are in custody of a vehicle or

403 of a vessel; prohibiting municipalities or counties

404 from enacting an ordinance or rule requiring a towing

405 business to accept checks as a form of payment;

406 prohibiting municipalities or counties from

407 authorizing attorney fees or court costs in connection

408 with the towing of vehicles or vessels from private

409 property; providing that the regulation of attorney

410 fees and court courts in connection with the towing of

411 vehicles or vessels from private property is expressly

412 preempted to the state and any municipal or county

413 ordinance on the subject is void; deleting a

414 requirement related to liability for improper removal

415 of a vehicle or of a vessel; providing an effective

416 date.