

Amendment No.

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative McClain offered the following:

Amendment

Remove lines 83-223 and insert:

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 6 person in control of a vehicle or vessel, not to exceed 25
 7 percent of the maximum towing rate, to cover the cost of
 8 enforcement, including parking enforcement, by the county when
 9 the vehicle or vessel is towed from public property. An
 10 authorized wrecker operator or towing business may impose and
 11 collect the administrative fee or charge on behalf of the county
 12 and shall remit such fee or charge to the county only after it
 13 is collected.

14 (3) (a) This section does not apply to a towing or
 15 immobilization licensing, regulatory, or enforcement program of
 16 a charter county in which at least 90 percent of the population

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17 resides in incorporated municipalities, or to a charter county
18 with at least 38 incorporated municipalities within its
19 territorial boundaries as of January 1, 2020. This section does
20 not affect a charter county's authority to:

21 1. Impose and collect towing operating license fees,
22 license renewal fees, license extension fees, expedite fees,
23 storage site inspection or reinspection fees, criminal
24 background check fees, and tow truck decal fees, including decal
25 renewal fees, expedite fees, and decal replacement fees.

26 2. Impose and collect immobilization operating license
27 fees, license extension fees, license renewal fees, expedite
28 fees, and criminal background check fees.

29 3. Set maximum rates for the towing or immobilization of
30 vehicles or vessels on private property, including rates based
31 on different classes of towing vehicles, research fees,
32 administrative fees, storage fees, and labor fees; rates for
33 towing services performed or directed by governmental entities;
34 road service rates; winch recovery rates; voluntary expediting
35 fees for vehicle or vessel ownership verification; and to
36 establish conditions in connection with the applicability or
37 payment of maximum rates set for towing or immobilization of
38 vehicles or vessels.

39 4. Impose and collect such other taxes, fees, or charges
40 otherwise authorized by general law, special law, or county
41 ordinance, resolution, or regulation.

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42 (b) A charter county may impose and collect an
43 administrative fee or charge as provided in paragraph (2)(b) but
44 may not impose such fee or charge on a towing business or an
45 authorized wrecker operator. If the charter county imposes such
46 administrative fee or charge, the charter county may authorize a
47 towing business or authorized wrecker operator to impose and
48 collect such fee or charge on behalf of the county, and the
49 towing business or authorized wrecker operator shall remit such
50 fee or charge to the charter county only after it is collected.

51 (4)(a) Subsection (1) does not apply to a charter county
52 that had a towing licensing, regulatory, or enforcement program
53 in effect on January 1, 2020. However, such charter county may
54 not impose any new business tax, fee, or charge that was not in
55 effect as of January 1, 2020, on a towing business or an
56 authorized wrecker operator.

57 (b) A charter county may impose and collect an
58 administrative fee or charge as provided in paragraph (2)(b);
59 however, it may not impose that fee or charge upon a towing
60 business or an authorized wrecker operator. If such charter
61 county imposes such administrative fee or charge, such fee or
62 charge must be imposed on the registered owner or other legally
63 authorized person in control of a vehicle or vessel, or the
64 lienholder of a vehicle or vessel. The fee or charge may not
65 exceed 25 percent of the maximum towing rate to cover the cost
66 of enforcement, including parking enforcement, by the charter

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67 county when the vehicle or vessel is towed from public property.
68 The charter county may authorize an authorized wrecker operator
69 or towing business to impose and collect the administrative fee
70 or charge on behalf of the charter county, and the authorized
71 wrecker operator or towing business shall remit such fee or
72 charge to the charter county only after it is collected.

73 (c) For purposes of this subsection, the term "charter
74 county" means a county as defined in s. 125.011(1).

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

77 166.043 Ordinances and rules imposing price controls;
78 findings required; procedures.—

79 (1)

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

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92 (c) Counties must establish maximum rates which may be
93 charged on the towing of vehicles or vessels from or
94 immobilization of vehicles or vessels on private property,
95 removal and storage of wrecked or disabled vehicles or vessels
96 from an accident scene or for the removal and storage of
97 vehicles or vessels, in the event the owner or operator is
98 incapacitated, unavailable, leaves the procurement of wrecker
99 service to the law enforcement officer at the scene, or
100 otherwise does not consent to the removal of the vehicle or
101 vessel. However, if a municipality chooses to enact an ordinance
102 establishing the maximum rates fees for the towing or
103 immobilization of vehicles or vessels as described in paragraph
104 (b), the county's ordinance established under s. 125.0103 shall
105 not apply within such municipality.

106 Section 4. Section 166.04465, Florida Statutes, is created
107 to read:

108 166.04465 Rules and ordinances relating to towing
109 services.-

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

116 (2) The prohibition set forth in subsection (1) does not

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117 affect a municipality's authority to:

118 (a) Levy a reasonable business tax under s. 205.0315, s.
119 205.043, or s. 205.0535.

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

130 Section 5. Subsection (4) of section 323.002, Florida
131 Statutes, is renumbered as subsection (6), and new subsections
132 (4) and (5) are added to that section to read:

133 323.002 County and municipal wrecker operator systems;
134 penalties for operation outside of system.-

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

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142 (b) A county or municipality may adopt or maintain an
143 ordinance or rule that imposes a reasonable administrative fee
144 or charge on the registered owner or other legally authorized
145 person in control of a vehicle or vessel, that is towed by an
146 authorized wrecker