



572656

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/F/3R

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03/13/2020 02:25 PM

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Senator Farmer moved the following:

**Senate Amendment (with title amendment)**

Delete lines 153 - 207

and insert:

(5) Notwithstanding any provision of law to the contrary, a county may not enact any ordinance or regulation that prohibits private parking facilities from issuing an invoice or a charge, in lieu of towing, to users of the parking facilities for violating posted rules and rates established by the parking facility as a condition to such use.

Section 3. Paragraphs (b) and (c) of subsection (1) of



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12 section 166.043, Florida Statutes, are amended to read:  
13 166.043 Ordinances and rules imposing price controls;  
14 findings required; procedures.—  
15 (1)  
16 (b) ~~The provisions of~~ This section does shall not prevent  
17 the enactment by local governments of public service rates  
18 otherwise authorized by law, including water, sewer, solid  
19 waste, public transportation, taxicab, or port rates, rates for  
20 towing of vehicles or vessels from or immobilization of vehicles  
21 or vessels on private property, or rates for removal and storage  
22 of wrecked or disabled vehicles or vessels from an accident  
23 scene or the removal and storage of vehicles or vessels in the  
24 event the owner or operator is incapacitated, unavailable,  
25 leaves the procurement of wrecker service to the law enforcement  
26 officer at the scene, or otherwise does not consent to the  
27 removal of the vehicle or vessel.  
28 (c) Counties must establish maximum rates which may be  
29 charged on the towing of vehicles or vessels from or  
30 immobilization of vehicles or vessels on private property,  
31 removal and storage of wrecked or disabled vehicles or vessels  
32 from an accident scene or for the removal and storage of  
33 vehicles or vessels, in the event the owner or operator is  
34 incapacitated, unavailable, leaves the procurement of wrecker  
35 service to the law enforcement officer at the scene, or  
36 otherwise does not consent to the removal of the vehicle or  
37 vessel. However, if a municipality chooses to enact an ordinance  
38 establishing the maximum rates fees for the towing or  
39 immobilization of vehicles or vessels as described in paragraph  
40 (b), the county's ordinance established under s. 125.0103 shall



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41 not apply within such municipality.

42 Section 4. Section 166.04465, Florida Statutes, is created  
43 to read:

44 166.04465 Rules and ordinances relating to towing  
45 services.-

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

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

54 (a) Levy a reasonable business tax under s. 205.0315, s.  
55 205.043, or s. 205.0535.

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

66 (3) Notwithstanding any provision of law to the contrary, a  
67 municipality may not enact any ordinance or regulation that  
68 prohibits private parking facilities from issuing an invoice or  
69 a charge, in lieu of towing, to users of the parking facilities



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70 for violating posted rules and rates established by the parking  
71 facility as a condition to such use.

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73 ===== T I T L E   A M E N D M E N T =====

74 And the title is amended as follows:

75       Delete line 12

76 and insert:

77       providing exceptions; prohibiting counties or  
78       municipalities from enacting ordinances or regulations  
79       that prohibit private parking facilities from issuing  
80       invoices or charges for certain purposes; amending s.  
81       323.002, F.S.;