



572656

LEGISLATIVE ACTION

Senate

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House

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.

72

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.;