

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 applicability; amending s.
24 713.78, F.S.; authorizing certain persons to place
25 liens on vehicles or vessels to recover specified fees

26 | or charges; amending s. 715.07, F.S.; revising 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; providing an
 32 | effective date.

33 |

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

35 |

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

38 | 125.0103 Ordinances and rules imposing price controls;
 39 | findings required; procedures.—

40 | (1)

41 | (b) ~~The provisions of~~ This section does shall not prevent
 42 | the enactment by local governments of public service rates
 43 | otherwise authorized by law, including water, sewer, solid
 44 | waste, public transportation, taxicab, or port rates, rates for
 45 | towing of vehicles or vessels from or immobilization of vehicles
 46 | or vessels on private property, or rates for removal and storage
 47 | of wrecked or disabled vehicles or vessels from an accident
 48 | scene or the removal and storage of vehicles or vessels in the
 49 | event the owner or operator is incapacitated, unavailable,
 50 | leaves the procurement of wrecker service to the law enforcement

51 officer at the scene, or otherwise does not consent to the
 52 removal of the vehicle or vessel.

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

67 Section 2. Section 125.01047, Florida Statutes, is created
 68 to read:

69 125.01047 Rules and ordinances relating to towing
 70 services.—

71 (1) A county may not enact an ordinance or rule that would
 72 impose a fee or charge on an authorized wrecker operator, as
 73 defined in s. 323.002(1), or on a towing business for towing,
 74 impounding, or storing a vehicle or vessel. As used in this
 75 section, the term "towing business" means a business that

76 provides towing services for monetary gain.

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

79 (a) Levy a reasonable business tax under s. 205.0315, s.
 80 205.033, or s. 205.0535.

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

91 (3) (a) This section does not apply to a towing or
 92 immobilization licensing, regulatory, or enforcement program of
 93 a charter county in which at least 90 percent of the population
 94 resides in incorporated municipalities, or to a charter county
 95 with at least 38 incorporated municipalities within its
 96 territorial boundaries as of January 1, 2020. This section does
 97 not affect a charter county's authority to:

98 1. Impose and collect towing operating license fees,
 99 license renewal fees, license extension fees, expedite fees,
 100 storage site inspection or reinspection fees, criminal

101 background check fees, and tow truck decal fees, including decal
102 renewal fees, expedite fees, and decal replacement fees.

103 2. Impose and collect immobilization operating license
104 fees, license extension fees, license renewal fees, expedite
105 fees, and criminal background check fees.

106 3. Set maximum rates for the towing or immobilization of
107 vehicles or vessels on private property, including rates based
108 on different classes of towing vehicles, research fees,
109 administrative fees, storage fees, and labor fees; rates for
110 towing services performed or directed by governmental entities;
111 road service rates; winch recovery rates; voluntary expediting
112 fees for vehicle or vessel ownership verification; and to
113 establish conditions in connection with the applicability or
114 payment of maximum rates set for towing or immobilization of
115 vehicles or vessels.

116 4. Impose and collect such other taxes, fees, or charges
117 otherwise authorized by general law, special law, or county
118 ordinance, resolution, or regulation.

119 (b) A charter county may impose and collect an
120 administrative fee or charge as provided in paragraph (2) (b) but
121 may not impose such fee or charge on a towing business or an
122 authorized wrecker operator. If the charter county imposes such
123 administrative fee or charge, the charter county may authorize a
124 towing business or authorized wrecker operator to impose and
125 collect such fee or charge on behalf of the county, and the

126 towing business or authorized wrecker operator shall remit such
127 fee or charge to the charter county only after it is collected.

128 (4) (a) Subsection (1) does not apply to a charter county
129 that had a towing licensing, regulatory, or enforcement program
130 in effect on January 1, 2020. However, such charter county may
131 not impose any new business tax, fee, or charge that was not in
132 effect as of January 1, 2020, on a towing business or an
133 authorized wrecker operator.

134 (b) A charter county may impose and collect an
135 administrative fee or charge as provided in paragraph (2) (b);
136 however, it may not impose that fee or charge upon a towing
137 business or an authorized wrecker operator. If such charter
138 county imposes such administrative fee or charge, such fee or
139 charge must be imposed on the registered owner or other legally
140 authorized person in control of a vehicle or vessel, or the
141 lienholder of a vehicle or vessel. The fee or charge may not
142 exceed 25 percent of the maximum towing rate to cover the cost
143 of enforcement, including parking enforcement, by the charter
144 county when the vehicle or vessel is towed from public property.
145 The charter county may authorize an authorized wrecker operator
146 or towing business to impose and collect the administrative fee
147 or charge on behalf of the charter county, and the authorized
148 wrecker operator or towing business shall remit such fee or
149 charge to the charter county only after it is collected.

150 (c) For purposes of this subsection, the term "charter

151 county" means a county as defined in s. 125.011(1).

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

154 166.043 Ordinances and rules imposing price controls;
 155 findings required; procedures.—

156 (1)

157 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
 158 the enactment by local governments of public service rates
 159 otherwise authorized by law, including water, sewer, solid
 160 waste, public transportation, taxicab, or port rates, rates for
 161 towing of vehicles or vessels from or immobilization of vehicles
 162 or vessels on private property, or rates for removal and storage
 163 of wrecked or disabled vehicles or vessels from an accident
 164 scene or the removal and storage of vehicles or vessels in the
 165 event the owner or operator is incapacitated, unavailable,
 166 leaves the procurement of wrecker service to the law enforcement
 167 officer at the scene, or otherwise does not consent to the
 168 removal of the vehicle or vessel.

169 (c) Counties must establish maximum rates which may be
 170 charged on the towing of vehicles or vessels from or
 171 immobilization of vehicles or vessels on private property,
 172 removal and storage of wrecked or disabled vehicles or vessels
 173 from an accident scene or for the removal and storage of
 174 vehicles or vessels, in the event the owner or operator is
 175 incapacitated, unavailable, leaves the procurement of wrecker

176 service to the law enforcement officer at the scene, or
 177 otherwise does not consent to the removal of the vehicle or
 178 vessel. However, if a municipality chooses to enact an ordinance
 179 establishing the maximum rates ~~fees~~ for the towing or
 180 immobilization of vehicles or vessels as described in paragraph
 181 (b), the county's ordinance established under s. 125.0103 shall
 182 not apply within such municipality.

183 Section 4. Section 166.04465, Florida Statutes, is created
 184 to read:

185 166.04465 Rules and ordinances relating to towing
 186 services.-

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

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

195 (a) Levy a reasonable business tax under s. 205.0315, s.
 196 205.043, or s. 205.0535.

197 (b) Impose and collect a reasonable administrative fee or
 198 charge on the registered owner or other legally authorized
 199 person in control of a vehicle or vessel, or the lienholder of a
 200 vehicle or vessel, not to exceed 25 percent of the maximum

201 towing rate, to cover the cost of enforcement, including parking
 202 enforcement, by the municipality when the vehicle or vessel is
 203 towed from public property. An authorized wrecker operator or
 204 towing business may impose and collect the administrative fee or
 205 charge on behalf of the municipality and shall remit such fee or
 206 charge to the municipality only after it is collected.

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

210 323.002 County and municipal wrecker operator systems;
 211 penalties for operation outside of system.-

212 (4) (a) Except as provided in paragraph (b), a county or
 213 municipality may not adopt or maintain in effect an ordinance or
 214 rule that imposes a charge, cost, expense, fine, fee, or penalty
 215 on an authorized wrecker operator, the registered owner or other
 216 legally authorized person in control of a vehicle or vessel, or
 217 the lienholder of a vehicle or vessel when the vehicle or vessel
 218 is towed by an authorized wrecker operator under this chapter.

219 (b) A county or municipality may adopt or maintain an
 220 ordinance or rule that imposes a reasonable administrative fee
 221 or charge on the registered owner or other legally authorized
 222 person in control of a vehicle or vessel, or the lienholder of a
 223 vehicle or vessel, that is towed by an authorized wrecker
 224 operator, not to exceed 25 percent of the maximum towing rate,
 225 to cover the cost of enforcement, including parking enforcement,

226 by the county or municipality when the vehicle or vessel is
 227 towed from public property. An authorized wrecker operator or
 228 towing business may impose and collect the administrative fee or
 229 charge on behalf of the county or municipality and shall remit
 230 such fee or charge to the county or municipality only after it
 231 is collected.

232 (c) A county or municipality may not enact an ordinance or
 233 rule that requires an authorized wrecker operator to accept a
 234 credit card as a form of payment. However, if an authorized
 235 wrecker operator does not accept a credit card, the wrecker
 236 operator must maintain an operable automatic teller machine for
 237 use by the public at its place of business. This paragraph does
 238 not apply to a county or municipality that adopted an ordinance
 239 or rule before January 1, 2020, requiring an authorized wrecker
 240 operator to accept a credit card as a form of payment.

241 (5) Subsection (4) does not apply to the towing or
 242 immobilization licensing, regulatory, or enforcement program of
 243 a charter county described in s. 125.01047(3) or (4). Such
 244 charter county may impose a charge, cost, expense, fine, fee, or
 245 penalty on an authorized wrecker operator in connection with a
 246 violation of the towing or immobilization program requirements
 247 as set forth by ordinance, resolution, or regulation.

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

250 713.78 Liens for recovering, towing, or storing vehicles

251 and vessels.—

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

256 (a) The owner thereof;

257 (b) The owner or lessor, or a person authorized by the
 258 owner or lessor, of property on which such vehicle or vessel is
 259 wrongfully parked, and the removal is done in compliance with s.
 260 715.07;

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

265 (d) Any law enforcement agency,

266
 267 she or he shall have a lien on the vehicle or vessel for a
 268 reasonable towing fee, for a reasonable administrative fee or
 269 charge imposed by a county or municipality, and for a reasonable
 270 storage fee; except that a ~~no~~ storage fee may not ~~shall~~ be
 271 charged if the vehicle or vessel is stored for fewer ~~less~~ than 6
 272 hours.

273 Section 7. Subsection (2) of section 715.07, Florida
 274 Statutes, is amended to read:

275 715.07 Vehicles or vessels parked on private property;

276 towing.—

277 (2) The owner or lessee of real property, or any person
 278 authorized by the owner or lessee, which person may be the
 279 designated representative of the condominium association if the
 280 real property is a condominium, may cause any vehicle or vessel
 281 parked on such property without her or his permission to be
 282 removed by a person regularly engaged in the business of towing
 283 vehicles or vessels, without liability for the costs of removal,
 284 transportation, or storage or damages caused by such removal,
 285 transportation, or storage, under any of the following
 286 circumstances:

287 (a) The towing or removal of any vehicle or vessel from
 288 private property without the consent of the registered owner or
 289 other legally authorized person in control of that vehicle or
 290 vessel is subject to substantial ~~strict~~ compliance with the
 291 following conditions and restrictions:

292 1.a. Any towed or removed vehicle or vessel must be stored
 293 at a site within a 10-mile radius of the point of removal in any
 294 county of 500,000 population or more, and within a 15-mile
 295 radius of the point of removal in any county of fewer ~~less~~ than
 296 500,000 population. That site must be open for the purpose of
 297 redemption of vehicles on any day that the person or firm towing
 298 such vehicle or vessel is open for towing purposes, from 8:00
 299 a.m. to 6:00 p.m., and, when closed, shall have prominently
 300 posted a sign indicating a telephone number where the operator

301 of the site can be reached at all times. Upon receipt of a
302 telephoned request to open the site to redeem a vehicle or
303 vessel, the operator shall return to the site within 1 hour or
304 she or he will be in violation of this section.

305 b. If no towing business providing such service is located
306 within the area of towing limitations set forth in sub-
307 subparagraph a., the following limitations apply: any towed or
308 removed vehicle or vessel must be stored at a site within a 20-
309 mile radius of the point of removal in any county of 500,000
310 population or more, and within a 30-mile radius of the point of
311 removal in any county of fewer ~~less~~ than 500,000 population.

312 2. The person or firm towing or removing the vehicle or
313 vessel shall, within 30 minutes after completion of such towing
314 or removal, notify the municipal police department or, in an
315 unincorporated area, the sheriff, of such towing or removal, the
316 storage site, the time the vehicle or vessel was towed or
317 removed, and the make, model, color, and license plate number of
318 the vehicle or description and registration number of the vessel
319 and shall obtain the name of the person at that department to
320 whom such information was reported and note that name on the
321 trip record.

322 3. A person in the process of towing or removing a vehicle
323 or vessel from the premises or parking lot in which the vehicle
324 or vessel is not lawfully parked must stop when a person seeks
325 the return of the vehicle or vessel. The vehicle or vessel must

326 | be returned upon the payment of a reasonable service fee of not
327 | more than one-half of the posted rate for the towing or removal
328 | service as provided in subparagraph 6. The vehicle or vessel may
329 | be towed or removed if, after a reasonable opportunity, the
330 | owner or legally authorized person in control of the vehicle or
331 | vessel is unable to pay the service fee. If the vehicle or
332 | vessel is redeemed, a detailed signed receipt must be given to
333 | the person redeeming the vehicle or vessel.

334 | 4. A person may not pay or accept money or other valuable
335 | consideration for the privilege of towing or removing vehicles
336 | or vessels from a particular location.

337 | 5. Except for property appurtenant to and obviously a part
338 | of a single-family residence, and except for instances when
339 | notice is personally given to the owner or other legally
340 | authorized person in control of the vehicle or vessel that the
341 | area in which that vehicle or vessel is parked is reserved or
342 | otherwise unavailable for unauthorized vehicles or vessels and
343 | that the vehicle or vessel is subject to being removed at the
344 | owner's or operator's expense, any property owner or lessee, or
345 | person authorized by the property owner or lessee, before ~~prior~~
346 | ~~to~~ towing or removing any vehicle or vessel from private
347 | property without the consent of the owner or other legally
348 | authorized person in control of that vehicle or vessel, must
349 | post a notice meeting the following requirements:

350 | a. The notice must be prominently placed at each driveway

351 access or curb cut allowing vehicular access to the property,
352 within 10 ~~5~~ feet from the road, as defined in s. 334.03(22)
353 ~~public right-of-way line~~. If there are no curbs or access
354 barriers, the signs must be posted not fewer ~~less~~ than one sign
355 for each 25 feet of lot frontage.

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

361 c. The notice must also provide the name and current
362 telephone number of the person or firm towing or removing the
363 vehicles or vessels.

364 d. The sign structure containing the required notices must
365 be permanently installed with the words "tow-away zone" not
366 fewer ~~less~~ than 3 feet and not more than 6 feet above ground
367 level and must be continuously maintained on the property for
368 not fewer ~~less~~ than 24 hours before ~~prior to~~ the towing or
369 removal of any vehicles or vessels.

370 e. The local government may require permitting and
371 inspection of these signs before ~~prior to~~ any towing or removal
372 of vehicles or vessels being authorized.

373 f. A business with 20 or fewer parking spaces satisfies
374 the notice requirements of this subparagraph by prominently
375 displaying a sign stating "Reserved Parking for Customers Only

376 | Unauthorized Vehicles or Vessels Will be Towed Away At the
 377 | Owner's Expense" in not fewer ~~less~~ than 4-inch high, light-
 378 | reflective letters on a contrasting background.

379 | g. A property owner towing or removing vessels from real
 380 | property must post notice, consistent with the requirements in
 381 | sub-subparagraphs a.-f., which apply to vehicles, that
 382 | unauthorized vehicles or vessels will be towed away at the
 383 | owner's expense.

384 |
 385 | A business owner or lessee may authorize the removal of a
 386 | vehicle or vessel by a towing company when the vehicle or vessel
 387 | is parked in such a manner that restricts the normal operation
 388 | of business; and if a vehicle or vessel parked on a public
 389 | right-of-way obstructs access to a private driveway the owner,
 390 | lessee, or agent may have the vehicle or vessel removed by a
 391 | towing company upon signing an order that the vehicle or vessel
 392 | be removed without a posted tow-away zone sign.

393 | 6. Any person or firm that tows or removes vehicles or
 394 | vessels and proposes to require an owner, operator, or person in
 395 | control or custody of a vehicle or vessel to pay the costs of
 396 | towing and storage before ~~prior to~~ redemption of the vehicle or
 397 | vessel must file and keep on record with the local law
 398 | enforcement agency a complete copy of the current rates to be
 399 | charged for such services and post at the storage site an
 400 | identical rate schedule and any written contracts with property

401 owners, lessees, or persons in control of property which
402 authorize such person or firm to remove vehicles or vessels as
403 provided in this section.

404 7. Any person or firm towing or removing any vehicles or
405 vessels from private property without the consent of the owner
406 or other legally authorized person in control or custody of the
407 vehicles or vessels shall, on any trucks, wreckers as defined in
408 s. 713.78(1)(c), or other vehicles used in the towing or
409 removal, have the name, address, and telephone number of the
410 company performing such service clearly printed in contrasting
411 colors on the driver and passenger sides of the vehicle. The
412 name shall be in at least 3-inch permanently affixed letters,
413 and the address and telephone number shall be in at least 1-inch
414 permanently affixed letters.

415 8. Vehicle entry for the purpose of removing the vehicle
416 or vessel shall be allowed with reasonable care on the part of
417 the person or firm towing the vehicle or vessel. Such person or
418 firm shall be liable for any damage occasioned to the vehicle or
419 vessel if such entry is not in accordance with the standard of
420 reasonable care.

421 9. When a vehicle or vessel has been towed or removed
422 pursuant to this section, it must be released to its owner or
423 person in control or custody ~~eustodian~~ within 1 ~~one~~ hour after
424 requested. Any vehicle or vessel owner or person in control or
425 custody has ~~agent shall have~~ the right to inspect the vehicle or

426 vessel before accepting its return, and no release or waiver of
427 any kind which would release the person or firm towing the
428 vehicle or vessel from liability for damages noted by the owner
429 or person in control or custody ~~other legally authorized person~~
430 at the time of the redemption may be required from any vehicle
431 or vessel owner or person in control or custody ~~, custodian, or~~
432 ~~agent~~ as a condition of release of the vehicle or vessel to its
433 owner or person in control or custody. A detailed, ~~signed~~
434 receipt showing the legal name of the company or person towing
435 or removing the vehicle or vessel must be given to the person
436 paying towing or storage charges at the time of payment, whether
437 requested or not.

438 (b) These requirements are minimum standards and do not
439 preclude enactment of additional regulations by any municipality
440 or county including the right to regulate rates when vehicles or
441 vessels are towed from private property, except that a county or
442 municipality may not enact an ordinance or rule that requires a
443 towing business to accept a credit card as a form of payment.
444 However, if a towing business does not accept a credit card, the
445 towing business must maintain an operable automatic teller
446 machine for use by the public at its place of business. This
447 paragraph does not apply to a county or municipality that
448 adopted an ordinance or rule before January 1, 2020, requiring a
449 towing business to accept a credit card as a form of payment.

450 Section 8. This act shall take effect October 1, 2020.