

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 the lienholder of a
18 vehicle or vessel under certain conditions; providing
19 an exception; prohibiting counties or municipalities
20 from enacting certain ordinances or rules that require
21 authorized wrecker operators to accept a specified
22 form of payment; providing exceptions; providing
23 applicability; amending s. 713.78, F.S.; authorizing
24 certain persons to place liens on vehicles or vessels
25 to recover specified fees or charges; amending s.

26 | 715.07, F.S.; revising a requirement regarding notices
 27 | and signs concerning the towing or removal of vehicles
 28 | or vessels; prohibiting counties or municipalities
 29 | from enacting certain ordinances or rules that require
 30 | towing businesses to accept a specified form of
 31 | payment; providing an effective date.

32 |

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

34 |

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

37 | 125.0103 Ordinances and rules imposing price controls;
 38 | findings required; procedures.—

39 | (1)

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

51 removal of the vehicle or vessel.

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

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

68 125.01047 Rules and ordinances relating to towing
69 services.-

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

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

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

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

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

97 1. Impose and collect towing operating license fees,
 98 license renewal fees, license extension fees, expedite fees,
 99 storage site inspection or reinspection fees, criminal
 100 background check fees, and tow truck decal fees, including decal

101 renewal fees, expedite fees, and decal replacement fees.

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

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

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

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

126 fee or charge to the charter county only after it is collected.

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

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

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

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

153 166.043 Ordinances and rules imposing price controls;
 154 findings required; procedures.—

155 (1)

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

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

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

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

184 166.04465 Rules and ordinances relating to towing
185 services.—

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

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

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

196 (b) Impose and collect a reasonable administrative fee or
197 charge on the registered owner or other legally authorized
198 person in control of a vehicle or vessel, not to exceed 25
199 percent of the maximum towing rate, to cover the cost of
200 enforcement, including parking enforcement, by the municipality

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

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

209 323.002 County and municipal wrecker operator systems;
 210 penalties for operation outside of system.—

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

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

226 wrecker operator or towing business may impose and collect the
 227 administrative fee or charge on behalf of the county or
 228 municipality and shall remit such fee or charge to the county or
 229 municipality only after it is collected.

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

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

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

248 713.78 Liens for recovering, towing, or storing vehicles
 249 and vessels.—

250 (2) Whenever a person regularly engaged in the business of

251 transporting vehicles or vessels by wrecker, tow truck, or car
 252 carrier recovers, removes, or stores a vehicle or vessel upon
 253 instructions from:

254 (a) The owner thereof;

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

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

263 (d) Any law enforcement agency,

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

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

273 715.07 Vehicles or vessels parked on private property;
 274 towing.-

275 (2) The owner or lessee of real property, or any person

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

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

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

301 vessel, the operator shall return to the site within 1 hour or
302 she or he will be in violation of this section.

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

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

320 3. A person in the process of towing or removing a vehicle
321 or vessel from the premises or parking lot in which the vehicle
322 or vessel is not lawfully parked must stop when a person seeks
323 the return of the vehicle or vessel. The vehicle or vessel must
324 be returned upon the payment of a reasonable service fee of not
325 more than one-half of the posted rate for the towing or removal

326 service as provided in subparagraph 6. The vehicle or vessel may
327 be towed or removed if, after a reasonable opportunity, the
328 owner or legally authorized person in control of the vehicle or
329 vessel is unable to pay the service fee. If the vehicle or
330 vessel is redeemed, a detailed signed receipt must be given to
331 the person redeeming the vehicle or vessel.

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

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

348 a. The notice must be prominently placed at each driveway
349 access or curb cut allowing vehicular access to the property
350 within 10 ~~5~~ feet from the road, as defined in s. 334.03(22)

351 ~~public right-of-way line~~. If there are no curbs or access
352 barriers, the signs must be posted not fewer ~~less~~ than one sign
353 for each 25 feet of lot frontage.

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

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

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

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

371 f. A business with 20 or fewer parking spaces satisfies
372 the notice requirements of this subparagraph by prominently
373 displaying a sign stating "Reserved Parking for Customers Only
374 Unauthorized Vehicles or Vessels Will be Towed Away At the
375 Owner's Expense" in not fewer ~~less~~ than 4-inch high, light-

376 reflective letters on a contrasting background.

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

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

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

401 provided in this section.

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

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

419 9. When a vehicle or vessel has been towed or removed
 420 pursuant to this section, it must be released to its owner or
 421 person in control or custody ~~custodian~~ within 1 ~~one~~ hour after
 422 requested. Any vehicle or vessel owner or person in control or
 423 custody ~~has agent shall have~~ the right to inspect the vehicle or
 424 vessel before accepting its return, and no release or waiver of
 425 any kind which would release the person or firm towing the

426 vehicle or vessel from liability for damages noted by the owner
427 or person in control or custody ~~other legally authorized person~~
428 at the time of the redemption may be required from any vehicle
429 or vessel owner or person in control or custody, ~~custodian, or~~
430 ~~agent~~ as a condition of release of the vehicle or vessel to its
431 owner or person in control or custody. A detailed, ~~signed~~
432 receipt showing the legal name of the company or person towing
433 or removing the vehicle or vessel must be given to the person
434 paying towing or storage charges at the time of payment, whether
435 requested or not.

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

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