

26 | vessels; providing an effective date.

27 |

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

29 |

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

32 | 125.0103 Ordinances and rules imposing price controls;
33 | findings required; procedures.—

34 | (1)

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

47 | (c) Counties must establish maximum rates which may be
48 | charged on the towing of vehicles or vessels from or
49 | immobilization of vehicles or vessels on private property,
50 | removal and storage of wrecked or disabled vehicles or vessels

51 from an accident scene or for the removal and storage of
 52 vehicles or vessels, in the event the owner or operator is
 53 incapacitated, unavailable, leaves the procurement of wrecker
 54 service to the law enforcement officer at the scene, or
 55 otherwise does not consent to the removal of the vehicle or
 56 vessel. However, if a municipality chooses to enact an ordinance
 57 establishing the maximum rates ~~fees~~ for the towing or
 58 immobilization of vehicles or vessels as described in paragraph
 59 (b), the county's ordinance shall not apply within such
 60 municipality.

61 Section 2. Section 125.01047, Florida Statutes, is created
 62 to read:

63 125.01047 Rules and ordinances relating to towing
 64 services.-

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

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

73 (a) Levy a reasonable business tax under s. 205.0315, s.
 74 205.033, or s. 205.0535.

75 (b) Impose and collect a reasonable administrative fee or

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

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

92 | 1. Impose and collect towing operating license fees,
 93 | license renewal fees, license extension fees, expedite fees,
 94 | storage site inspection or reinspection fees, criminal
 95 | background check fees, and tow truck decal fees, including decal
 96 | renewal fees, expedite fees, and decal replacement fees.

97 | 2. Impose and collect immobilization operating license
 98 | fees, license extension fees, license renewal fees, expedite
 99 | fees, and criminal background check fees.

100 | 3. Set maximum rates for the towing or immobilization of

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

110 4. Impose and collect such other taxes, fees, or charges
111 otherwise authorized by general law, special law, or county
112 ordinance, resolution, or regulation.

113 (b) A charter county may impose and collect an
114 administrative fee or charge as provided in paragraph (2) (b) but
115 may not impose such fee or charge on a towing business or an
116 authorized wrecker operator. If the charter county imposes such
117 administrative fee or charge, the charter county may authorize a
118 towing business or authorized wrecker operator to impose and
119 collect such fee or charge on behalf of the county, and the
120 towing business or authorized wrecker operator shall remit such
121 fee or charge to the charter county only after it is collected.

122 (4) (a) Subsection (1) does not apply to a charter county
123 that had a towing licensing, regulatory, or enforcement program
124 in effect on January 1, 2020. However, such charter county may
125 not impose any new business tax, fee, or charge that was not in

126 effect as of January 1, 2020, on a towing business or an
127 authorized wrecker operator.

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

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

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

148 166.043 Ordinances and rules imposing price controls;
149 findings required; procedures.—

150 (1)

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

163 (c) Counties must establish maximum rates which may be
164 charged on the towing of vehicles or vessels from or
165 immobilization of vehicles or vessels on private property,
166 removal and storage of wrecked or disabled vehicles or vessels
167 from an accident scene or for the removal and storage of
168 vehicles or vessels, in the event the owner or operator is
169 incapacitated, unavailable, leaves the procurement of wrecker
170 service to the law enforcement officer at the scene, or
171 otherwise does not consent to the removal of the vehicle or
172 vessel. However, if a municipality chooses to enact an ordinance
173 establishing the maximum rates ~~fees~~ for the towing or
174 immobilization of vehicles or vessels as described in paragraph
175 (b), the county's ordinance established under s. 125.0103 shall

176 | not apply within such municipality.

177 | Section 4. Section 166.04465, Florida Statutes, is created
178 | to read:

179 | 166.04465 Rules and ordinances relating to towing
180 | services.—

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

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

189 | (a) Levy a reasonable business tax under s. 205.0315, s.
190 | 205.043, or s. 205.0535.

191 | (b) Impose and collect a reasonable administrative fee or
192 | charge on the registered owner or other legally authorized
193 | person in control of a vehicle or vessel, not to exceed 25
194 | percent of the maximum towing rate, to cover the cost of
195 | enforcement, including parking enforcement, by the municipality
196 | when the vehicle or vessel is towed from public property. An
197 | authorized wrecker operator or towing business may impose and
198 | collect the administrative fee or charge on behalf of the
199 | municipality and shall remit such fee or charge to the
200 | municipality only after it is collected.

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

204 323.002 County and municipal wrecker operator systems;
205 penalties for operation outside of system.—

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

213 (b) A county or municipality may adopt or maintain an
214 ordinance or rule that imposes a reasonable administrative fee
215 or charge on the registered owner or other legally authorized
216 person in control of a vehicle or vessel that is towed by an
217 authorized wrecker operator, not to exceed 25 percent of the
218 maximum towing rate, to cover the cost of enforcement, including
219 parking enforcement, by the county or municipality when the
220 vehicle or vessel is towed from public property. An authorized
221 wrecker operator or towing business may impose and collect the
222 administrative fee or charge on behalf of the county or
223 municipality and shall remit such fee or charge to the county or
224 municipality only after it is collected.

225 (5) Subsection (4) does not apply to the towing or

226 immobilization licensing, regulatory, or enforcement program of
 227 a charter county described in s. 125.01047(3) or (4). Such
 228 charter county may impose a charge, cost, expense, fine, fee, or
 229 penalty on an authorized wrecker operator in connection with a
 230 violation of the towing or immobilization program requirements
 231 as set forth by ordinance, resolution, or regulation.

232 Section 6. Subsections (2) and (6) of section 713.78,
 233 Florida Statutes, are amended to read:

234 713.78 Liens for recovering, towing, or storing vehicles
 235 and vessels.—

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

240 (a) The owner thereof;

241 (b) The owner or lessor, or a person authorized by the
 242 owner or lessor, of property on which such vehicle or vessel is
 243 wrongfully parked, and the removal is done in compliance with s.
 244 715.07;

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

249 (d) Any law enforcement agency,
 250

251 she or he shall have a lien on the vehicle or vessel for a
 252 reasonable towing fee, for a reasonable administrative fee or
 253 charge imposed by a county or municipality, and for a reasonable
 254 storage fee; except that a ~~no~~ storage fee may not ~~shall~~ be
 255 charged if the vehicle or vessel is stored for fewer ~~less~~ than 6
 256 hours.

257 (6) A vehicle or vessel that is stored pursuant to
 258 subsection (2) and remains unclaimed, or for which reasonable
 259 charges for recovery, towing, or storing remain unpaid, and any
 260 contents not released pursuant to subsection (10), may be sold
 261 by the owner or operator of the storage space for such towing or
 262 storage charge 35 days after the vehicle or vessel is stored by
 263 the lienor if the vehicle or vessel is more than 3 years of age
 264 or 50 days after the vehicle or vessel is stored by the lienor
 265 if the vehicle or vessel is 3 years of age or less. The sale
 266 shall be at public sale for cash. If the date of the sale was
 267 not included in the notice required in subsection (4), notice of
 268 the sale shall be given to the person in whose name the vehicle
 269 or vessel is registered and to all persons claiming a lien on
 270 the vehicle or vessel as shown on the records of the Department
 271 of Highway Safety and Motor Vehicles or of any corresponding
 272 agency in any other state in which the vehicle is identified
 273 through a records check of the National Motor Vehicle Title
 274 Information System or an equivalent commercially available
 275 system as being titled. Notice of the sale must be sent by

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

276 certified mail. The notice must have clearly identified and
 277 printed, if the claim of lien is for a motor vehicle, the last 8
 278 digits of the vehicle identification number of the motor vehicle
 279 subject to the lien, or, if the claim of lien is for a vessel,
 280 the hull identification number of the vessel subject to the
 281 lien, in the delivery address box and on the outside of the
 282 envelope sent to the registered owner and all other persons
 283 claiming an interest therein or lien thereon. The notice must be
 284 sent to the owner of the vehicle or vessel and the person having
 285 the recorded lien on the vehicle or vessel at the address shown
 286 on the records of the registering agency at least 30 ~~45~~ days
 287 before the sale of the vehicle or vessel. The notice must state
 288 the name, physical address, and telephone number of the lienor,
 289 and the vehicle identification number if the claim of lien is
 290 for a vehicle or the hull identification number if the claim of
 291 lien is for a vessel, all of which must also appear in the
 292 return address section on the outside of the envelope containing
 293 the notice of sale. After diligent search and inquiry, if the
 294 name and address of the registered owner or the owner of the
 295 recorded lien cannot be ascertained, the requirements of notice
 296 by mail may be dispensed with. In addition to the notice by
 297 mail, public notice of the time and place of sale shall be made
 298 by publishing a notice thereof one time, at least 10 days before
 299 the date of the sale, in a newspaper of general circulation in
 300 the county in which the sale is to be held. The proceeds of the

301 sale, after payment of reasonable towing and storage charges,
302 and costs of the sale, in that order of priority, shall be
303 deposited with the clerk of the circuit court for the county if
304 the owner or lienholder is absent, and the clerk shall hold such
305 proceeds subject to the claim of the owner or lienholder legally
306 entitled thereto. The clerk shall be entitled to receive 5
307 percent of such proceeds for the care and disbursement thereof.
308 The certificate of title issued under this law shall be
309 discharged of all liens unless otherwise provided by court
310 order. The owner or lienholder may file a complaint after the
311 vehicle or vessel has been sold in the county court of the
312 county in which it is stored. Upon determining the respective
313 rights of the parties, the court may award damages, attorney
314 fees, and costs in favor of the prevailing party.

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

317 715.07 Vehicles or vessels parked on private property;
318 towing.—

319 (2) The owner or lessee of real property, or any person
320 authorized by the owner or lessee, which person may be the
321 designated representative of the condominium association if the
322 real property is a condominium, may cause any vehicle or vessel
323 parked on such property without her or his permission to be
324 removed by a person regularly engaged in the business of towing
325 vehicles or vessels, without liability for the costs of removal,

326 transportation, or storage or damages caused by such removal,
 327 transportation, or storage, under any of the following
 328 circumstances:

329 (a) The towing or removal of any vehicle or vessel from
 330 private property without the consent of the registered owner or
 331 other legally authorized person in control of that vehicle or
 332 vessel is subject to substantial ~~strict~~ compliance with the
 333 following conditions and restrictions:

334 1.a. Any towed or removed vehicle or vessel must be stored
 335 at a site within a 10-mile radius of the point of removal in any
 336 county of 500,000 population or more, and within a 15-mile
 337 radius of the point of removal in any county of fewer ~~less~~ than
 338 500,000 population. That site must be open for the purpose of
 339 redemption of vehicles on any day that the person or firm towing
 340 such vehicle or vessel is open for towing purposes, from 8:00
 341 a.m. to 6:00 p.m., and, when closed, shall have prominently
 342 posted a sign indicating a telephone number where the operator
 343 of the site can be reached at all times. Upon receipt of a
 344 telephoned request to open the site to redeem a vehicle or
 345 vessel, the operator shall return to the site within 1 hour or
 346 she or he will be in violation of this section.

347 b. If no towing business providing such service is located
 348 within the area of towing limitations set forth in sub-
 349 subparagraph a., the following limitations apply: any towed or
 350 removed vehicle or vessel must be stored at a site within a 20-

351 mile radius of the point of removal in any county of 500,000
352 population or more, and within a 30-mile radius of the point of
353 removal in any county of fewer ~~less~~ than 500,000 population.

354 2. The person or firm towing or removing the vehicle or
355 vessel shall, within 30 minutes after completion of such towing
356 or removal, notify the municipal police department or, in an
357 unincorporated area, the sheriff, of such towing or removal, the
358 storage site, the time the vehicle or vessel was towed or
359 removed, and the make, model, color, and license plate number of
360 the vehicle or description and registration number of the vessel
361 and shall obtain the name of the person at that department to
362 whom such information was reported and note that name on the
363 trip record.

364 3. A person in the process of towing or removing a vehicle
365 or vessel from the premises or parking lot in which the vehicle
366 or vessel is not lawfully parked must stop when a person seeks
367 the return of the vehicle or vessel. The vehicle or vessel must
368 be returned upon the payment of a reasonable service fee of not
369 more than one-half of the posted rate for the towing or removal
370 service as provided in subparagraph 6. The vehicle or vessel may
371 be towed or removed if, after a reasonable opportunity, the
372 owner or legally authorized person in control of the vehicle or
373 vessel is unable to pay the service fee. If the vehicle or
374 vessel is redeemed, a detailed signed receipt must be given to
375 the person redeeming the vehicle or vessel.

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

379 5. Except for property appurtenant to and obviously a part
380 of a single-family residence, and except for instances when
381 notice is personally given to the owner or other legally
382 authorized person in control of the vehicle or vessel that the
383 area in which that vehicle or vessel is parked is reserved or
384 otherwise unavailable for unauthorized vehicles or vessels and
385 that the vehicle or vessel is subject to being removed at the
386 owner's or operator's expense, any property owner or lessee, or
387 person authorized by the property owner or lessee, before ~~prior~~
388 ~~to~~ towing or removing any vehicle or vessel from private
389 property without the consent of the owner or other legally
390 authorized person in control of that vehicle or vessel, must
391 post a notice meeting the following requirements:

392 a. The notice must be prominently placed at each driveway
393 access or curb cut allowing vehicular access to the property,
394 within 10 ~~5~~ feet from the road, as defined in s. 334.03(22)
395 ~~public right-of-way line~~. If there are no curbs or access
396 barriers, the signs must be posted not fewer ~~less~~ than one sign
397 for each 25 feet of lot frontage.

398 b. The notice must clearly indicate, in not fewer ~~less~~
399 than 2-inch high, light-reflective letters on a contrasting
400 background, that unauthorized vehicles will be towed away at the

401 owner's expense. The words "tow-away zone" must be included on
402 the sign in not fewer ~~less~~ than 4-inch high letters.

403 c. The notice must also provide the name and current
404 telephone number of the person or firm towing or removing the
405 vehicles or vessels.

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

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

415 f. A business with 20 or fewer parking spaces satisfies
416 the notice requirements of this subparagraph by prominently
417 displaying a sign stating "Reserved Parking for Customers Only
418 Unauthorized Vehicles or Vessels Will be Towed Away At the
419 Owner's Expense" in not fewer ~~less~~ than 4-inch high, light-
420 reflective letters on a contrasting background.

421 g. A property owner towing or removing vessels from real
422 property must post notice, consistent with the requirements in
423 sub-subparagraphs a.-f., which apply to vehicles, that
424 unauthorized vehicles or vessels will be towed away at the
425 owner's expense.

426
427 A business owner or lessee may authorize the removal of a
428 vehicle or vessel by a towing company when the vehicle or vessel
429 is parked in such a manner that restricts the normal operation
430 of business; and if a vehicle or vessel parked on a public
431 right-of-way obstructs access to a private driveway the owner,
432 lessee, or agent may have the vehicle or vessel removed by a
433 towing company upon signing an order that the vehicle or vessel
434 be removed without a posted tow-away zone sign.

435 6. Any person or firm that tows or removes vehicles or
436 vessels and proposes to require an owner, operator, or person in
437 control or custody of a vehicle or vessel to pay the costs of
438 towing and storage before ~~prior to~~ redemption of the vehicle or
439 vessel must file and keep on record with the local law
440 enforcement agency a complete copy of the current rates to be
441 charged for such services and post at the storage site an
442 identical rate schedule and any written contracts with property
443 owners, lessees, or persons in control of property which
444 authorize such person or firm to remove vehicles or vessels as
445 provided in this section.

446 7. Any person or firm towing or removing any vehicles or
447 vessels from private property without the consent of the owner
448 or other legally authorized person in control or custody of the
449 vehicles or vessels shall, on any trucks, wreckers as defined in
450 s. 713.78(1)(c), or other vehicles used in the towing or

451 removal, have the name, address, and telephone number of the
452 company performing such service clearly printed in contrasting
453 colors on the driver and passenger sides of the vehicle. The
454 name shall be in at least 3-inch permanently affixed letters,
455 and the address and telephone number shall be in at least 1-inch
456 permanently affixed letters.

457 8. Vehicle entry for the purpose of removing the vehicle
458 or vessel shall be allowed with reasonable care on the part of
459 the person or firm towing the vehicle or vessel. Such person or
460 firm shall be liable for any damage occasioned to the vehicle or
461 vessel if such entry is not in accordance with the standard of
462 reasonable care.

463 9. When a vehicle or vessel has been towed or removed
464 pursuant to this section, it must be released to its owner or
465 person in control or custody ~~eustodian~~ within 1 ~~one~~ hour after
466 requested. Any vehicle or vessel owner or person in control or
467 custody has ~~agent shall have~~ the right to inspect the vehicle or
468 vessel before accepting its return, and no release or waiver of
469 any kind which would release the person or firm towing the
470 vehicle or vessel from liability for damages noted by the owner
471 or person in control or custody ~~other legally authorized person~~
472 at the time of the redemption may be required from any vehicle
473 or vessel owner or person in control or custody ~~,eustodian, or~~
474 ~~agent~~ as a condition of release of the vehicle or vessel to its
475 owner or person in control or custody. A detailed, ~~signed~~

476 receipt showing the legal name of the company or person towing
477 or removing the vehicle or vessel must be given to the person
478 paying towing or storage charges at the time of payment, whether
479 requested or not.

480 (b) These requirements are minimum standards and do not
481 preclude enactment of additional regulations by any municipality
482 or county including the right to regulate rates when vehicles or
483 vessels are towed from private property.

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