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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2020	.	
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The Committee on Infrastructure and Security (Hooper)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 118 - 258
and insert:
person in control of a vehicle or vessel, not to exceed 25
percent of the maximum towing rate, to cover the cost of
enforcement, including parking enforcement, by the county when
the vehicle or vessel is towed from public property. An
authorized wrecker operator or towing business may impose and
collect the administrative fee or charge on behalf of the county



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11 and shall remit such fee or charge to the county only after it
12 is collected.

13 (3) (a) This section does not apply to a towing or
14 immobilization licensing, regulatory, or enforcement program of
15 a charter county in which at least 90 percent of the population
16 resides in incorporated municipalities, or of a charter county
17 with at least 38 incorporated municipalities within its
18 territorial boundaries as of January 1, 2020. This section does
19 not affect a charter county's authority to:

20 1. Impose and collect towing operating license fees,
21 license renewal fees, license extension fees, expedite fees,
22 storage site inspection or reinspection fees, criminal
23 background check fees, and tow truck decal fees, including decal
24 renewal fees, expedite fees, and decal replacement fees.

25 2. Impose and collect immobilization operating license
26 fees, license extension fees, license renewal fees, expedite
27 fees, and criminal background check fees.

28 3. Set maximum rates for the towing or immobilization of
29 vehicles or vessels on private property, including rates based
30 on different classes of towing vehicles, research fees,
31 administrative fees, storage fees, and labor fees; rates for
32 towing services performed or directed by governmental entities;
33 road service rates; winch recovery rates; voluntary expediting
34 fees for vehicle or vessel ownership verification; and to
35 establish conditions in connection with the applicability or
36 payment of maximum rates set for towing or immobilization of
37 vehicles or vessels.

38 4. Impose and collect such other taxes, fees, or charges
39 otherwise authorized by general law, special law, or county



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40 ordinance, resolution, or regulation.

41 (b) A charter county may impose and collect an
42 administrative fee or charge as provided in paragraph (2)(b) but
43 may not impose such fee or charge on a towing business or an
44 authorized wrecker operator. If the charter county imposes such
45 administrative fee or charge, the charter county may authorize a
46 towing business or authorized wrecker operator to impose and
47 collect such fee or charge on behalf of the county, and the
48 towing business or authorized wrecker operator shall remit such
49 fee or charge to the charter county only after it is collected.

50 (4)(a) Subsection (1) does not apply to a charter county
51 that had a towing licensing, regulatory, or enforcement program
52 in effect on January 1, 2020. However, such charter county may
53 not impose any new business tax, fee, or charge that was not in
54 effect as of January 1, 2020, on a towing business or an
55 authorized wrecker operator.

56 (b) A charter county may impose and collect an
57 administrative fee or charge as provided in paragraph (2)(b);
58 however, it may not impose that fee or charge upon a towing
59 business or an authorized wrecker operator. If such charter
60 county imposes such administrative fee or charge, such fee or
61 charge must be imposed on the registered owner or other legally
62 authorized person in control of a vehicle or vessel. The fee or
63 charge may not exceed 25 percent of the maximum towing rate to
64 cover the cost of enforcement, including parking enforcement, by
65 the charter county when the vehicle or vessel is towed from
66 public property. The charter county may authorize an authorized
67 wrecker operator or towing business to impose and collect the
68 administrative fee or charge on behalf of the charter county,



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69 and the authorized wrecker operator or towing business shall
70 remit such fee or charge to the charter county only after it is
71 collected.

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

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

76 166.043 Ordinances and rules imposing price controls;
77 findings required; procedures.—

78 (1)

79 (b) ~~The provisions of~~ This section does ~~shall~~ not prevent
80 the enactment by local governments of public service rates
81 otherwise authorized by law, including water, sewer, solid
82 waste, public transportation, taxicab, or port rates, rates for
83 towing of vehicles or vessels from or immobilization of vehicles
84 or vessels on private property, or rates for removal and storage
85 of wrecked or disabled vehicles or vessels from an accident
86 scene or the removal and storage of vehicles or vessels in the
87 event the owner or operator is incapacitated, unavailable,
88 leaves the procurement of wrecker service to the law enforcement
89 officer at the scene, or otherwise does not consent to the
90 removal of the vehicle or vessel.

91 (c) Counties must establish maximum rates that ~~which~~ may be
92 charged on the towing of vehicles or vessels from or
93 immobilization of vehicles or vessels on private property,
94 removal and storage of wrecked or disabled vehicles or vessels
95 from an accident scene, or for the removal and storage of
96 vehicles or vessels, in the event the owner or operator is
97 incapacitated, unavailable, leaves the procurement of wrecker



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98 service to the law enforcement officer at the scene, or
99 otherwise does not consent to the removal of the vehicle or
100 vessel. However, if a municipality chooses to enact an ordinance
101 establishing the maximum rates ~~fees~~ for the towing or
102 immobilization of vehicles or vessels as described in paragraph
103 (b), the county's ordinance established under s. 125.0103 does
104 ~~shall~~ not apply within such municipality.

105 Section 4. Section 166.04465, Florida Statutes, is created
106 to read:

107 166.04465 Rules and ordinances relating to towing
108 services.-

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

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

117 (a) Levy a reasonable business tax under s. 205.0315, s.
118 205.043, or s. 205.0535.

119 (b) Impose and collect a reasonable administrative fee or
120 charge on the registered owner or other legally authorized
121 person in control of a vehicle or vessel, not to exceed 25
122 percent of the maximum towing rate, to cover the cost of
123 enforcement, including parking enforcement, by the municipality
124 when the vehicle or vessel is towed from public property. An
125 authorized wrecker operator or towing business may impose and
126 collect the administrative fee or charge on behalf of the



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127 municipality and shall remit such fee or charge to the
128 municipality only after it is collected.

129 Section 5. Present subsection (4) of section 323.002,
130 Florida Statutes, is redesignated as subsection (6), and new
131 subsections (4) and (5) are added to that section, to read:

132 323.002 County and municipal wrecker operator systems;
133 penalties for operation outside of system.-

134 (4) (a) Except as provided in paragraph (b), a county or
135 municipality may not adopt or maintain in effect an ordinance or
136 rule that imposes a charge, cost, expense, fine, fee, or penalty
137 on an authorized wrecker operator, the registered owner or other
138 legally authorized person in control of a vehicle or vessel when
139 the vehicle or vessel is towed by an authorized wrecker operator
140 under this chapter.

141 (b) A county or municipality may adopt or maintain an
142 ordinance or rule that imposes a reasonable administrative fee
143 or charge on the registered owner or other legally authorized
144 person in control of a vehicle or vessel that is towed by an
145 authorized wrecker

146
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete lines 39 - 40

150 and insert:

151 or other legally authorized persons in control of
152 vehicles or vessels, under certain