

By Senator Jones

34-00308-24

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1 A bill to be entitled
2 An act relating to price controls; repealing ss.
3 125.0103 and 166.043, F.S., relating to county and
4 municipal ordinances and rules imposing price
5 controls; amending ss. 321.051, 713.78, and 713.785,
6 F.S.; conforming provisions to changes made by the
7 act; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 125.0103, Florida Statutes, is repealed.

12 Section 2. Section 166.043, Florida Statutes, is repealed.

13 Section 3. Subsection (2) of section 321.051, Florida
14 Statutes, is amended to read:

15 321.051 Florida Highway Patrol wrecker operator system;
16 penalties for operation outside of system.-

17 (2) The Division of Florida Highway Patrol of the
18 Department of Highway Safety and Motor Vehicles is authorized to
19 establish within areas designated by the patrol a wrecker
20 operator system using qualified, reputable wrecker operators for
21 removal and storage of wrecked or disabled vehicles from a crash
22 scene or for removal and storage of abandoned vehicles, in the
23 event the owner or operator is incapacitated or unavailable or
24 leaves the procurement of wrecker service to the officer at the
25 scene. All reputable wrecker operators are ~~shall be~~ eligible to
26 participate in ~~for use in~~ the system, provided their equipment
27 and drivers meet recognized safety qualifications and mechanical
28 standards set by rules of the Division of Florida Highway Patrol
29 for the size of vehicle a wrecker operator's tow truck ~~it~~ is

34-00308-24

2024110__

30 designed to handle. The division is authorized to limit the
31 number of wrecker operators participating in the wrecker
32 operator system, which authority does ~~shall~~ not affect wrecker
33 operators currently participating in the system established by
34 this section. The division is authorized to establish maximum
35 rates for the towing and storage of vehicles removed at the
36 division's request, where such rates have not been set by a
37 county or municipality ~~pursuant to s. 125.0103 or s. 166.043.~~
38 Such rates are ~~shall~~ not ~~be~~ considered rules for the purpose of
39 chapter 120; however, the department shall establish by rule a
40 procedure for setting such rates. Any provision in chapter 120
41 to the contrary notwithstanding, a final order of the department
42 denying, suspending, or revoking a wrecker operator's
43 participation in the system is ~~shall be~~ reviewable in the manner
44 and within the time provided by the Florida Rules of Appellate
45 Procedure only by a writ of certiorari issued by the circuit
46 court in the county wherein such wrecker operator resides.

47 Section 4. Paragraph (b) of subsection (13) and paragraph
48 (b) of subsection (15) of section 713.78, Florida Statutes, are
49 amended to read:

50 713.78 Liens for recovering, towing, or storing vehicles
51 and vessels.—

52 (13)

53 (b) For purposes of this subsection only, the amount of the
54 wrecker operator's lien for which the department will prevent
55 issuance of a license plate or revalidation sticker may not
56 exceed the amount of the charges for recovery, towing, and
57 storage of the vehicle or vessel for 7 days. These charges may
58 not exceed the maximum rates imposed by the ordinances of the

34-00308-24

2024110__

59 respective county or municipality ~~under ss. 125.0103(1)(c) and~~
60 ~~166.043(1)(c)~~. This paragraph does not limit the amount of a
61 wrecker operator's lien claimed under subsection (2) or prevent
62 a wrecker operator from seeking civil remedies for enforcement
63 of the entire amount of the lien, but limits only that portion
64 of the lien for which the department will prevent issuance of a
65 license plate or revalidation sticker.

66 (15)

67 (b) A lienor or the lienor's agent may not charge fees or
68 costs, other than those authorized in this section ~~or ss.~~
69 ~~125.0103 and 166.043~~, that exceed \$250.

70 Section 5. Paragraph (b) of subsection (8) of section
71 713.785, Florida Statutes, is amended to read:

72 713.785 Liens for recovering, towing, or storing mobile
73 homes.—

74 (8)

75 (b) For purposes of this subsection, the amount of the
76 mobile home transport company's lien for which the department
77 will prevent issuance of a revalidation sticker may not exceed
78 the amount of the charges for recovery, towing, and storage of
79 the mobile home for 7 days. These charges may not exceed the
80 maximum rates imposed by the ordinances of the respective county
81 or municipality ~~under ss. 125.0103(1)(c) and 166.043(1)(c)~~. This
82 paragraph does not limit the amount of a mobile home transport
83 company's lien claimed under subsection (2) or prevent a mobile
84 home transport company from seeking civil remedies for
85 enforcement of the entire amount of the lien, but limits only
86 that portion of the lien for which the department will prevent
87 issuance of a revalidation sticker.

34-00308-24

2024110__

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Section 6. This act shall take effect July 1, 2024.