

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies  
 2 Committee

3 Representative McFarland offered the following:

4  
 5 **Amendment to Amendment (959183) by Representative McFarland**  
 6 **(with title amendment)**

7 Remove lines 7-118 of the amendment and insert:

8 (d)1. Counties must, and municipalities may, establish  
 9 maximum rates which a wrecker service may charge for cleanup and  
 10 disposal of hazardous and nonhazardous materials incidental to  
 11 removal and storage of wrecked or disabled vehicles or vessels  
 12 from an accident scene or the removal and storage of vehicles or  
 13 vessels, in the event the owner or operator is incapacitated,  
 14 unavailable, leaves the procurement of wrecker service to the  
 15 law enforcement officer at the scene, or otherwise does not  
 16 consent to the removal of the vehicle or vessel. If a

Amendment No.

17 municipality enacts an ordinance establishing maximum rates  
18 under this paragraph, the county's ordinance does not apply  
19 within such municipality.

20 2. A wrecker service that is requested to perform cleanup  
21 or disposal of hazardous or nonhazardous materials subject to  
22 maximum rates established under sub-paragraph 1. must notify the  
23 applicable local government as soon as practicable of its  
24 intention not to perform such cleanup or disposal.

25 3. This paragraph does not create a duty on the part of a  
26 vehicle or vessel owner who is a named insured on a valid  
27 insurance contract, or the insurer who issues such contract, to  
28 pay for cleanup or disposal of hazardous or nonhazardous  
29 materials beyond what is covered under the vehicle's or vessel's  
30 insurance contract in place at the time of the incident  
31 requiring such cleanup or disposal of hazardous or nonhazardous  
32 materials.

33 (e) A county or municipality that has established maximum  
34 rates as described in paragraphs (c) and (d) must publish such  
35 rates on its website and must establish a process for  
36 investigating and resolving complaints regarding fees charged in  
37 excess of such rates. In areas where no maximum rates as  
38 described in paragraphs (c) and (d) have been established, the  
39 maximum rates established by the Division of Florida Highway  
40 Patrol under s. 321.051(2) apply in such areas.

Amendment No.

41 Section 2. Paragraphs (b) and (c) of subsection (1) of  
42 section 166.043, Florida Statutes, are amended, and paragraphs  
43 (d) and (e) are added to that subsection, to read:

44 166.043 Ordinances and rules imposing price controls.—

45 (1)

46 (b) This section does not prevent the enactment by local  
47 governments of public service rates otherwise authorized by law,  
48 including water, sewer, solid waste, public transportation,  
49 taxicab, or port rates; ~~r~~ rates for towing of vehicles or vessels  
50 from or immobilization of vehicles or vessels on private  
51 property; ~~r~~ or rates for removal and storage of wrecked or  
52 disabled vehicles or vessels from an accident scene or the  
53 removal and storage of vehicles or vessels, l in the event the  
54 owner or operator is incapacitated, unavailable, leaves the  
55 procurement of wrecker service to the law enforcement officer at  
56 the scene, or otherwise does not consent to the removal of the  
57 vehicle or vessel.

58 (c) Counties must establish maximum rates which may be  
59 charged on the towing of vehicles or vessels from or  
60 immobilization of vehicles or vessels on private property or  
61 which may be charged for, ~~r~~ removal and storage of wrecked or  
62 disabled vehicles or vessels from an accident scene or for the  
63 removal and storage of vehicles or vessels, in the event the  
64 owner or operator is incapacitated, unavailable, leaves the  
65 procurement of wrecker service to the law enforcement officer at

Amendment No.

66 the scene, or otherwise does not consent to the removal of the  
67 vehicle or vessel. However, if a municipality chooses to enact  
68 an ordinance establishing the maximum rates for the towing or  
69 immobilization of vehicles or vessels as described in paragraph  
70 (b), the county's ordinance established under s. 125.0103 does  
71 not apply within such municipality.

72 (d)1. Counties must, and municipalities may, establish  
73 maximum rates which a wrecker service may charge for cleanup and  
74 disposal of hazardous and nonhazardous materials incidental to  
75 removal and storage of wrecked or disabled vehicles or vessels  
76 from an accident scene or the removal and storage of vehicles or  
77 vessels, in the event the owner or operator is incapacitated,  
78 unavailable, leaves the procurement of wrecker service to the  
79 law enforcement officer at the scene, or otherwise does not  
80 consent to the removal of the vehicle or vessel. If a  
81 municipality enacts an ordinance establishing maximum rates  
82 under this paragraph, the county's ordinance does not apply  
83 within such municipality.

84 2. A wrecker service that is requested to perform cleanup  
85 or disposal of hazardous or nonhazardous materials subject to  
86 maximum rates established under sub-paragraph 1. must notify the  
87 applicable local government as soon as practicable of its  
88 intention not to perform such cleanup or disposal.

89 3. This paragraph does not create a duty on the part of a  
90 vehicle or vessel owner who is a named insured on a valid

Amendment No.

91 insurance contract, or the insurer who issues such contract, to  
92 pay for cleanup or disposal of hazardous or nonhazardous  
93 materials beyond what is covered under the vehicle's or vessel's  
94 insurance contract in place at the time of the incident  
95 requiring such cleanup or disposal of hazardous or nonhazardous  
96 materials.

97 (e) A county or municipality that has established maximum  
98 rates as described in paragraphs (c) and (d) must publish such  
99 rates on its website and must establish a process for  
100 investigating and resolving complaints regarding fees charged in  
101 excess of such rates. In areas where no maximum rates as  
102 described in paragraphs (c) and (d) have been established, the  
103 maximum rates established by the Division of Florida Highway  
104 Patrol under s. 321.051(2) apply in such areas.

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

107 321.051 Florida Highway Patrol wrecker operator system;  
108 penalties for operation outside of system.—

109 (2)(a) The Division of Florida Highway Patrol of the  
110 Department of Highway Safety and Motor Vehicles is authorized to  
111 establish within areas designated by the patrol a wrecker  
112 operator system using qualified, reputable wrecker operators for  
113 removal and storage of wrecked or disabled vehicles from a crash  
114 scene or for removal and storage of abandoned vehicles, in the  
115 event the owner or operator is incapacitated or unavailable or

Amendment No.

116 leaves the procurement of wrecker service to the officer at the  
117 scene. All reputable wrecker operators are ~~shall be~~ eligible for  
118 use in the system provided their equipment and drivers meet  
119 recognized safety qualifications and mechanical standards set by  
120 rules of the Division of Florida Highway Patrol for the size of  
121 vehicle it is designed to handle. The division may not exclude a  
122 wrecker operator from the wrecker operator system or fail to  
123 designate a wrecker operator as an authorized wrecker operator  
124 based solely on a prior felony conviction unless such conviction  
125 is for a forcible felony as defined in s. 776.08 or a felony  
126 listed in s. 812.014(2)(c)6. or s. 812.16(2). The division is  
127 authorized to limit the number of wrecker operators  
128 participating in the wrecker operator system, which authority  
129 shall not affect wrecker operators currently participating in  
130 the system established by this section. The division must ~~is~~  
131 ~~authorized to~~ establish maximum rates for the towing and storage  
132 of vehicles removed at the division's request, and for cleanup  
133 and disposal of hazardous and nonhazardous materials incidental  
134 to the towing of such vehicles, where such rates have not been  
135 set by a county or municipality pursuant to s. 125.0103 or s.  
136 166.043. Such rates shall not be considered rules for the  
137 purpose of chapter 120; however, the department shall establish  
138 by rule a procedure for setting such rates.

139 (b)1. A wrecker operator that is requested to perform  
140 cleanup or disposal of hazardous or nonhazardous materials

Amendment No.

141 subject to maximum rates established under paragraph (a) must  
142 notify the division or one of its officers as soon as  
143 practicable of its intention not to perform such cleanup or  
144 disposal.

145 2. This subsection does not create a duty on the part of a  
146 vehicle owner who is a named insured on a valid insurance  
147 contract, or the insurer who issues such contract, to pay for  
148 cleanup or disposal of hazardous or nonhazardous materials  
149 beyond what is covered under the vehicle's insurance contract in  
150 place at the time of the incident requiring such cleanup or  
151 disposal of hazardous or nonhazardous materials.

152 (c) The department must publish on its website the maximum  
153 rates established under this subsection and must establish a  
154 process for investigating and resolving complaints regarding  
155 fees charged in excess of such maximum rates.

156 (d) Any provision in chapter 120 to the contrary  
157 notwithstanding, a final order of the department denying,  
158 suspending, or revoking a wrecker operator's participation in  
159 the system shall be reviewable in the manner and within the time  
160 provided by the Florida Rules of Appellate Procedure only by a  
161 writ of certiorari issued by the circuit court in the county  
162 wherein such wrecker operator resides.

163 -----  
164  
165 **T I T L E A M E N D M E N T**

Amendment No.

166 Remove lines 767-784 of the amendment and insert:  
167 and municipalities to establish maximum rates for  
168 cleanup and disposal of hazardous and nonhazardous  
169 materials under certain circumstances; providing  
170 applicability; requiring a wrecker service to make a  
171 certain notification under specified circumstances;  
172 providing construction; requiring certain counties and  
173 municipalities to publish specified rates on their  
174 websites and establish a specified process; providing  
175 that rates established by the Division of Florida  
176 Highway Patrol apply to certain areas of the state;  
177 amending s. 321.051, F.S.; prohibiting the division  
178 from excluding certain wrecker operators from the  
179 wrecker operator system or failing to designate  
180 certain wrecker operators as authorized wrecker  
181 operators; providing exceptions; requiring, rather  
182 than authorizing, the division to establish certain  
183 maximum rates; requiring a wrecker operator to make a  
184 certain notification under specified circumstances;  
185 providing construction; requiring the Department of  
186 Highway Safety and Motor Vehicles to publish specified  
187 rates on its