The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	CS/CS/SB 872
INTRODUCER:	Community Affairs Committee, Transportation Committee and Senators Ingoglia and Burgess
SUBJECT:	Price Controls for the Removal and Storage of Electric Vehicles
DATE:	March 26, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Fav/CS**
2.	Hackett	Fleming	CA	**Fav/CS**
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 872 provides that counties and municipalities must establish maximum rates for the storage of electric vehicles from an accident scene, which may be up to three times the rates established by the wrecker operator for the removal and storage of vehicles that run on gasoline or diesel fuels.

The bill authorizes wrecker operators to charge actual cost, plus 15 percent, for the cleanup of an accident scene involving an electric vehicle, including a fire or any accidental discharge of any hazardous materials or debris associated with the electric vehicle.

The bill may have an indeterminate negative fiscal impact on owners of electric vehicles and indeterminate positive fiscal impact on wrecker operators. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Towing Fees

A county, municipality, or other entity of local government may not adopt an ordinance or a rule that imposes price controls upon lawful business activities that is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.[1] Florida law does not prevent the enactment by local governments of public service rates otherwise authorized by law, including rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.[2]

Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality. [3]

A county or municipality that has established maximum rates, must publish such rates on its website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such rates. In areas where no maximum rates have been established, the maximum rates established by the Division of Florida Highway Patrol under s. 321.051(2), F.S., apply. [4]

Handling of Damaged Electric Vehicles

The National Highway Traffic Safety Administration (NHTSA) has issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.[5] The guidance provides that in the event of damage, fire, or flooding involving an electric vehicles or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;

[1] Section 166.043(1), F.S.
[2] *Id.*
[3] *Id.*
[4] *Id.*
[5] U.S. Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles,* https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf (last visited Mar. 24, 2025).

- Exposed electrical components, wires, and high voltage batteries present potential high voltage shock hazards;
- Venting/off-gassing high voltage battery vapors are potentially flammable;
- Physical damage to vehicle or high voltage battery may result in immediate or delayed release of toxic and/or flammable gases and fire; and
- A high voltage battery in a flooded vehicle may have high voltage and short circuits that can shock and cause fires.[6]

In a post incident situation, the NHTSA guidance recommends to not store a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustible, and to ensure that the vehicle compartments remain well ventilated.[7]

In 2020, the National Transportation Safety Board (NTSB) issued a report entitled "Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles" which included various findings and recommendations relating to the handling of damaged electric vehicles.[8] Notable findings in the report included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in high-voltage lithium-ion battery fires.
- The energy remaining in a damaged high-voltage lithium-ion battery, known as stranded energy, poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
- High-voltage lithium-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
- Storing an electric vehicle with a damaged high-voltage lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at tow or storage yards.[9]

The report recommended that certain associations representing emergency responders (including the Towing and Recovery Association of America) inform their members about the circumstances of the fire risks described in the report and the guidance available to emergency personnel who respond to high-voltage lithium-ion battery fires in electric vehicles.[10]

III. Effect of Proposed Changes:

The bill amends ss. 125.0103 and 166.043, F.S., to require counties and municipalities to establish maximum rates for the storage of electric vehicles following removal from an accident scene, which may be up to three times the rates established by the wrecker operator for those vehicles that run solely on gasoline or diesel fuels, in the event that the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to law enforcement at the scene, or otherwise does not consent to the removal of the electric vehicle.

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[6] *Id*. at 4.
[7] *Id.* at 7.
[8] National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, https://www.ntsb.gov/safety/safety-studies/Documents/SR2001.pdf (last visited Mar. 24, 2025).
[9] *Id*. at 63.
[10] *Id*. at 64.

The bill also authorizes wrecker operators to charge actual cost, plus 15 percent, for the cleanup of an accident scene involving an electric vehicle, including a fire or any accidental discharge of any hazardous materials or debris associated with the electric vehicle.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that counties and municipalities elect to establish higher rates for storage and removal of electric vehicles than those that run on gasoline or diesel fuels, electric vehicle owners could experience an indeterminate negative fiscal impact, and wrecker operators could experience an indeterminate positive fiscal impact.

There could also be an indeterminate negative fiscal impact for electric vehicle owners and an indeterminate positive impact on wrecker operators should the wrecker operators impose actual cost, plus 15 percent, for the cleanup of an accident scene and the removal of an electric vehicle.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 125.0103 and 166.043 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on March 25, 2025:
The committee substitute limits the scope of the bill's provisions to the storage of electric vehicles and cleanup of accident scenes involving the same, removing reference to fees specifically for the removal of electric vehicles.

CS by Transportation on March 12, 2025:
The committee substitute:

- Provides that both counties and municipalities must establish maximum rates for removal and storage of electric vehicles that may be up to three times the amount charged for those vehicles that operate solely on gasoline or diesel fuels.
- Provides that a wrecker operator may charge actual cost, plus 15 percent, for the cleanup of an accident scene and removal of an electric vehicle.

B. Amendments:

None.