

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/SB 260

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Removal, Storage, and Cleanup of Electric Vehicles

DATE: February 9, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	<u>Fav/CS</u>
2. Tolmich	Fleming	CA	<u>Pre-meeting</u>
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 260 requires counties, and authorizes municipalities, to establish a daily administration fee for the proper storage of electric vehicles which have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment have been submerged, for any length of time, in salt water. The daily administration fee for the storage of electric vehicles may be up to three times the maximum standard storage rates already established by counties and municipalities. The daily administration fee shall be applied in the event that the electric vehicle owner or operator is incapacitated, is unavailable, or leaves the procurement of wrecker service to the law enforcement officer at the scene or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be applied unless the electric vehicle is properly stored as defined.

The bill provides definitions for the terms “daily administration fee” and “proper storage.” The bill also stipulates that the storage requirements relating to electric vehicles do not require a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

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

The bill takes effect July 1, 2026.

II. Present Situation:

Wrecker Operators

A wrecker operator is any person or firm regularly engaged for hire in the business of towing or removing vehicles,¹ while a towing-storage operator refers to a person who engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier or who engages in storing towed vehicles or vessels.²

Current law allows counties and municipalities to establish wrecker operator systems similar to that of the Florida Highway Patrol as authorized in s. 321.051(2), F.S.³ Under this system, a county or municipality may contract with one or more wrecker operators for towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways.

Towing and Storage 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 are not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.⁴

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.⁵ Municipalities may elect to establish maximum rates for towing and storage.⁶ However, if a municipality chooses to enact such ordinance, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality.⁷

A county or municipality that has established maximum towing and storage rates must publish such rates on its website and establish a process for investigating and resolving complaints regarding fees charged in excess of such rates.⁸ The daily rates for storage adopted by local governments are based on a variety of factors and vary considerably across the state. For example, the daily rate for the outdoor storage for vehicles 25 feet or less in Palm Beach County

¹ Section 1.01(15), F.S.

² Section 713.78(1)(f), F.S.

³ Section 323.002(1)(c), F.S.

⁴ Sections 125.0103(1)(a) and 166.043(1)(a), F.S.

⁵ Section 125.0103(1)(c), F.S.

⁶ Section 166.043(1)(c), F.S.

⁷ Section 125.0103(1)(c), F.S.

⁸ Sections 125.0103(1)(d) and 166.043(1)(d), F.S.

is \$31,⁹ while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is \$55.¹⁰

Once a vehicle or vessel is towed or stored, the towing-storage operator has a lien on the vehicle or vessel for fees related to recovery, removal, or storage.¹¹ These fees may include any reasonable towing fees, administrative fees, or storage fees.¹² However, a storage fee may not be charged if the vehicle is stored for less than six hours.¹³ In addition to the amount due for the towing and storage of the vehicle, a towing company may charge an administrative fee of up to \$250 for releasing the claim of lien.¹⁴

Handling of Damaged Electric Vehicles

In 2012, the National Highway Traffic Safety Administration (NHTSA) issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.¹⁵ The guidance provides that in the event of damage, fire, or flooding involving an electric vehicle or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;
- 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.¹⁶

In a post-incident situation, the NHTSA guidance recommends not storing 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.¹⁷

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

⁹ Palm Beach County, *Maximum Non-Consent Towing and Immobilization Rates*, available at: https://discover.pbc.gov/publicsafety/consumeraffairs/CA_PDFs/MaxTowingImmobilizationRates.pdf (last visited Feb. 9, 2026).

¹⁰ Leon County, *Resolution No. 25-17*, available at: <https://cvimage.clerk.leon.fl.us/finance/Resolutions/2025/R25-17.pdf> (last visited Feb. 9, 2026).

¹¹ Section 713.78(2)(b), F.S.

¹² Section 713.78(2), F.S.

¹³ Section 713.78(2)(b), F.S.

¹⁴ Section 713.78(15)(a), F.S.

¹⁵ U.S. Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles*, available at:

https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf (last visited February 6, 2026).

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 7.

various findings and recommendations relating to the handling of damaged electric vehicles.¹⁸ 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 towing or storage yards.¹⁹

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.²⁰

The Florida State Fire Marshall has adopted R. 69A-73.005, F.A.C., related to storage of damaged electric vehicles. Specifically, electric vehicles with damaged, burned, or potentially damaged or burned batteries may not be stored or parked within 50 feet of a structure until the battery can be safely discharged by trained and qualified staff in accordance with the vehicle manufacturer's procedures. The rule does not apply to electric vehicles stored for under 30 days for insurance claim adjudication, to a licensed motor vehicle auction that sells junk or salvage motor vehicles, or for the disassembly or repair of a damaged electric vehicle.²¹

Motor Vehicle Insurers

Chapter 324, F.S., sets forth the financial responsibility laws for owners or operators of motor vehicles in Florida. Generally, a motor vehicle owner or operator is required to insure against losses from liability for bodily injury, death, and property damage by either:

- Purchasing auto insurance from an insurance carrier authorized by the Office of Insurance Regulation to do business in Florida;²² or
- Obtaining a certificate of self-insurance from the Department of Highway Safety and Motor Vehicles after demonstrating the ability to cover potential losses arising out of the ownership, maintenance, or use of a motor vehicle.²³

¹⁸ National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, available at: <https://www.ntsb.gov/safety/safety-studies/Documents/SR2001.pdf> (last visited Feb. 9, 2026).

¹⁹ *Id.* at 63.

²⁰ *Id.* at 64.

²¹ State Fire Marshall, *Uniform Fire Safety Standards for Energy Storage Systems*, available at: [uniform-firesafety-standards-for-energy-storage-systems-draft-language-10-2-2024.pdf](https://www.statefiremarshall.org/uniform-firesafety-standards-for-energy-storage-systems-draft-language-10-2-2024.pdf) (last visited Feb. 9, 2026).

²² Section 324.021(8), F.S.

²³ Sections 324.161 and 324.171, F.S.

In addition to the mandatory types of coverage, drivers may acquire additional types of coverage, such as collision, comprehensive, roadside assistance, and liability.²⁴ Insurance may cover towing and storage fees after an accident, depending on the type and level of coverage and circumstances of the accident.²⁵ Additionally, insurance companies must provide notice before termination of payment for previously authorized storage charges and must provide 72 hours' notice to remove the vehicle from storage.²⁶

III. Effect of Proposed Changes:

The bill amends ss. 125.0103, and 166.043, F.S., to require counties, and allow municipalities, to establish a daily administration fee for the proper storage of electric vehicles which may have been involved in a crash that results in visible damage to the batteries or battery compartment, or when the batteries or battery compartment has been submerged, for any length of time, in salt water. The daily administration fee for proper storage of an electric vehicle may be up to three times the standard maximum amount established for those that run on gasoline or diesel fuels. The administration fee shall apply in the event the electric vehicle owner or operator is incapacitated, is unavailable, leaves the procurement of the wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the electric vehicle. The daily administration fee may not be charged unless the electric vehicle is properly stored as defined.

The bill defines the following terms:

- “Daily Administration Fee” - A fee imposed by a wrecker service or towing-storage or wrecker operator for administrative costs for storing a damaged or submerged electric vehicle after the cleanup of the accident scene and debris removal in order to provide proper storage of the damaged or submerged electric vehicle.
- “Proper Storage” - The damaged electric vehicle is separated from combustibles and structures by at least 50 feet on all sides or is surrounded by a barrier of earth, steel, concrete, or solid masonry.

The bill creates s. 324.0222, F.S., to provide that nothing related to ordinances and rules imposing price controls in ss. 125.0103 and 166.043, F.S., relating to the storage of electric vehicles, requires a motor vehicle insurer to pay any costs beyond costs covered pursuant to a contract with its insured.

The bill amends s. 713.78, F.S., to provide that a towing-storage operator may charge the daily administration fee authorized by the bill.

The bill takes effect July 1, 2026.

²⁴ Experian, *Does Car Insurance Cover Towing After an Accident?*, available at: <https://www.experian.com/blogs/ask-experian/does-car-insurance-cover-towing-after-accident/> (last visited Feb. 9, 2026).

²⁵ *Id.*

²⁶ Section 626.9743(8), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require counties and municipalities to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 the increased administration fee for storage of electric vehicles, electric vehicle owners could experience an indeterminate negative fiscal impact, and towing-storage operators could experience an indeterminate positive fiscal impact.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.0103, 166.043, and 713.78.

The bill creates section 324.0222 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 by Transportation on February 3, 2026:

The committee substitute:

- Clarifies in order for an electric vehicle to be charged three times the daily administration fee for storage, there must be visible damage to the batteries or battery compartment, or the batteries or battery compartment has been submerged, for any length of time, in salt water.
- Clarifies that the bill is specific to storage only and does not include towing.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
