

**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 Transportation

BILL: SB 260

INTRODUCER: Senator Burgess

SUBJECT: Removal, Storage, and Cleanup of Electric Vehicles

DATE: February 2, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	<b>Pre-meeting</b>
2.		CA	
3.		RC	

### I. Summary:

SB 260 requires counties, and authorizes municipalities, to establish a daily administration fee for the proper storage of electric vehicles that have been involved in an accident. 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 for “proper storage.” It 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 also includes the daily administration fee to liens for recovering, towing, or storing vehicles and vessels.

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

The bill takes effect July 1, 2026.

## II. Present Situation:

### 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 is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.<sup>1</sup>

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.<sup>2</sup> Municipalities may elect to establish maximum rates for towing and storage.<sup>3</sup> However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing and storage of vehicles or vessels, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality.<sup>4</sup>

A county or municipality that has established maximum towing and storage 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.<sup>5</sup> 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 is \$31,<sup>6</sup> while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is \$55.<sup>7</sup>

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.<sup>8</sup> These fees may include any reasonable towing fees, administrative fees, or storage fees.<sup>9</sup> However, a storage fee may not be charged if the vehicle is stored for less than six hours.<sup>10</sup> 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.<sup>11</sup>

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<sup>1</sup> Section 125.0103(1)(a), F.S., and Section 166.043(1)(a), F.S.

<sup>2</sup> Section 125.0103(1)(c), F.S.

<sup>3</sup> Section 166.043(1)(c), F.S.

<sup>4</sup> Section 125.0103(1)(c), F.S.

<sup>5</sup> Section 125.0103(1)(d), F.S., and Section 166.043(1)(d), F.S.

<sup>6</sup> Palm Beach County, *Maximum Non-Consent Towing and Immobilization Rates*

[https://discover.pbc.gov/publicsafety/consumeraffairs/CA\\_PDFs/MaxTowingImmobilizationRates.pdf](https://discover.pbc.gov/publicsafety/consumeraffairs/CA_PDFs/MaxTowingImmobilizationRates.pdf)

(last visited January 30, 2026).

<sup>7</sup> Leon County, *Resolution No. 25-17* <https://cvimage.clerk.leon.fl.us/finance/Resolutions/2025/R25-17.pdf> (last visited January 30, 2026).

<sup>8</sup> Section 713.78(2)(b), F.S.

<sup>9</sup> Section 713.78(2), F.S.

<sup>10</sup> Section 713.78(2)(b), F.S.

<sup>11</sup> Section 713.78(15)(a), F.S.

## Handling of Damaged Electric Vehicles

In 2014, 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.<sup>12</sup> 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;
- 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.<sup>13</sup>

In a post incident situation, the NHTSA guidance recommends not to 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.<sup>14</sup>

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.<sup>15</sup>

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.<sup>16</sup>

The report recommended that certain associations representing emergency responders (including the Towing and Recovery Association of America) inform their members about the

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<sup>12</sup> 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](https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf) (last visited January 29, 2026).

<sup>13</sup> *Id.* at 4.

<sup>14</sup> *Id.* at 7.

<sup>15</sup> 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 January 29, 2026).

<sup>16</sup> *Id.* at 63.

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.<sup>17</sup>

The Florida State Fire Marshall has adopted rule 69A-73.005 related to storage of damaged electric vehicles. Specifically, electric vehicles with damaged, burned or potentially damaged or burned batteries shall not be stored or parked within 50 ft of a structure until the battery can be safely discharged by trained and qualified staff in accordance with the vehicle manufacture's procedures. Inoperable Electric Vehicles shall not be stored within a Special Flood Hazard Area, as defined in the Florida Building Code, unless the electric vehicle's battery has been discharged by trained and qualified staff in accordance with the vehicles manufacturer's procedures.<sup>18</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 123.0103, F.S. and s. 166.043, F.S., to allow counties and municipalities to establish a daily administration fee for the proper storage of electric vehicles which have been involved in an accident. The daily administration fee for proper storage of an electric vehicle may be up to 3 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 towing and storing a damaged electric vehicle after the cleanup of the accident scene and debris removal in order to provide proper storage of the damaged 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 s. 125.0103, F.S. and s. 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 also amends s. 713.78, F.S., to allow a towing-storage operator to include the daily administration fee related to the recovery, removal, or storage of the vehicle or vessel under s. 125.0103, F.S., and s. 166.043, F.S.,

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<sup>17</sup> *Id.* at 64.

<sup>18</sup> State Fire Marshall, *Uniform Fire Safety Standards for Energy Storage Systems*, [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 January 30, 2026).

**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 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 Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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

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