

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 37](#)

**TITLE:** Removal, Storage, and Cleanup of Electric Vehicles

**SPONSOR(S):** Nix

**COMPANION BILL:** [SB 260](#) (Burgess)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Intergovernmental Affairs](#)

12 Y, 3 N



[Industries & Professional](#)

[Activities](#)

15 Y, 1 N



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill 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. This fee may be up to three times the daily vehicle storage rate adopted by the county or municipality for the removal and storage of wrecked or disabled vehicles or vessels generally. The bill defines “proper storage” of a damaged electric vehicle as separating the vehicle from combustibles and structures by 50 feet on all sides or by having a barrier of earth, steel, concrete, or solid masonry. A wrecker service, towing-storage operator, or wrecker operator may only charge the fee if the damaged electric vehicle is properly stored. The bill clarifies that the storage provisions for electric vehicles do not require a motor vehicle insurer to pay any costs beyond what is covered under the contract between the insurer and the insured.

### Fiscal or Economic Impact:

Indeterminate. The bill may increase revenues for towing-storage or wrecker operators.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill requires counties to establish a daily administration fee for the proper storage of electric vehicles that have been involved in an accident. This fee may be up to three times the daily [vehicle storage rate](#) adopted by the county for the removal and storage of wrecked or disabled vehicles or vessels generally. A wrecker service, towing-storage, or [wrecker operator](#) may charge this fee for administrative costs for providing proper storage of a [damaged electric vehicle](#), provided that the service or operator properly stores the vehicle. The bill specifies that proper storage of a damaged electric vehicle requires the vehicle to be separated from combustibles and structures by 50 feet on all sides or to have a barrier of earth, steel, concrete, or solid masonry surrounding the vehicle. (Section [1](#))

The bill authorizes municipalities to establish a daily administration fee subject to the same requirements. If a municipality adopts a daily administration fee, the county’s daily administration fee does not apply within the municipality. (Section [2](#))

The bill provides that a wrecker service or towing-storage or wrecker operator may charge the daily administration fee authorized by the bill. (Section [4](#))

The bill clarifies that the storage provisions for electric vehicles do not require a [motor vehicle insurer](#) to pay any costs beyond what is covered under the contract between the insurer and the insured. (Section [3](#))

**STORAGE NAME:** h0037c.IPA

**DATE:** 12/3/2025

The effective date of the bill is July 1, 2026. (Section [5](#))

## FISCAL OR ECONOMIC IMPACT:

### PRIVATE SECTOR:

The bill may increase storage costs to owners of electric vehicles to the extent those vehicles are subject to an involuntary tow. The bill may increase revenues for towing-storage or wrecker operators who follow the EV storage requirements.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Wrecker Operators](#)

A wrecker operator is any person or firm regularly engaged for hire in the business of towing or removing vehicles,<sup>1</sup> 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.<sup>2</sup>

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.](#)<sup>3</sup> 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.

#### [County and Municipal Vehicle Storage Rates](#)

Counties must establish maximum rates charged for towing and storage of vehicles or vessels when the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker services to law enforcement, or otherwise does not consent to removal of the vehicle or vessel.<sup>4</sup> Municipalities may also choose to establish maximum rates for vehicle or vessel towing. In these municipalities, the maximum towing rates established by the county do not apply.<sup>5</sup> In areas where no maximum rates have been established, the maximum rates established by the Division of Florida Highway Patrol apply.<sup>6</sup>

Counties and municipalities that have established maximum storage rates must publish the rates on their websites and must establish processes for investigating and resolving complaints regarding fees charged.<sup>7</sup> The daily rates for storage adopted by local governments can vary based on several factors. For example, the daily rate for the outdoor storage for vehicles 25 feet or less in Palm Beach County is \$31.00,<sup>8</sup> while the daily storage rate in Leon County for a vehicle weighing less than 10,000 pounds is \$55.00.<sup>9</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>10</sup> These fees may include any reasonable towing fees, administrative fees,

<sup>1</sup> [S. 1.01\(15\), F.S.](#)

<sup>2</sup> [S. 713.78\(1\)\(f\), F.S.](#)

<sup>3</sup> [S. 323.002\(1\)\(c\), F.S.](#)

<sup>4</sup> [S. 125.0103\(1\)\(c\), F.S.](#)

<sup>5</sup> [S. 166.043\(1\)\(c\), F.S.](#)

<sup>6</sup> [S. 125.0103\(d\), F.S.](#)

<sup>7</sup> [S. 125.0103\(1\)\(d\), F.S.](#) and [s. 166.043\(1\)\(d\), F.S.](#)

<sup>8</sup> Palm Beach County, [Maximum Non-Consent Towing & Immobilization Rates](#) (last visited Nov. 6, 2025).

<sup>9</sup> [Leon County Resolution No. 25-17](#)

<sup>10</sup> [S. 713.78\(2\)\(b\), F.S.](#)

or storage fees.<sup>11</sup> However, a storage fee may not be charged if the vehicle is stored for less than six hours.<sup>12</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>13</sup>

### **Damaged Electric Vehicles**

Florida law defines an electric vehicle as a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.<sup>14</sup>

The National Highway Traffic Safety Administration (NHTSA) issued guidance in 2014 for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.<sup>15</sup> The guidance provides that in the event of damage, fire, or flooding involving an electric vehicle or hybrid-electric vehicle one should always assume the high-voltage (HV) battery and associated components are energized and fully charged. Individuals should also be aware that:

- Exposed electrical components, wires, and HV batteries present potential HV shock hazards;
- Venting and off-gassing HV battery vapors are potentially toxic and flammable; and
- Physical damage to the vehicle or high-voltage battery may result in immediate or delayed release of toxic or flammable gases and fire.

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 combustibles, and to ensure that the vehicle compartments remain well ventilated.<sup>16</sup> SAE, a professional society that makes technical recommendations for the transportation industry, recommends two barrier methods for an electric vehicle during storage: separation of the vehicle from combustibles and structures by 50 feet on all sides or the creation of a barrier of earth, steel, concrete, or solid masonry around the vehicle.<sup>17</sup>

A 2020 National Transportation Safety Board report on safety risks from lithium-ion battery fires in electric vehicles included findings and recommendations related to the handling of damaged electric vehicles.<sup>18</sup> Key findings that may impact vehicle storage included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in HV lithium-ion battery fires.
- The energy remaining in a damaged HV 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.
- HV 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 HV lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at tow or storage yards.<sup>19</sup>

The Florida State Fire Marshall has adopted a fire safety rule for the storage of electric vehicles with damaged or burned batteries.<sup>20</sup> The rule states that electric vehicles with damaged or burned batteries should not be stored or parked within 50 feet of an occupied commercial structure until the battery can be safely discharged. The rule does

<sup>11</sup> [S. 713.78\(2\), F.S.](#)

<sup>12</sup> [S. 713.78\(2\)\(b\), F.S.](#)

<sup>13</sup> [S. 713.78\(15\)\(a\), F.S.](#)

<sup>14</sup> [S. 320.01\(36\), F.S.](#)

<sup>15</sup> U.S. Dept. of Transportation, National Highway Traffic Safety Administration, [Interim Guidance for Electric and Hybrid-Electric Vehicles Equipped With High-Voltage Batteries](#), p. 2 (last visited Nov. 20, 2025).

<sup>16</sup> *Id.* at 3.

<sup>17</sup> National Transportation Safety Board, [Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles](#), pp. 36, 40 (last visited Nov. 20, 2025).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 63.

<sup>20</sup> [Ch. 69A-73.005, F.A.C.](#)

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.

### 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;<sup>21</sup> 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.<sup>22</sup>

In addition to the mandatory types of coverage, drivers may acquire additional types of coverage, such as collision, comprehensive, roadside assistance, and liability. Insurance may cover towing and storage fees after an accident, depending on the type and level of coverage and circumstances of the accident.<sup>23</sup> Additionally, insurance companies must provide notice before termination of payment for previously authorized storage charges and must provide 72 hours to remove the vehicle from storage.<sup>24</sup>

### RECENT LEGISLATION:

| YEAR | BILL #                                                                               | HOUSE/SENATE SPONSOR(S) | OTHER INFORMATION                                 |
|------|--------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------|
| 2025 | <a href="#">CS/CS/CS/HB 577</a> - Removal, Storage, and Cleanup of Electric Vehicles | Nix/ Ingoglia           | The bill passed the House and died in the Senate. |

### BILL HISTORY

| COMMITTEE REFERENCE                                                   | ACTION    | DATE       | STAFF DIRECTOR/<br>POLICY CHIEF | ANALYSIS<br>PREPARED BY |
|-----------------------------------------------------------------------|-----------|------------|---------------------------------|-------------------------|
| <a href="#">Intergovernmental Affairs Subcommittee</a>                | 12 Y, 3 N | 11/18/2025 | Darden                          | Hilliard                |
| <a href="#">Industries &amp; Professional Activities Subcommittee</a> | 15 Y, 1 N | 12/2/2025  | Anstead                         | Bunnell                 |
| <a href="#">State Affairs Committee</a>                               |           |            |                                 |                         |

<sup>21</sup> [S. 324.021\(8\), F.S.](#)

<sup>22</sup> Ss. [324.161](#) and [324.171, F.S.](#)

<sup>23</sup> Experian, [Does Car Insurance Cover Towing After an Accident?](#) (last visited Nov. 20, 2025).

<sup>24</sup> [S. 626.9743\(8\), F.S.](#)