



1                                   A bill to be entitled  
 2           An act relating to towing and immobilizing fees and  
 3           charges; amending ss. 125.0103 and 166.043, F.S.;  
 4           specifying that local governments may enact rates to  
 5           tow or immobilize vessels on private property and to  
 6           remove and store vessels under specified  
 7           circumstances; creating ss. 125.01047 and 166.04465,  
 8           F.S.; prohibiting counties or municipalities from  
 9           enacting certain ordinances or rules that impose fees  
 10          or charges on authorized wrecker operators or towing  
 11          businesses; defining the term "towing business";  
 12          providing exceptions; amending s. 323.002, F.S.;  
 13          prohibiting counties or municipalities from imposing  
 14          charges, costs, expenses, fines, fees, or penalties on  
 15          registered owners, other legally authorized persons in  
 16          control, or lienholders of vehicles or vessels under  
 17          certain conditions; providing an exception; amending  
 18          s. 713.78, F.S.; authorizing certain persons to place  
 19          liens on vehicles or vessels to recover specified fees  
 20          or charges; providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

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 24           Section 1. Paragraphs (b) and (c) of subsection (1) of  
 25          section 125.0103, Florida Statutes, are amended to read:



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26 | 125.0103 Ordinances and rules imposing price controls;  
27 | findings required; procedures.—

28 | (1)

29 | (b) The provisions of this section shall not prevent the  
30 | enactment by local governments of public service rates otherwise  
31 | authorized by law, including water, sewer, solid waste, public  
32 | transportation, taxicab, or port rates, rates for towing of  
33 | vehicles or vessels from or immobilization of vehicles or  
34 | vessels on private property, or rates for removal and storage of  
35 | wrecked or disabled vehicles or vessels from an accident scene  
36 | or the removal and storage of vehicles or vessels in the event  
37 | the owner or operator is incapacitated, unavailable, leaves the  
38 | procurement of wrecker service to the law enforcement officer at  
39 | the scene, or otherwise does not consent to the removal of the  
40 | vehicle or vessel.

41 | (c) Counties must establish maximum rates which may be  
42 | charged on the towing of vehicles or vessels from or  
43 | immobilization of vehicles or vessels on private property,  
44 | removal and storage of wrecked or disabled vehicles or vessels  
45 | from an accident scene or for the removal and storage of  
46 | vehicles or vessels, in the event the owner or operator is  
47 | incapacitated, unavailable, leaves the procurement of wrecker  
48 | service to the law enforcement officer at the scene, or  
49 | otherwise does not consent to the removal of the vehicle or  
50 | vessel. However, if a municipality chooses to enact an ordinance



51 establishing the maximum rates ~~fees~~ for the towing or  
52 immobilization of vehicles or vessels as described in paragraph  
53 (b), the county's ordinance shall not apply within such  
54 municipality.

55 Section 2. Section 125.01047, Florida Statutes, is created  
56 to read:

57 125.01047 Rules and ordinances relating to towing  
58 services.-

59 (1) A county may not enact an ordinance or rule that would  
60 impose a fee or charge on an authorized wrecker operator, as  
61 defined in s. 323.002(1), or on a towing business for towing,  
62 impounding, or storing a vehicle or vessel. As used in this  
63 section, the term "towing business" means a business that  
64 provides towing services for monetary gain.

65 (2) The prohibition set forth in subsection (1) does not  
66 affect a county's authority to:

67 (a) Levy a reasonable business tax under s. 205.0315, s.  
68 205.033, or s. 205.0535.

69 (b) Impose and collect a reasonable administrative fee or  
70 charge on the registered owner or other legally authorized  
71 person in control of a vehicle or vessel, or the lienholder of a  
72 vehicle or vessel, not to exceed 25 percent of the maximum  
73 towing rate, to cover the cost of enforcement, including parking  
74 enforcement, by the county when the vehicle or vessel is towed  
75 from public property. However, an authorized wrecker operator or



76 | towing business may impose and collect the administrative fee or  
77 | charge on behalf of the county and shall remit such fee or  
78 | charge to the county only after it is collected.

79 |       (3) Subsection (1) does not apply to a county with an  
80 | existing towing licensing program as of January 1, 2018.  
81 | However, such county may not levy a business tax as set forth in  
82 | paragraph (2) (a) or impose and collect an administrative fee or  
83 | charge as set forth in paragraph (2) (b).

84 |       Section 3. Paragraphs (b) and (c) of subsection (1) of  
85 | section 166.043, Florida Statutes, are amended to read:

86 |       166.043 Ordinances and rules imposing price controls;  
87 | findings required; procedures.—

88 |       (1)

89 |       (b) The provisions of this section shall not prevent the  
90 | enactment by local governments of public service rates otherwise  
91 | authorized by law, including water, sewer, solid waste, public  
92 | transportation, taxicab, or port rates, rates for towing of  
93 | vehicles or vessels from or immobilization of vehicles or  
94 | vessels on private property, or rates for removal and storage of  
95 | wrecked or disabled vehicles or vessels from an accident scene  
96 | or the removal and storage of vehicles or vessels in the event  
97 | the owner or operator is incapacitated, unavailable, leaves the  
98 | procurement of wrecker service to the law enforcement officer at  
99 | the scene, or otherwise does not consent to the removal of the  
100 | vehicle or vessel.



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101 (c) Counties must establish maximum rates which may be  
102 charged on the towing of vehicles or vessels from or  
103 immobilization of vehicles or vessels on private property,  
104 removal and storage of wrecked or disabled vehicles or vessels  
105 from an accident scene or for the removal and storage of  
106 vehicles or vessels, in the event the owner or operator is  
107 incapacitated, unavailable, leaves the procurement of wrecker  
108 service to the law enforcement officer at the scene, or  
109 otherwise does not consent to the removal of the vehicle or  
110 vessel. However, if a municipality chooses to enact an ordinance  
111 establishing the maximum rates ~~fees~~ for the towing or  
112 immobilization of vehicles or vessels as described in paragraph  
113 (b), the county's ordinance established under s. 125.0103 shall  
114 not apply within such municipality.

115 Section 4. Section 166.04465, Florida Statutes, is created  
116 to read:

117 166.04465 Rules and ordinances relating to towing  
118 services.-

119 (1) A municipality may not enact an ordinance or rule that  
120 would impose a fee or charge on an authorized wrecker operator,  
121 as defined in s. 323.002(1), or on a towing business for towing,  
122 impounding, or storing a vehicle or vessel. As used in this  
123 section, the term "towing business" means a business that  
124 provides towing services for monetary gain.

125 (2) The prohibition set forth in subsection (1) does not



126 affect a municipality's authority to:

127 (a) Levy a reasonable business tax under s. 205.0315, s.  
128 205.043, or s. 205.0535.

129 (b) Impose and collect a reasonable administrative fee or  
130 charge on the registered owner or other legally authorized  
131 person in control of a vehicle or vessel, or the lienholder of a  
132 vehicle or vessel, not to exceed 25 percent of the maximum  
133 towing rate, to cover the cost of enforcement, including parking  
134 enforcement, by the municipality when the vehicle or vessel is  
135 towed from public property. However, an authorized wrecker  
136 operator or towing business may impose and collect the  
137 administrative fee or charge on behalf of the municipality and  
138 shall remit such fee or charge to the municipality only after it  
139 is collected.

140 Section 5. Subsection (4) of section 323.002, Florida  
141 Statutes, is renumbered as subsection (5), and a new subsection  
142 (4) is added to that section to read:

143 323.002 County and municipal wrecker operator systems;  
144 penalties for operation outside of system.—

145 (4) (a) Except as provided in paragraph (b), a county or  
146 municipality may not adopt or maintain in effect an ordinance or  
147 rule that imposes a charge, cost, expense, fine, fee, or penalty  
148 on a registered owner or other legally authorized person in  
149 control of a vehicle or vessel, or the lienholder of a vehicle  
150 or vessel, when the vehicle or vessel is towed by an authorized



151 wrecker operator under this chapter.

152 (b) A county or municipality may adopt or maintain an  
 153 ordinance or rule that imposes a reasonable administrative fee  
 154 or charge on the registered owner or other legally authorized  
 155 person in control of a vehicle or vessel, or the lienholder of a  
 156 vehicle or vessel, that is towed by an authorized wrecker  
 157 operator, not to exceed 25 percent of the maximum towing rate,  
 158 to cover the cost of enforcement, including parking enforcement,  
 159 by the county or municipality when the vehicle or vessel is  
 160 towed from public property. However, an authorized wrecker  
 161 operator or towing business may impose and collect the  
 162 administrative fee or charge on behalf of the county or  
 163 municipality and shall remit such fee or charge to the county or  
 164 municipality only after it is collected.

165 Section 6. Subsection (2) of section 713.78, Florida  
 166 Statutes, is amended to read:

167 713.78 Liens for recovering, towing, or storing vehicles  
 168 and vessels.—

169 (2) Whenever a person regularly engaged in the business of  
 170 transporting vehicles or vessels by wrecker, tow truck, or car  
 171 carrier recovers, removes, or stores a vehicle or vessel upon  
 172 instructions from:

173 (a) The owner thereof;

174 (b) The owner or lessor, or a person authorized by the  
 175 owner or lessor, of property on which such vehicle or vessel is



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176 | wrongfully parked, and the removal is done in compliance with s.  
177 | 715.07;

178 |       (c) The landlord or a person authorized by the landlord,  
179 | when such motor vehicle or vessel remained on the premises after  
180 | the tenancy terminated and the removal is done in compliance  
181 | with s. 83.806 or s. 715.104; or

182 |       (d) Any law enforcement agency,

183 |

184 | she or he shall have a lien on the vehicle or vessel for a  
185 | reasonable towing fee, for a reasonable administrative fee or  
186 | charge imposed by a county or municipality, and for a reasonable  
187 | storage fee; except that no storage fee shall be charged if the  
188 | vehicle or vessel is stored for less than 6 hours.

189 |       Section 7. This act shall take effect July 1, 2018.