

Bill No. CS/CS/HB 163, 2nd Eng.

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Cowin moved the following amendment:

Senate Amendment (with title amendment)

On page 16, between lines 9 and 10,

insert:

Section 11. Subsection (1) of section 125.0103, Florida Statutes, 1998 Supplement, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.--

(1)(a) Except as hereinafter provided, no county, municipality, or other entity of local government shall adopt or maintain in effect an ordinance or a rule which has the effect of imposing price controls upon a lawful business activity which is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates

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1 for towing of vehicles from or immobilization of vehicles on
2 private property, or rates for removal and storage of wrecked
3 or disabled vehicles from an accident scene or the removal and
4 storage of vehicles if the owner or operator is incapacitated,
5 unavailable, leaves the procurement of wrecker service to the
6 law enforcement officer at the scene, or otherwise does not
7 consent to the removal of the vehicle.

8 (c) Counties must establish maximum rates fees which
9 may be charged on the towing of vehicles from or
10 immobilization of vehicles on private property, removal and
11 storage of wrecked or disabled vehicles from an accident scene
12 or for the removal and storage of vehicles, in the event the
13 owner or operator is incapacitated, unavailable, leaves the
14 procurement of wrecker service to the law enforcement officer
15 at the scene, or otherwise does not consent to the removal of
16 the vehicle. However, if a municipality enacts an ordinance
17 establishing the maximum fees for the towing or immobilization
18 of vehicles as provided in paragraph (b), the county's
19 ordinance does not apply within that municipality.

20 Section 12. Subsection (1) of section 166.043, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 166.043 Ordinances and rules imposing price controls;
23 findings required; procedures.--

24 (1)(a) Except as hereinafter provided, no county,
25 municipality, or other entity of local government shall adopt
26 or maintain in effect an ordinance or a rule which has the
27 effect of imposing price controls upon a lawful business
28 activity which is not franchised by, owned by, or under
29 contract with, the governmental agency, unless specifically
30 provided by general law.

31 (b) The provisions of this section shall not prevent

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1 the enactment by local governments of public service rates
2 otherwise authorized by law, including water, sewer, solid
3 waste, public transportation, taxicab, or port rates, rates
4 for towing of vehicles from or immobilization of vehicles on
5 private property, or rates for removal and storage of wrecked
6 or disabled vehicles from an accident scene or the removal and
7 storage of vehicles if the owner or operator is incapacitated,
8 unavailable, leaves the procurement of wrecker service to the
9 law enforcement officer at the scene, or otherwise does not
10 consent to the removal of the vehicle.

11 (c) Counties must establish maximum rates ~~fees~~ which
12 may be charged on the towing of vehicles from or
13 immobilization of vehicles on private property, removal and
14 storage of wrecked or disabled vehicles from an accident scene
15 or for the removal and storage of vehicles, in the event the
16 owner or operator is incapacitated, unavailable, leaves the
17 procurement of wrecker service to the law enforcement officer
18 at the scene, or otherwise does not consent to the removal of
19 the vehicle. However, if a municipality enacts an ordinance
20 establishing the maximum fees for the towing or immobilization
21 of vehicles as provided in paragraph (b), the county's
22 ordinance established under s. 125.0103 does not apply within
23 that municipality.

24 Section 13. The provisions of this act are declared to
25 be severable. If any provision of section 11 or section 12 of
26 this act are determined to be invalid, such invalidity shall
27 not affect the validity of the remaining sections of this act,
28 which sections express the primary intent of the Legislature
29 in enacting this act.

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31 (Redesignate subsequent sections.)

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 15, after the semicolon

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5 insert:

6 amending ss. 125.0103, 125.043, F.S.; providing
7 for local governments to adopt rates for the
8 towing, removal, and storage of certain
9 vehicles; providing severability;

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