

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; CREATING SECTION 18-8, MARION COUNTY CODE, ENTITLED NONCONSENSUAL TOWING; ESTABLISHING MAXIMUM RATES FOR NONCONSENSUAL TOWING SERVICES AND STORAGE OF VEHICLES AND VESSELS; PROVIDING FOR A COMPLAINT RESOLUTION PROCESS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.0103(1)(c), Florida Statutes, requires counties to establish maximum rates to be charged for the towing of vehicles from or immobilization of vehicles on public or private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, 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; and

WHEREAS, House Bill 179, which became effective on July 1, 2024, requires counties to also establish a process for investigating and resolving complaints regarding fees charged in excess of the established rates; and

WHEREAS, Marion County does not currently have an ordinance pertaining to nonconsensual towing, and as a result, citizens who need the services are being charged rates from other counties; and

WHEREAS, this Ordinance is in the best interest of the health, general welfare, and safety of the residents of Marion County as it ensures the Marion County Code remains consistent with Florida law, balances the cost of towing operations, and provides due process to individuals who may be charged more than the established rates in Marion County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

SECTION 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Code Amendment. The Marion County Code of Ordinances, Chapter 2 **Amendments**. Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 18** of the Marion County Code, **Traffic**, is hereby amended by creating a section, to be numbered **Section 18-8**, as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Sec. 18-8. Nonconsensual towing.

(a) As used in this section, the following words and terms shall have the meanings respectively as established below:

Nonconsensual towing shall mean the towing or immobilization of a vehicle or vessels without the consent of the vehicle owner or operator when such vehicle or vessel is parked or left on private or public property without authorization of the property owner, or is wrecked or disabled at an accident scene, or the owner or operator is incapacitated, unavailable, or leaves the arrangement for removal and storage to the law enforcement officer on scene, or otherwise does not consent to the removal of the vehicle or vessel.

Property owner shall mean that person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager, or other agent who has legal authority to bind the owner. If the property is a common area maintained, or otherwise in control of, a condominium association, homeowners' association, or property owners' association, a property owner is also defined to mean the designated representative of a condominium association, homeowners' association, or property owners' association. A person providing a towing service may not be appointed as an agent for a property owner.

Tow or towing shall mean to pull, draw, or remove any vehicle or vessel with a wrecker by means of a direct attachment, drawbar, or other connection or to carry a vehicle or vessel on a wrecker designed to transport such vehicle from one location to another.

Towing service shall include any person, company, corporation, or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the towing or removal of vehicles for compensation.

Vehicle shall mean any device, in upon, or by which any person or property is or may be transported or drawn upon a street or highway except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

Vessel shall mean every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in Section 327.02, Florida Statutes.

(b) Establishment of maximum rates for nonconsensual towing services and storage of vehicles and vessels.

(1) The board shall establish by resolution the maximum rates and storage fees which may be charged for nonconsensual towing services when the point of origin of the tow is within the unincorporated areas of Marion County. From time to time, the fees established by the board may be altered, revised, increased, or decreased by resolution.

(2) Storage fees may only be assessed after the initial six (6) hour period, beginning with the time the vehicle is delivered to the storage facility. Storage is based on a 24-hour day. Each day starting at 12:01 a.m. After the initial six (6) hour period, the daily rate will apply, and any fraction of a day will count as a full day.

- (3) An administrative fee may be charged after the first forty-eight (48) hours of storage as long as the company has complied with the requirements of Section 713.78, Florida Statutes, as amended, including execution and mailing of the lien notice. Any expense incurred for an out-of-state records check may be assessed, in addition to the administrative fee, the amount charged by the specific state for the records check. An additional daily storage rate may be charged for any vessel, trailer, or mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle.
- (4) Any person or firm providing towing services shall remove and clean up from any street or highway any glass, debris, or other injurious substance deposited upon the street or highway from any wrecked, damaged, or disabled vehicle. Upon notification from a law enforcement agency that a site was not adequately cleaned up, the person or firm that performed the subject towing service shall promptly dispatch to clean the site for no charge.
- (5) This article shall not be construed to disallow a law enforcement agency or other party to contract with tow truck operators for nonconsensual towing services at a lower rate.
- (6) It shall be unlawful and a violation of this ordinance for any operator, individual, company, or entity to impose rates or fees in excess of the maximum allowable rates established under this section or to charge any additional, supplemental, administrative, processing, release, storage, or other fees not expressly authorized herein.
- (7) In accordance with Section 125.0103(d), Florida Statutes, a person may report any potential violation of the maximum established rates and fees in this section to Marion County Code Enforcement. Marion County Code Enforcement shall investigate the claim utilizing the investigatory procedures in Chapter 2, Marion County Code. If a violation is found, notice shall be provided to the violating tow or storage company. If the violation is not corrected or claim of a violation is denied, the matter shall be heard before the Marion County Code Enforcement Board. The procedures and rights to appeal in Chapter 2, Article V, Marion County Code, shall apply and be followed for all hearings conducted under this section.

SECTION 3. Inclusion in the Code. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be part of the Marion County, Florida Code of Ordinances; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent; and that the word “ordinance” may be changed to “section,” “article,” or other appropriate designation.

SECTION 4. Conflicting Provisions. In the event of any conflict between any provision of this Ordinance and any provision of another section of the County Code, the provisions of this Ordinance shall govern.

SECTION 5. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held preempted or invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of this Ordinance in any and all other respects shall not be affected thereby. The Board of County Commissioners do not intend this Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is intended and shall be given.

SECTION 6. Applicability. This Ordinance shall be applicable in the unincorporated area of Marion County, Florida.

SECTION 7. Ordinance Cumulative. This Ordinance shall be cumulative and in addition to any other laws or ordinances in force in Marion County.

SECTION 8. Effective Date. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED on this __ day of June, 2026.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK

APPROVED AS TO FORM:

MATTHEW G. MINTER, COUNTY ATTORNEY