

Committee on Infrastructure

Thursday, March 6, 2008 1:45 – 4:00 PM 404 HOB

Committee Action

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

Print Date: 3/6/2008 5:03 pm

Attendance:

	Present	Absent	Excused
Richard Glorioso (Chair)	X		·
Gary Aubuchon	X		
Susan Bucher	X		
Greg Evers	x		
Ed Hooper	X		
Jimmy Patronis	X		
Stephen Precourt	X		
Michael Scionti	X		
Kelly Skidmore	χ .		
Nicholas Thompson	X		
Totals:	10	0	0

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 255 : Relief/Dennis & Diana Gay/DOT

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	Х				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	· X				
	Total Yeas: 10	Total Nays: (D		

Appearances:

Larry Keys - Proponent Representing Dennis & Diana Gay 801 E. Lumsden Road Brandon FL 33511 Phone: 813-654-2456

Kevin Coakley - Proponent Representing Dennis & Diana Gay 801 E. Lumsden Road Brandon FL 33511 Phone: 813-654-2456

Print Date: 3/6/2008 5:03 pm

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 349 : Dismantling and Destruction of Motor Vehicles and Mobile Homes

X Favorable With Amendments (2)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 10	Total Nays: 0	· .		

Appearances:

Mike Seamon, Executive Director (Lobbyist) - Proponent Professional Wrecker Operators of Florida 4718 Edgewater Drive Orlando FL 32804 Phone: 407-402-1040

Gary Landros - Proponent Florida Auto Dismantlers Association 9152 N. Main Street Jacksonville FL 32218

Phone: 904-765-5507

Sheriff John Rutherford - Proponent
Jacksonville Sheriff's Office and the Florida Sheriff's Association

400 E. Bay Street Jacksonville FL 32202 Phone: 904-630-5898

Print Date: 3/6/2008 5:03 pm

Amendment No. (for drafter's use only)

Bill No. 349 COUNCIL/COMMITTEE ACTION ADOPTED (Y/N)ADOPTED AS AMENDED (Y/N)(YN)ADOPTED W/O OBJECTION FAILED TO ADOPT (Y/N)(Y/N) WITHDRAWN OTHER Council/Committee hearing bill: Infrastructure 1 Representative(s) Jordan offered the following: 2 3 Amendment 4 5 Remove line(s) 45-47 and insert: (c) "Certificate of title" means the record that is evidence 6 7 of ownership of a vehicle, whether a paper certificate authorized by the department or a certificate consisting of 8 information that is stored in an electronic form in the 9 department's database. 10

Amendment No. (for drafter's use only)

		Bill No.	349
	COUNCIL/COMMITTEE ACTION		
	ADOPTED (Y/N)		
	ADOPTED AS AMENDED (Y/N) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		
	ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N) (Y/N) (Y/N)	·	
	FAILED TO ADOPT (Y/N)		
	WITHDRAWN (Y/N)		
	OTHER		
		***************************************	MINISTER STOTE SHOW
1	Council/Committee hearing bill: Infrastructure		
2	Representative(s) Jordan offered the following:		
3			
4	Amendment		
5	Remove line 522 and insert:		
6	Section 3. This act shall take effect October 1, 200	8.	
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Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 401 : Specialty License Plates

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	Х				/
Susan Bucher		X			
Greg Evers	X				
Ed Hooper	х				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore		X			
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 8	Total Nays:	2		

Appearances:

Michael Dobson (Lobbyist) - Information Only Dobson, Craig and Associates 522 E. Park Avenue Ste. 101 Tallahassee FL 32301

Phone: 850-222-0441

Print Date: 3/6/2008 5:03 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1 (for drafter's use only)

	Bill No. HB 401
	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N)
	ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Infrastructure
2	Representative(s) Bullard offered the following:
3	
4	Amendment
5	Remove line(s) 20-25 and insert:
6	(a) Notwithstanding s. 320.08053, the department shall
7	develop an I BELIEVE license plate as provided in this section.
8	I BELIEVE license plates must bear the colors and design
9	approved by the department. The word "Florida" must appear at
10	the top of the plate, and the words "I BELIEVE" must appear at
11	the bottom of the plate.
12	(b) The requirements of s. 320.08053 must be met prior to
13	the issuance of the plate. Thereafter, the license plate annual
14	use fees shall be distributed
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Amendment No.2(for drafter's use only)

		Bill	No.	HB	401	
	COUNCIL/COMMITTEE ACTION					
	ADOPTED (Y/N)				•	
	ADOPTED W/O OF HECETON (Y/N)					
	ADOPTED W/O OBJECTION(Y)N)					
	FAILED TO ADOPT(Y/N)					
	WITHDRAWN (Y/N)					
	OTHER					
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1	Council/Committee hearing bill: Infrastructure					
2	Representative(s) Bullard offered the following:					
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4	Amendment (with directory and title amendment	:s)				
5	Remove line(s) 34 and insert:					
6	Section 3. This act shall take effect Octobe	er 1,	2008	3.		
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Amendment No. 3 (for drafter's use only)

	Bill No. 401
	COUNCIL/COMMITTEE ACTION
	ADOPTED $\underline{\hspace{1cm}}$ (Y/N)
	ADOPTED AS AMENDED $-(Y/N)$
	ADOPTED AS AMENDED $= (Y/N)$ ADOPTED W/O OBJECTION $= (Y/N)$ $= (Y/N)$ $= (Y/N)$
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Infrastructure
2	Representative(s) Patronis offered the following:
3	
4	Amendment
5	Remove line(s) 30-33 and insert:
6	establishing the plate have been recovered. Thereafter, up to
7	10 percent of the annual use fee revenue may be used for
8	administrative, promotional, and marketing costs.

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 455 : Recovering, Towing, or Storing Vehicles and Vessels

X Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher	x				
Greg Evers	X				
Ed Hooper	x				
Jimmy Patronis	X				
Stephen Precourt			X		
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 9	Total Nays: (0		

Appearances:

Mike Seamon, Executive Director (Lobbyist) - Proponent Professional Wrecker Operators of Florida 4718 Edgewater Drive Orlando FL 32804

Phone: 407-402-1040

Print Date: 3/6/2008 5:03 pm

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. (for drafter's use only)

Bill No. 455

COUNCIL/COMMITTEE	ACTION		
ADOPTED	(Y/N)	A	
ADOPTED AS AMENDED	(Y/N)	3/6/08	
ADOPTED W/O OBJECTION	_ (Y)N)	3100	
FAILED TO ADOPT	(Y/N)		
WITHDRAWN	(Y/N)		
OTHER	***************************************		
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Council/Committee hearing bill: Committee on Infrastructure Representative(s) Machek offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Paragraph (c) of subsection (1) of section 125.0103, Florida Statutes, is amended to read:

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

(1)

which may be charged on the towing of vehicles from or immobilization of vehicles on 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. However, if a municipality enacts chooses to enact an ordinance establishing the maximum fees for the towing or immobilization of vehicles as described in paragraph (b), the county's ordinance shall not apply within such municipality.

2. Beginning January 1, 2009, and notwithstanding any other law, in any county that has not adopted an ordinance establishing the maximum rates that may be charged for the towing and storage of vehicles as required by this section and s. 166.043, the rates shall be equal to the rates established by the Division of the Florida Highway Patrol under s. 321.051 and adjusted annually to reflect the Consumer Price Index. A county may not adopt an ordinance establishing a rate that is less than the rate established by the Division of the Florida Highway Patrol and adjusted annually to reflect the Consumer Price Index.

Section 2. Paragraph (c) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

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

(1)

- which may be charged on the towing of vehicles from or immobilization of vehicles on 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. However, if a municipality enacts chooses to enact an ordinance establishing the maximum fees for the towing or immobilization of vehicles as described in paragraph (b), the county's ordinance established under s. 125.0103 shall not apply within such municipality.
- 2. Beginning January 1, 2009, and notwithstanding any other law, in any county that has not adopted an ordinance

Amendment No. (for drafter's use only)

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establishing the maximum rates that may be charged for the towing and storage of vehicles as required by this section and s. 125.0103, the rates shall be equal to the rates established by the Division of the Florida Highway Patrol under s. 321.051 and adjusted annually to reflect the Consumer Price Index. A county may not adopt an ordinance establishing a rate that is less than the rate established by the Division of the Florida Highway Patrol and adjusted annually to reflect the Consumer Price Index.

Section 3. Subsection (2) of section 321.051, Florida Statutes, is amended to read:

321.051 Florida Highway Patrol wrecker operator system; penalties for operation outside of system.--

The Division of the Florida Highway Patrol of the (2) Department of Highway Safety and Motor Vehicles may is authorized to establish within areas designated by the patrol a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash scene or for removal and storage of abandoned vehicles, in the event the owner or operator is incapacitated or unavailable or leaves the procurement of wrecker service to the officer at the scene. All reputable wrecker operators shall be eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of the Florida Highway Patrol for the size of vehicle it is designed to handle. The division is authorized to limit the number of wrecker operators participating in the wrecker operator system, which authority shall not affect wrecker operators currently participating in the system established by this section. The division shall is authorized to establish

Amendment No. (for drafter's use only)

maximum rates for the towing and storage of vehicles removed at the division's request if, where such rates are have not been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. The rates shall be adjusted annually to reflect the Consumer Price Index. Such rates are shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator's participation in the system is shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county wherein such wrecker operator resides.

Section 4. Subsections (1), (4), and (6), paragraph (b) of subsection (11), paragraph (d) of subsection (12), and paragraphs (a) and (g) of subsection (13) of section 713.78, Florida Statutes, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.--

- (1) For the purposes of this section, the term:
- (a) "Department" means the Department of Highway Safety and Motor Vehicles.
- (b) (a) "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.
- (c) (b) "Vessel" means 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 s. 327.02(9).
- (d) (c) "Wrecker" means any truck or other vehicle which is used to tow, carry, or otherwise transport motor vehicles or

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vessels upon the streets and highways of this state and which is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

- (4)(a) Any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2), and who claims a lien for recovery, towing, or storage services, shall give notice to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and to all persons claiming a lien thereon by submitting an application for notifications to the department on a form prescribed by the department within 7 business days after the date of storage of the vehicle or vessel and shall maintain an invoice for such services with the signature of the operator who provided the service or the signature of an employee of the business attesting to the accuracy of the information on the invoice, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or of a corresponding agency in any other state.
- (b) When a Whenever any law enforcement agency authorizes the removal of a vehicle or vessel or a whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full search its files to determine the owner's name, the insurance

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. (for drafter's use only)

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company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days after the date of storage and shall give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding the provisions of s. 627.736.

Upon receipt of a valid and complete application for notifications, the required notification fee of \$4, and the service fees required under s. 320.04, the department shall notify Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner, the insurance company insuring the vehicle notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the vehicle or vessel. The notification must indicate the company or individual who has It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel that which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens after 35 days after the date of the notification if the vehicle or vessel is more than 3 years of age or after 50 days after the date of notification if the vehicle or vessel is 3 years of age or less.

If the department is unable attempts to locate the

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- name and address of the owner or lienholder prove unsuccessful, the department shall notify the towing-storage operator. Upon receipt of such notice, the towing-storage operator shall conduct, after 7 working days, excluding Saturday and Sunday, of the initial tow or storage, notify the public agency of jurisdiction in writing by certified mail or acknowledged hand delivery that the towing storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel and make a good faith effort to determine has disclosed no ownership information and a good faith effort has been made. The towing-storage operator shall send notice of the sale by certified mail to any potential owner, lienor, or insurance company discovered through the physical search and good faith effort.
- As used in For purposes of this paragraph (d) and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish prior state of registration and for title:
- 1. Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.
- Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.
- 3. Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.
- If there is no address of the owner on the impound report, check of law enforcement report to see if an out-ofstate address is indicated from driver license information.

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- Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.
- Check of the interior of the vehicle or vessel for any 6. papers that may be in the glove box, trunk, or other areas for a state of registration.
 - 7. Check of vehicle for vehicle identification number.
 - Check of vessel for vessel registration number.
- 9. Check of vessel hull for a hull identification number that which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull which that bears the rudder or other steering mechanism.
- Any vehicle or vessel that which is stored pursuant to subsection (2) and that which remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge after 35 days after from the date notification was sent under subsection (4) that time the · vehicle or vessel is stored therein if the vehicle or vessel is more than 3 years of age or after 50 days after the date that such notification was sent following the time the vehicle or vessel is stored therein if the vehicle or vessel is 3 years of age or less. The sale shall be at public auction for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles

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or of the corresponding agency in any other state. Notice shall be sent by certified mail, return receipt requested, to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency and shall be mailed not less than 15 days before the date of the sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days before prior to the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The public notice must include the vehicle or vessel identification or hull number and a description of the vehicle or vessel, including make, model, and year of manufacture. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county where the sale was held if the owner is absent, and the clerk shall hold such proceeds subject to the claim of the person legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order.

(11)

(b) The department of Highway Safety and Motor Vehicles shall charge a fee of \$3 for each certificate of destruction. A service charge of \$4.25 shall be collected and retained by the tax collector who processes the application.

(c) The Department of Highway Safety and Motor Vehicles may adopt such rules as it deems necessary or proper for the administration of this subsection.

Motor Vehicles and law enforcement officers may are authorized

business of recovering, towing, or storing vehicles or vessels

or transporting vehicles or vessels by wrecker, tow truck, or

car carrier, to ensure compliance with the requirements of this

section. Any person who fails to maintain records, or fails to

produce records when required in a reasonable manner and at a

Upon the department's receipt by the department of

reasonable time, commits a misdemeanor of the first degree,

Highway Safety and Motor Vehicles of written notice from a

wrecker operator who claims a wrecker operator's lien under

any law enforcement agency, for which a certificate of

destruction has been issued under subsection (11), the

paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or

storage of an abandoned vehicle or vessel upon instructions from

department shall place the name of the registered owner of that

vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for any motor

vehicle under s. 320.03(8). If the vehicle or vessel is owned

jointly by more than one person, the name of each registered

operator's lien shall be submitted on forms provided by the

owner shall be placed on the list. The notice of wrecker

punishable as provided in s. 775.082 or s. 775.083.

to inspect the records of any person regularly engaged in the

Employees of the department of Highway Safety and

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1. The name, address, and telephone number of the wrecker operator.

department, which must include:

- 2. The name of the registered owner of the vehicle or vessel and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).
 - 3. A general description of the vehicle or vessel, including its color, make, model, body style, and year.

- 4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.
- 5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel be recovered, towed, or stored.
- 6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).
- (g) The department of Highway Safety and Motor Vehicles may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section subsection.
- Section 5. Paragraph (a) of subsection (2) of section 715.07, Florida Statutes, is amended to read:
- 715.07 Vehicles or vessels parked on private property; towing.--
- authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

- (a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to strict compliance with the following conditions and restrictions:
- 1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of less than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.
- b. If no towing business providing such service is located within the area of towing limitations set forth in subsubparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of less than 500,000 population.
- 2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of

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the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

- 3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.
- 4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.
- 5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally

Amendment No. (for drafter's use only)

authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

- a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
- b. The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
- c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.
- d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not less than 24 hours <u>before</u> prior to the towing or removal of any vehicles or vessels.
- e. The local government may require permitting and inspection of these signs <u>before</u> prior to any towing or removal of vehicles or vessels <u>is being</u> authorized.
- f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control of a vehicle or vessel to pay the costs of towing and storage before prior to redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control of the vehicles or vessels shall, on any trucks, wreckers as defined in s.

713.78(1) s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting

Amendment No. (for drafter's use only)

colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

- 8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.
- 9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or custodian within one hour after requested. Any vehicle or vessel owner or agent shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle or vessel owner, custodian, or agent as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

Section 6. This act shall take effect July 1, 2008.

Remove the entire title and insert:

TITLE AMENDMENT

Amendment No. (for drafter's use only)

An act relating to liens for recovering, towing, or storing 484 vehicles or vessels; amending ss. 125.0103 and 166.043, F.S.; 485 486 requiring that rates for the towing and storage of certain vehicles within certain counties equal rates established by the 487 Division of the Florida Highway Patrol; amending s. 321.051, 488 F.S.; requiring that the division set maximum rates for the 489 towing and storage of certain vehicles; requiring annual rate 490 adjustments that reflect the Consumer Price Index; amending s. 491 713.78, F.S.; defining the term "department"; revising 492 493 procedures for notification concerning liens for the recovery of certain costs for recovering, towing, or storing a vehicle or 494 vessel; removing the authority of the Department of Highway 495 Safety and Motor Vehicles to release information concerning the 496 insurance company; establishing fees for the lien notification; 497 revising requirements governing the contents of the 498 notification; revising requirements for locating and notifying 499 persons about the impending sale of an unclaimed vehicle or 500 vessel or its contents; revising requirements concerning public 501 notice of the impending sale; removing duplicative provisions 502 concerning rulemaking by the department; amending s. 715.07, 503 504 F.S.; conforming cross-references to changes made by the act; 505 providing an effective date.

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 459 : Specialty License Plates

X Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Susan Bucher		X			•
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 9	Total Nays: 1	-		

Appearances:

Michael Dobson (Lobbyist) - Information Only Dobson, Craig and Associates 522 E. Park Avenue Ste. 101 Tallahassee FL 32301

Phone: 850-222-0441

Print Date: 3/6/2008 5:03 pm

Rusty Russell, Executive Director - Information Only Panama City Marine Institute Panama City FL

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1 (for drafter's use only)

Bill No. **HB 459**

	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N) $\sqrt{0}$
	ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N) EALLED TO ADOPT (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Infrastructure
2	Representative(s) Patronis offered the following:
3	
4	Amendment (with directory and title amendments)
5	Remove line(s) 20-25 and insert:
6	(a) Notwithstanding s. 320.08053, the department shall
7	develop a Horse Country license plate as provided in this
8	section. Horse Country license plates must bear the colors and
9	design approved by the department. The word "Florida" must
10	appear at the top of the plate, and the words "Horse Country"
11	must appear at the bottom of the plate.
12	(b) The requirements of s. 320.08053 must be met prior to
13	the issuance of the plate. Thereafter, the license plate annual
14	use fees shall be distributed

Amendment No. 2 (for drafter's use only)

ł			Bill	No. E	IB 4!	59	
	COUNCIL/COMMITTEE ACTION						
	ADOPTED	(Y/N)					
	ADOPTED AS AMENDED	(Y/N) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \					
-	ADOPTED W/O OBJECTION	= (Y/N) 3/0/06	•				
	FAILED TO ADOPT	(Y/N)					
İ	WITHDRAWN	(Y/N)					
	OTHER						
			anny trade de marce processes	nencentapolitacionales	*************************	**********	
4	Council/Committee hearing bill: Infrastructure						
2	Representative(s) Patronis offered the following:						
3	•						
Ł	Amendment (with directory and title amendments)						
5	Remove line(s) 47 and insert:						
5	Section 3. This act shall take effect October 1, 2008.						
Ì							

Amendment No. 3 (for drafter's use only)

	•					
	Bill No. 459					
	COUNCIL/COMMITTEE ACTION					
	ADOPTED (Y/N)					
	ADOPTED AS AMENDED ADOPTED W/O OBJECTION — (Y/N) (Y/N) 3/4/08					
	ADOPTED W/O OBJECTION _ (Y)N) 3					
	FAILED TO ADOPT (Y/N)					
	WITHDRAWN (Y/N)					
	OTHER					
1	Council/Committee hearing bill: Infrastructure					
2	Representative(s) Patronis offered the following:					
3						
4	Amendment (with directory and title amendments)					
5	Remove line(s) 33-37 and insert:					
6	1. Up to 10 percent of the annual use fee revenue may be					
7	used for promotion and marketing of the plate, and as necessary					
8	for annual audit or compliance affidavit costs.					
9	2. The remaining revenue shall be used for programs					

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 697 : Florida Building Code

X Temporarily Deferred

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 707: Motor Vehicle Registration

X Favorable With Amendments (2)

Gary Aubuchon	X	·		Yea	Nay
Susan Bucher		X			
Greg Evers	X				
Ed Hooper	X				
Jimmy Patronis	X				
Stephen Precourt			X		
Michael Scionti	X				
Kelly Skidmore		X			
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 7	Total Nays: 2			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. (for drafter's use only)

Bill No. HB 707

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	$-\frac{(Y/N)}{2} \sqrt{(Y/N)}$
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Council/Committee hearing bill: Infrastructure Committee Representative(s) Traviesa offered the following:

Amendment (with title amendment)

On line 59 insert:

Section 3. Subsection (9) of section 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.--

- 9) (a) The application form for a renewal issuance or renewal extension shall include language permitting a voluntary contribution of \$1 per applicant, to be quarterly distributed by the department to Prevent Blindness Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state. A statement providing an explanation of the purpose of the funds shall be included with the application form.
- (b) Prior to the department distributing the funds collected pursuant to this paragraph (a), Prevent Blindness Florida must submit a report to the department that identifies how such funds were used during the preceding year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. (for drafter's use only)

22	(b) The application form for a renewal issuance or renewal
23	extension shall include language permitting a voluntary
24	contribution of \$1 per applicant to Family First.
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TITLE AMENDMENT

Remove line 7 and insert:

contribution to Family First; amending s.322.18, F.S.; requiring the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to Family First; providing an effective date.

Amendment No. (for drafter's use only)

	Bill No. HB 707					
	COUNCIL/COMMITTEE ACTION					
	ADOPTED (Y/N)					
	ADOPTED AS AMENDED (Y/N) \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\					
	ADOPTED AS AMENDED (Y/N) ADOPTED W/O OBJECTION (Y/N)					
	FAILED TO ADOPT (Y/N)					
	WITHDRAWN (Y/N)					
	OTHER					
1	Council/Committee hearing bill: Infrastructure Committee					
2	Representative(s) Traviesa offered the following:					
3						
4						
5	TITLE AMENDMENT					
6	Remove line 59 and insert:					
7	Section 4. This act shall take effect October 1, 2008.					

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

HB 781: Motor Vehicles

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				,
Susan Bucher	X				
Greg Evers	X				
Ed Hooper	· X				
Jimmy Patronis	X				
Stephen Precourt	X				
Michael Scionti	X				
Kelly Skidmore	X				
Nicholas Thompson	X				
Richard Glorioso (Chair)	X				
	Total Yeas: 10	Total Nays:	0		

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

Other Business Appearance:

Workshop - Sunset Review of DHSMV

Rashada Houston, Chief Legislative Analyst (State Employee) (At Request Of Chair) - Information

Only OPPAGA

111 W Madison St. Ste. 312

Tallahassee FL 32399 Phone: 850-487-4971

Workshop - Sunset Review of DHSMV

Electra Bustle, Executive Director (Lobbyist) (State Employee) - Information Only

Department of Highway Safety & Motor Vehicles

2900 Apalachee Parkway

Tallahassee FL 32399

Phone: 850-617-3100

Workshop - Sunset Review of DHSMV

Steven Fielder, Legislative Affairs Director (Lobbyist) (State Employee) - Information Only

Department of Highway Safety & Motor Vehicles

2900 Apalachee Parkway

Tallahassee FL 32399

Phone: 850-617-3195

Print Date: 3/6/2008 5:03 pm

Committee on Infrastructure

3/6/2008 1:45:00PM or 15 minutes upon adjournment of the Council

Location: 404 HOB

Summary:

Committee on Infrastructure

Thursday March 06, 2008 01:45 pm

HB 255	Favorable	Yeas: 10 Nays: 0
HB 349	Favorable With Amendments (2)	Yeas: 10 Nays: 0
HB 401	Favorable With Amendments (3)	Yeas: 8 Nays: 2
HB 455	Favorable With Amendments (1)	Yeas: 9 Nays: 0
HB 459	Favorable With Amendments (3)	Yeas: 9 Nays: 1
HB 697	Temporarily Deferred	
HB 707	Favorable With Amendments (2)	Yeas: 7 Nays: 2
HB 781	Favorable	Yeas: 10 Nays: 0