

# Chapter 90-283

## Committee Substitute for House Bill No. 607

AN ACT relating to the towing of motor vehicles; amending s. 120.57, F.S.; including certain hearings held by the Division of Florida Highway Patrol as an exclusion to the requirement of a hearing officer appointed by the Division of Administrative Hearings under the Administrative Procedure Act; amending s. 125.0103, F.S.; providing that price control restraints do not apply to the removal and storage of certain wrecked or disabled vehicles; amending s. 166.043, F.S.; conforming to the act with respect to certain price control limitations; amending s. 319.30, F.S.; revising language with respect to the dismantling, destruction, or change of identity of a motor vehicle or mobile home and certain salvage; providing definitions; providing documentation and records requirements; providing penalties; amending s. 319.33, F.S.; revising language with respect to offenses involving vehicle identification numbers, applications, certificates, and papers; amending s. 321.051, F.S.; authorizing the Division of Florida Highway Patrol to limit the number of wrecker operators under certain circumstances; amending s. 713.78, F.S.; revising language with respect to liens for recovering, towing, or storing vehicles; providing fees; providing notice requirements regarding the posting of bonds; providing penalties; amending s. 715.05, F.S.; revising language with respect to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; revising language with respect to vehicles parked on private property and the towing therefrom; providing penalties; amending s. 812.055, F.S.; including towing and storage facilities in law requiring the physical inspection of such facilities by law enforcement officers; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

### 120.57. Decisions which affect substantial interests

The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1) Formal proceedings.--

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

1. Hearings before agency heads or a member thereof other than an agency head or a member of an agency head within the Department of Professional Regulation;

2. Hearings before the Unemployment Appeals Commission in unemployment compensation appeals, unemployment compensation appeals referees, and special deputies pursuant to s. 443.141;

3. Hearings regarding drivers' licensing pursuant to chapter 322;

4. Hearings conducted within the Department of Health and Rehabilitative Services in the execution of those social and economic programs administered by the former Division of Family Services of said department prior to the reorganization effected by chapter 75-48, Laws of Florida;

5. Hearings in which the division is a party, in which case an attorney assigned by the Administration Commission shall be the hearing officer;

6. Hearings which involve student disciplinary suspensions or expulsions and which are conducted by educational units;

7. Hearings of the Public Employees Relations Commission in which a determination is made of the appropriateness of the bargaining unit, as provided in s. 447.307; ~~and~~

8. Hearings held by the Department of Agriculture and Consumer Services pursuant to chapter 601; and-

9. Hearings held by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system established by s. 321.051. Such hearings shall be held by a hearing officer appointed by the director of the Division of Florida Highway Patrol.