

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO LICENSES, BUSINESS REGULATIONS, AND
3 CONSUMER PROTECTION, INCLUDING TOWING AND IMMOBILIZATION
4 SERVICES, AUTO TAG COURIER SERVICES, MOVERS, APPLIANCE REPAIR, AND
5 MOTOR VEHICLE REPAIR SHOPS; AMENDING CHAPTERS 8½ AND 20 OF THE
6 BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR
7 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

8 (Sponsored by the Board of County Commissioners)
9

10 WHEREAS, Article VII of Chapter 20 of the Broward County Code of Ordinances
11 (the "Code") sets forth the Broward County Consumer Protection Code (the "Consumer
12 Protection Code"), which governs the licensing and regulation of certain businesses and
13 services, including towing and immobilization services;

14 WHEREAS, Chapter 8½ of the Code provides methods of enforcement and
15 establishes civil penalties for certain violations of the Code;

16 WHEREAS, the Board of County Commissioners ("Commission") seeks to
17 modernize and clarify these consumer protection regulations by updating definitions and
18 administrative provisions, refining enforcement and hearing procedures, and revising civil
19 penalties to promote compliance and to enhance consumer protection; and

20 WHEREAS, the Commission finds that these amendments are necessary to
21 protect the health, safety, and welfare of Broward County residents and visitors, and to
22 promote fair business practices,

23 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
24 BROWARD COUNTY, FLORIDA:

25 Section 1. Section 20-11 of the Broward County Code of Ordinances is hereby
26 amended to read as follows:

27 **Sec. 20-11. Bond required for private courier services.**

28 (a) *Definition—Private courier service:* A courier service that takes the required
29 fee, plus an additional sum from consumers, and remits the statutory fee to ~~a county~~
30 ~~motor vehicle agency~~ the Broward County Tax Collector or a private tag agency, which
31 then ~~accomplishes~~ processes the license, registration, validation, or title work.

32 (b) *Bond requirements.*

33 (1) Each private courier service that collects payments for the issuance of
34 registration certificates, license plates, validation stickers, and/or mobile
35 home stickers, pursuant to Chapter 320, Florida Statutes (collectively,
36 “Tag/Title Documents”), will be required to give a good and sufficient
37 ~~payment for~~ performance bond payable to Broward County in the amount
38 of twenty-five thousand dollars (\$25,000.00), prior to engaging in such
39 business. Private courier services engaged in business at the time of any
40 modification to the bond requirements of this section shall have forty-five
41 (45) days after the effective date of such modification to comply with any
42 modified requirements.

(2) When obtaining Tag/Title Documents from the ~~County Tax Collector~~ or a private tag agency, a private courier service must produce proof of compliance with the bond requirements of ~~sub~~Section (1). ~~The County and private tag agencies shall not provide Tag/Title Documents to any private courier service that does not show proof of compliance with the bond requirements of subsection (1) above.~~

(3) Violations of this section may be enforced as provided by Chapter 8½ of the Code. Violation of the bond requirement shall be treated as a serious threat to public health, safety, or welfare; of a transient nature; and irreparable; and code inspectors may proceed directly to issuance of a citation.

Section 2. Article VII of Chapter 20 of the Broward County Code of Ordinances is hereby amended to read as follows:

ARTICLE VII. CONSUMER PROTECTION CODE

DIVISION 1. GENERALLY

Sec. 20-159. Short title.

~~This division~~ Article VII shall be designated and may be cited as the "Broward County Consumer Protection Code."

Sec. 20-160. Definitions.

(a) The following words when used in this division of the Code shall have the following meanings unless the text or context otherwise requires ~~and~~ or specifies a different meaning:

~~Board~~ means the Consumer Protection Board of Broward County, Florida.

Code means the Broward County ~~Consumer Protection Code as established by~~
~~this division~~ Code of Ordinances.

Commission means the Board of County Commissioners of Broward County,
Florida.

Consumer means a purchaser, lessee, or prospective purchaser or lessee, or their
agent, of consumer goods or services or consumer credit, including a co-obligor or surety.

Consumer Protection Board or CPB means the Consumer Protection Board of
Broward County, Florida.

Consumer Protection Code means the Broward County Consumer Protection
Code as established by this Article VII.

Director means the ~~executive~~ Director of the Broward County Consumer
Protection Division or their Director's written designee.

Division means the Broward County Consumer Protection Division, or any
successor agency.

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Sec. 20-161. Unfair or deceptive trade acts or practices.

(1) (a) Unfair methods of competition and unfair or deceptive trade acts or
practices in the conduct of any business, trade, or commerce are hereby declared to be
a violation of the ~~Broward County Code of Ordinances~~ and shall be punished as provided
by law.

(2) (b) A person engages in an unfair or deceptive trade act or practice when in the
course of such person's business, profession, vocation, or occupation, such person
knows, or in the exercise of due care should know, that such person has in the past

engaged in, or is now engaging in, any trade or act or practice as defined in this article as unfair or deceptive. No person shall engage in any deceptive or unfair trade act or practice in the sale, lease, rental, repair, or loan, or in offering for sale, lease, rental, repair, or loan of any consumer goods or services, or in the collection of consumer debts.

~~(3)~~ (c) It is the intent of the ~~board of county commissioners~~ Commissioners that, in construing this section, due consideration and great weight shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to ~~s~~Section 5(a)(1) of the Federal Trade Commission Act, ~~(15 U.S.C. § 45(a)(1), as from time to time amended,~~ and to decisions of the Florida courts in interpreting or enforcing the provisions of Chapter 501, ~~F.S.~~ Florida Statutes, as ~~from time to time~~ amended.

Sec. 20-162. Appliance repair shops.

~~(1)~~ (a) *Definitions.* As used in this section:

~~(a)~~ *Appliance* means:

- ~~(i)~~ (1) Any consumer product, including, but not limited to, any television set, radio receiver, phonograph, tape recorder or stereophonic equipment designed for household use, tape and cassette players and recorders, compact disc and digital equipment, citizen band radio units, video systems and components, hand calculators, telephones, and computers; and
- ~~(ii)~~ (2) Major appliances, including, but not limited to, central air conditioning systems, refrigerators, stoves, washers, dryers, dishwashers, microwave ovens, garbage disposals, and trash compactors.

~~(b)~~ *Appliance repair shop* means any person or business ~~which~~ that, for compensation, engages in repairing, servicing, or maintaining appliances owned by other persons.

~~(c)~~ *Customer* means the person who signs the written repair estimate, or any other person whom the ~~person who signs~~ signer designates on the written repair estimate ~~designates on the written repair estimate as a person who may~~ as someone authorized to approve repair work.

Final estimate means the last estimate approved by the customer either in writing or orally, as evidenced by the written repair estimate.

~~(d)~~ *Repair work* includes electronic repairs, mechanical repairs, alterations, maintenance services, any work customarily undertaken by appliance repair shops as defined in paragraph ~~(b)~~ herein, and any diagnostic work incident thereto.

~~(e) *Final estimate* means the last estimate approved by the customer either in writing or orally, as evidenced by the written repair estimate.~~

~~(2)~~ (b) *Written Repair Estimate and Disclosure Statement Required.*

~~(a)~~ (1) When any customer requests an appliance repair shop to perform repair work on an appliance, the cost of which will exceed fifty dollars (\$50.00) to the customer, the shop shall prepare a written repair estimate, which is a form setting forth the estimated cost of repair work, including diagnostic work, before effecting any diagnostic work or repair. The written repair estimate shall also include the following items:

4. a. The name, address, and telephone number of the appliance repair shop.

2. b. The name, address, and telephone number of the customer.
3. c. The date and time of the written repair estimate.
4. d. The make, model, and model number of the appliance.
5. e. The proposed work completion date.
6. f. A general description of the customer's problem or request for repair work or service relating to the appliance.
7. g. The estimated cost of repair.
8. h. The charge for ~~making~~ preparing a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated.
9. i. The name and telephone number of another person who may authorize repair work if the customer desires to designate such person.
10. j. A statement indicating what, if anything, in connection with the repair work is guaranteed, and the time period for which the guarantee is effective.
11. k. A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return.
- (b) (2) If the cost of repair work ~~will exceed~~ exceeds fifty dollars (\$50.00), the shop shall present to the customer a written notice conspicuously disclosing, in a separate, blocked section, only the following statement, in capital letters of at least 8-point type:

PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS
BELOW, AND SIGN:

☐ I UNDERSTAND THAT, UNDER SECTION 20-162(b) OF THE
BROWARD COUNTY CODE OF ORDINANCES ~~84-77~~, I AM ENTITLED
TO A WRITTEN ESTIMATE, IF MY FINAL BILL ~~WILL EXCEEDS~~ \$50.

☐ I REQUEST A WRITTEN ESTIMATE.

☐ I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
REPAIR COSTS DO NOT EXCEED \$____. THE SHOP MAY NOT
EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL
APPROVAL.

☐ I DO NOT REQUEST A WRITTEN ESTIMATE.

SIGNED _____ DATE _____

~~(c)~~ (3) The information required by ~~sub~~Section (a)(8) 20-162(b)(1)(h) and ~~(9)~~
Section 20-162(b)(1)(i) need not be provided if the customer waives the
right in writing to receive a written estimate.

~~(d)~~ (4) A copy of the written repair estimate required by
~~sub~~Section (a) 20-162(b)(1) and the disclosure statement required by
~~sub~~Section (b) 20-162(b)(2) shall be given to the customer before repair
work is begun. The disclosure statement may be provided on the same form
as the written repair estimate.

~~(e)~~ (5) Nothing in this section shall be construed to require an appliance repair
shop to give a written estimated price if the appliance repair shop does not
agree to perform the requested repair.

(3) (c) *Charges for Estimate; Requirement of Waiver of Rights Prohibited.*

(a) (1) No appliance repair shop shall charge for ~~making~~ preparing a repair price estimate unless, prior to ~~making~~ preparing the ~~price~~ estimate, the shop:

1. a. Discloses to the customer the amount of the charge or, if the amount cannot be determined, the basis on which the charge will be calculated; and

2. b. Obtains written authorization ~~on the written repair estimate, in accordance with subsection (b),~~ from the customer to prepare an estimate for a stated price.

a. (2) It shall be unlawful for any appliance repair shop to require that any person waive any rights provided in this section as a precondition to the repair of his their appliance by the shop.

(4) (d) *Notification of Charges in Excess of Estimate; Certain Charges Unlawful; Refusal to Return Appliance Prohibited; Inspection of Parts.*

(a) (1) In the event that:

1. a. The written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair, and such diagnostic work has been completed; or

2. b. A determination is made by an appliance repair shop that the actual charges for the repair work will exceed the written estimate by more than ten dollars (\$10.00) or ten ~~(40)~~ percent (10%), whichever is greater, but not to exceed fifty dollars (\$50.00);

the customer shall be promptly notified by telephone, ~~telegraph~~, mail, email, or other means, of the additional repair work and estimated cost thereof. A customer so notified shall orally, or in writing, authorize, modify, or cancel the order for repair.

~~(b)~~ (2) If additional repair work or charges are authorized by the customer in accordance with ~~sub~~Section (a) 20-162(d)(1), the shop shall legibly note such authorization on the written repair estimate. Such notation shall specify the date and time of authorization and shall also contain the additional amount of money authorized by the customer to be spent on the repairs, the name of the person who received the authorization, the name of the person who made the authorization, and a description of the additional work authorized.

~~(c)~~ (3) If a customer cancels the order for repair after being advised that a repair which such customer has authorized cannot be accomplished within the previously authorized estimate, the shop shall expeditiously reassemble the appliance in a condition reasonably similar to the condition in which it was received unless:

- ~~1.~~ a. The customer waives reassembly; or
- ~~2.~~ b. The reassembled appliance would be unsafe.

After cancellation of the repair order, the shop may charge for the cost of teardown, the cost of parts and labor to replace items that were destroyed by teardown, and the cost to reassemble the component or the appliance,

provided the customer was notified of these possible costs in the estimate prior to commencement of the diagnostic work.

~~(d)~~ (4) It shall be unlawful for an appliance repair shop to charge more than the written estimate plus ten dollars (\$10.00) or ten ~~(10)~~ percent (10%), whichever is greater, but not to exceed fifty dollars (\$50.00), unless the appliance repair shop has obtained authorization to exceed the written estimate in accordance with ~~sub~~Section (a) 20-162(d)(1).

~~(e)~~ (5) It shall be unlawful for any appliance repair shop to fail to return any customer's appliance because the customer has refused to pay for unauthorized repairs, or because the customer has refused to pay for repair charges in excess of the final estimate plus ten dollars (\$10.00) or ten ~~(10)~~ percent (10%), whichever is greater, but not to exceed fifty dollars (\$50.00).

~~(f)~~ (6) Upon request made at the time the repair work is authorized ~~by the~~ by the customer, the customer is entitled to inspect parts removed from such customer's appliance, or, if the shop has no warranty arrangement or exchange parts program with a manufacturer, supplier, or distributor, have them returned.

~~(5)~~ (e) *Invoice Required.* The appliance repair shop shall provide each customer, upon completion of any repair, a legible copy of an invoice for such repair. The invoice may be provided on the same form as the written repair estimate and shall include the following information:

~~(a)~~ (1) The current date.

(b) (2) A statement indicating what was done to correct the problem or a description of the service provided.

(c) (3) An itemized description of all labor, parts, and merchandise supplied and the costs thereof, indicating what is supplied to the customer without cost or at a reduced cost because of a shop or manufacturer's warranty.

(d) (4) A statement identifying any replacement part as being new, used, rebuilt, or conditioned, as the case may be.

(e) (5) A statement indicating what, if anything, in connection with the repair work is guaranteed and the time period for which the guarantee is effective.

(f) (f) *Records.* Each appliance repair shop shall maintain repair records which shall include written repair estimates and repair invoices. A customer's records shall be available to the customer for inspection and copying for a period of six (6) months. A reasonable charge may be made for copying if copying facilities are available. The customer may not remove such original records from the premises.

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Sec. 20-166. Consumer ~~affairs~~ Protection ~~d~~Division.

(a) The ~~e~~County ~~a~~Administrator shall ~~have the power and authority to~~ establish a Consumer Protection ~~d~~Division ~~of consumer affairs~~, headed by an ~~executive~~ dDirector who shall be responsible for enforcing and implementing the provisions of the ~~Broward County~~ Consumer Protection Code and all applicable state and federal consumer protection legislation and rules.

(b) The Division shall perform the following duties and responsibilities:

(1) Investigate and process complaints regarding fees charged in excess of those established herein.

(2) Enforce the provisions of this Consumer Protection Code.

(3) Attempt to resolve consumer complaints as provided for in this Consumer Protection Code.

Sec. 20-167. Consumer Protection Board.

(a) There is hereby created and established a Broward County Consumer Protection Board (~~“Consumer Protection Board”~~) (“CPB”), which shall be composed of eighteen (18) Broward County residents who are registered voters, and who shall be appointed by the ~~Broward County Board of County Commissioners~~ (~~“Board”~~).

(b) Each ~~Broward~~ County Commissioner shall nominate two (2) members to the ~~Consumer Protection Board~~ CPB.

(c) Each member shall serve in accordance with Section 1-233 of the ~~Broward County Code of Ordinances~~ (~~“Code”~~) as follows:

(1) Serve at the pleasure of the nominating County Commissioner; or

(2) Serve until the expiration of the term of the nominating County Commissioner in accordance with Section 1-233 of the Code.

~~(3) Each member shall volunteer to serve on at least four (4) hearing panels constituted under this chapter each calendar year. Failure of any member to volunteer to serve on at least four (4) hearing panels each calendar year shall be cause for that member's summary removal by that member's nominating County Commissioner or by vote of the Board.~~

(d) The ~~Consumer Protection Board~~ CPB shall have the powers and authority to elect such officers and promulgate such internal procedures and rules as may be necessary to conduct its business.

(e) The ~~Consumer Protection Board~~ CPB shall meet at least ~~every quarter~~ four (4) times per year, as follows: March, May, September, and November.

Sec. 20-168. Powers of the ~~executive d~~Director.

The functions and powers of the ~~executive d~~Director of the ~~consumer affairs d~~Division shall include, but are not limited to, the following:

- (a) (1) ~~To r~~Receive and evaluate complaints ~~from all persons complaining~~ of unfair or deceptive trade acts or practices as defined by federal or state law or the Consumer Protection eCode and investigate such complaints and take appropriate action;
- (b) (2) ~~To r~~Represent the interests of the consumers before administrative, regulatory, and legislative bodies;
- (c) (3) ~~To i~~Investigate complaints of alleged violations of the ~~Broward County~~ Consumer Protection Code;
- (d) (4) ~~To e~~Conduct appropriate surveys and inspections to determine whether the provisions of the Consumer Protection eCode are being complied with;
- (e) (5) ~~To r~~Render annual reports to the ~~board of county e~~Commissioners concerning the number, nature, and extent of complaints filed with the ~~d~~Division concerning alleged violations of the Consumer Protection eCode;
- (f) (6) ~~To p~~Publicize and disseminate information to the public concerning consumer affairs and recommend methods for improvement thereof;

- (g) (7) ~~To e~~Enlist and encourage public support, assistance, and cooperation of civic organizations, business enterprises, and consumer affairs organizations;
- (h) (8) ~~To m~~Make periodic reports to the ~~Board of County Commissioners~~ concerning the status of consumer affairs, enforcement of the provisions of the Consumer Protection eCode, and recommendations concerning consumer protection in Broward County;
- (i) (9) ~~To p~~Prepare assurances of voluntary compliance as provided by ~~s~~Section 20-171;
- (j) (10) ~~To a~~Assist, develop, and conduct programs of consumer education and information through public hearings, meetings, publications, and other materials prepared for distribution to the consumer;
- (k) (11) ~~To m~~Mediate complaints as it is deemed necessary for conciliation;
- (l) (12) ~~To i~~Investigate complaints and institute actions and proceedings as provided in the Consumer Protection eCode ~~and this division~~;
- (m) (13) ~~To r~~Report to the appropriate law enforcement agency and the Broward County State Attorney any information concerning criminal violations of any consumer protection law;
- (n) (14) ~~To e~~Enforce all laws, ordinances, and regulations relating to the advertising and offering for sale and the sale of all commodities, goods, wares, and services and to investigate such matters;
- (o) (15) ~~To e~~Exercise and perform such other and further powers, duties, and authority as may be provided in the Broward County Administrative Code

and as may be necessary to implement the provisions of the Broward County Consumer Protection Code.

Sec. 20-169. Powers of the eConsumer protection board.

(a) The functions, powers, and authority of the ~~consumer protection board~~ CPB shall include, but not be limited to, the following:

(a) (1) ~~To~~ Issue and enforce cease and desist orders which enjoin the commission or perpetration of unfair methods of competition and unfair or deceptive trade acts or practices in the conduct of any business, trade, or commerce;

(b) (2) Hold hearings, conduct investigations, provide for the administration of oaths, and take testimony under oath in all matters relating to consumer protection;

(c) (3) Advise the ~~board of county e~~Commissioners, and the ~~d~~Director on pertinent issues relating to consumer legislation and enforcement practices;

(d) ~~Revoke or suspend occupational licenses, subject to approval by resolution of the board of county commissioners;~~

(e) (4) Issue written advisory opinions upon request, with rationale relative to methods of competition, commercial transactions, and trade acts and practices in the conduct of any business, trade, or commerce;

(f) (5) Upon the written request of any party, Subpoena persons and evidence for the purpose of discovery in a pending action; ~~and subpoena evidence, alleged violators and witnesses to its hearings; upon the written request of any party~~ or for an appearance at a hearing. A subpoena may be served by any person authorized by law to serve process. Service shall be made as

provided by law. Any person subject to a subpoena may, before compliance and on timely petition, request a three-member hearing ~~board~~ panel to invalidate the subpoena. A party may seek enforcement of a subpoena issued under the authority of this section by filing a petition for enforcement in the county court. Failure to comply with an order of the court may result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged. Witness fees shall be paid as provided by law; and

(g) (6) Exercise and perform such other and further powers, duties, and authority as may be provided in the Broward County Administrative Code.

(b) Decisions of a hearing panel of the CPB shall have the same force, effect, and finality as a decision of the full CPB.

Sec. 20-170. Complaint procedures.

~~(1)~~ (a) Any consumer may make or file a sworn complaint upon forms supplied by the ~~consumer affairs~~ dDivision stating the name and address (if known) of the person alleged to have committed the violation complained of, describing the particulars thereof, and setting forth other information as may be required by the dDirector.

~~(2)~~ (b) Upon the filing off a sworn complaint, the dDirector shall cause such investigation to be made as ~~such~~ the dDirector deems appropriate. If the dDirector determines that there are reasonable grounds to believe a violation of the Consumer Protection eCode has occurred, ~~such~~ the dDirector may attempt to conciliate the matter through conferences with all interested parties and such representatives as the parties may choose to assist them. However, if the dDirector determines that there are no

reasonable grounds to believe that a violation has occurred, ~~such~~ the ~~e~~Director may dismiss the complaint.

Sec. 20-171. Assurance of voluntary compliance.

The ~~e~~Director may accept an assurance of voluntary compliance with respect to any method, act, or practice deemed to be an unfair or deceptive trade practice from any person who has engaged, or was about to engage, in such method, act, or practice. Such assurance of voluntary compliance shall be in the form of a written agreement between Broward County and the merchant, vendor, or supplier, approved as to form and legal sufficiency by the ~~general counsel~~ County Attorney's Office. Such an agreement shall be filed with the Broward County Records, Taxes, and Treasury Division. Written assurances of voluntary compliance may include a stipulation for voluntary payment by the merchant of the cost of investigation by the ~~Permitting, Licensing and Consumer Protection~~ Division and may also include a stipulation for the restitution to the consumer of money, property, or other consideration received by the merchant from the consumer in connection with the act or practice. An assurance is not evidence of prior violation of the Consumer Protection eCode , however, unless an assurance has been rescinded by agreement of the parties or voided by the court for good cause; and subsequent failure to comply with the terms of an assurance shall be deemed prima facie evidence of a violation of the Consumer Protection eCode. No such assurance shall act as a limitation upon any action or remedy available to a person aggrieved by a violation of the Consumer Protection eCode.

Sec. 20-172. Referral of eComplaints to Broward County State Attorney's eOffice.

The ~~d~~Director of the ~~consumer affairs division~~ may refer to the Broward County State Attorney's eOffice for independent prosecutorial investigation such complaints as may be determined to contain reasonable grounds for a belief that an unfair or deceptive trade practice or act has occurred.

. . .

Sec. 20-175. Order to sShow eCause.

Any person who has been served with a demand to cease and desist shall have the right to appear at the place and time so fixed and show cause why the demand for a cease and desist order should not be entered by the ~~board~~ CPB.

Sec. 20-176. Evidence.

~~(1)~~ (a) In any hearing before the ~~board~~ CPB, irrelevant, immaterial, or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

~~(2)~~ (b) Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

422 (3) (c) A party shall be permitted to conduct cross-examination when testimony is
423 taken or documents are made a part of the record.

424 (4) (d) The rules of privilege shall be effective to the same extent that they are now
425 or hereafter may be recognized in civil actions.

426 (5) (e) The ~~board~~ CPB shall ensure that an ~~full record~~ audio recording of the
427 hearing is preserved, which ~~record~~ shall be public and open to inspection and
428 transcription by any person.

429 (6) (f) The ~~office of the County Attorney's Office~~ shall represent the ~~board~~ CPB
430 and advise it as to the propriety and admissibility of evidence presented at a hearing
431 before the ~~board~~ CPB.

432 (7) (g) Any party to an action pending before the ~~board~~ CPB shall be entitled to
433 obtain discovery by one (1) or more of the following methods: ~~Dis~~positions upon oral
434 examination or written questions, written interrogatories, production of documents or
435 things or permission to enter upon land or other property for inspection and other
436 purposes, and requests for admission. Unless the ~~board~~ CPB orders otherwise, the
437 frequency of use of these methods is not limited.

438 (8) (h) Parties may obtain discovery regarding any matter, not privileged, that is
439 relevant to the subject matter of the pending action, whether it relates to the claim or
440 defense of the party seeking discovery or the claim or defense of any other party,
441 including the existence, description, nature, custody, condition₁ and location of any books,
442 documents₁ or other tangible things₁ and the identity and location of persons having
443 knowledge of any discoverable matter. It is not grounds for objection that the information

sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

~~(9)~~ (i) Upon receipt of a demand for discovery, the receiving party shall have five (5) days in which to comply with the demand. A party shall not be required to respond to any demand for discovery received within five (5) days of the date set for hearing.

~~(10)~~ (j) If a claimant in an action pending before the ~~board~~ CPB ~~shall fail~~s to comply with a demand for discovery or ~~fail~~s to make a good-faith effort to comply with the demand, the claimant's case shall be subject to dismissal by the ~~board~~ CPB.

~~(11)~~ (k) If a respondent (defendant) in a case pending before the ~~board~~ CPB ~~shall fail~~s to comply with a demand, the claimant may apply to the ~~board~~ CPB for an order compelling discovery.

Sec. 20-176.1. Hearing procedures.

~~(1)~~ (a) The general procedures for conducting a hearing shall be in such form as ~~shall be~~ approved by the ~~office of the eCounty a~~Attorney's Office, and each party shall have the following rights to:

~~(a)~~ (1) ~~To e~~Call and examine witnesses;

~~(b)~~ (2) ~~To i~~Introduce exhibits;

~~(c)~~ (3) ~~To e~~Cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination;

~~(d)~~ (4) ~~To i~~Impeach any witness regardless of which party first called such witness to testify; and

~~(e)~~ (5) ~~To r~~Rebut the evidence.

(2) (b) Any interested party or person may make application and upon good cause shown may be allowed by the ~~board~~ CPB to intervene and appear in a proceeding pending before the ~~board~~ CPB.

Sec. 20-176.2. Orders of the ~~board~~ CPB.

(1) (a) After due public hearing, the ~~board~~ CPB shall issue its order based on the greater weight of the evidence, either issuing an order to cease and desist, or dismissing the demand. Any order to cease and desist shall contain any findings of fact supporting the order and recommendations for compliance the ~~board~~ CPB may have. The order to cease and desist shall contain an order of abatement framed in the manner of a writ of injunction.

(2) (b) If at the conclusion of a hearing, the ~~board orders a dismissal of the demand and~~ CPB determines that the person complained against has not violated the Consumer Protection eCode or any state or federal consumer protection law or regulation, the ~~board~~ CPB shall so state and issue its order dismissing the demand.

(3) (c) Three (3) members of the ~~board~~ CPB shall sit as a hearing ~~board~~ panel, and a majority vote of the hearing ~~board~~ panel members shall be sufficient to sustain any action of the ~~board~~ CPB.

(4) (d) One (1) or more hearing ~~boards~~ panels may be established by the ~~board~~ CPB and upon formation thereof, cases shall be assigned to the various hearing ~~boards~~ panels on a rotating basis.

(5) (e) To establish a cause of action under this section or the Consumer Protection eCode, it need not be shown that consumers were actually injured.

488 (6) (f) An order issued by the ~~board~~ CPB shall become effective fifteen (15) days
489 from the day the order was mailed by the ~~d~~Division to the respondent; provided that
490 should the respondent file a motion for rehearing with the ~~d~~Division prior to the effective
491 date of the order, said order shall be temporarily stayed, and the ~~d~~Division shall cause
492 the original hearing panel to be reconvened to decide such motion. If the ~~d~~Division fails
493 to reconvene the hearing panel within thirty (30) days from receipt by the ~~d~~Division of the
494 motion for rehearing, the motion shall be deemed granted. Upon the granting of a
495 rehearing, the hearing panel shall, after presentation of evidence, issue a new order either
496 affirming, modifying, or setting aside the original order. This order issued after the
497 rehearing shall become effective in the same manner as the original order. If a rehearing
498 does not occur within ninety (90) days after it has been granted, the complaint against the
499 respondent shall be dismissed and any existing order vacated.

500 (7) (g) An order of a three-member hearing panel levying a civil penalty shall not
501 be final for thirty (30) days after rendition by the hearing panel, ~~and an order of a~~
502 ~~three member hearing panel revoking or suspending an occupational license shall not be~~
503 ~~final until approved by resolution of the board of county commissioners.~~

504 (8) (h) An order, decision, or opinion of the ~~board~~ CPB may be appealed by the
505 filing of a writ of certiorari in the circuit court of the Seventeenth Judicial Circuit in and for
506 Broward County, Florida, by any party receiving an adverse ruling from the ~~board~~ CPB.

507 **~~Sec. 20-176.3.~~ Revocation of licenses.**

508 (1) ~~After due public hearing, the board shall have the power and authority to~~
509 ~~revoke or suspend any or all occupational licenses held by a person found in violation of~~

the code or any consumer protection law or regulation of the State of Florida or the United States, subject to approval by resolution of the board of county commissioners.

(2) If a person's occupational license is revoked or suspended by the board, it shall be conclusive evidence as to the unfitness of said person to have and hold a certificate of competency issued by any of the Broward County Central Examining Boards; and such person may have his or her certificate of competency revoked or suspended by the central examining board which issued the certificate upon presentation to such board of the order issued by the Broward County Consumer Protection Board revoking or suspending the person's occupational license.

Sec. 20-176.4. Enforcement.

(1) (a) It shall be the duty and responsibility of all law enforcement officials to assist in the enforcement of this division and of the eCode to the extent that it is within their jurisdiction to do so.

(2) (b) In addition to the procedures established elsewhere in this division, at any time after a complaint has been filed, in order to preserve the status quo or to prevent irreparable harm, the ~~board~~ CPB may take whatever action is necessary to preserve such status quo or to prevent such irreparable harm, including, but not limited to, seeking temporary restraining orders and preliminary injunctions, without bond.

(3) (c) Whenever any person has been determined by the ~~board~~ CPB to have engaged in an unfair or deceptive trade act or practice ~~by violating any provision of~~ as defined in sSection 20-160(i)(26) or (35) 20-160(b)(19) or Section 20-160(b)(27), the ~~board~~ CPB may order such person to refund any moneys paid, collected, or received by that person.

(4) (d) Whenever any person has been determined by the ~~board~~ CPB to have engaged in an unfair or deceptive trade act or practice, as defined in ~~s~~Section 20-160(i)(b), except as provided above, the ~~board~~ CPB may order that person to return or refund those moneys which have been established as quantifiable damages in the particular instance.

~~(5)~~ (e) Whenever any person has engaged in any acts or practices which constitute violations of any provision of ~~this article or the~~ Consumer Protection ~~e~~Code, the ~~s~~State ~~a~~Attorney or office of the ~~e~~County aAttorney's Office may make application to the circuit court of the Seventeenth Judicial Circuit for an order enjoining such acts or practices and for an order granting permanent injunction, restraining order, or other order enjoining such acts or practices, said orders to be granted without bond.

...

~~Sec. 20-176.7. Appropriation, budgeting and expenditure of funds.~~

~~The board of county commissioners of Broward County is authorized and empowered to appropriate, budget and extend funds for the operation of the consumer affairs division and the Broward County Consumer Protection Board; and such appropriation, budgeting and expenditures are declared valid county and public purposes in and for Broward County, Florida.~~

...

~~Sec. 20-176.10. Penalties.~~

~~(1)~~ (a) Any person who violates a cease and desist order of the ~~board~~, CPB while such order is in effect, shall forfeit and pay to the Broward County ~~board of county commissioners~~ a civil penalty that will be determined by the ~~consumer protection board~~

556 which CPB and shall not exceed five hundred dollars (\$500.00). The civil penalty may be
557 recovered in a civil action brought in the name of Broward County by the office of eCounty
558 aAttorney's Office or the sState aAttorney. Each separate violation of such an order shall
559 be a separate offense; and, in the case of a violation through continuing failure or neglect
560 to obey a final order of the ~~board~~ CPB, each day of continuance of such failure or neglect
561 shall be deemed a separate offense.

562 (2) ~~Any person who has an occupational license revoked shall pay, in addition~~
563 ~~to the fee established for such license, an administrative fee of one hundred dollars~~
564 ~~(\$100.00) to the board of county commissioners before such person's occupational~~
565 ~~license may be reissued.~~

566 (3) ~~Any person who has an occupational license revoked shall pay an~~
567 ~~administrative fee of one hundred dollars (\$100.00) to the Broward County board of~~
568 ~~county commissioners before such person's occupational license may be reinstated.~~

569 (4) (b) Each violation and each separate day a violation of ~~this division or the~~
570 Broward County Consumer Protection Code continues shall be considered a separate
571 and distinct offense.

572 (5) (c) Any party to an action pending before the ~~board~~ CPB who shall ~~fails~~ to
573 comply with a discovery order of the ~~board~~ CPB shall forfeit and pay to ~~the~~ Broward
574 County ~~board of county commissioners~~ a civil penalty determined by the ~~consumer~~
575 ~~protection board which~~ CPB that shall not exceed one hundred dollars (\$100.00). The
576 penalty shall accrue and be collected in the same manner provided in ~~sub~~Section (4)(a)
577 of this section.

(6) (d) Violation of this division ~~shall~~ of the Code may be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state by the prosecuting attorney thereof in a court having jurisdiction of misdemeanors ~~by the prosecuting attorney thereof,~~ and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) ~~or,~~ by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment.

DIVISION 2. TOWING AND IMMOBILIZATION REGULATION

Sec. 20-176.12. Definitions.

(a) *Advertise* shall mean to describe or draw attention to a commercial service in a public medium, whether electronic, on the internet, or otherwise, and includes, but is not limited to, business cards, business stationery, business proposals, contracts, construction site signs, all newspapers, airwave transmissions (other than internal company communications), classified telephone directories, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, and signs on vehicles.

(b) ~~Board~~ Commission shall mean the Board of County Commissioners of Broward County, Florida.

(c) *Consent tow* shall mean the towing of a vehicle with the consent of the vehicle owner.

(d) *Director* shall mean the Director of the Broward County ~~Environmental Licensing and Building Permitting~~ Consumer Protection Division or any successor agency, or the Director's written designee.

~~(e)~~ *Division* shall mean the Broward County ~~Environmental Licensing and Building~~
Permitting Consumer Protection Division, or any successor Broward County agency.

~~(f)~~ *Employee* shall mean any natural person who is compensated financially and
issued an annual federal tax statement of earnings (W-2 Form).

~~(g)~~ *Immobilize* shall mean the act of installing a mechanical device to the wheel or tire
of a parked vehicle so as to prevent its usual manner of movement.

~~(h)~~ *Lot monitoring services* shall mean the surveillance of a parking lot for the purpose
of determining if vehicles are parking in violation of the rules of the subject parking lot, the
regulations provided herein, or any other local rule, law, or ordinance.

~~(i)~~ *Nonconsent tow* shall mean the towing of a vehicle without the consent of the
vehicle owner.

Operating license or license shall mean the authorization of the Division required
before a person is authorized to engage in business in Broward County as a Towing or
Immobilization company, except as exempted in Section 20-176.13.

~~(j)~~ *Person* shall mean any natural person, firm, partnership, association, corporation,
or other legal entity of any kind whatsoever, including government agencies.

~~(k)~~ *Police directed tow* shall mean the towing of a vehicle at the direction of a police
officer or police agency.

~~(l)~~ *Property owner* shall mean any person who exercises lawful dominion and control
over real property upon which a vehicle is parked, including, but not limited to, the legal
title holder or lessee, and any person designated by and acting on behalf of such person
pursuant to a contractual, employment, or fiduciary relationship to such person relating to

the towing or immobilization of vehicles (e.g., board member of a homeowner's association or employee of a property management company).

~~(m)~~ *Store* shall mean to place and leave a towed vehicle at a location where the person providing towing service exercises control, supervision, and responsibility over the vehicle.

~~(n)~~ *Tow* shall mean to transport, remove, haul, draw, or pull along a vehicle by means of another vehicle equipped with booms, car carriers, winches, or similar equipment.

~~(o)~~ *Towing class* shall mean the type of towing vehicle, equipment, or apparatus used to tow vehicles. The towing classes shall be distinguished as follows:

(1) *Class A* tow truck, including flatbed ~~slideback~~ carrier: minimum ratings (as applicable):

a.	Gross vehicle weight ratings	10,000 lbs.
b.	Boom capacity.....	8,000 lbs.
c.	Winching capacity	8,000 lbs.
d.	Cable size and length.....	$\frac{3}{8}$ " × 100'
e.	Wheel lift retracted rating	6,000 lbs.
f.	Wheel lift extended ratings.....	4,000 lbs.
g.	Tow sling safe lift rating.....	3,500 lbs.
h.	Safety chains (2 each)	$\frac{5}{16}$ " high test
i.	Cab to axle dimension.....	58"

(2) *Class B* tow truck, including flatbed ~~slideback~~ carrier: minimum ratings (as applicable):

a.	Gross vehicle weight ratings	19,000 lbs.
----	------------------------------------	-------------

645	b.	Boom capacity.....	24,000 lbs.
646	c.	Winching capacity	24,000 lbs., except
647			only 8,000 lbs. for
648			flatbed slideback
649			carrier
650	d.	Cable size and length	1/2" × 200'
651	e.	Under-reach retracted rating	9,000 lbs.
652	f.	Under-reach extended ratings	7,000 lbs.
653	g.	Tow sling safe lift rating	8,500 lbs.
654	h.	Safety chains (2 each)	3/8" alloy
655	i.	Cab to axle dimension	84"
656	(3)	Class C tow truck, including flatbed slideback carrier: minimum ratings (as	
657		applicable):	
658	a.	Gross vehicle weight ratings	30,000 lbs.
659	b.	Boom capacity.....	50,000 lbs.
660	c.	Winching capacity	50,000 lbs., except
661			only 15,000 lbs. for
662			flatbed slideback
663			carrier
664	d.	Cable size and length	5/8" × 200'
665	e.	Under-reach retracted rating	25,000 lbs.
666	f.	Under-reach extended ratings	12,000 lbs.
667	g.	Tow sling safe lift rating	12,000 lbs.

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

668 h. Safety chains (2 each) ½" alloy

669 i. Cab to axle dimension 144"

670 (4) *Class D* tow truck, including flatbed ~~sidecar~~ carrier: minimum ratings (as

671 applicable):

672 a. Gross vehicle weight ratings 58,000 lbs.

673 b. Boom capacity..... 70,000 lbs.

674 c. Winching capacity 70,000 lbs., except

675 only 15,000 lbs. for

676 flatbed ~~sideback~~

677 carrier

678 d. Cable size and length ¾" × 200'

679 e. Wheel lift retracted rating 45,000 lbs.

680 f. Wheel lift extended rating 15,000 lbs.

681 g. Tow sling safe lift rating 12,000 lbs.

682 h. Safety chains (2 each) ½" alloy

683 i. Cab to axle dimension 180"

684 (p) *Tow truck* shall mean any vehicle used to transport, tow, haul, or carry a vehicle.

685 (q) *Unauthorized vehicle* shall mean any vehicle that is parked in violation of the rules

686 of the subject parking lot, the regulations provided herein, or any other local rule, law, or

687 ordinance.

688 (r) *Vehicle* shall mean any automobile, truck, bus, trailer, semitrailer, or any other

689 mobile item using wheels and being operated on the roads of Broward County, which is

690 used to transport persons or property and which is propelled by power other than

muscular power, provided, however, that the term does not include bicycles, mopeds, traction engines, road rollers, or vehicles that run only upon a track.

~~(s)~~ *Vehicle owner* shall mean any owner of a vehicle and any person ~~who is~~ empowered to act on behalf of ~~a vehicle~~ the owner or ~~lien holder~~ lienholder.

Sec. 20-176.13. Operating license required to tow or immobilize a vehicle in Broward County; exemptions.

(a) Except as provided in paragraph (b), below, no person shall immobilize or tow a vehicle in Broward County, store a towed vehicle in Broward County, or advertise such services, regardless of whether that person's primary place of business is inside or outside Broward County, without first obtaining and maintaining a current and valid operating license for the applicable service and providing a copy of a current, valid operating license to each municipality in Broward County in which the licensee will operate. All advertisements ~~of such~~ for these services shall include the operating license number.

(b) The regulations provided herein do not apply to trucks capable of transporting five (5) or more vehicles at one (1) time; or persons transporting vehicles solely for personal, family, household, or recreational uses; ~~or persons transporting their own vehicles~~. The regulations provided herein shall also not apply to any person providing consent tows in Broward County if that person's principal place of business is located outside Broward County, unless such person picks up and drops off vehicles solely within Broward County as one (1) complete service. Government agencies directly performing their own towing or immobilization services, as opposed to contracting with private companies to perform the services for them, are exempt from the licensure requirements

of this ~~Section~~, the insurance requirements of Section 20-176.16, the tow truck registration requirements of Section 20-176.18, and the immobilization requirements of Section 20-176.21(a), but must otherwise comply with the regulations provided herein.

(c) Nothing in the regulations provided herein shall be construed to require licensing of a natural person who works as an employee for another person holding a valid operating license, provided, however, that any natural person who is an independent contractor and not an employee of a licensed person is required to be licensed. An operating license may be used only by the licensee and its employees.

...

Sec. 20-176.16. Operating license insurance requirements.

...

(c) A properly completed Certificate of Insurance evidencing all insurance coverage shall be made available to the Division upon application for an operating license or any renewal thereof, and upon request by the Division. Each tow vehicle in operation must be listed on the certificate(s) by its year, make, and vehicle identification number. Certificates of Insurance must contain the following name and address as Certificate Holder:

Broward County

c/o ~~Environmental Licensing and Building Permitting~~ Consumer Protection Division

1 North University Drive

Plantation, FL 33324

Sec. 20-176.17. Revocation of license; enforcement.

(a) An operating license must be revoked by the Division when it is determined by the Division that, while holding a valid operating license, the licensee, or, in the case of a corporate or partnership applicant, any officer, director, partner, or stockholder owning, holding, or controlling twenty-five percent (25%) or more of the ownership interest, such as the issued and outstanding stock in the corporation:

...

- (7) ~~Violated any regulations provided herein~~ Has received three (3) or more ~~times in a calendar year~~ citations for the same offense under this Article VII within the preceding twelve-month period.

...

Sec. 20-176.19. Towing and immobilization requirements.

(a) No person shall tow or immobilize a vehicle without the prior written consent of the vehicle owner, except in accordance with Chapter 715, Florida Statutes, and the following:

- (1) Persons may tow or immobilize a vehicle without the prior written consent of the vehicle owner upon the written instruction of a police officer.

- (2) Persons may tow or immobilize a vehicle without the prior written consent of the vehicle owner upon the written instruction of the property owner on whose property the unauthorized vehicle is parked, but only when the following have been met:

- a. Notice shall be prominently posted on the property from which the vehicle is proposed to be towed or immobilized, and shall be

continuously maintained on the property for not less than twenty-four (24) hours prior to the towing or immobilization of the vehicle.

1. Such notice, in the form of a sign structure, shall be prominently placed at each driveway access or curb cut allowing vehicle access to the property, within five (5) feet ~~from~~ of the public right-of-way line. If there are no curbs or access barriers, not fewer than one (1) sign shall be posted for each twenty-five (25) feet of lot frontage. The sign structure shall be permanently installed with the bottom of the sign not less than three (3) feet above ground level and the top of the sign not more than six (6) feet above ground level.

2. The notice shall clearly display:

a) In light-reflective letters not less than two (2) inches high, on a contrasting background, a warning that unauthorized vehicles will be towed or immobilized, as applicable, at the vehicle owner's expense;

b) In light-reflective letters not less than four (4) inches high, on a contrasting background, the words "tow-away zone" or "subject to immobilization," as applicable;

c) In light-reflective letters not less than two (2) inches high, on a contrasting background, the days of the week and the hours of the day during which vehicles

will be towed or immobilized at the vehicle owner's expense; and

- d) In light-reflective letters not less than two (2) inches high, on a contrasting background, the name and telephone number of the person performing the towing or immobilization if there exists a written contract between the property owner and that person for the towing or immobilization of vehicles.

3. A business with twenty (20) or fewer parking spaces satisfies the notice requirements of this ~~sub~~paragraph by prominently displaying a sign stating "Reserved Parking for Customers Only - Unauthorized Vehicles Will b~~e~~ Towed Away A~~t~~ the Owner's Expense" in light-reflective letters not less than four (4) inches high, on a contrasting background, on the parking spot from which the vehicle is proposed to be towed or immobilized, for not less than twenty-four (24) hours prior to the towing or immobilization of the vehicle.

4. The posting of notice shall not be required where:

- a) The property on which the vehicle is parked is appurtenant to and obviously a part of a single-family residence; or
- b) Oral or written notice is personally given to the vehicle owner that the property on which the vehicle is to be

804 parked is reserved or unavailable for unauthorized
805 vehicles and is subject to being removed at the vehicle
806 owner's expense.

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

815 c. When ordering the towing or immobilization of a vehicle without the
816 prior written consent of the vehicle owner, the property owner shall
817 provide written instruction specific to each individual vehicle to be
818 towed or immobilized, and shall date and sign such instruction. Such
819 instruction may be sent by ~~electronic facsimile~~ email only if the date
820 and time of instruction can be verified on the ~~facsimile~~ email. No such
821 instruction shall be considered to have been given:

- 822 1. By the posting of notice required by the regulations provided
823 herein;
- 824 2. By the existence of a contract or agreement between the
825 person providing the service and the property owner;

3. Where the instruction occurs in advance of the actual unauthorized parking of the vehicle;
4. Where the instruction is general in nature and unrelated to specific, individual, and identifiable vehicles; or
5. Where the property owner giving instruction to tow or immobilize is an agent of the licensee.
- d. The person towing or immobilizing the vehicle must have a written contract with the property owner that authorizes such person to tow vehicles from, or immobilize vehicles on, ~~his, her, or its~~ their property. The written contract shall include the name and current telephone number of the person performing the towing or immobilization service, and the name, address, and telephone number for any duly authorized agents acting on behalf of the property owner. In the case of the towing of vehicles, the written contract shall also include a clear description of the property owner's liability as stated in Section 715.07(4), Florida Statutes, and shall include the following wording: "When a person improperly causes a vehicle to be towed, such person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle; attorney's fees; and court costs."
- (b) Persons who immobilize or tow vehicles in Broward County without the consent of the vehicle owner, or store towed vehicles in Broward County without the

consent of the vehicle owner, shall comply with the provisions of Chapter 715, Florida Statutes, and shall:

- (1) Not pay or rebate money, or solicit or offer the rebate of money or other valuable consideration, to obtain the privilege of rendering such services.
- (2) ~~Accept, at a minimum, cash, credit card, and debit card payments from the vehicle owner. If payment is made in cash, change shall be provided to the closest whole dollar. If payment is made by credit card, a credit card fee in an amount established by resolution of the Board may be charged to the vehicle owner in addition to the other fees authorized by resolution of the Board. If a vehicle owner seeks to pay by credit card or debit card and the licensee's credit card or debit card machine is not working or is otherwise unavailable for any reason, the licensee must manually call in for credit card or debit card approval or use an alternate credit card or debit card processing method. If the licensee is unable to process the credit card or debit card payment after following such procedures, the licensee must release the vehicle to the vehicle owner without payment and seek payment from the vehicle owner once the credit card or debit card machine begins working again or otherwise becomes available. The foregoing provision requiring the release of a vehicle to a vehicle owner for failure to process a credit card or debit card does not apply when the Governor declares a state of emergency and the licensee does not have power at its place of business, but, nonetheless, the licensee may not charge the vehicle owner a storage fee for the time between when the vehicle owner first seeks retrieval of his~~

872 ~~or her vehicle by payment by credit card or debit card and when the licensee~~
873 ~~notifies the vehicle owner, in writing, that the credit card or debit card~~
874 ~~machine is working again or has otherwise become available. A vehicle~~
875 ~~owner shall not be required to furnish more than one (1) form of~~
876 ~~government-issued picture identification when payment is made by credit~~
877 ~~card or debit card, and the government-issued identification shall constitute~~
878 ~~sufficient identity verification.~~ Accept payment from at least two (2) of the
879 following categories:

880 a. Cash, cashier's check, money order, or traveler's check.

881 b. Bank, debit, or credit card.

882 c. Mobile payment service, digital wallet, or electronic payment system.

883 (3) Provide change in the closest whole dollar if payment is made in cash. If
884 payment is made by credit card, a credit card fee in an amount established
885 by resolution of the Commission may be charged to the vehicle owner in
886 addition to the other fees authorized by resolution of the Commission.

887 (4) If a vehicle owner seeks to pay by credit card or debit card and the
888 licensee's credit card or debit card machine is not working or is otherwise
889 unavailable for any reason, the licensee must manually call in for credit card
890 or debit card approval or use an alternate credit card or debit card
891 processing method. If the licensee is unable to process the credit card or
892 debit card payment after following such procedures, the licensee must
893 release the vehicle to the vehicle owner without payment and seek payment

894 from the vehicle owner once the credit card or debit card machine begins
895 working again or otherwise becomes available.

896 (5) The preceding provision requiring the release of a vehicle to a vehicle owner
897 for failure to process a credit card or debit card does not apply when the
898 Governor declares a state of emergency and the licensee does not have
899 power at its place of business, but, nonetheless, the licensee may not
900 charge the vehicle owner a storage fee for the time between when the
901 vehicle owner first seeks retrieval of his or her vehicle by payment by credit
902 card or debit card and when the licensee notifies the vehicle owner, in
903 writing, that the credit card or debit card machine is working again or has
904 otherwise become available.

905 (6) When payment is made by credit card or debit card, a government-issued
906 photo identification shall constitute sufficient identity verification. A vehicle
907 owner shall not be required to furnish more than one (1) form of
908 government-issued photo identification.

909 ~~(3)~~ (7) Not charge for the service if the vehicle owner arrives at the scene prior to
910 the service being completed, except when:
911 a. The vehicle owner refuses or is unable to remove the vehicle;
912 b. A complete mechanical connection exists between the vehicle and
913 the towing or immobilization apparatus, and the vehicle owner
914 refuses to pay a reasonable service fee of not more than one-half
915 (½) of the posted rate for such service in the manner specified in
916 Section 20-176.19(b)(2); or

917 c. Directed by a police officer or government agency to complete the
918 service.

919 ~~(4)~~ (8) File and keep on record with local law enforcement a complete copy of all
920 current rates charged for the towing or immobilization of vehicles.

921 ~~(5)~~ (9) Maintain a towing or immobilization invoice or manifest approved by the
922 Division, or tow sheet issued by a police agency, for each tow and
923 immobilization undertaken. A copy of the applicable invoice, manifest, or
924 tow sheet shall be given to the vehicle owner at the time of payment.

925 ~~(6)~~ (10) Charge the vehicle owner for just one (1) of the services when a vehicle is
926 immobilized and then towed from the same location where originally
927 immobilized.

928 ~~(7)~~ (11) Act in a professional manner when performing licensed services, be
929 knowledgeable of the rights of the individual who has had or is about to have
930 a vehicle towed or immobilized, and answer any and all questions to the
931 best of their ability.

932 ~~(8)~~ (12) Prior to performing the tow or immobilization service, take a photograph of
933 the front of the vehicle being towed or immobilized, a photograph of the
934 back of the vehicle being towed or immobilized, a photograph of any existing
935 damage that is readily seen on the vehicle being towed or immobilized, and
936 a photograph demonstrating the violation for which the vehicle is being
937 towed or immobilized. The photographs must be time and date stamped.
938 The above-mentioned photographs are not required when towing or
939 immobilizing a vehicle upon the instruction of a police officer or other

government agency. If the licensee fails to take and retain any of the above-mentioned photographs, the licensee, in addition to any fines imposed by the Division, must reimburse the vehicle owner the applicable towing fee.

~~(9)~~ (13) Not tow or immobilize a vehicle when a visible, valid, and paid receipt is on the front or back windshield (if towing or immobilizing for failure to pay), notwithstanding the rules of the subject parking lot. This ~~sub~~Section ~~(9)~~ (10) does not apply when a licensee is directed to tow or immobilize a vehicle by a police officer or other government agency.

~~(10)~~ (14) Not provide lot monitoring services, whether free of charge, at a reduced rate, or at full price, to a property owner, or reimburse a property owner for such services, for the privilege of towing vehicles from or immobilizing vehicles on the property owner's property.

(c) Each natural person acting on behalf of persons who provide towing or immobilization services shall wear an identification tag stating the full name of the company and the natural person performing the service. Such identification shall be displayed on the natural person's shirt.

(d) No licensee shall refuse or neglect to provide vehicle immobilization or towing services to any orderly person requesting such services and able and willing to pay for such services, on account of that person's race, sex, religion, national origin, age, marital status, sexual orientation, or disability.

(e) Any bid for the award of any contract or agreement with Broward County for services to immobilize or tow vehicles shall be subject to the requirement that the person

seeking to obtain such contract or agreement hold or obtain a valid and current operating license. Any bids not in compliance with this subparagraph shall be null and void.

(f) It shall be unlawful to tow without the use of safety chains, straps, and tow lights.

(g) A towing license does not authorize the licensee to operate a motor vehicle without the prior written consent of the vehicle owner.

Sec. 20-176.20. Additional nonconsent towing requirements.

. . .

(e) Persons who provide nonconsent towing services shall prominently display at each vehicle storage site a schedule of all rates for the recovery of vehicles. The rate schedule must also state the following:

“TO THE VEHICLE OWNER

If you believe that you have been overcharged for the services rendered, you do not have to pay your bill to get your car. Instead, you have the right to post a bond in the circuit court, payable to [name of person providing service], in the amount of the final bill for services rendered, and the court will decide later who is right. If you show us a valid clerk’s certificate showing that you have posted a bond, we must release your vehicle to you immediately. This remedy is in addition to other legal remedies you may have pursuant to Chapter 713, Florida Statutes. If you have a complaint about the way services were provided, you may ~~call~~ contact the Broward County ~~Environmental Licensing and Building Permitting~~ Consumer Protection Division by emailing consumer@broward.org or by calling 311.”

985 The rate schedule shall be posted in the area designated for the vehicle owner to
986 transact business. Such area shall provide shelter, safety, and lighting adequate for the
987 vehicle owner to read the posted rate schedule. Notice shall be posted advising the
988 vehicle owner of the right to request and review a complete schedule of rates for services
989 provided.

990 (f) Persons who provide nonconsent towing services shall advise any vehicle
991 owner who ~~calls by telephone~~ contacts the towing service prior to arriving at the storage
992 site of all of the following information:

993 (1) Each and every document or other item that must be produced to retrieve
994 the vehicle.

995 (2) The exact charges as of the time of the telephone call and the rate at which
996 charges accumulate after the call.

997 (3) The acceptable methods of payment.

998 (4) The hours and days the storage area is open for regular business.

999 (g) Unless otherwise directed by a police officer, persons who provide
1000 nonconsent towing services shall permit every vehicle owner to inspect the towed vehicle
1001 immediately upon such person's arrival at the storage site and before payment of any
1002 charges. The vehicle owner shall be permitted to remove from the vehicle any and all
1003 personal possessions inside, but not affixed to, the vehicle, including, but not limited to,
1004 radios and telephones. The person working at the site shall assist any vehicle owner in
1005 doing so.

(h) No release or waiver of any kind, which would release the person providing the nonconsent towing services of liability of any kind, may be required as a condition of the release of the vehicle.

(i) Persons who provide nonconsent towing services shall, upon payment for recovery of a towed vehicle, provide the vehicle owner a consumer bill of rights, approved by the Division, which delineates all of the vehicle owner's rights, including, but not limited to, the rights to contest fees and retrieve items from ~~his or her~~ their vehicle. The consumer bill of rights must contain the following sentence in ~~at least size 14 bold, all-capitalized letters of at least 14-point font~~: ~~"If you have a complaint about the way services were provided, you may call the Broward County Environmental Licensing and Building Permitting Division at 954-765-4400."~~ "IF YOU HAVE A COMPLAINT ABOUT THE WAY SERVICES WERE PROVIDED, YOU MAY CONTACT THE BROWARD COUNTY CONSUMER PROTECTION DIVISION BY EMAILING CONSUMER@BROWARD.ORG OR BY CALLING 311." The vehicle owner shall be asked to sign proof of delivery of the consumer bill of rights at the time of payment. This ~~sub~~Section (i) does not apply when a licensee is directed to tow or immobilize a vehicle by a police officer or other government agency.

(j) Persons who provide nonconsent towing shall release the vehicle to the vehicle owner upon payment of the applicable fee.

(k) If requested by a government or law enforcement agency, persons providing nonconsent towing services must remove any hazardous materials, substances, or debris from the location where the vehicle is being towed. The operator may recover actual costs for disposal of any hazardous materials, substances, or debris;

provided, however, that any nontoxic materials, substances, or debris that can fit within a five (5) gallon bucket and can be disposed of as part of traditional household waste, shall be discarded at no additional cost.

Sec. 20-176.21. Additional immobilization requirements.

(a) All vehicles utilized to provide immobilization services shall display the company's name on the exterior of both sides of the vehicle in permanently affixed letters in contrasting colors at least three (3) inches in size. The company's address, telephone number, and operating license number shall be displayed on the exterior of both sides of the vehicle in permanently affixed letters in contrasting colors at least one (1) inch in size.

(b) Persons who provide immobilization services shall immediately affix to the immobilized vehicle (at the rearmost portion of the window adjacent to the driver's seat) a sticker with a completely removable adhesive, measuring at least four (4) inches by seven (7) inches, containing a warning that any attempt to move such vehicle may result in damage to the vehicle, and stating the date and time such vehicle was immobilized; the make, model, and color of such vehicle; the license plate number of such vehicle; the reason such vehicle was immobilized; the cost to remove such immobilization device; the name and business address of the person who immobilized such vehicle; and a business telephone number that will facilitate the dispatch of personnel to remove the immobilization device.

(c) Persons providing immobilization services at the request of a property owner shall:

- (1) Respond to the location of the immobilized vehicle within one (1) hour after being contacted by the vehicle owner and remove the immobilization device within thirty (30) minutes after the removal fee has been paid;
- (2) ~~Accept payment, including, but not limited to, cash, credit card, or debit card, at the location of the immobilized vehicle; and~~
- (3) Maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours per day. The date and time of all calls must be logged and documented and made available for inspection upon request by the Division or law enforcement personnel.
- (3) Accept payment from at least two (2) of the following categories:
- a. Cash, cashier's check, money order, or traveler's check.
 - b. Bank, debit, or credit card.
 - c. Mobile payment service, digital wallet, or electronic payment system.
- (4) If payment is made in cash, change shall be provided to the closest whole dollar. If payment is made by credit card, a credit card fee in an amount established by resolution of the Commission may be charged to the vehicle owner in addition to the other fees authorized by resolution of the Commission.
- (5) If a vehicle owner seeks to pay by credit card or debit card and the licensee's credit card or debit card machine is not working or is otherwise unavailable for any reason, the licensee must manually call in for credit card or debit card approval or use an alternate credit card or debit card processing method.

(6) If the licensee is unable to process the credit card or debit card payment after following such procedures, the licensee must remove the immobilization device from the vehicle without payment and seek payment from the vehicle owner once the credit card or debit card machine begins working again or otherwise becomes available. The foregoing provision requiring the removal of the immobilization device for failure to process a credit card or debit card does not apply when the Governor declares a state of emergency.

(7) When payment is made by credit card or debit card, a government-issued photo identification shall constitute sufficient identity verification. A vehicle owner shall not be required to furnish more than one (1) form of government-issued photo identification.

...

Sec. 20-176.24. Deceptive and unfair trade practices.

No person shall engage in any unfair method of competition, unconscionable acts or practices, or unfair or deceptive acts or practices as defined in this Consumer Protection Code, in the conduct of services licensed under regulations provided herein.

~~A licensee engages in an unfair method of competition or unfair or unconscionable acts or deceptive practices when in the course of his or her business, vocation, or occupation, he or she knows, or in the exercise of care, should know, that he or she in the past engaged in or is now engaging in any unfair method of competition, unconscionable acts~~

or practices, or unfair or deceptive acts or practices in the conduct of any licensed services.

...

DIVISION 3. LICENSING AND CERTIFICATION OF MOTOR VEHICLE BODY
REPAIR AND MOTOR VEHICLE PAINTING SHOPS AND TECHNICIANS

Sec. 20-176.35. **Legislative intent.**

~~Legislative intent:~~ It is the legislative intent of the ~~board of county c~~Commissioners that the license fees, certification fees, and trainee permit fees assessed under this division of the Code shall be sufficient to fund the costs created by the activities required to be performed in order to fully implement the intent and purpose of this division of the Code.

...

Sec. 20-176.38. **Definitions.**

For the purposes of this division, the following definitions shall apply:

...

~~CPD means the Broward County Consumer Protection Division, or any successor County agency, to be known herein as the "CPD."~~

...

Director means the ~~CPD~~ director of the Division, or the director's designee.

Division means the Broward County Consumer Protection Division, or any successor County agency.

...

1116 *Personnel authorized by the CPD Division* means enforcement personnel
1117 authorized by the ~~d~~Director, and such persons shall be code inspectors within the
1118 meaning of Section 8½-9 of this Code.

1119 . . .

1120 **Sec. 20-176.43. Fees; application; renewals; licensing.**

1121 . . .

1122 (c) Applications, renewal applications, and applications for a duplicate license
1123 shall be submitted on forms provided by the CPD Division. The forms shall contain
1124 sufficient information to identify the motor vehicle body repair or paint shop, including
1125 name, address, and any other identifying data that the ~~d~~Director prescribes. If the
1126 business is to be carried on under a fictitious name, the fictitious name shall be given. If
1127 the business is a partnership, identifying data as prescribed by the ~~d~~Director shall be
1128 given for each partner. If the business is a corporation, data shall be given for each officer
1129 and director of the corporation, as well as the person or persons in charge of each place
1130 of business in Broward County. The applicant shall not have outstanding civil fines,
1131 restitution judgments, or penalties from enforcement actions by the CPD Division or the
1132 ~~Consumer Protection Board CPB~~. This includes cease and desist orders, assurances of
1133 voluntary compliance, or actions from another governmental entity stemming from
1134 breaches of regulations related to motor vehicle body repair shops, motor vehicle painting
1135 shops, or their respective technicians.

1136 . . .

Sec. 20-176.44. Denial of license; appeal; review.

Any person dissatisfied or aggrieved with the decision of the ~~d~~Director to deny such person's application for an initial license or license renewal may, within ten (10) days after the denial, appeal in writing to the ~~CPD~~ Division. Upon receipt of an appeal, the ~~CPD~~ Division shall schedule and hold a hearing within fourteen (14) days. The dissatisfied or aggrieved person shall be provided with a notice of hearing, which shall include:

- (1) A statement of the time and place for hearing; and
- (2) A reference to the facts and relevant section of the County ordinances or regulations upon which the denial is based.

The hearing shall be conducted in accordance with the procedures for ~~Consumer Protection Board~~ CPB hearings, as ~~defined~~ provided in Division 1, ~~Section 20-176, et seq.,~~ of this ~~a~~Article VII. At the hearing, witnesses shall be sworn, and the rules of evidence applicable to quasi-judicial proceedings shall govern. After the conclusion of the hearing, the ~~Consumer Protection Board~~ CPB shall affirm or reverse the decision of the ~~d~~Director, and that action shall be final. Should the ~~Consumer Protection Board~~ CPB reverse the decision of the ~~d~~Director, the ~~d~~Director shall issue a license forthwith.

...

Sec. 20-176.52. Compliance with industry standards; alternative to denial, suspension or revocation of certification.

(a) A person in possession of a current certification under this division of the Code shall not depart from or disregard, in any material respect, accepted motor vehicle repair industry standards. Compliance with published vehicle manufacturer, parts manufacturer, or equipment manufacturer or recognized ~~after-market~~ aftermarket repair

1160 manual specifications shall create a presumption that the motor vehicle body repair and/or
1161 paint technician has followed accepted motor vehicle body repair and/or paint industry
1162 standards.

1163 (b) If a complaint is received by the ~~motor vehicle body repair and motor vehicle~~
1164 ~~painting industry board, as defined in section 20-176.39~~ Division, and after notice and
1165 hearing as required by ~~s~~Sections 20-176.53(f)(g) and (g)(h), the ~~board~~ CPB determines
1166 that a technician failed to follow accepted industry standards, the ~~board~~ CPB may require
1167 the technician to do both of the following:

1168 (1) Successfully complete a designated training course or program as a
1169 prerequisite to continued certification.

1170 (2) Only perform specific motor vehicle body repair and/or motor vehicle
1171 painting procedures as identified by the ~~board~~ CPB until the training course
1172 or program described in ~~subdivision~~ Section (1) above is completed.

1173 (c) In the alternative to Sections (b)(1) and (2) above, the ~~board~~ CPB may
1174 ~~recommend~~ order the suspension or revocation of the technician's certification ~~by the~~
1175 ~~consumer protection board.~~

1176 **Sec. 20-176.53. Enforcement and penalties.**

1177 . . .

1178 (e) In addition to fines, the ~~CPD~~ Division is authorized to enforce the provisions
1179 of this division of the Code by suspension or revocation of a license and registration or
1180 upon notice and hearing as provided in this section unless the licensee waives such notice
1181 and hearing. Licenses are subject to suspension or revocation when it shall appear that:

(1) The licensee has failed to comply with or has violated the provisions of this division; ~~or~~

(2) The license was obtained by an application in which any material fact was omitted or falsely stated; or

(3) The licensee has received three (3) or more citations for the same offense under this Article VII within the preceding twelve-month period.

...

(h) All such hearings shall be conducted in the same manner as ~~Consumer Protection Board~~ CPB hearings, pursuant to ~~Sections 20-176 and 20-176.1~~ Division 1 of this Article VII, and shall be before a three-member panel. All such hearings shall be recorded and, at the request of any party, transcribed at the expense of said party. Within a reasonable time after the conclusion of the hearing, the panel shall submit to the ~~d~~Director a statement of findings, conclusions, and recommendations; and the ~~CPD~~ Division shall promptly notify all parties, in writing, as provided in Section 20-176.2, of its final decision.

...

DIVISION 4. LICENSING AND CERTIFICATION OF MOTOR VEHICLE REPAIR

SHOPS AND TECHNICIANS

Sec. 20-176.69. Legislative intent.

~~Legislative intent:~~ It is the legislative intent of the ~~Board of County Commissioners~~ that the license fees, certification fees, and apprentice permit fees assessed under this division shall be sufficient to fund the costs created by the activities required to be performed to fully implement the intent and purpose of this division of the Code.

...

Sec. 20-176.72. Definitions.

For the purposes of this division, the following definitions shall apply:

...

~~CPD means the Broward County Consumer Protection Division, or any successor County agency, to be known herein as the "CPD."~~

...

Director means the ~~CPD~~ director of the Division, or the director's designee.

Division means the Broward County Consumer Protection Division, or any successor County agency.

...

Personnel authorized by the CPD Division means enforcement personnel authorized by the ~~d~~Director, and such persons shall be code inspectors within the meaning of Section 8½-9 of this Code.

...

Sec. 20-176.77. Fees; applications; renewals; licensing.

...

(c) Applications, renewal applications, and applications for a duplicate license shall be submitted on forms provided by the ~~CPD~~ Division. The forms shall contain sufficient information to identify the motor vehicle repair facility, including name, address, and any other identifying data that the ~~d~~Director prescribes. If the business is to be carried on under a fictitious name, the fictitious name shall be given. If the business is a partnership, identifying data as prescribed by the ~~d~~Director shall be given for each

partner. If the business is a corporation, data shall be given for each officer and director of the corporation, as well as the person or persons in charge of each place of business in Broward County. The applicant shall not have outstanding civil fines, restitution judgments, or penalties from enforcement actions by the ~~CPD Division~~ or the ~~Consumer Protection Board~~ CPB. This includes cease and desist orders, assurances of voluntary compliance, or actions from another governmental entity stemming from breaches of regulations related to motor vehicle repair.

...

Sec. 20-176.78. Denial of license; appeal; review.

Any person dissatisfied or aggrieved with the decision of the ~~d~~Director to deny such person's application for an initial license or license renewal may, within ten (10) days after the denial, appeal in writing to the ~~CPD Division~~. Upon receipt of a notice of appeal, the ~~CPD Division~~ shall schedule and hold a hearing within fourteen (14) days. The dissatisfied or aggrieved person shall be provided with a notice of hearing, which shall include:

- (1) A statement of the time and place for hearing; and
- (2) A reference to the facts and relevant section of the County ordinances or regulations upon which the denial is based.

The hearing shall be conducted in accordance with the procedures for ~~Consumer Protection Board~~ CPB hearings (as ~~defined~~ provided in Division 1, ~~Section 20-176, et seq.,~~ of this ~~a~~Article VII). At the hearing, witnesses shall be sworn, and the rules of evidence applicable to quasi-judicial proceedings shall govern. After the conclusion of the hearing, the ~~Consumer Protection Board~~ CPB shall affirm or reverse the decision of the

1251 ~~d~~Director, and that action shall be final. Should the ~~Consumer Protection Board~~ CPB
1252 reverse the decision of the ~~d~~Director, the ~~d~~Director shall issue a license forthwith.

1253 . . .

1254 **Sec. 20-176.87. Compliance with industry standards; alternative to denial,**
1255 **suspension, or revocation of certification.**

1256 (a) A person in possession of a current certification under this division of the
1257 Code shall not depart from or disregard, in any material respect, accepted motor vehicle
1258 repair industry standards. Compliance with published vehicle manufacturer, parts
1259 manufacturer, or equipment manufacturer or recognized ~~after-market~~ aftermarket repair
1260 manual specifications shall create a presumption that the motor vehicle repair technician
1261 has followed accepted motor vehicle repair industry standards.

1262 (b) If a complaint is received by the ~~CPD~~ Division, and after notice and hearing
1263 by the ~~Consumer Protection Board~~ CPB in accordance with Division 1 of this article and
1264 Section 20-176.88, the ~~Consumer Protection Board~~ CPB determines that a technician
1265 failed to follow accepted industry standards, the ~~Consumer Protection Board~~ CPB may
1266 require the technician to do both of the following:

- 1267 (1) Successfully complete a designated training course or program as a
1268 prerequisite to continued certification; and
- 1269 (2) Only perform specific motor vehicle repair procedures as identified by the
1270 ~~Consumer Protection Board~~ CPB until the training course or program
1271 described in ~~s~~Section (1) above is completed.

1272 (c) In the alternative to Sections (b)(1) and (2) above, the ~~Consumer Protection~~
1273 ~~Board~~ CPB may recommend suspension or revocation of the technician's certification ~~by~~

~~the Consumer Protection Board~~. If revoked, a technician may not reapply for certification until one (1) year after the effective date of the revocation.

Sec. 20-176.88. Enforcement and penalties.

. . .

(d) In addition to fines, the ~~CPD~~ Division is authorized to enforce the provisions of this division of the Code by suspension or revocation of a license and registration upon notice and hearing as provided in this section unless the licensee waives such notice and hearing. Licenses are subject to suspension or revocation when it shall appear that:

(1) The licensee has failed to comply with or has violated ~~the~~ a provision of this division; ~~or~~

(2) The license was obtained by an application in which any material fact was omitted or falsely stated; or

(3) The licensee has received three (3) or more citations for the same offense under this Article VII within the preceding twelve (12) month period.

. . .

(g) All such hearings shall be conducted in the same manner as ~~Consumer Protection Board~~ CPB hearings pursuant to ~~Sections 20-176 and 20-176.1~~ Division 1 of this ~~a~~Article VII, and shall be before a three-member panel. All such hearings shall be recorded and, at the request of any party, transcribed at the expense of said party. Within a reasonable time after the conclusion of the hearing, the panel shall submit to the ~~d~~Director a statement of findings, conclusions, and recommendations, and the ~~CPD~~ Division shall promptly notify all parties, in writing as provided in Section 20-176.2 of this article, of its final decision.

...

DIVISION 5. MOVERS

Sec. 20-176.90. Definitions.

Accessorial services shall mean any service performed by a mover which results in a charge to the shipper and is incidental to the transportation service, including, but not limited to, preparation of written inventory, storage, packing, unpacking, or crating of articles, hoisting or lowering, waiting time, overtime loading and unloading, reweighing, disassembly or reassembly, elevator or stair carrying, boxing or servicing of appliances, and furnishing of packing or crating materials. Accessorial services include services not performed by the mover but by a third party at the request of the shipper or mover if the charges for such services are to be paid to the mover prior to, or at the time of, delivery.

(a) *Advertise* shall mean to advise, announce, give notice of, publish or call attention by use of oral, written or graphic statement made in a newspaper or other publication or on radio or television, any electronic medium, or contained in any notice, handbill, sign (including signage on vehicle), flyer, catalog, or letter, or printed on or contained in any tag or label attached to or accompanying any good.

~~(b) *Accessorial services* shall mean any service performed by a mover which results in a charge to the shipper and is incidental to the transportation service, including, but not limited to, preparation of written inventory, storage, packing, unpacking, or crating of articles, hoisting or lowering, waiting time, overtime loading and unloading, reweighing, disassembly or reassembly, elevator or stair carrying, boxing or servicing of appliances, and furnishing of packing or crating materials. Accessorial services include services not~~

performed by the mover but by a third party at the request of the shipper or mover if the charges for such services are to be paid to the mover prior to, or at the time of, delivery.

~~(c) CAD shall mean the Broward County Consumer Affairs Division.~~

~~(d) Commission~~ shall mean the Board of County Commissioners of Broward County, Florida.

~~(e) Compensation~~ shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification, or satisfaction.

~~(f) Contract for service~~ shall mean a written document prepared by the mover and approved by the shipper in writing, prior to the performance of any service, that authorizes services from a named mover and lists the services and costs associated with the transportation of household goods and accessorial services.

~~(g) Customer~~ shall mean a person who inquires about, makes a request for, or enters into a contract for service.

~~(h) Director~~ shall mean the Director of the Broward County Consumer Affairs Protection Division or ~~his or her~~ their designee.

~~(i) Division~~ shall mean ~~Division 5 of Chapter 20 of the Broward County Code of Ordinances~~ the Broward County Consumer Protection Division or successor agency.

~~(j) Equipment~~ shall mean those items utilized by the mover to secure, deliver, transport and/or protect the shipper's household goods. Such equipment includes, but is not limited to, dollies, hand trucks, pads, blankets, and straps. The mover shall not charge a ~~consumer~~ shipper for equipment; however, the mover may sell, lease or rent the equipment to the shipper, if necessary, for storage purposes only at a location other than the mover's storage facility.

(k) *Estimate* shall mean a statement given to the shipper in writing which sets forth the total cost and the basis of the charges related to a shipper's move, such as, but not limited to, transportation or accessorial services.

(l) *Household goods* shall mean personal effects or other personal property found in a home, or personal residence, where the shipper is the owner or agent of the owner of the items. This definition includes personal property held or found in a storage or warehouse facility which is owned or rented by a shipper. This definition does not include freight or personal property moving to or from a factory or store or other place of business.

(m) *Mover* shall mean any person who engages in the transportation of household goods for compensation or any person ~~which~~ that holds itself out to the general public as engaging in the transportation of household goods for compensation.

(n) *Packing material* shall mean the container utilized by a mover to package, deliver, transport, and/or protect the shipper's household goods. If a mover charges for packing material, the mover shall only charge for such material on a per-container basis. This container charge shall include the cost for each container and any wrap, tape, or other materials utilized by the mover to pack the container. The mover shall not separately charge the shipper for labor to move household goods and for labor to pack or unpack containers.

(o) *Person* shall mean ~~both plural and singular as the context demands and shall include individuals, partnerships, corporations, companies, trusts, societies, associations, and any other legal entities whatsoever~~ any natural person, firm, partnership, association, corporation, or other legal entity of any kind whatsoever, including government agencies.

(p) *Registration or registration certificate* shall mean the authorization of the ~~CAD~~
Division that is required before a person is ~~authorized to~~ may engage in business in
Broward County as a mover of household goods.

(q) *Shipper* shall mean any person who contracts with a mover for the transportation
of household goods. This term shall include any other person whom the shipper
designates in writing.

...

**Sec. 20-176.92. Registration required; denial, suspension, and revocation of
registration certificates.**

(a) No person shall engage in, or advertise, the business ~~or advertise to engage~~
~~in the business~~ of moving or offering to move household goods for any person in Broward
County ~~as a mover of household goods~~ without first obtaining a registration certificate
from ~~CAD~~ the Division and maintaining such registration certificate as required.

(b) Each mover shall register every year with the ~~CAD~~ Division and, where
applicable, provide to the ~~CAD~~ Division: its legal business and trade name, current mailing
address, and current business location for each place from which the mover operates
either a main or branch office; a designation of which location constitutes its principal
place of business; the full names, current mailing addresses, current telephone numbers,
and social security numbers or federal tax identification numbers of its owners or
corporate officers and directors; the Florida registered agent of the corporation; a
statement listing the names of any other corporations, entities, or trade names through
which any owner, corporate officer, or director of the registrant was known or did business
as a mover within the five (5) calendar years immediately preceding the year in which the

mover is submitting the application for registration; proof of vehicle liability insurance and general liability insurance; the Vehicle Identification Number ("VIN"), license tag number, and gross weight of each commercial motor vehicle operated by the mover; the number of employees who are currently employed; proof of workers' compensation insurance coverage required by Chapter 440, F.S. Florida Statutes, a state certificate of exemption, or a letter from the mover indicating that no such workers' compensation is necessary; and proof of all insurance required by Section 20-176.94.

(c) Any mover ~~desiring to~~ that changes its registered name, business location, or registered agent shall notify the ~~CAD~~ Division of such change. No registration shall be valid for any mover under any other name or at any place other than that designated in the registration unless the ~~CAD~~ Division is notified in writing within thirty (30) days ~~of~~ after the change. A registration is not transferable or assignable.

(d) The ~~CAD~~ Division shall require any person desiring to obtain a registration as a mover to do so on forms prescribed by the ~~CAD~~ Division. Renewal of registrations may be staggered by the ~~CAD~~ Division to facilitate the workload. When obtaining a registration, changing a registration, or renewing a registration, each mover shall ~~furnish~~ pay the applicable fee to the ~~CAD~~ Division. All fees shall be established by resolution of the Commission.

(e) The ~~CAD~~ Division shall issue to each registrant a registration certificate in the form and size prescribed by the ~~CAD~~ Division. Such certificate shall be prominently displayed to the public in the mover's primary place of business. The registration number appearing on the registration certificate shall appear on all advertisements, ~~including~~

1409 ~~telephone listings in any and all "Yellow Pages";~~ on all forms; and on all commercial motor
1410 vehicles of the mover.

1411 (f) The criteria for issuance of a registration certificate shall be compliance by
1412 the applicant with all the applicable provisions of this division of the Code and submission
1413 to the ~~CAD~~ Division of a completed application for registration and applicable fees.
1414 Registration certificates may be issued by the ~~CAD~~ Division subject to such conditions,
1415 limitations, and restrictions imposed by the ~~CAD~~ Division as the ~~CAD~~ Division deems
1416 necessary to protect customers and consumers, provided such conditions, limitations,
1417 and restrictions are consistent with the provisions of this division of the Code. Violation of
1418 such a condition, limitation, or restriction of a registration certificate shall be a violation of
1419 this division of the Code. The ~~CAD~~ Division may deny or refuse to renew the registration
1420 of any mover based upon a determination that a mover or any of its directors, officers,
1421 owners, or general partners:

- 1422 (1) Has failed to meet the requirements for initial application or renewal as
1423 provided in this section;
- 1424 (2) Has been convicted of a crime involving fraud or dishonest dealing involving
1425 transportation for hire;
- 1426 (3) Has not satisfied a civil fine or penalty arising out of any administrative or
1427 enforcement action brought by any governmental agency or private person
1428 based upon conduct involving fraud or dishonest dealing, or any violation of
1429 this division of the Code;

- 1430 (4) Has pending against it, him₁ or her any criminal, administrative, or
1431 enforcement proceedings in any jurisdiction, based upon conduct involving
1432 fraud or dishonest dealing, or any violation of this division of the Code; or
- 1433 (5) Has had a judgment or administrative order entered against it, him₁ or her
1434 in any action brought by the ~~CAD~~ Division under the provisions of this
1435 division of the Code.
- 1436 (g) Any registration made under this part by any mover based upon the
1437 presentation by such mover of false identification or information, or identification not
1438 current with respect to name, address, and place of employment, or any other fact
1439 material to such registration, shall be void.
- 1440 (h) The ~~CAD~~ Division may revoke or suspend a registration certificate issued
1441 pursuant to the provisions of this division of the Code if the ~~CAD~~ Division determines that
1442 the applicant or registrant has:
- 1443 (1) Violated any provision of this division of the Code;
- 1444 (2) Misrepresented or concealed a fact on the application, renewal application₁
1445 or replacement application for a registration certificate;
- 1446 (3) Aided or abetted a person who has not obtained a registration certificate to
1447 evade or avoid the provisions of this division of the Code;
- 1448 (4) Engaged in any conduct as part of the performance of a contract for service
1449 which constitutes fraud;
- 1450 (5) Violated any condition, limitation, or restriction of a registration certificate
1451 imposed by the ~~CAD~~ Division;

(6) ~~Has b~~been convicted of a crime involving fraud or dishonest dealing involving transportation for hire; or

(7) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the ~~d~~Director, the GAD Division, or the ~~Consumer Protection Board~~. CPB; or

(8) Advertised its business without first obtaining proper licensure from the ~~Broward County Consumer Affairs~~ Division.

...

Sec. 20-176.105. Civil penalties.

In addition to any other judicial or administrative remedies or penalties provided by law, rule, regulation, or ordinance, any person who violates any of the provisions of this division of the Code or any cease and desist order or any assurance of compliance entered into with respect to matters regulated under this division of the Code or any other lawful order of the ~~GAD Division~~, the ~~d~~Director or the ~~consumer protection board~~ CPB or any condition, limitation, or restriction of a registration certificate issued by the ~~GAD Division~~, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court, per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense.

...

Sec. 20-176.107. Enforcement and penalties; appeals of denial of initial or renewal registration or suspension or revocation of registration.

(a) It shall be the duty and responsibility of all law enforcement officials to assist in the enforcement of this division ~~and~~ of the eCode to the extent that it is within their jurisdiction to do so.

(b) The ~~CAD~~ Division shall maintain a system by which registrants are given written notice of all violations. ~~CAD~~ Division personnel shall be permitted to enter the business premises of a mover to ascertain whether the registration certificate is current. If ~~CAD~~ Division personnel are refused entry or access to the business premises as stated above, the ~~CAD~~ Division shall obtain an inspection warrant pursuant to ~~§§ 933.20—933.30, F.S.~~ Sections 933.20 through 933.30, Florida Statutes, in order to ascertain compliance with this division of the Code.

(c) The ~~CAD~~ Division is authorized to enforce the provisions of this division of the Code by administrative fines of up to five hundred dollars (\$500.00) for each violation ~~in accordance with the Consumer Protection Code (Article VII, Chapter 20, as provided in Division 1, sections 20-159 et seq., Broward County Code of Ordinances)~~ of this Article VII. Each day of a continuing violation shall be deemed a separate violation.

(d) In addition to fines, the ~~CAD~~ Division is authorized to enforce the provisions of this division of the Code by suspension or revocation of a registration upon notice and hearing as provided in this division of the Code, unless the registrant waives such notice and hearing.

(e) Whenever any person has been determined by the ~~consumer protection board~~ CPB to have engaged in conduct in violation of this division of the Code, the ~~board~~

1496 CPB may order that person to return or refund those moneys ~~which~~ that have been
1497 established as quantifiable damages in the particular instance.

1498 (f) Any person dissatisfied or aggrieved with the decision of the ~~CAD~~ Division
1499 to deny such person's application for initial or renewal registration may, within
1500 fourteen (14) days after the denial, appeal in writing to the ~~CAD~~ Division. Upon receipt of
1501 an appeal, the ~~CAD~~ Division shall schedule and hold a hearing within twenty (20) days.
1502 The dissatisfied or aggrieved person shall be provided with a notice of hearing, which
1503 shall include a statement of the time and place for the hearing and a reference to the facts
1504 and relevant sections of the ~~Broward County Code of Ordinances~~ upon which the denial
1505 is based. The applicant may be represented by legal counsel and shall be entitled to
1506 present a defense to the denial of the application. Failure to appear at a duly noticed
1507 hearing shall be deemed a waiver of the right to hearing. ~~Failure to claim certified mail~~
1508 ~~notifying the registrant of the hearing shall be construed as failure to appear at a duly~~
1509 ~~noticed hearing.~~ Upon hearing, the ~~consumer protection board~~ CPB shall affirm or reverse
1510 the decision of the ~~CAD~~ Division. Should the ~~consumer protection board~~ CPB reverse the
1511 decision of the ~~CAD~~ Division, the ~~CAD~~ Division shall issue the registration forthwith.

1512 (g) All hearings required by this division of the Code for proposed suspensions
1513 or revocations of registrations shall be preceded by a minimum of twenty (20) days' written
1514 notice. That notice shall specify the ~~CAD's~~ Division's proposed action and the grounds
1515 upon which the action is predicated. The registrant may be represented by legal counsel
1516 and shall be entitled to present a defense to the proposed action. Failure to appear at a
1517 duly noticed hearing shall be deemed a waiver of the right to hearing and an admission

of the acts specified in the notice. ~~Failure to claim certified mail notifying the registrant of the hearing shall be construed as failure to appear at a duly noticed hearing.~~

(h) All hearings shall be conducted in the same manner as ~~consumer protection board~~ CPB hearings ~~(Article VII, Chapter 20, as provided in Division 1 of this Article VII, sections 20-169 et seq., Broward County Code of Ordinances)~~ and shall be before a three ~~(3)~~ three-member panel.

Sec. 20-176.107.1. Issuance and enforcement of notices to appear and civil citations.

(a) If a ~~e~~County inspector, based upon personal investigation, has reasonable cause to believe that a mover has violated this ~~e~~Ordinance, the inspector shall provide written notice to the person that the person has committed the violation and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be based on considerations of fairness, practicality, ease of correction, nature, extent, and probability of danger or damage to the public or property, and any other relevant factor relating to the reasonableness of the time period prescribed. Such time period, however, shall be no fewer than five (5) days and no more than ten (10) days, except where such violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature.

(b) If, upon personal investigation, the inspector finds that the person has not corrected the violation within the prescribed time period, the code inspector may issue a ~~notice to appear or citation~~ consistent with Chapter 8½ of the ~~Broward County~~ Code.

Sec. 20-176.107.2. Decals; moving vehicle signage.

(a) No moving company shall engage in the business of moving household goods without first obtaining a decal from the Division for each vehicle used ~~by the mover for moving household goods~~ in that business. A ~~non-refundable~~ nonrefundable vehicle decal fee, in an amount established by resolution of the Commission, shall be remitted to the Division ~~in an amount set forth by resolution of the Commission~~ along together with a complete description of each vehicle. Except for short-term rental vehicles, such decal shall be affixed to the lower left corner of the front window in the vehicle at all times, upon issuance of a vehicle decal. The vehicle decal remains the property of Broward County and shall be used only under the authority of the Division. Annual replacement vehicle decals may be obtained upon application to the Division evidencing continued compliance with the provisions of this Ordinance, and payment of a fee in an amount set forth by resolution of the Commission. No vehicle decal may be sold, assigned, or otherwise transferred. If a vehicle is destroyed or sold, the mover must remove the vehicle decal (if in existence) and surrender the remains to the Division. A ~~non-refundable~~ nonrefundable fee for replacing decals shall be established by resolution of the Commission.

(b) Vehicle decals issued to moving companies who use short-term rental vehicles must be visible in the lower left corner of the front window. Each vehicle decal issued pursuant to this section shall be valid and effective for one (1) year, terminating on September 30 of each year.

(c) Each moving vehicle must clearly display signage, on the exterior of the driver and passenger sides, with letters at least three (3) inches ~~(3")~~ high and in contrasting colors, the moving company's name, physical address, telephone number,

and ~~permit~~ registration number. If the short-term use of a rental vehicle by a moving company is necessary, at a minimum, the same information and requirements must be affixed to the vehicle through the use of magnetic signs.

~~(d) Subsections (a) and (b), above, shall not be effective until October 1, 2001.~~

...

Section 3. Article VII of Chapter 20 of the Broward County Code of Ordinances is hereby amended to replace each instance of "CPD" or "CAD" with "Division."

Section 4. Section 8½ -16 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 8½-16. Schedule of civil penalties.

...

SCHEDULE OF CIVIL PENALTIES

...

(b) *Violations of Towing and Immobilization Regulations:*

		<i>Fine</i>	
		<i>First</i>	<i>Repeat</i>
	<i>Violation</i>	<i>Violation</i>	<i>Violation</i>
(1)	Immobilizing or towing a vehicle, storing a towed vehicle, or advertising such services without first obtaining and maintaining a current and valid operating license for the applicable service (sec. 20-176.13(a))	\$250.00	\$500.00

...

1586	(35) <u>Towing without the use of safety chains, straps,</u>		
1587	<u>and/or tow lights (sec. 20-176.19(f))</u>	<u>250.00</u>	<u>500.00</u>
1588	(36) <u>Operating a motor vehicle without the prior</u>		
1589	<u>written consent of the vehicle owner (sec.</u>		
1590	<u>20-176.19(g))</u>	<u>250.00</u>	<u>500.00</u>
1591	(37) <u>Operating a private courier service without a</u>		
1592	<u>required performance bond (sec. 20-11)</u>	<u>250.00</u>	<u>500.00</u>
1593	...		

1594 Section 5. Section 8½-16 of the Broward County Code of Ordinances is hereby
1595 amended to revise citations to Chapter 20 to reflect the renumbering of sections by this
1596 Ordinance.

1597 Section 6. Severability.

1598 If any portion of this Ordinance is determined by any court to be invalid, the invalid
1599 portion will be stricken, and such striking will not affect the validity of the remainder of this
1600 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
1601 legally applied to any individual, group, entity, property, or circumstance, such
1602 determination will not affect the applicability of this Ordinance to any other individual,
1603 group, entity, property, or circumstance.

1604 Section 7. Inclusion in the Broward County Code of Ordinances.

1605 It is the intention of the Board of County Commissioners that the provisions of this
1606 Ordinance become part of the Broward County Code of Ordinances as of the effective
1607 date. The sections of this Ordinance may be renumbered or relettered and the word

1608 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
1609 phrase to the extent necessary to accomplish such intention.

1610 Section 8. Effective Date.

1611 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Scott Andron 08/20/2026
Scott Andron (date)
Senior Assistant County Attorney

By: /s/ Danielle W. French 08/20/2026
Danielle W. French (date)
Deputy County Attorney

SA/sw
Original Ordinance - Towing Regulations Ordinance
08/21/2026
#1235690.61

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.