Sponsored by: Williams
Introduction Date: August 11, 2026
Public Hearing Dates: August 11, 2026
September 8, 2026
Enactment Date: September 8, 2026

CITY OF MARATHON, FLORIDA
ORDINANCE 2026-23

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, MODIFYING SECTION 32-2 OF THE CITY CODE OF ORDINANCES, 'REGULATION OF WRECKER OPERATORS WHO PROVIDE TOWING AND STORAGE SERVICES AT THE REQUEST OF LAW ENFORCEMENT OFFICERS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City of Marathon City Council to amend its current code of ordinances to mirror the existing regulations for towing from private property as set for in Florida Statute 715.07 entitled "Vehicles or vessels parked on private property; towing;" and

WHEREAS, the City Council publicly considered the amendments to the Code of Ordinances as set forth in this Ordinance (the "Amendment") at properly noticed public hearings and finds the adoption of the Amendment, in the form attached hereto, is in the best interest of the City and complies with applicable State laws and rules.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of the City of Marathon, Florida Sec 32-2 "Regulation Of Wrecker Operators Who Provide Towing And Storage Services At The Request Of Law Enforcement Officers" is hereby amended as Exhibit A attached.

Section 3. Conflict. The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Marathon

~~Strikethrough~~ = deletion underline = addition

Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8th DAY OF SEPTEMBER 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES: Matlock, Still, Landry, Del Gaizo
NOES: None
ABSENT: None
ABSTAIN: Struyf

ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steven Williams, City Attorney

~~Strikethrough~~ = deletion underline = addition

Sec 32-2 Regulation Of Wrecker Operators Who Provide Towing And Storage Services At The Request Of Law Enforcement Officers

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Administration fee means the charge for researching and documenting the registered owner of a motor vehicle towed and stored by a wrecker operator.

Commercially manufactured wrecker means a tow truck that is:

(1) Designed and constructed by a wrecker manufacturer which offers its wreckers for sale; or

(2) Assembled by a business licensed and approved to assemble and certify wreckers according to manufacturer's specifications.

Motor vehicle or vehicle means any motor vehicle as described in Fla. Stat. § 320.01(1).

Notification fee means the charge for notifying a motor vehicle owner and any lienholders that a wrecker operator has towed and stored the motor vehicle.

Wrecker means a tow truck.

Wrecker operator means the individual, partnership, corporation or business entity engaged for hire in the recovery, towing, removal, or storage of wrecked, disabled, stolen or abandoned motor vehicles. For the purpose of this section, a hired driver or employee shall be governed by this section and shall be considered an agent of the wrecker operator.

(b) *Wrecker classification and required equipment.*

(1) Each tow truck owned or maintained by a wrecker operator shall be commercially manufactured and shall conform to all other requirements of this section. The requirements of this section are waived only for those wrecker operators with tow trucks that were purchased before the effective date of the ordinance from which this section is derived or which were under a binding contract to purchase entered into before the effective date of the ordinance from which this section is derived.

(2) All tow trucks shall be equipped with a business-type communication radio or mobile telephone or cellular telephone. There shall be one (1) radio or

phone for each truck. The equipment shall be licensed and approved by the Federal Communications Commission. The mobile radio or telephone shall enable the wrecker operator to communicate with his trucks within his usual area of operation. A citizens band radio does not meet the requirements of this subsection.

(3) Specifications and required equipment shall be as follows:

a. All wreckers (all classifications) shall include the following:

1. A cradle, tow plate or tow sling to pick up motor vehicles. The cradle, tow plate or tow sling shall be equipped with safety chains and constructed in such a manner that it will not damage the motor vehicle to be towed.
2. Dual rear wheels.
3. Clearance and marker lights and all other equipment as required by Fla. Stat. ch. 316.
4. A rotor-beam or strobe-type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear, and both sides.
5. The name, address and telephone number of the wrecker operator shall be painted or permanently affixed in a conspicuous place on both sides of the trucks.
6. At least one (1) heavy-duty push broom with a minimum width of 24 inches.
7. One (1) square shovel.
8. One (1) ax.
9. One (1) crowbar or prybar with a minimum length of 30 inches.
10. Minimum of one (1) five-pound CO 2 or dry chemical fire extinguisher or equivalent, must be approved type and have a current inspection tag attached.
11. One (1) pair of bolt cutters with a minimum opening of one-half (1/2) inch.
12. One (1) set of jumper cables.

13. One (1) four-way lug wrench.
14. One (1) flashlight.
15. Five (5) 30-minute fuses.
16. One (1) snatch block for each winch with manufacturer's rating to match winch.
17. Extra towing chain six (6) to eight (8) feet in length with hooks.
18. At least three (3) safety cones or triangle reflectors.
19. Fifty (50) pounds of sand or petroleum absorbent.

b. Class "A" wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less). Specifications and equipment in addition to the requirements outlined in Subsection (b)(3)a of this section, shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight. A complete, commercially manufactured boom and winch having a manufacturer's combined rating of at least four (4) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.
2. A minimum of 100 feet of three-eighths-inch (3/8") cable.
3. Dollies.
4. Floodlights on the hoist.
5. Vehicles which are equipped with wheel lifts or the equivalent may also qualify as class "A" tow trucks so long as they are equipped with a boom and all other applicable requirements are met. Wheel lifts shall be rated at a minimum of 3,000 pounds lift capacity and must utilize wheel safety-straps when lifting vehicles by the wheels only.
6. Wrecker operators who wish to remove cars and light trucks may have, in addition, a roll-back or slide-back carrier truck/trailer with specifications and the equipment as provided in Subsection (b)(3)c of this section.

c. Class "A" roll-back or slide-back wreckers (for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less). Specifications and equipment for roll-back or slide-back carriers in addition to the requirements outlined in Subsection (b)(3)a of this section shall include the following:

    1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight with a minimum of a 16-foot bed, dual rear wheels and a winch with at least 8,000 pounds capacity.

    2. A minimum of 50 feet of three-eighths-inch (3/8") cable.

    3. A minimum of two (2) safety tiedown chains of at least ten (10) feet each in length.

    4. Two (2) floodlights mounted on the rear of the carrier.

    5. A roll-back or slide-back carrier trailer shall meet the following requirements:

        i. A commercially manufactured carrier trailer with a rated capacity of at least 8,000 pounds gross vehicle weight with a minimum 16-foot bed. A winch with at least 8,000 pounds capacity.

        ii. A minimum of 50 feet of three-eighths-inch (3/8") cable.

        iii. Brakes and trailer lights which meet the minimum statutory requirements of Florida law.

        iv. Safety chains.

        v. Must be towed by and used in conjunction with an approved wrecker that meets or exceeds the class of the vehicle to be towed.

d. Class "B" wreckers (for removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less). Specifications and equipment in addition to the requirements outlined in Subsection (b)(3)a of this section, shall be as follows:

    1. A truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight. A complete, twin-winch,

commercially manufactured boom and winches having a manufacturer's combined rating of at least ten (10) ton capacity mounted on the chassis.

2. A minimum of 100 feet of at least one-half-inch (1/2") cable on each drum.
3. One (1) set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.
4. Floodlights on the hoist.

e. Class "C" wreckers (for removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight). Specifications and equipment in addition to the requirements outlined in Subsection (b)(3)a of this section, shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 30,000 pounds gross vehicle weight for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25-ton capacity mounted on the chassis.
2. A minimum of 200 feet of at least five-eighths-inch (5/8") cable on each drum.
3. Air brakes so constructed as to lock the rear wheels automatically upon failure.
4. External air hookup and hoses, to supply air to disabled vehicles.
5. One (1) set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.
6. Floodlights on the hoist.

(4) In the event that the wrecker operator removes wrecked or disabled vehicles on a rotation basis for the Florida Highway Patrol (FHP) or the Monroe County Sheriff's Department and any of those entities have mandatory equipment requirements in conflict with the requirements of this section, and failure to comply with the FHP or County requirements would result in the wrecker operator being removed from the FHP or County rotation list, the wrecker

operator may comply with the FHP or County requirements, but only to the extent of the conflict, without violating the terms of this section.

(5) This subsection only applies to wrecker operators providing towing services to law enforcement agencies.

(c) *Insurance requirements.* No person shall for compensation recover, tow, or remove a motor vehicle or provide motor vehicle storage or otherwise function as a wrecker operator until that person maintains in effect an insurance policy or policies which shall insure that person for its liability at a minimum:

(1) For each tow truck, combined single limit of $300,000.00;

(2) For garage keeper's liability, in an amount not less than $50,000.00 for each loss covering perils of fire and explosion, theft of a motor vehicle and parts or contents, riot and civil commotion, vandalism, malicious mischief, and for on-hook protection.

(d) *Rates and Fees.*

(1) Rates and fees shall be established by resolution of the City Council from time to time that may be charged by a wrecker operator for the removal and storage of wrecked or disabled motor vehicles, abandoned motor vehicles, or vehicles parked in prohibited or restricted areas pursuant to Section 32-31, at the request of a law enforcement officer or the City Manager (and his/her designee).

The daily storage rate must be prorated in six (6) hour increments when the vehicle is retrieved by the owner or his agent. The notification fee may only be charged when notice is sent by the wrecker operator to the motor vehicle owner and any lienholder. In the event a law enforcement officer needs a tow truck for a towable violation, and once the towing service has been requested by the officer at the violation site and the operator has advised the officer that he is in route to the request, should the owner or driver of the motor vehicle in violation return to the vehicle site before the wrecker operator has arrived at the motor vehicle, or before the wrecker operator has departed with the vehicle, and upon the officer's authorization to release the vehicle to the owner or driver then the owner or driver of the vehicle shall pay a charge of not more than one-half (1/2) of the maximum rate for the class of towing service called for.

(2) The provisions of Sections 32-2(d) and 32-31 only apply to the rates charged for towing and storage service called for at the request of a law enforcement officer or City Manager (and his/her designee). In all other situations the provisions of this Subsection (d) do not apply and the parties may negotiate prices and rates as in other ordinary service contracts.

(3) Every wrecker operator shall conspicuously display at his place of business the maximum charges which he may impose for the towing and storage services covered by this subsection.

(4) No wrecker operator may charge any rate or fee for the towing of a vehicle in excess of those established by resolution of the Marathon City Council for wrecker services. Notwithstanding the foregoing, the rates and fee shall be determined by the class of the vehicle towed not the size of the wrecker utilized to tow the vehicle.

(5) In no event shall a wrecker operator charge the owner of a vehicle for waiting time or labor.

(e) *Storage facilities.*

(1) Wrecker operators shall provide storage facilities, which shall be maintained at the wrecker operator's place of business. These facilities must be fenced and locked for the protection of vehicles and property.

(2) The wrecker operator shall provide storage for all impounded/towed vehicles in an outside storage area unless the impounding law enforcement officer gives specific written instructions for inside storage. If required for investigative purposes, the wrecker operator shall move the vehicle to a designated area for processing prior to storage. In such instance, the law enforcement agency will not authorize release of the vehicle until all outstanding charges by the wrecker operator, as authorized by this section, have been satisfied.

(3) The wrecker operator shall not change the type of storage facility (inside or outside) afforded a vehicle without written permission from the district captain or other officer in charge. The wrecker operator shall not change the storage facility location without first obtaining written permission from the district captain or other officer in charge.

(4) The storage facility must be owned or leased solely by the wrecker operator and vehicles stored by the wrecker operator must be separately fenced and locked.

(5) The registered owner of a vehicle or the owner's representatives or owner's insurance adjusters, upon proper identification, shall be permitted to inspect or photograph stored vehicles during the hours of 8:00 a.m. to 56:00 p.m., ~~Monday through Friday~~ any day that the person or firm towing such vehicle or vessel is open for towing purposes. The wrecker operator shall not require the owner, adjuster or representative to pay any fee in order to inspect or photograph the stored vehicle.

(6) All fencing shall be chainlink or solid-wall type and at least six (6) feet in height where permissible under land use regulations of the City to discourage theft of any vehicle or any property being stored inside. All storage facilities shall be illuminated with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime.

(7) Permanent inside storage facilities must be available for 24-hour storage when weather or other conditions require inside storage for the protection of the vehicle or personal property. A lean-to, tent or shed does not meet the requirements of this section. Inside storage must be within a weather-tight building.

(8) A minimum of 25 storage spaces with three (3) inside storage spaces must be available. Wrecker operators who have been on a rotation system for the Florida Highway Patrol or the Monroe County Sheriff's Department for six (6) months prior to the effective date of this rule may continue on the list without regard to the minimum storage spaces required herein, so long as all other applicable provisions of these rules are met. Service bays or repair bays do not qualify as inside storage, nor does any area that is utilized for any activity other than serving as a permanent inside storage area, when vehicles are actually stored inside at the request of a law enforcement agency or the owner of a vehicle.

(9) Wrecker operators shall comply with hold orders placed by the law enforcement agency, including any instructions for inside or outside storage. Vehicles involved in a fatality and sealed by the traffic homicide investigator shall remain intact until the seals are removed by the investigator. No property of any kind shall be released to anyone without authority of the

homicide investigator. If no fatality occurred, then the wrecker operator may release the vehicle and the property upon valid proof of ownership once the hold is released.

(10) A copy of an inventory prepared by the law enforcement agency, of all personal property found in a wrecked, disabled or abandoned vehicle shall be provided to the wrecker operator. The wrecker operator shall permit the removal of such property by the vehicle owner or his agent from a stored vehicle during normal business hours without charge. The agent's authority shall be evidenced by a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths. A signed receipt for each article removed by the owner or his agency shall be obtained. The term "personal property" shall be defined as any item not affixed to the vehicle that was in the vehicle at the time of the tow. In the case of vehicles stored where no "hold order" has been placed, the wrecker operator will directly release any vehicle upon presentation of proper proof of identification and ownership. If these conditions cannot be met due to unusual or extraordinary circumstances, the vehicle will be released only upon authorization obtained from the law enforcement agency.

(11) Wrecker operators handling the initial tow shall exercise reasonable care and control of parts and contents located in vehicles while under their protection or while in storage.

(12) During the hours from 8:00 a.m. to ~~5~~6:00 p.m., ~~Monday through Friday~~ any day that the person or firm towing such vehicle or vessel is open for towing purposes, wrecker operators will provide adequate staffing at the storage facility so that personal property may be removed from the vehicle or the vehicle itself may be released without undue delay.

(13) Should it become necessary that personal property be removed from a vehicle or a vehicle be released when the storage facility is not staffed, ~~the wrecker operator will be required to do so and will be allowed to charge a reasonable fee~~ there must be a prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour.

(f) *Jurisdiction*. The provisions of this section shall apply to all wrecker operators providing towing and the removal of motor vehicle service and motor vehicle

storage, at the request of a law enforcement officer. The provisions of this section apply only to nonconsensual removal of vehicles.

(g) *Registration of wrecker operator; right to operate within the corporate limits of the City of Marathon, Florida.*

(1) All wrecker operators as defined herein must be registered with the City of Marathon, Florida, in order to legally operate within the corporate limits of the City.

(2) Wrecker operators of all wrecker classifications performing nonconsent towing within the corporate limits of the City of Marathon shall register with the City ~~Clerk on an annual basis~~ subject to a registration fee of $100.00. ~~Failure to renew prior to expiration will result in a $250.00 fee.~~

(h) *Operation of wrecker operator on private property.*

(1) ~~Wrecker operators must register all private properties posted as identified in Fla. Stat. § 715.07(2)(a)5 with the City Clerk prior to the placement of signage identified therein. Said registration shall include letter from the property owner or person authorized by the property owner or lessee indicating that said posting has been requested and approved by the property owner. Such letter must be either notarized or signed by the property owner or authorized person in the presence of two (2) witnesses~~ The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record..

(2) ~~If posted notice subject to Fla. Stat. § 715.07(2)(a)5 is removed for any reason by the wrecker operator, the City Clerk shall be notified within 15 days of the removal.~~ Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property

owner or lessee, before towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 10 feet from the road, as defined in s. 334.03(22). If there are no curbs or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer than 24 hours before the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background.

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

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

(3) ~~Wrecker operators must have access to a properly zoned storage yard for all vehicles towed. Upon registration by the wrecker operator, the City shall inspect such storage yard to assure compliance with the Code.~~ Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

(4) In no event shall a vehicle towed within the City of Marathon be taken to a facility greater than 13 miles from the location from which the vehicle was towed.

(i) *Owners or operators of vehicle present.*

(1) In the event that the owner or operator of a vehicle is present when a wrecker operator arrives to tow, the wrecker operator shall give a verbal warning and five (5) minutes for the owner or operator of the vehicle to remove the vehicle from the property before initiating the tow. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subsection (d).

The vehicle or vessel may be towed or removed if, after the reasonable opportunity noted above, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

In no event shall a wrecker operator initiate a tow when the owner or operator of the vehicle in question is present or in the vehicle.

(j) ~~*Property owner, person authorized by the property owner, or lessee presence required.*~~ This section does not apply to law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles or vessels that are marked as such or to property owned by any governmental entity.

(1) ~~The property owner, person authorized by the property owner, or lessee must be present to authorize all tows initiated by a wrecker operator.~~

(2) ~~The property owner's authorized representative shall not have any interest in nor be affiliated with the wrecker operator towing the vehicle from the property owner's property.~~

(k) *Penalties.*

(1) ~~Failure of a wrecker operator as defined herein to register with the City of Marathon, Florida, as identified in Subsection 32-2(g) above, is subject to the loss of the privilege to operate within the corporate limits of the City for a period of up to one (1) year, at the discretion of the City Manager and subject to appeal to the City Council.~~ When a person improperly causes a vehicle or vessel to be removed, such person shall be liable to the owner or lessee of the vehicle or vessel for the cost of removal, transportation, and storage; any damages resulting from the removal, transportation, or storage of the vehicle or vessel; attorney's fees; and court costs.

(2) ~~Failure of a wrecker operator to operate within the City of Marathon as required Section 32-2 is subject to loss of registered status for a period of up to one (1) year at the discretion of the City Manager and subject to appeal to the City Council.~~ Any person who violates subparagraph (h)1. or subparagraph (h)3. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) ~~Any violation of this section or applicable Florida law shall result in the refund of any towing charge collected from the owner of an improperly towed vehicle.~~ Any person who violates subparagraph (e)13., or subparagraph (i), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.