

June 3, 2005

Ms. Glenda E. Hood  
Secretary of State  
Florida Department of State  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 276, enacted during the 37<sup>th</sup> Session of the Legislature of Florida and convened under the Constitution of 1968, during the Regular Session of 2005 and entitled:

An act relating to wrecker services . . .

Committee Substitute for Senate Bill 276 establishes within the Department of Agriculture and Consumer Services (DACS) a statewide regulation and certification system for wrecker companies and operators, restricts counties and municipalities from issuing or renewing an occupational license unless the wrecker company is registered with the department, and restricts participation in the Florida Highway Patrol or local government wrecker allocation system only to those wrecker companies registered with the department.

I am vetoing the bill for the following reasons:

The bill places excessive regulatory and cost burdens on the entire wrecker industry, a burden that will be particularly difficult for smaller wrecker companies to bear. The bill requires wrecker operators to become certified as such within six months after employment at a cost of up to \$300. In addition, many wrecker companies will find it difficult to pay the annual registration fee of \$515 created by the bill.

The Department of Agriculture and Consumer Services will be required to provide regulation and enforcement of over 1,500 wrecker companies across the state. Although the bill authorizes 10 FTE positions and appropriates \$683,000 for the department to implement the provisions of the bill, it is not certain that those resources will sufficiently equip the department to carry out its new responsibilities.

Further, Section 11.62, F.S., known as the Sunrise Act, establishes criteria that must be met before initiating regulation of an industry group in Florida. Among them is the

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requirement to show that, left unregulated, current industry activities will endanger or substantially harm the public safety or welfare. While proponents of the bill have shown through newspaper articles and videos that problems do exist as the result of abuses by unscrupulous “gypsy” towers, there is insufficient evidence to meet the threshold of *substantial harm* as required by the Sunrise Act.

For these reasons, I withhold my approval of Committee Substitute for Senate Bill 276, and do hereby veto the same.

Sincerely,

Jeb Bush