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1 A bill to be entitled
2 An act relating to wrecker operators and operations;
3 creating ch. 508, F.S., titled "Wrecker Operators";
4 defining terms; creating the Wrecker Operator Advisory
5 Council to give advice and assistance relating to industry
6 matters to the Department of Agriculture and Consumer
7 Services; providing for membership; providing procedures;
8 requiring the department to provide administrative and
9 staff support; providing for review of certain rules;
10 authorizing the department to adopt rules; requiring
11 wrecker companies to register with the department;
12 providing requirements and procedures for registration;
13 providing for registration applications; requiring
14 fingerprints with application; providing for review of
15 application and issuance of certificate by the department;
16 requiring certain registration information in wrecker
17 company advertisements; providing for validity of
18 registration; providing for renewal of registration;
19 providing for denial of registration under specified
20 circumstances; providing for a wrecker certification
21 program that includes approved courses and examinations;
22 providing for issuance of certificate upon completion or
23 examination; providing for specialized wrecker service
24 classifications; providing for specified specialized
25 courses; providing for certification as a specialized
26 wrecker service; providing for certification cards;
27 authorizing the department to adopt rules relating to the
28 cards; providing requirements for wrecker operators;
29 authorizing the department to adopt rules for continuing
30 education requirements; providing for violations;



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31 providing administrative, civil, and criminal penalties;
32 requiring the department to adopt a fee schedule by rule;
33 requiring deposit of all funds collected into the General
34 Inspection Trust Fund; providing exemption for specified
35 recovery agents; providing for local governance; creating
36 s. 205.1975, F.S.; restricting issuance of certain
37 occupational licenses by local governments under certain
38 circumstances; amending ss. 316.605 and 320.0706, F.S.;
39 revising license plate placement requirements for certain
40 vehicles; amending s. 320.0821, F.S.; revising license
41 plate issuance and placement requirements; amending s.
42 321.051, F.S.; revising definition of "authorized wrecker
43 operator" and "unauthorized wrecker operator"; defining
44 "division," "wrecker company," "wrecker operator," and
45 "wrecker services"; revising the Florida Highway Patrol
46 wrecker operator system; authorizing law enforcement
47 officers to deviate from system procedures under certain
48 circumstances; amending s. 323.001, F.S., relating to
49 wrecker operator storage facilities; defining "business
50 day" and "wrecker company"; revising provisions for
51 seizing and holding a vehicle; amending s. 323.002, F.S.;
52 revising definition of "authorized wrecker operator,"
53 "unauthorized wrecker operator," and "wrecker operator
54 system"; defining "wrecker company," "wrecker operator,"
55 and "wrecker services"; revising provisions for county and
56 municipal wrecker operator systems; authorizing law
57 enforcement officers to deviate from system procedures
58 under certain circumstances; amending s. 713.78, F.S.;
59 revising criteria for dispute of wrecker operator liens
60 and withholding of license plate or revalidation sticker



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61 by the Department of Highway Safety and Motor Vehicles;
62 exempting specified vehicles; revising definition of
63 "vehicle," "vessel," and "wrecker"; defining "business
64 day," "property owner," "wrecker company," and "wrecker
65 operator"; revising provisions for recovery and storage of
66 vehicles, vessels, and mobile homes; revising provisions
67 to include wrecker companies and their employees and
68 agents; revising provisions for liens on such vehicles,
69 vessels, and mobile homes; revising procedure and
70 notification provisions; revising provisions for dispute
71 of removal; revising requirement for final order of the
72 court; providing for award of attorney's fees; revising
73 provisions for sale of certain property by wrecker
74 company; limiting liability of wrecker company and its
75 employees and agents under specified circumstances;
76 authorizing removal of vehicle and vehicle cargo without
77 specified consent upon request of certain persons;
78 limiting liability under certain conditions of certain
79 persons that request removal; revising provisions relating
80 to reasonable care to prevent theft; revising provisions
81 for inventory by law enforcement; revising provisions for
82 certificate of destruction; revising penalty provisions;
83 authorizing inspection of wrecker company records by law
84 enforcement officers and the Department of Highway Safety
85 and Motor Vehicles; providing for validity of prior liens;
86 amending s. 715.07, F.S.; revising the definition of
87 "vehicle"; defining "property owner," "vessel," "wrecker
88 company," and "wrecker operator"; providing for removal by
89 wrecker company of vehicles and vessels parked on real
90 property without owner's permission; providing conditions



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91 and restrictions; prohibiting certain payment to owner of
92 premises; prohibiting certain request for payment by the
93 property owner; providing storage requirements; providing
94 notice requirements; requiring certain records be kept by
95 the wrecker company; limiting liability of wrecker company
96 and its employees and agents under certain circumstances;
97 providing for local governance; exempting certain law
98 enforcement and emergency vehicles and vessels; providing
99 for liability of certain costs and damages; providing that
100 failure to comply with notice requirement precludes
101 imposition of charges for towing and storage of vehicle or
102 vessel; providing penalties; amending s. 1.01, F.S.;
103 deleting a definition of "wrecker operator"; amending s.
104 120.80, F.S., relating to administrative hearings;
105 amending s. 316.530, F.S., relating to towing
106 requirements; amending s. 320.01, F.S., which provides a
107 definition of "wrecker"; amending s. 320.03, F.S.,
108 relating to vehicle registration; amending s. 320.13,
109 F.S., relating to use of certain license plates;
110 conforming provisions to changes made by this act;
111 reenacting ss. 316.550(4) and 320.08(5)(d) and (e), F.S.,
112 relating to maximum vehicle weight requirements and
113 license taxes; incorporating changes made by the act in
114 references; providing an appropriation; providing
115 effective dates.

116

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

118

119 Section 1. Chapter 508, Florida Statutes, consisting of
120 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06, 508.07,



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121 508.08, 508.09, 508.10, 508.11, 508.12, 508.13, 508.14, 508.15,
 122 508.16, 508.17, 508.18, and 508.19, is created to read:

123 CHAPTER 508

124 WRECKER OPERATORS

125 508.01 Definitions.--As used in this chapter, the term:

126 (1) "Business entity" means any form of corporation,
 127 limited liability company, partnership, association,
 128 cooperative, joint venture, business trust, sole proprietorship,
 129 or self-employed person that conducts business in this state.

130 (2) "Council" means the Wrecker Operator Advisory Council.

131 (3) "Department" means the Department of Agriculture and
 132 Consumer Services.

133 (4) "Specialized wrecker services" means those wrecker
 134 services described in s. 508.08 for which a wrecker operator
 135 must have an endorsement to perform.

136 (5) "Ultimate equitable owner" means a natural person who,
 137 directly or indirectly, owns or controls 10 percent or more of
 138 an ownership interest in a wrecker company, regardless of
 139 whether the natural person owns or controls the ownership
 140 interest through one or more natural persons or one or more
 141 proxies, powers of attorney, nominees, business entities, or any
 142 combination thereof.

143 (6) "Vehicle" means any mobile item, whether motorized or
 144 not, which is mounted on wheels.

145 (7) "Vessel" means every description of watercraft, barge,
 146 and air boat used or capable of being used as a means of
 147 transportation on water, other than a seaplane or a "documented
 148 vessel" as defined in s. 327.02.

149 (8) "Wrecker" has the same meaning ascribed in s. 320.01.

150 (9) "Wrecker company" means a business entity engaged for



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151 hire in the business of towing, carrying, or transporting
 152 vehicles, vessels, or mobile homes by wrecker upon the streets
 153 and highways of this state.

154 (10) "Wrecker operator" means a person who performs
 155 wrecker services.

156 (11) "Wrecker services" means towing, carrying, or
 157 otherwise transporting vehicles, vessels, or mobile homes by
 158 wrecker upon the streets and highways of this state for hire.
 159 The term includes, but is not limited to, each of the following:

160 (a) Driving a wrecker.

161 (b) Loading, securing, and unloading a vehicle, vessel, or
 162 mobile home on a wrecker using a boom, winch, car carrier, or
 163 other similar equipment.

164 (c) Towing or removal of a wrecked, disabled, or abandoned
 165 vehicle under the Florida Highway Patrol wrecker allocation
 166 system pursuant to s. 321.051 or under a county or municipal
 167 wrecker allocation system pursuant to s. 323.002.

168 (d) Towing, recovery, or removal of a vehicle, vessel, or
 169 mobile home under s. 713.78.

170 (e) Towing, transportation, or removal of a vehicle or
 171 vessel parked on real property without permission under s.
 172 715.07.

173 (f) Recovery of a vehicle, vessel, or mobile home.

174 508.02 Wrecker Operator Advisory Council.--

175 (1) There is created within the department a Wrecker
 176 Operator Advisory Council. The council shall advise and assist
 177 the department in implementing this chapter.

178 (2)(a) The council is composed of six members appointed by
 179 the Commissioner of Agriculture. In addition, the executive
 180 director of the Professional Wrecker Operators of Florida, Inc.,



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181 shall serve ex officio as a voting member of the council.

182 (b) Three members of the council must each be an ultimate
183 equitable owner of a wrecker company who has been an ultimate
184 equitable owner of that company for at least 5 years before his
185 or her appointment; one member must be a wrecker operator who is
186 not an ultimate equitable owner of a wrecker company and who has
187 been a wrecker operator for at least 5 years before his or her
188 appointment; and two members must be laypersons. Each member
189 must be a resident of this state. This paragraph expires July 1,
190 2009.

191 (c) Effective July 1, 2009, three members of the council
192 must each be an ultimate equitable owner of a wrecker company
193 registered under this chapter who has been an ultimate equitable
194 owner of that company registered for at least 5 years before his
195 or her appointment; one member must be a wrecker operator
196 certified under this chapter who is not an ultimate equitable
197 owner of a wrecker company and who has been a wrecker operator
198 certified for at least 5 years before his or her appointment;
199 and two members must be laypersons. Each member must be a
200 resident of this state.

201 (3) The term of each member of the council is 4 years,
202 except, to establish staggered terms, two members who are owners
203 of wrecker companies and one layperson shall be appointed
204 initially for a 2-year term. Members may be reappointed for
205 additional terms not to exceed 8 years of consecutive service. A
206 vacancy shall be filled for the remainder of the unexpired term
207 in the same manner as the original appointment.

208 (4)(a) From among its members, the council shall annually
209 elect a chair, who shall preside over the meetings of the
210 council, and a vice chair.



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211 (b) In conducting its meetings, the council shall use
212 accepted rules of procedure. The department shall keep a
213 complete record of each meeting, which must show the names of
214 members present and the actions taken. These records and other
215 documents about matters within the jurisdiction of the council
216 must be kept on file with the department.

217 (5) The members of the council shall serve without
218 compensation but are entitled to reimbursement of travel and per
219 diem expenses under s. 112.061.

220 (6) The department shall provide administrative and staff
221 support services relating to the functions of the council.

222 (7) The council shall review the rules adopted by the
223 department to implement this chapter and shall advise the
224 department on matters relating to industry standards and
225 practices and other issues that require technical expertise and
226 consultation or that promote better consumer protection in the
227 wrecker industry.

228 508.03 Rulemaking authority.--The department may adopt
229 rules under ss. 120.536(1) and 120.54 to implement this chapter.

230 508.04 Wrecker companies; registration
231 required.--Effective January 1, 2004:

232 (1) A person may not own, operate, solicit business,
233 advertise wrecker services, or otherwise engage for hire in the
234 business of a wrecker company in this state unless that person
235 is registered with the department under this chapter.

236 (2) A person applying for or renewing a local occupational
237 license to engage for hire in the business of a wrecker company
238 must exhibit a current registration certificate from the
239 department before the local occupational license may be issued
240 or reissued under chapter 205.



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241 508.05 Registration requirements; renewal of
242 registrations.--

243 (1) Each wrecker company engaged or attempting to engage
244 for hire in the business of towing, carrying, or transporting
245 vehicles, vessels, or mobile homes by wrecker upon the streets
246 and highways of this state must annually register with the
247 department on forms prescribed by the department. The
248 application for registration must include at least the following
249 information:

250 (a) The name and federal employer identification number of
251 the wrecker company.

252 (b) The mailing address, physical address, and telephone
253 number of the wrecker company's primary place of business.

254 (c) The fictitious name under which the wrecker company
255 transacts business in this state.

256 (d) The full name, residence address, business address,
257 telephone number, and social security number of the applicant.
258 If the applicant is other than a natural person, the application
259 must also contain the full name, residence address, business
260 address, telephone number, and social security number or federal
261 employer identification number, as applicable, of each ultimate
262 equitable owner of the business entity and each officer,
263 director, partner, manager, member, or managing member of the
264 entity.

265 (e) If the applicant is other than a natural person, the
266 full name of the business entity's registered agent and the
267 address of the registered office for service or process.

268 (f) The physical address and telephone number of each
269 business location and of each storage facility where the wrecker
270 company stores towed vehicles, vessels, and mobile homes.



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271 (2) Each initial and renewal application for registration
272 must be accompanied by the registration fee prescribed in s.
273 508.16.

274 (3) Each initial application for registration must be
275 accompanied by a complete set of the applicant's fingerprints
276 taken by an authorized law enforcement officer. If the applicant
277 is other than a natural person, a complete set of fingerprints
278 must also be filed for each ultimate equitable owner of the
279 business entity and each officer, director, partner, manager,
280 member, or managing member of the entity. The department shall
281 submit the fingerprints to the Department of Law Enforcement for
282 state processing, and the Department of Law Enforcement shall
283 forward the fingerprints to the Federal Bureau of Investigation
284 for national processing. The applicant must also pay the cost of
285 fingerprint processing. Registration renewal applications need
286 not be accompanied by a set of the applicant's fingerprints.

287 (4) The department shall review each application in
288 accordance with s. 120.60 and shall issue a registration
289 certificate, in the form and size as prescribed by the
290 department, to each wrecker company whose application is
291 approved. The certificate must show at least the name and
292 address of the wrecker company and the registration number. The
293 registration certificate must be prominently displayed in the
294 wrecker company's primary place of business.

295 (5) Each advertisement of a wrecker company must include
296 the phrase "Fla. Wrecker Co. Reg. No. _____."

297 (6) A registration is invalid for a wrecker company
298 transacting business at a place other than the location
299 designated in the registration application unless the department
300 is first notified in writing before the change of location. A



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301 registration issued under this chapter is not transferable or
302 assignable, and a wrecker company may not conduct business under
303 a name other than as registered. A wrecker company desiring to
304 change its registered name, location, or registered agent for
305 service of process at a time other than upon renewal of
306 registration must notify the department of the change.

307 (7)(a) Each registration must be renewed annually on or
308 before the expiration date of the current registration. A late
309 fee of \$25 must be paid, in addition to the registration fee or
310 any other penalty, for a registration renewal application that
311 is received by the department after the expiration date of the
312 current registration. The department may not issue a
313 registration until all fees are paid.

314 (b) A wrecker company whose primary place of business is
315 located within a county or municipality that requires, by local
316 ordinance, a local occupational license under chapter 205 may
317 not renew a license under this chapter unless the wrecker
318 company obtains the occupational license from the county or
319 municipality.

320 (8) Each wrecker company must provide the department with
321 evidence of current and valid insurance coverage required under
322 s. 627.7415 for each wrecker owned by the company.

323 508.06 Denial of registration.--The department may deny or
324 refuse to renew the registration of a wrecker company based upon
325 a determination that the applicant or, if the applicant is other
326 than a natural person, the wrecker company or any of its
327 ultimate equitable owners, officers, directors, partners,
328 managers, members, or managing members:

329 (1) Have not met the requirements for registration under
330 this chapter;



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331 (2) Have been convicted of, found guilty of, or pled
 332 guilty or nolo contendere to, regardless of the adjudication of
 333 guilt, a felony within the last 10 years;

334 (3) Have been convicted of, found guilty of, or pled
 335 guilty or nolo contendere to, regardless of the adjudication of
 336 guilt, a crime within the last 10 years involving repossession
 337 of a motor vehicle under chapter 493, repair of a motor vehicle
 338 under ss. 559.901-559.9221, theft of a motor vehicle under s.
 339 812.014, carjacking under s. 812.133, operation of a chop shop
 340 under s. 812.16, motor vehicle parts and accessories under s.
 341 860.14, airbags under s. 860.145 or s. 860.146, overcharging for
 342 repairs and parts under 860.15, or the towing or storage of a
 343 motor vehicle under s. 321.051, chapter 323, s. 713.78, s.
 344 715.07, or this chapter;

345 (4) Have not satisfied a civil fine or penalty arising out
 346 of an administrative or enforcement action brought by the
 347 department, another governmental agency, or a private person
 348 based upon conduct involving a violation of this chapter;

349 (5) Have pending against him or her a criminal,
 350 administrative, or enforcement proceeding in any jurisdiction
 351 based upon conduct involving a violation of this chapter; or

352 (6) Have a judgment entered against him or her in an
 353 action brought by the department under this chapter.

354 508.07 Wrecker operator certification program.--

355 (1) The department, in consultation with the advice of the
 356 council, shall establish a wrecker operator certification
 357 program by December 31, 2003. Under this program, the department
 358 shall approve wrecker operator certification courses conducted
 359 by approved organizations. The department shall prescribe the
 360 minimum curricula for these courses, which must comprise at



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361 least 16 hours, equally apportioned between theoretical
362 instruction and practical training. The department must approve
363 each organization and its certification course before the course
364 is accepted for certification of wrecker operators under this
365 chapter.

366 (2) Each approved wrecker operator certification course
367 must include a certification examination demonstrating a wrecker
368 operator's knowledge, skills, and abilities in performing
369 wrecker services and in the instruction and training of the
370 certification course. The department must approve each
371 certification examination before the examination is accepted for
372 certification of wrecker operators under this chapter.

373 (3) Each organization conducting an approved wrecker
374 operator certification course must issue on forms prescribed by
375 the department a certificate to each wrecker operator who
376 completes the approved certification course or who passes the
377 approved certification examination.

378 508.08 Specialized wrecker services.--

379 (1) In addition to the minimum curricula for certification
380 of wrecker operators, each approved certification course must
381 offer optional instruction, training, and examination of wrecker
382 operators for each of the following specialized wrecker
383 services:

384 (a) Light duty.--Towing and winching a passenger vehicle,
385 and uprighting such an overturned vehicle, including the proper
386 use of chains, wire rope, and straps.

387 (b) Medium duty.--Towing and winching a medium-sized
388 commercial vehicle, and uprighting such an overturned vehicle.

389 (c) Heavy duty.--Towing and winching a standard large-
390 sized commercial vehicle, and uprighting such an overturned



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391 vehicle.

392 (d) Ultra-heavy duty.--Towing and winching a specialty
393 large-sized commercial vehicle or another complex vehicle, and
394 uprighting such an overturned vehicle.

395 (e) Rollback wrecker.--Proper loading, securing,
396 transporting, and unloading of a vehicle on a flatbed-rollback
397 wrecker.

398 (f) Hazardous materials.--Awareness of hazardous
399 materials. Instruction and training for this wrecker service
400 must comprise at least 8 hours in order to be approved.

401 (g) Air cushions.--Proper use of air cushions in the
402 recovery of a heavy-duty vehicle.

403 (2) The department shall adopt rules prescribing specific
404 standards to further define each of the specialized wrecker
405 services described in subsection (1). The department must
406 approve the instruction, training, and examination for a
407 specialized wrecker service before the specialized wrecker
408 service is accepted for endorsement of a wrecker operator's
409 certification under this chapter.

410 (3) Each organization conducting an approved wrecker
411 operator certification course must issue on forms prescribed by
412 the department a certificate to each wrecker operator who
413 completes the approved instruction and training for a
414 specialized wrecker service or who passes the approved
415 endorsement examination for that specialized wrecker service.

416 508.09 Certification cards.--

417 (1) Each organization conducting an approved wrecker
418 operator certification course must issue a certification card to
419 each wrecker operator who completes the approved certification
420 course and passes the approved certification examination. The



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421 department must approve the form of the certification cards
422 issued by each organization. Each certification card must
423 include the wrecker operator's name, a color photograph or
424 digital image of the wrecker operator, and the expiration date
425 of the certification card.

426 (2) Each certification card must also include the wrecker
427 operator's applicable endorsements for specialized wrecker
428 services, for which the wrecker operator completed the approved
429 instruction and training for the specialized wrecker service and
430 passed the approved endorsement examination for that specialized
431 wrecker service.

432 (3) The department may adopt rules governing the issuance
433 of a certification card to a wrecker operator who:

434 (a) Completes a certification course and passes a
435 certification examination in another state which are
436 substantially equivalent to the approved certification courses
437 and approved certification examinations in this state.

438 (b) Completed a certification course and passed a
439 certification examination in this state between January 1, 1999,
440 and December 31, 2003, which are substantially equivalent to the
441 approved certification courses and the approved certification
442 examinations. This paragraph expires July 1, 2004.

443 (c) Completed instruction and training for a specialized
444 wrecker service and passed an endorsement examination for that
445 specialized wrecker service between January 1, 1999, and
446 December 31, 2003, which are substantially equivalent to the
447 approved instruction and training and the approved endorsement
448 examinations. This paragraph expires July 1, 2004.

449 (4) Each certification card expires 5 years after the date
450 of issuance.



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451 (5) Certification cards shall be issued by the
452 organizations conducting approved wrecker operator certification
453 courses. The department is not responsible for issuing
454 certification cards or for the costs associated with the
455 issuance of certification cards.

456 508.10 Wrecker operators; certification required;
457 inspection of employment records.--Effective January 1, 2004:

458 (1) A person may not perform wrecker services in this
459 state unless he or she is an employee or ultimate equitable
460 owner of a wrecker company that is registered with the
461 department under this chapter and those wrecker services are
462 performed on behalf of the wrecker company.

463 (2)(a) A person may not perform wrecker services or
464 specialized wrecker services for a wrecker company for more than
465 6 months after first being employed by, or becoming an ultimate
466 equitable owner of, the wrecker company without being certified
467 as a wrecker operator under this chapter.

468 (b) A wrecker operator certified under this chapter may
469 not perform a specialized wrecker service for a wrecker company
470 unless the wrecker operator's certification includes an
471 endorsement for that specialized wrecker service.

472 (3) The department may inspect the employment records of
473 any wrecker company in this state to ensure compliance with this
474 section. It is a violation of this chapter when a wrecker
475 company fails or refuses to maintain records or to produce
476 records when required in a reasonable manner and at a reasonable
477 time.

478 508.11 Renewal of certifications; continuing education
479 requirements.--The department may prescribe by rule continuing
480 education requirements of up to 8 hours for the renewal of a



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481 wrecker operator's certification.

482 508.12 Prohibited acts.--It is a violation of this chapter
 483 for a wrecker company, its wrecker operators, or other employees
 484 or agents of the wrecker company:

485 (1) To charge rates that exceed the maximum rates imposed
 486 by the ordinances of the respective county or municipality under
 487 ss. 125.0103(1)(c) and 166.043(1)(c).

488 (2) To violate s. 321.051, relating to the Florida Highway
 489 Patrol wrecker allocation system.

490 (3) To violate s. 323.002, relating to county and
 491 municipal wrecker allocation systems.

492 (4) To violate s. 713.78, relating to liens for
 493 recovering, towing, or storing vehicles and vessels.

494 (5) To violate s. 715.07, relating to towing or removing
 495 vehicles and vessels parked on real property without permission.

496 (6) To refuse to allow a law enforcement officer to
 497 inspect a towing and storage facility, as required in s.
 498 812.055.

499 (7) To allow a person who is not certified as a wrecker
 500 operator under this chapter to perform wrecker services or
 501 specialized wrecker services for the wrecker company for more
 502 than 6 months after first being employed by, or becoming an
 503 ultimate equitable owner of, the wrecker company.

504 (8) To allow a wrecker operator certified under this
 505 chapter to perform a specialized wrecker service for the wrecker
 506 company if the wrecker operator's certification does not include
 507 an endorsement for that specialized wrecker service.

508 (9) To perform an act otherwise prohibited by this chapter
 509 or fail to perform an act otherwise required by this chapter.

510 508.13 Administrative penalties; inspection of records.--



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511 (1) The department may enter an order doing one or more of
 512 the following if the department finds that a wrecker company
 513 violates this chapter or the rules or orders issued under this
 514 chapter:

515 (a) Issuing a notice of noncompliance under s. 120.695.

516 (b) Imposing an administrative fine not to exceed \$5,000
 517 for each act or omission.

518 (c) Directing the wrecker company to cease and desist
 519 specified activities.

520 (d) Refusing to register the wrecker company or suspending
 521 or revoking the wrecker company's registration.

522 (e) Placing the wrecker company on probation for a period
 523 of time, subject to the conditions specified by the department.

524 (2) Chapter 120 governs an administrative proceeding
 525 resulting from an order imposing a penalty specified in
 526 subsection (1).

527 508.14 Civil penalties.--The department may bring a civil
 528 action in a court of competent jurisdiction to recover any
 529 penalties or damages allowed in this chapter and for injunctive
 530 relief to enforce compliance with this chapter. The department
 531 may seek a civil penalty of up to \$5,000 for each violation of
 532 this chapter and may seek restitution for and on behalf of any
 533 owner of a vehicle, vessel, or mobile home who is aggrieved or
 534 injured by a violation of this chapter.

535 508.15 Criminal penalties.--Effective July 1, 2004:

536 (1) A person who violates s. 508.04(1) by operating a
 537 wrecker company in this state without being registered with the
 538 department under this chapter commits a felony of the third
 539 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 540 775.084.



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541 (2) A person who violates s. 508.10(1) by performing
 542 wrecker services in this state without being an employee or
 543 ultimate equitable owner of a wrecker company that is registered
 544 with the department under this chapter commits a felony of the
 545 third degree, punishable as provided in s. 775.082, s. 775.083,
 546 or s. 775.084.

547 508.16 Fees.--The department shall adopt by rule a fee
 548 schedule for the following fees:

549 (1) Wrecker company registration fee.

550 (2) Wrecker company registration renewal fee.

551 508.17 General Inspection Trust Fund; payments.--All fees,
 552 penalties, or other funds collected by the department under this
 553 chapter must be deposited in the General Inspection Trust Fund
 554 and may only be used for the purpose of implementing this
 555 chapter.

556 508.18 Recovery agents; exemption.--This chapter does not
 557 apply to a person licensed under chapter 493 performing
 558 repossession services.

559 508.19 County and municipal ordinances.--A county or
 560 municipality may enact ordinances governing the business of
 561 transporting vehicles or vessels by wrecker which are more
 562 restrictive than this chapter. This section does not limit the
 563 authority of a political subdivision to levy occupational
 564 license taxes under chapter 205.

565 Section 2. Effective January 1, 2004, section 205.1975,
 566 Florida Statutes, is created to read:

567 205.1975 Wrecker companies; consumer protection.--A county
 568 or municipality may not issue or renew an occupational license
 569 for the operation of a wrecker company under chapter 508, unless



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570 the wrecker company exhibits a current registration from the
571 Department of Agriculture and Consumer Services.

572 Section 3. Subsection (1) of section 316.605, Florida
573 Statutes, is amended to read:

574 316.605 Licensing of vehicles.--

575 (1) Every vehicle, at all times while driven, stopped, or
576 parked upon any highways, roads, or streets of this state, shall
577 be licensed in the name of the owner thereof in accordance with
578 the laws of this state unless such vehicle is not required by
579 the laws of this state to be licensed in this state and shall,
580 except as otherwise provided in s. 320.0706 for front-end
581 registration license plates on truck tractors or wreckers,
582 display the license plate or both of the license plates assigned
583 to it by the state, one on the rear and, if two, the other on
584 the front of the vehicle, each to be securely fastened to the
585 vehicle outside the main body of the vehicle in such manner as
586 to prevent the plates from swinging, with all letters, numerals,
587 printing, writing, and other identification marks upon the
588 plates clear and distinct and free from defacement, mutilation,
589 grease, and other obscuring matter, so that they will be plainly
590 visible and legible at all times 100 feet from the rear or
591 front. When only one license plate is issued for a motor vehicle
592 and that motor vehicle has a mechanical loading device that may
593 damage the plate, the plate may be attached to the front of the
594 vehicle. Nothing shall be placed upon the face of a Florida
595 plate except as permitted by law or by rule or regulation of a
596 governmental agency. No license plates other than those
597 furnished by the state shall be used. However, if the vehicle is
598 not required to be licensed in this state, the license plates on
599 such vehicle issued by another state, by a territory,



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600 possession, or district of the United States, or by a foreign
601 country, substantially complying with the provisions hereof,
602 shall be considered as complying with this chapter. Government
603 license plates issued to any truck tractor or heavy truck owned
604 by a government entity with a gross vehicle weight of 26,001
605 pounds or more may be placed on the front of the vehicle to
606 comply with this chapter. A violation of this subsection is a
607 noncriminal traffic infraction, punishable as a nonmoving
608 violation as provided in chapter 318.

609 Section 4. Section 320.0706, Florida Statutes, is amended
610 to read:

611 320.0706 Display of license plates on trucks.--The owner
612 of any commercial truck of gross vehicle weight of 26,001 pounds
613 or more shall display the registration license plate on both the
614 front and rear of the truck in conformance with all the
615 requirements of s. 316.605 that do not conflict with this
616 section. However, the owner of a truck tractor must ~~shall be~~
617 ~~required to~~ display the registration license plate only on the
618 front of such vehicle, and the owner of a wrecker must display
619 the registration license plate only on the rear of such vehicle.

620 Section 5. Subsection (1) of section 320.0821, Florida
621 Statutes, is amended, and subsection (5) is added to said
622 section, to read:

623 320.0821 Wrecker license plates.--

624 (1) The department shall issue one a wrecker license
625 plate, regardless of gross vehicle weight, to the owner of any
626 motor vehicle that is used to tow, carry, or otherwise transport
627 motor vehicles and that is equipped for that purpose with a
628 boom, winch, carrier, or other similar equipment, except a motor
629 vehicle registered under the International Registration Plan,



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630 upon application and payment of the appropriate license tax and
 631 fees in accordance with s. 320.08(5)(d) or (e).

632 (5) A wrecker license plate must be displayed on the rear
 633 of such vehicle.

634 Section 6. Effective January 1, 2004, subsection (1) of
 635 section 320.0821, Florida Statutes, as amended by this act, is
 636 amended to read:

637 320.0821 Wrecker license plates.--

638 (1) The department shall issue one wrecker license plate,
 639 regardless of gross vehicle weight, to the owner of a wrecker
 640 ~~any motor vehicle that is used to tow, carry, or otherwise~~
 641 ~~transport motor vehicles and that is equipped for that purpose~~
 642 ~~with a boom, winch, carrier, or other similar equipment, except~~
 643 ~~a motor vehicle registered under the International Registration~~
 644 ~~Plan,~~ upon application and payment of the appropriate license
 645 tax and fees in accordance with s. 320.08(5)(d) or (e). The
 646 department may only issue or renew a wrecker license plate if
 647 the owner of the wrecker is a wrecker company registered under
 648 chapter 508. This section does not apply to a motor vehicle
 649 registered under the International Registration Plan.

650 Section 7. Effective January 1, 2004, section 321.051,
 651 Florida Statutes, is amended to read:

652 321.051 Florida Highway Patrol wrecker allocation ~~operator~~
 653 system; penalties for operation outside of system.--

654 (1) As used in this section, the term:

655 (a) "Authorized wrecker company ~~operator~~" means a any
 656 wrecker company ~~operator~~ ~~who has been~~ designated by the division
 657 ~~of Florida Highway Patrol~~ as part of its ~~the~~ wrecker allocation
 658 ~~operator~~ system.



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659 (b) "Division" means the Division of the Florida Highway
 660 Patrol within the Department of Highway Safety and Motor
 661 Vehicles.

662 ~~(c)(b)~~ "Unauthorized wrecker company operator" means a any
 663 wrecker company operator ~~who has not been~~ designated by the
 664 division as part of its the wrecker allocation operator system.

665 (d) "Wrecker company" has the same meaning ascribed in s.
 666 508.01.

667 (e) "Wrecker operator" has the same meaning ascribed in s.
 668 508.01.

669 (f) "Wrecker services" has the same meaning ascribed in s.
 670 508.01.

671 (2)(a) ~~The division may of Florida Highway Patrol of the~~
 672 ~~Department of Highway Safety and Motor Vehicles is authorized to~~
 673 establish within areas designated by the division patrol a
 674 wrecker allocation operator system using qualified, reputable
 675 wrecker companies operators for the removal and storage of
 676 wrecked or disabled vehicles from a crash scenes scene or for
 677 the removal and storage of abandoned vehicles, in the event the
 678 owner or operator is incapacitated or unavailable or leaves the
 679 procurement of wrecker services service to the officer at the
 680 scene.

681 (b) The wrecker allocation system may only use wrecker
 682 companies registered under chapter 508. Each All reputable
 683 wrecker company registered under chapter 508 is operators shall
 684 be eligible for use in the system if its provided ~~their~~
 685 equipment and wrecker operators drivers meet the recognized
 686 safety qualifications and mechanical standards set by rules of
 687 the division ~~of Florida Highway Patrol~~ for the size of vehicle
 688 they are it is designed to handle. The division may is



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689 ~~authorized to~~ limit the number of wrecker companies ~~operators~~
 690 participating in the wrecker allocation ~~operator~~ system, ~~which~~
 691 ~~authority shall not affect wrecker operators currently~~
 692 ~~participating in the system established by this section.~~

693 (c) The division may ~~is authorized to~~ establish maximum
 694 rates for the towing and storage of vehicles removed at the
 695 division's request, if those ~~where such rates are~~ have not
 696 established ~~been set~~ by a county or municipality under ~~pursuant~~
 697 ~~to~~ s. 125.0103 or s. 166.043. Such rates are ~~shall~~ not be
 698 ~~considered~~ rules for the purpose of chapter 120; however, the
 699 Department of Highway Safety and Motor Vehicles shall adopt
 700 rules prescribing the procedures ~~establish by rule a procedure~~
 701 for setting the ~~such~~ rates.

702 (d) Notwithstanding ~~Any provision in~~ chapter 120 ~~to the~~
 703 ~~contrary notwithstanding~~, a final order of the department
 704 denying, suspending, or revoking a wrecker company's ~~operator's~~
 705 participation in the wrecker allocation system may only be
 706 appealed ~~shall be reviewable~~ in the manner and within the time
 707 provided by the Florida Rules of Appellate Procedure ~~only~~ by a
 708 writ of certiorari issued by the circuit court in the county in
 709 which the ~~wherein such~~ wrecker company's primary place of
 710 business is located, as evidenced by the wrecker company's
 711 registration under chapter 508 ~~operator resides.~~

712 (3)(a) ~~It is unlawful for~~ An unauthorized wrecker company,
 713 its wrecker operators, ~~operator~~ or its employees or agents may
 714 not ~~to~~ monitor police radio for communications between patrol
 715 field units and the dispatcher in order to determine the
 716 location of a wrecked or disabled vehicle for the purpose of
 717 dispatching its wrecker operator to drive ~~driving~~ by the scene
 718 of the ~~such~~ vehicle in a manner described in paragraph (b) or



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719 paragraph (c). Any person who violates this paragraph commits ~~is~~
720 ~~guilty of~~ a noncriminal violation, punishable as provided in s.
721 775.083.

722 (b) A wrecker operator dispatched by ~~It is unlawful for~~ an
723 unauthorized wrecker company may not ~~operator to~~ drive by the
724 scene of a wrecked or disabled vehicle before the arrival of the
725 ~~authorized~~ wrecker operator dispatched by the authorized wrecker
726 company, initiate contact with the owner or operator of the such
727 vehicle by soliciting or offering wrecker towing services, and
728 tow the such vehicle. Any person who violates this paragraph
729 commits ~~is guilty of~~ a misdemeanor of the second degree,
730 punishable as provided in s. 775.082 or s. 775.083.

731 (c) When a wrecker operator dispatched by an unauthorized
732 wrecker company ~~operator~~ drives by the scene of a wrecked or
733 disabled vehicle and the owner or operator initiates contact by
734 signaling the wrecker operator to stop and provide wrecker
735 ~~towing~~ services, the ~~unauthorized~~ wrecker operator must disclose
736 to the owner or operator of the vehicle that he or she was not
737 dispatched by the ~~is not an~~ authorized wrecker company ~~operator~~
738 ~~who has been~~ designated as part of the wrecker allocation
739 ~~operator~~ system and must disclose, in writing, what charges for
740 towing and storage will apply before the vehicle is connected to
741 the towing apparatus. Any person who violates this paragraph
742 commits ~~is guilty of~~ a misdemeanor of the second degree,
743 punishable as provided in s. 775.082 or s. 775.083.

744 (d) ~~At the scene of a wrecked or disabled vehicle, it is~~
745 ~~unlawful for~~ A wrecker operator may not ~~to~~ falsely identify
746 himself or herself as being part of, or as being employed by a
747 wrecker company that is part of, the wrecker allocation ~~operator~~
748 system at the scene of a wrecked or disabled vehicle. Any person



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749 who violates this paragraph commits ~~is guilty of~~ a misdemeanor
750 of the first degree, punishable as provided in s. 775.082 or s.
751 775.083.

752 (4) This section does not prohibit, or in any way prevent,
753 the owner or operator of a vehicle involved in a crash or
754 otherwise disabled from contacting any wrecker company ~~operator~~
755 for the provision of wrecker towing services, regardless of
756 whether the wrecker company ~~operator~~ is an authorized wrecker
757 company ~~operator~~ or not. However, if a law enforcement officer
758 determines that the disabled vehicle or vehicle cargo is a
759 public safety hazard, the officer may, in the interest of public
760 safety, dispatch an authorized wrecker company if the officer
761 believes that the authorized wrecker company would arrive at the
762 scene before the wrecker company requested by the owner or
763 operator of the disabled vehicle or vehicle cargo.

764 (5) A law enforcement officer may dispatch an authorized
765 wrecker company out of rotation to the scene of a wrecked or
766 disabled vehicle if the authorized wrecker company next on
767 rotation is not equipped to provide the required wrecker
768 services and the out-of-rotation authorized wrecker company is
769 available with the required equipment. This subsection does not
770 prohibit or prevent the owner or operator of a vehicle involved
771 in a crash or otherwise disabled from contacting any wrecker
772 company who is properly equipped to provide the required wrecker
773 services, regardless of whether the wrecker company is an
774 authorized wrecker company or not. However, if a law enforcement
775 officer determines that the wrecked or disabled vehicle is a
776 public safety hazard, the officer may dispatch an authorized
777 wrecker company if the officer believes that the authorized
778 wrecker company would arrive at the scene before the wrecker



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779 company requested by the owner.

780 Section 8. Effective January 1, 2004, section 323.001,
781 Florida Statutes, is amended to read:

782 323.001 Wrecker company ~~operator~~ storage facilities;
783 vehicle holds.--

784 (1) As used in this section, the term:

785 (a) "Business day" means a day other than a Saturday,
786 Sunday, or federal or state legal holiday.

787 (b) "Wrecker company" has the same meaning ascribed in s.
788 508.01.

789 (2)(1) A law enforcement ~~An investigating~~ agency may place
790 a hold on a motor vehicle stored within a wrecker company's
791 ~~operator's~~ storage facility for a period not to exceed 5
792 business days, thereby preventing a motor vehicle from being
793 released to its owner ~~excluding holidays and weekends, unless~~
794 ~~extended in writing.~~

795 (3)(2) To extend a hold, the law enforcement ~~investigating~~
796 agency must notify the wrecker company ~~operator~~ in writing
797 within the 5 business days, ~~excluding holidays and weekends,~~
798 ~~whether the hold is to be continued.~~ If no notification is not
799 made within the 5 business days ~~follows this period of time,~~ the
800 wrecker company must ~~operator may~~ release the vehicle to the
801 designated person under ~~pursuant to~~ s. 713.78.

802 (a) If the hold is extended ~~to continue~~ beyond the 5
803 business days, ~~excluding holidays and weekends,~~ the law
804 enforcement ~~investigating~~ agency may have the vehicle removed to
805 a designated impound lot, in which event the vehicle may will
806 not be released by the law enforcement ~~investigating~~ agency to
807 the owner or lienholder of the vehicle until proof of payment of
808 the towing and storage charges incurred by the wrecker company



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809 ~~operator~~ is presented to the law enforcement ~~investigating~~
810 agency.

811 (b) If the law enforcement ~~investigating~~ agency chooses to
812 have the vehicle remain at the wrecker company's ~~operator's~~
813 storage facility for more than ~~beyond~~ 5 business days, under
814 ~~excluding holidays and weekends,~~ pursuant to the written
815 notification, the law enforcement ~~investigating~~ agency is ~~shall~~
816 be responsible for payment of the storage charges incurred by
817 the wrecker company ~~operator~~ for the requested extended period.
818 In such an event, the owner or lienholder is ~~shall be~~
819 responsible for payment of accrued towing and storage charges
820 for the first 5 business days, ~~excluding holidays and weekends,~~
821 or any period less than the first 5 business days, ~~excluding~~
822 ~~holidays and weekends,~~ when the law enforcement ~~investigating~~
823 agency either moves the vehicle from the wrecker company's
824 ~~operator's~~ storage facility to a designated impound lot or
825 provides written notification to extend the hold on the vehicle
826 before ~~prior to~~ the expiration of the 5 business days, ~~excluding~~
827 ~~holidays and weekends.~~

828 (c) The towing and storage rates for the owner or
829 lienholder of the held vehicle may ~~shall~~ not exceed the rates
830 for the law enforcement ~~investigating~~ agency.

831 ~~(4)~~~~(3)~~ If there is a judicial finding of no probable cause
832 for having continued the immobilization or impoundment, the law
833 enforcement ~~investigating~~ agency ordering the hold must pay the
834 accrued charges for any towing and storage.

835 ~~(5)~~~~(4)~~ The requirements for a written hold apply when the
836 following conditions are present:



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837 (a) The law enforcement officer has probable cause to
 838 believe the vehicle should be seized and forfeited under the
 839 Florida Contraband Forfeiture Act, ss. 932.701-932.707;

840 (b) The law enforcement officer has probable cause to
 841 believe the vehicle should be seized and forfeited under chapter
 842 370 or chapter 372;

843 (c) The law enforcement officer has probable cause to
 844 believe the vehicle was used as the means of committing a crime;

845 (d) The law enforcement officer has probable cause to
 846 believe that the vehicle is itself evidence that tends to show
 847 that a crime has been committed or that the vehicle contains
 848 evidence, which cannot readily be removed, which tends to show
 849 that a crime has been committed;

850 (e) The law enforcement officer has probable cause to
 851 believe the vehicle was involved in a traffic accident resulting
 852 in death or personal injury and should be sealed for
 853 investigation and collection of evidence by a vehicular homicide
 854 investigator;

855 (f) The vehicle is impounded or immobilized under ~~pursuant~~
 856 ~~to~~ s. 316.193 or s. 322.34; or

857 (g) The law enforcement officer is complying with a court
 858 order.

859 (6)~~(5)~~ The hold must be in writing and must specify:

860 (a) The name and agency of the law enforcement officer
 861 placing the hold on the vehicle;

862 (b) The date and time the hold is placed on the vehicle;

863 (c) A general description of the vehicle, including its
 864 color, make, model, body style, and year; VIN (Vehicle
 865 Identification Number); registration license plate number,
 866 state, and year; and validation sticker number, state, and year;



- 867 (d) The specific reason for placing the hold;
- 868 (e) The condition of the vehicle;
- 869 (f) The location where the vehicle is being held; and
- 870 (g) The name, address, and telephone number of the wrecker
- 871 company operator and the storage facility.

872 ~~(7)(6)~~ A wrecker company's ~~operator's~~ storage facility
 873 must comply with a hold placed by a law enforcement officer,
 874 including instructions for inside or outside storage. A wrecker
 875 company's ~~operator's~~ storage facility may not release a motor
 876 vehicle subject to a hold to any person except as directed by
 877 the law enforcement agency placing the hold.

878 ~~(8)(7)~~ When a vehicle owner is found guilty of, or pleads
 879 nolo contendere to, the offense that resulted in a hold being
 880 placed on his or her vehicle, regardless of the adjudication of
 881 guilt, the owner must pay the accrued towing and storage charges
 882 assessed against the vehicle.

883 Section 9. Effective January 1, 2004, section 323.002,
 884 Florida Statutes, is amended to read:

885 323.002 County and municipal wrecker allocation operator
 886 systems; penalties for operation outside of system.--

887 (1) As used in this section, the term:

888 (a) "Authorized wrecker company operator " means a any
 889 wrecker company operator ~~who has been~~ designated as part of the
 890 wrecker allocation operator system established by the
 891 governmental unit having jurisdiction over the scene of a
 892 wrecked or disabled vehicle.

893 (b) "Unauthorized wrecker company operator" means a any
 894 wrecker company operator ~~who has not been~~ designated as part of
 895 the wrecker allocation operator system established by the



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896 governmental unit having jurisdiction over the scene of a
 897 wrecked or disabled vehicle.

898 (c) "Wrecker allocation operator system" means a system
 899 for the towing or removal of wrecked, disabled, or abandoned
 900 vehicles, similar to the Florida Highway Patrol wrecker
 901 allocation operator system described in s. 321.051(2), under
 902 which a county or municipality contracts with one or more
 903 wrecker companies registered under chapter 508 operators for the
 904 towing or removal of wrecked, disabled, or abandoned vehicles
 905 from accident scenes, streets, or highways. Each A wrecker
 906 allocation operator system must use ~~shall include using~~ a method
 907 of ~~for~~ apportioning the towing assignments among the eligible
 908 wrecker companies operators through the creation of geographic
 909 zones, a rotation schedule, or a combination of these methods.

910 (d) "Wrecker company" has the same meaning ascribed in s.
 911 508.01.

912 (e) "Wrecker operator" has the same meaning ascribed in s.
 913 508.01.

914 (f) "Wrecker services" has the same meaning ascribed in s.
 915 508.01.

916 (2) In a ~~any~~ county or municipality that operates a
 917 wrecker allocation operator system:

918 (a) The wrecker allocation system may only use wrecker
 919 companies registered under chapter 508.

920 (b)~~(a)~~ ~~It is unlawful for~~ An unauthorized wrecker company,
 921 its wrecker operators, ~~operator~~ or its other employees or agents
 922 may not ~~to~~ monitor police radio for communications between
 923 patrol field units and the dispatcher in order to determine the
 924 location of a wrecked or disabled vehicle for the purpose of
 925 dispatching its wrecker operator to drive ~~driving~~ by the scene



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926 of the ~~such~~ vehicle in a manner described in paragraph ~~(c)(b)~~ or
 927 paragraph ~~(d)(e)~~. Any person who violates this paragraph commits
 928 ~~is guilty of~~ a noncriminal violation, punishable as provided in
 929 s. 775.083.

930 ~~(c)(b)~~ It is unlawful for A wrecker operator dispatched by
 931 an unauthorized wrecker company may not ~~operator to~~ drive by the
 932 scene of a wrecked or disabled vehicle before the arrival of the
 933 wrecker operator dispatched by the ~~an~~ authorized wrecker company
 934 ~~operator~~, initiate contact with the owner or operator of the
 935 ~~such~~ vehicle by soliciting or offering wrecker towing services,
 936 and tow the ~~such~~ vehicle. Any person who violates this paragraph
 937 commits ~~is guilty of~~ a misdemeanor of the second degree,
 938 punishable as provided in s. 775.082 or s. 775.083.

939 ~~(d)(e)~~ When a wrecker operator dispatched by an
 940 unauthorized wrecker company ~~operator~~ drives by the scene of a
 941 wrecked or disabled vehicle and the owner or operator initiates
 942 contact by signaling the wrecker operator to stop and provide
 943 wrecker towing services, the ~~unauthorized~~ wrecker operator must
 944 disclose to the owner or operator of the vehicle that he or she
 945 was ~~is~~ not dispatched by the authorized wrecker company ~~operator~~
 946 ~~who has been~~ designated as part of the wrecker allocation
 947 ~~operator~~ system and must disclose, in writing, what charges for
 948 towing and storage will apply before the vehicle is connected to
 949 the towing apparatus. Any person who violates this paragraph
 950 commits ~~is guilty of~~ a misdemeanor of the second degree,
 951 punishable as provided in s. 775.082 or s. 775.083.

952 ~~(e)(d)~~ At the scene of a wrecked or disabled vehicle, it
 953 ~~is unlawful for~~ A wrecker operator may not ~~to~~ falsely identify
 954 himself or herself as being part of, or as being employed by a
 955 wrecker company that is part of, the wrecker allocation ~~operator~~



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956 system at the scene of a wrecked or disabled vehicle. Any person
 957 who violates this paragraph commits ~~is guilty of~~ a misdemeanor
 958 of the first degree, punishable as provided in s. 775.082 or s.
 959 775.083.

960 (3) This section does not prohibit, or in any way prevent,
 961 the owner or operator of a vehicle involved in a crash ~~an~~
 962 ~~accident~~ or otherwise disabled from contacting any wrecker
 963 company ~~operator~~ for the provision of wrecker towing services,
 964 regardless of whether the wrecker company operator is an
 965 authorized wrecker company operator or not. However, if a law
 966 enforcement officer determines that the disabled vehicle or
 967 vehicle cargo is a public safety hazard, the officer may, in the
 968 interest of public safety, dispatch an authorized wrecker
 969 company if the officer believes that the authorized wrecker
 970 company would arrive at the scene before the wrecker company
 971 requested by the owner or operator of the disabled vehicle or
 972 vehicle cargo.

973 (4) A law enforcement officer may dispatch an authorized
 974 wrecker company out of rotation to the scene of a wrecked or
 975 disabled vehicle if the authorized wrecker company next on
 976 rotation is not equipped to provide the required wrecker
 977 services and the out-of-rotation authorized wrecker company is
 978 available with the required equipment. This subsection does not
 979 prohibit or prevent the owner or operator of a vehicle involved
 980 in a crash or otherwise disabled from contacting any wrecker
 981 company who is properly equipped to provide the required wrecker
 982 services, regardless of whether the wrecker company is an
 983 authorized wrecker company or not. However, if a law enforcement
 984 officer determines that the wrecked or disabled vehicle is a
 985 public safety hazard, the officer may dispatch an authorized



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986 wrecker company if the officer believes that the authorized
 987 wrecker company would arrive at the scene before the wrecker
 988 company requested by the owner or operator.

989 Section 10. Subsection (13) of section 713.78, Florida
 990 Statutes, is amended to read:

991 713.78 Liens for recovering, towing, or storing vehicles
 992 and vessels.--

993 (13)(a) Upon receipt by the Department of Highway Safety
 994 and Motor Vehicles of written notice from a wrecker operator who
 995 claims a wrecker operator's lien under paragraph (2)(c) or
 996 paragraph (2)(d) for recovery, towing, or storage of an
 997 abandoned vehicle, vessel, or mobile home upon instructions from
 998 any law enforcement agency, for which a certificate of
 999 destruction has been issued under subsection (11), the
 1000 department shall place the name of the registered owner of that
 1001 vehicle, vessel, or mobile home on the list of those persons who
 1002 may not be issued a license plate or revalidation sticker for
 1003 any motor vehicle under s. 320.03(8). If the vehicle, vessel, or
 1004 mobile home is owned jointly by more than one person, the name
 1005 of each registered owner shall be placed on the list. The notice
 1006 of wrecker operator's lien shall be submitted on forms provided
 1007 by the department, which must include:

1008 1. The name, address, and telephone number of the wrecker
 1009 operator.

1010 2. The name of the registered owner of the vehicle,
 1011 vessel, or mobile home and the address to which the wrecker
 1012 operator provided notice of the lien to the registered owner
 1013 under subsection (4).

1014 3. A general description of the vehicle, vessel, or mobile
 1015 home, including its color, make, model, body style, and year.



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1016 4. The vehicle identification number (VIN); registration
1017 license plate number, state, and year; validation decal number,
1018 state, and year; mobile home sticker number, state, and year;
1019 vessel registration number; hull identification number; or other
1020 identification number, as applicable.

1021 5. The name of the person or the corresponding law
1022 enforcement agency that requested that the vehicle, vessel, or
1023 mobile home be recovered, towed, or stored.

1024 6. The amount of the wrecker operator's lien, not to
1025 exceed the amount allowed by paragraph (b).

1026 (b) For purposes of this subsection only, the amount of
1027 the wrecker operator's lien for which the department will
1028 prevent issuance of a license plate or revalidation sticker may
1029 not exceed the amount of the charges for recovery, towing, and
1030 storage of the vehicle, vessel, or mobile home for 7 days. These
1031 charges may not exceed the maximum rates imposed by the
1032 ordinances of the respective county or municipality under ss.
1033 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit
1034 the amount of a wrecker operator's lien claimed under subsection
1035 (2) or prevent a wrecker operator from seeking civil remedies
1036 for enforcement of the entire amount of the lien, but limits
1037 only that portion of the lien for which the department will
1038 prevent issuance of a license plate or revalidation sticker.

1039 (c)1. The registered owner of a vehicle, vessel, or mobile
1040 home may dispute a wrecker operator's lien, by notifying the
1041 department of the dispute in writing on forms provided by the
1042 department, if at least one of the following applies:

1043 a. The registered owner presents a notarized bill of sale
1044 proving that the vehicle, vessel, or mobile home was sold in a



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1045 private or casual sale before the vehicle, vessel, or mobile
1046 home was recovered, towed, or stored.

1047 b. The registered owner presents proof that the Florida
1048 certificate of title of the vehicle, vessel, or mobile home was
1049 sold to a licensed dealer as defined in s. 319.001 before the
1050 vehicle, vessel, or mobile home was recovered, towed, or stored.

1051 c. The records of the department were marked to indicate
1052 the vehicle, vessel, or mobile home was sold before the issuance
1053 of the certificate of destruction under subsection (11).

1054
1055 If the registered owner's dispute of a wrecker operator's lien
1056 complies with one of these criteria, the department shall
1057 immediately remove the registered owner's name from the list of
1058 those persons who may not be issued a license plate or
1059 revalidation sticker for any motor vehicle under s. 320.03(8),
1060 thereby allowing issuance of a license plate or revalidation
1061 sticker. If the vehicle, vessel, or mobile home is owned jointly
1062 by more than one person, each registered owner must dispute the
1063 wrecker operator's lien in order to be removed from the list.
1064 However, the department shall deny any dispute and maintain the
1065 registered owner's name on the list of those persons who may not
1066 be issued a license plate or revalidation sticker for any motor
1067 vehicle under s. 320.03(8) if the wrecker operator has provided
1068 the department with a certified copy of the judgment of a court
1069 which orders the registered owner to pay the wrecker operator's
1070 lien claimed under this section. In such a case, the amount of
1071 the wrecker operator's lien allowed by paragraph (b) may be
1072 increased to include no more than \$500 of the reasonable costs
1073 and attorney's fees incurred in obtaining the judgment. The
1074 department's action under this subparagraph is ministerial in



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1075 nature, shall not be considered final agency action, and may be
1076 appealed ~~is appealable~~ only to the county court for the county
1077 in which the vehicle, vessel, or mobile home was ordered
1078 removed.

1079 2. A person against whom a wrecker operator's lien has
1080 been imposed may alternatively obtain a discharge of the lien by
1081 filing a complaint, challenging the validity of the lien or the
1082 amount thereof, in the county court of the county in which the
1083 vehicle, vessel, or mobile home was ordered removed. Upon filing
1084 of the complaint, the person may have her or his name removed
1085 from the list of those persons who may not be issued a license
1086 plate or revalidation sticker for any motor vehicle under s.
1087 320.03(8), thereby allowing issuance of a license plate or
1088 revalidation sticker, upon posting with the court a cash or
1089 surety bond or other adequate security equal to the amount of
1090 the wrecker operator's lien to ensure the payment of such lien
1091 in the event she or he does not prevail. Upon the posting of the
1092 bond and the payment of the applicable fee set forth in s.
1093 28.24, the clerk of the court shall issue a certificate
1094 notifying the department of the posting of the bond and
1095 directing the department to release the wrecker operator's lien.
1096 Upon determining the respective rights of the parties, the court
1097 may award damages and costs in favor of the prevailing party.

1098 3. If a person against whom a wrecker operator's lien has
1099 been imposed does not object to the lien, but cannot discharge
1100 the lien by payment because the wrecker operator has moved or
1101 gone out of business, the person may have her or his name
1102 removed from the list of those persons who may not be issued a
1103 license plate or revalidation sticker for any motor vehicle
1104 under s. 320.03(8), thereby allowing issuance of a license plate



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1105 or revalidation sticker, upon posting with the clerk of court in
1106 the county in which the vehicle, vessel, or mobile home was
1107 ordered removed, a cash or surety bond or other adequate
1108 security equal to the amount of the wrecker operator's lien.
1109 Upon the posting of the bond and the payment of the application
1110 fee set forth in s. 28.24, the clerk of the court shall issue a
1111 certificate notifying the department of the posting of the bond
1112 and directing the department to release the wrecker operator's
1113 lien. The department shall mail to the wrecker operator, at the
1114 address upon the lien form, notice that the wrecker operator
1115 must claim the security within 60 days, or the security will be
1116 released back to the person who posted it. At the conclusion of
1117 the 60 days, the department shall direct the clerk as to which
1118 party is entitled to payment of the security, less applicable
1119 clerk's fees.

1120 4. A wrecker operator's lien expires 5 years after filing.

1121 (d) Upon discharge of the amount of the wrecker operator's
1122 lien allowed by paragraph (b), the wrecker operator must issue a
1123 certificate of discharged wrecker operator's lien on forms
1124 provided by the department to each registered owner of the
1125 vehicle, vessel, or mobile home attesting that the amount of the
1126 wrecker operator's lien allowed by paragraph (b) has been
1127 discharged. Upon presentation of the certificate of discharged
1128 wrecker operator's lien by the registered owner, the department
1129 shall immediately remove the registered owner's name from the
1130 list of those persons who may not be issued a license plate or
1131 revalidation sticker for any motor vehicle under s. 320.03(8),
1132 thereby allowing issuance of a license plate or revalidation
1133 sticker. Issuance of a certificate of discharged wrecker
1134 operator's lien under this paragraph does not discharge the



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1135 entire amount of the wrecker operator's lien claimed under
 1136 subsection (2), but only certifies to the department that the
 1137 amount of the wrecker operator's lien allowed by paragraph (b),
 1138 for which the department will prevent issuance of a license
 1139 plate or revalidation sticker, has been discharged.

1140 (e) When a wrecker operator files a notice of wrecker
 1141 operator's lien under this subsection, the department shall
 1142 charge the wrecker operator a fee of \$2, which shall be
 1143 deposited into the Florida Motor Vehicle Theft Prevention Trust
 1144 Fund established under s. 860.158. A service charge of \$2.50
 1145 must ~~shall~~ be collected and retained by the tax collector who
 1146 processes a notice of wrecker operator's lien.

1147 (f) This subsection applies only to the annual renewal in
 1148 the registered owner's birth month of a motor vehicle
 1149 registration and does not apply to the transfer of a
 1150 registration of a motor vehicle sold by a motor vehicle dealer
 1151 licensed under chapter 320, except for the transfer of
 1152 registrations which is inclusive of the annual renewals. This
 1153 subsection does not apply to any vehicle registered in the name
 1154 of a lessor. This subsection does not affect the issuance of the
 1155 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1156 (g) The Department of Highway Safety and Motor Vehicles
 1157 may adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
 1158 implement this subsection.

1159 Section 11. Effective January 1, 2004, section 713.78,
 1160 Florida Statutes, as amended by this act, is amended to read:

1161 713.78 Liens for recovering, towing, or storing vehicles
 1162 and vessels.--

1163 (1) As used in ~~For the purposes of~~ this section, the term:

1164 (a) "Business day" means a day other than a Saturday,



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1165 Sunday, or federal or state legal holiday.

1166 (b) "Property owner" has the same meaning ascribed in s.
 1167 715.07.

1168 (c)(a) "Vehicle" has the same meaning ascribed in s.
 1169 508.01 means any mobile item, whether motorized or not, which is
 1170 mounted on wheels.

1171 (d)(b) "Vessel" has the same meaning ascribed in s. 508.01
 1172 means every description of watercraft, barge, and air boat used
 1173 or capable of being used as a means of transportation on water,
 1174 other than a seaplane or a "documented vessel" as defined in s.
 1175 327.02(8).

1176 (e)(e) "Wrecker" has the same meaning ascribed in s.
 1177 320.01 means any truck or other vehicle which is used to tow,
 1178 carry, or otherwise transport motor vehicles or vessels upon the
 1179 streets and highways of this state and which is equipped for
 1180 that purpose with a boom, winch, car carrier, or other similar
 1181 equipment.

1182 (f) "Wrecker company" has the same meaning ascribed in s.
 1183 508.01.

1184 (g) "Wrecker operator" has the same meaning ascribed in s.
 1185 508.01.

1186 (2) Whenever a wrecker company registered under chapter
 1187 508 person regularly engaged in the business of transporting
 1188 vehicles or vessels by wrecker, tow truck, or car carrier
 1189 recovers, removes, or stores a vehicle, vessel, or mobile home
 1190 upon instructions from:

1191 (a) The owner of the vehicle or vessel thereof; or

1192 (b) The property owner or lessor, or a person authorized
 1193 by the owner or lessor, of real property on which the such



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1194 vehicle is ~~wrongfully~~ parked without permission, and such
 1195 removal is done in compliance with s. 715.07; or

1196 (c) A ~~Any~~ law enforcement agency; or

1197 (d) A mobile home park owner as defined in s. 723.003 who
 1198 has a current writ of possession for a mobile home lot under
 1199 ~~pursuant to~~ s. 723.061,

1200
 1201 the wrecker company has ~~she or he shall have~~ a lien on the ~~such~~
 1202 vehicle or vessel for a reasonable towing fee and for a
 1203 reasonable storage fee; except that a ~~no~~ storage fee may not
 1204 ~~shall~~ be charged if the ~~such~~ vehicle is stored for less than 6
 1205 hours.

1206 (3) This section does not authorize any person to claim a
 1207 lien on a vehicle for fees or charges connected with the
 1208 immobilization of the ~~such~~ vehicle using a vehicle boot or other
 1209 similar device under ~~pursuant to~~ s. 715.07.

1210 (4)(a) Any wrecker company that ~~person regularly engaged~~
 1211 ~~in the business of recovering, towing, or storing vehicles or~~
 1212 ~~vessels who~~ comes into possession of a vehicle or vessel under
 1213 ~~pursuant to~~ subsection (2), and who claims a lien for recovery,
 1214 towing, or storage services, must ~~shall~~ give notice to the
 1215 registered owner, the insurance company insuring the vehicle
 1216 notwithstanding the provisions of s. 627.736, and to all persons
 1217 claiming a lien on the vehicle or vessel ~~thereon~~, as disclosed
 1218 by the records in the Department of Highway Safety and Motor
 1219 Vehicles or of a corresponding agency in any other state.

1220 (b) Whenever a ~~any~~ law enforcement agency authorizes the
 1221 removal of a vehicle or whenever a wrecker company ~~any towing~~
 1222 ~~service, garage, repair shop, or automotive service, storage, or~~
 1223 ~~parking place~~ notifies the law enforcement agency of possession



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1224 of a vehicle under ~~pursuant to~~ s. 715.07(2)(a)2., the applicable
 1225 law enforcement agency shall contact the Department of Highway
 1226 Safety and Motor Vehicles, or the appropriate agency of the
 1227 state of registration, if known, within 24 hours through the
 1228 medium of electronic communications, giving the full description
 1229 of the vehicle. Upon receipt of the full description of the
 1230 vehicle, the department shall search its files to determine the
 1231 owner's name, the insurance company insuring the vehicle, and
 1232 whether any person has filed a lien upon the vehicle as provided
 1233 in s. 319.27(2) and (3) and notify the applicable law
 1234 enforcement agency within 72 hours. The wrecker company must
 1235 ~~person in charge of the towing service, garage, repair shop, or~~
 1236 ~~automotive service, storage, or parking place shall obtain this~~
 1237 ~~such~~ information from the applicable law enforcement agency
 1238 within 5 days after ~~from~~ the date of storage and must ~~shall~~ give
 1239 notice under ~~pursuant to~~ paragraph (a). The department may
 1240 release the insurance company information to the requestor
 1241 notwithstanding ~~the provisions of~~ s. 627.736.

1242 (c) Notice by certified mail, return receipt requested,
 1243 must ~~shall~~ be sent within 7 business days after the date of
 1244 storage of the vehicle or vessel to the registered owner, the
 1245 insurance company insuring the vehicle notwithstanding the
 1246 provisions of s. 627.736, and all persons of record claiming a
 1247 lien against the vehicle or vessel. The notice must ~~it shall~~
 1248 state the fact of possession of the vehicle or vessel, that a
 1249 lien as provided in subsection (2) is claimed, that charges have
 1250 accrued and the amount of the charges ~~thereof~~, that the lien is
 1251 subject to enforcement under ~~pursuant to~~ law, and that the owner
 1252 or lienholder, if any, has the right to a hearing as set forth
 1253 in subsection (5), and that any vehicle or vessel which remains



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1254 unclaimed, or for which the charges for recovery, towing, or
 1255 storage services remain unpaid, may be sold free of all prior
 1256 liens after 35 days if the vehicle or vessel is more than 3
 1257 years of age or after 50 days if the vehicle or vessel is 3
 1258 years of age or less.

1259 (d) If the wrecker company is unable ~~attempts~~ to identify
 1260 the name of ~~locate~~ the owner or lienholder ~~prove unsuccessful~~,
 1261 the wrecker company ~~towing-storage operator~~ shall, after 7
 1262 business working days following, ~~excluding Saturday and Sunday~~,
 1263 ~~of~~ the initial tow or storage, notify the public agency of
 1264 jurisdiction in writing by certified mail or acknowledged hand
 1265 delivery that the wrecker ~~towing-storage~~ company has been unable
 1266 to identify the name of ~~locate~~ the owner or lienholder and a
 1267 physical search of the vehicle or vessel has disclosed no
 1268 ownership information and a good faith effort has been made. For
 1269 purposes of this paragraph and subsection (9), "good faith
 1270 effort" means that the following checks have been performed by
 1271 the wrecker company to establish prior state of registration and
 1272 for title:

1273 1. Check of vehicle or vessel for any type of tag, tag
 1274 record, temporary tag, or regular tag.

1275 2. Check of law enforcement report for tag number or other
 1276 information identifying the vehicle or vessel, if the vehicle or
 1277 vessel was towed at the request of a law enforcement officer.

1278 3. Check of trip sheet or tow ticket of wrecker ~~tow truck~~
 1279 operator to see if a tag was on vehicle at beginning of tow, if
 1280 private tow.

1281 4. If there is no address of the owner on the impound
 1282 report, check of law enforcement report to see if an out-of-
 1283 state address is indicated from driver license information.



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1284 5. Check of vehicle or vessel for inspection sticker or
1285 other stickers and decals that may indicate a state of possible
1286 registration.

1287 6. Check of the interior of the vehicle or vessel for any
1288 papers that may be in the glove box, trunk, or other areas for a
1289 state of registration.

1290 7. Check of vehicle for vehicle identification number.

1291 8. Check of vessel for vessel registration number.

1292 9. Check of vessel hull for a hull identification number
1293 which should be carved, burned, stamped, embossed, or otherwise
1294 permanently affixed to the outboard side of the transom or, if
1295 there is no transom, to the outmost seaboard side at the end of
1296 the hull that bears the rudder or other steering mechanism.

1297 (5)(a) The owner of a vehicle or vessel removed under
1298 ~~pursuant to the provisions of~~ subsection (2), or any person
1299 claiming a lien, other than the wrecker company towing-storage
1300 ~~operator~~, within 10 days after the time she or he has knowledge
1301 of the location of the vehicle or vessel, may file a complaint
1302 in the county court of the county in which the vehicle or vessel
1303 is stored or in which the owner resides to determine if her or
1304 his property was wrongfully taken or withheld from her or him.

1305 (b) Upon filing of a complaint, an owner or lienholder may
1306 have her or his vehicle or vessel released upon posting with the
1307 court a cash or surety bond or other adequate security equal to
1308 the amount of the charges for towing or storage and lot rental
1309 amount to ensure the payment of the such charges in the event
1310 she or he does not prevail. Upon the posting of the bond and the
1311 payment of the applicable fee set forth in s. 28.24, the clerk
1312 of the court shall issue a certificate notifying the lienor of
1313 the posting of the bond and directing the lienor to release the



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1314 vehicle or vessel. At the time of the ~~such~~ release, after
 1315 reasonable inspection, she or he shall give a receipt to the
 1316 wrecker ~~towing-storage~~ company reciting any claims she or he has
 1317 for loss or damage to the vehicle or vessel or the contents of
 1318 the vehicle or vessel ~~thereof~~.

1319 (c) Upon determining the respective rights of the parties,
 1320 the court may award damages and costs to ~~in favor of~~ the
 1321 prevailing party. The court shall also award reasonable
 1322 attorney's fees to the prevailing party if the court determines
 1323 the nonprevailing party filed the complaint primarily to harass,
 1324 for frivolous purpose, or to needlessly increase the cost of
 1325 claiming a lien under this section. ~~In any event,~~ The final
 1326 order must require ~~shall provide for~~ immediate payment in full
 1327 of the recovery, towing, and storage fees by the vehicle or
 1328 vessel owner or lienholder; by ~~or~~ the law enforcement agency
 1329 ordering the tow; or by the property owner, ~~lessee, or agent~~
 1330 ~~thereof~~ of the real property from which the vehicle or vessel
 1331 was towed or removed under s. 715.07.

1332 (6) Any vehicle or vessel ~~which is~~ stored under ~~pursuant~~
 1333 ~~to~~ subsection (2) that ~~and which~~ remains unclaimed, or for which
 1334 reasonable charges for recovery, towing, or storing remain
 1335 unpaid or for which a lot rental amount is due and owing to the
 1336 mobile home park owner, as evidenced by a judgment for unpaid
 1337 rent, and any contents not released under ~~pursuant to~~ subsection
 1338 (10), may be sold by the wrecker company ~~owner or operator of~~
 1339 ~~the storage space~~ for the ~~such~~ towing or storage charge or
 1340 unpaid lot rental amount after 35 days after ~~from the time~~ the
 1341 vehicle or vessel is stored in the wrecker company's storage
 1342 facility ~~therein~~ if the vehicle or vessel is more than 3 years
 1343 of age or after 50 days following the time the vehicle or vessel



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1344 is stored therein if the vehicle or vessel is 3 years of age or
 1345 less. The sale must ~~shall~~ be at public auction for cash. If the
 1346 date of the sale is ~~was~~ not included in the notice required in
 1347 subsection (4), notice of the sale must ~~shall~~ be given to the
 1348 person in whose name the vehicle, vessel, or mobile home is
 1349 registered, to the mobile home park owner, and to all persons
 1350 claiming a lien on the vehicle or vessel as shown on the records
 1351 of the Department of Highway Safety and Motor Vehicles or of the
 1352 corresponding agency in any other state. Notice must ~~shall~~ be
 1353 sent by certified mail, return receipt requested, to the owner
 1354 of the vehicle or vessel and the person having the recorded lien
 1355 on the vehicle or vessel at the address shown on the records of
 1356 the registering agency and must ~~shall~~ be mailed at least ~~not~~
 1357 ~~less than~~ 15 days before the date of the sale. After diligent
 1358 search and inquiry, if the name and address of the registered
 1359 owner or the owner of the recorded lien cannot be ascertained,
 1360 the requirements of notice by mail may be dispensed with. In
 1361 addition to the notice by mail, public notice of the time and
 1362 place of sale must ~~shall~~ be made by publishing a notice of the
 1363 sale thereof one time, at least 10 days before ~~prior to~~ the date
 1364 of the sale, in a newspaper of general circulation in the county
 1365 in which the sale is to be held. The proceeds of the sale, after
 1366 payment of reasonable towing and storage charges, costs of the
 1367 sale, and the unpaid lot rental amount, in that order of
 1368 priority, must ~~shall~~ be deposited with the clerk of the circuit
 1369 court for the county if the owner is absent, and the clerk shall
 1370 hold the ~~such~~ proceeds subject to the claim of the person
 1371 legally entitled to those proceeds thereto. The clerk is ~~shall~~
 1372 ~~be~~ entitled to receive 5 percent of the ~~such~~ proceeds for the
 1373 care and disbursement of those proceeds thereof. The certificate



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1374 of title issued under this section ~~law~~ shall be discharged of
 1375 all liens unless otherwise provided by court order.

1376 (7)(a) A wrecker company, its wrecker operators, and other
 1377 employees or agents of the wrecker company ~~operator~~ recovering,
 1378 towing, or storing vehicles or vessels is not liable for damages
 1379 connected with those ~~such~~ services, theft of the ~~such~~ vehicles
 1380 or vessels, or theft of personal property contained in such
 1381 vehicles or vessels, if those ~~provided that such services are~~
 1382 ~~have been~~ performed with reasonable care and ~~provided,~~ further,
 1383 if that, in the case of removal of a vehicle or vessel upon the
 1384 request of a person purporting, and reasonably appearing, to be
 1385 the property owner or lessee, or a person authorized by the
 1386 ~~owner or lessee,~~ of the real property from which the ~~such~~
 1387 vehicle or vessel is removed, the ~~such~~ removal has been done in
 1388 compliance with s. 715.07. Further, a wrecker company, its
 1389 wrecker operators, and other employees or agents of the wrecker
 1390 company ~~operator~~ are ~~is~~ not liable for damage connected with
 1391 those ~~such~~ services when complying with the lawful directions of
 1392 a law enforcement officer to remove a vehicle stopped, standing,
 1393 or parked upon a street or highway in ~~such~~ a position that
 1394 obstructs ~~as to obstruct~~ the normal movement of traffic or that
 1395 creates ~~in such a condition as to create~~ a hazard to other
 1396 traffic upon the street or highway.

1397 (b) Employees or authorized agents of the Department of
 1398 Transportation or an authorized or unauthorized wrecker company,
 1399 as defined in s. 321.051 or s. 323.002, may remove a vehicle or
 1400 vehicle cargo from a public road without consent of the owner or
 1401 operator of the vehicle or vehicle cargo upon request of a law
 1402 enforcement officer as defined in s. 112.531, a sheriff or
 1403 deputy sheriff as defined in s. 30.072, or a firefighter as



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1404 defined in s. 112.81. The employee or authorized agent of the
 1405 Department of Transportation, the wrecker company, its wrecker
 1406 operators, and other employees or agents of the wrecker company,
 1407 the law enforcement officer, sheriff, or deputy sheriff, and the
 1408 firefighters and emergency medical services providers are not
 1409 liable for any property damages or claims of damage for the
 1410 removal if the vehicle or vehicle cargo is removed because it
 1411 presents an imminent public safety hazard.

1412 (c)(b) For the purposes of this subsection, a wrecker
 1413 company, its wrecker operators, and other employees or agents of
 1414 the wrecker company are ~~operator is~~ presumed to use reasonable
 1415 care to prevent the theft of a vehicle or vessel or of any
 1416 personal property contained in the ~~such~~ vehicle stored in the
 1417 wrecker company's ~~operator's~~ storage facility if all of the
 1418 following apply:

1419 1. The wrecker company ~~operator~~ surrounds the storage
 1420 facility with a chain-link or solid-wall type fence at least 6
 1421 feet in height;

1422 2. The wrecker company illuminates ~~operator has~~
 1423 ~~illuminated~~ the storage facility with lighting of sufficient
 1424 intensity to reveal persons and vehicles at a distance of at
 1425 least 150 feet during nighttime; and

1426 3. The wrecker company ~~operator~~ uses one or more of the
 1427 following security methods to discourage theft of vehicles or
 1428 vessels or of any personal property contained in such vehicles
 1429 or vessels stored in the wrecker company's ~~operator's~~ storage
 1430 facility:

1431 a. A night dispatcher or watchman remains on duty at the
 1432 storage facility from sunset to sunrise;



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1433 b. A security dog remains at the storage facility from
1434 sunset to sunrise;

1435 c. Security cameras or other similar surveillance devices
1436 monitor the storage facility; or

1437 d. A security guard service examines the storage facility
1438 at least once each hour from sunset to sunrise.

1439 ~~(d)(e)~~ Any law enforcement agency requesting that a motor
1440 vehicle be removed from an accident scene, street, or highway
1441 must conduct an inventory and prepare a written record of all
1442 personal property found in the vehicle before the vehicle is
1443 removed by a wrecker operator. However, if the owner or driver
1444 of the motor vehicle is present and accompanies the vehicle, an
1445 ~~ne~~ inventory by law enforcement is not required. A wrecker
1446 company, its wrecker operators, or other employees or agents of
1447 the wrecker company are ~~operator is~~ not liable for the loss of
1448 personal property alleged to be contained in ~~such~~ a vehicle when
1449 the ~~such~~ personal property was not identified on the inventory
1450 record prepared by the law enforcement agency requesting the
1451 removal of the vehicle.

1452 (8) A wrecker company and its wrecker operators, excluding
1453 ~~person regularly engaged in the business of recovering, towing,~~
1454 ~~or storing vehicles or vessels, except~~ a person licensed under
1455 chapter 493 while engaged in "repossession" activities as
1456 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~
1457 ~~ear carrier~~ unless the name, address, and telephone number of
1458 the wrecker company performing the service is clearly printed in
1459 contrasting colors on the driver and passenger sides of the
1460 wrecker ~~its~~ vehicle. The name must be in at least 3-inch
1461 permanently affixed letters, and the address and telephone
1462 number must be in at least 1-inch permanently affixed letters.



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1463 (9) Failure to make good faith best efforts to comply with
 1464 the notice requirements of this section precludes ~~shall preclude~~
 1465 the imposition of any storage charges against the ~~such~~ vehicle
 1466 or vessel.

1467 (10) Each wrecker company that provides ~~Persons who~~
 1468 ~~provide services under pursuant to~~ this section must ~~shall~~
 1469 permit vehicle or vessel owners or their agents, which agency is
 1470 evidenced by a writing acknowledged by the owner before a notary
 1471 public or other person empowered by law to administer oaths, to
 1472 inspect the towed vehicle or vessel and must ~~shall~~ release to
 1473 the owner or agent all personal property not affixed to the
 1474 vehicle or vessel which was in the vehicle or vessel at the time
 1475 the vehicle or vessel came into the custody of the wrecker
 1476 company person providing those ~~such~~ services.

1477 (11)(a) A wrecker company that ~~Any person regularly~~
 1478 ~~engaged in the business of recovering, towing, or storing~~
 1479 ~~vehicles or vessels who~~ comes into possession of a vehicle or
 1480 vessel under ~~pursuant to~~ subsection (2) and that complies ~~who~~
 1481 ~~has complied with the provisions of~~ subsections (3) and (6),
 1482 when the ~~such~~ vehicle or vessel is to be sold for purposes of
 1483 being dismantled, destroyed, or changed in such manner that it
 1484 is not the motor vehicle, vessel, or mobile home described in
 1485 the certificate of title, must ~~shall~~ apply to the county tax
 1486 collector for a certificate of destruction. A certificate of
 1487 destruction, which authorizes the dismantling or destruction of
 1488 the vehicle or vessel described on the certificate, is therein,
 1489 ~~shall be~~ reassignable no more than twice ~~a maximum of two times~~
 1490 before dismantling or destruction of the vehicle is ~~shall be~~
 1491 required, and must ~~shall~~ accompany the vehicle or vessel for
 1492 which it is issued, when the ~~such~~ vehicle or vessel is sold for



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1493 that purpose ~~such purposes~~, in lieu of a certificate of title.

1494 The application for a certificate of destruction must include an
 1495 affidavit from the applicant that it has complied with all
 1496 applicable requirements of this section and, if the vehicle or
 1497 vessel is not registered in this state, by a statement from a
 1498 law enforcement officer that the vehicle or vessel is not
 1499 reported stolen, and must ~~shall~~ be accompanied by other ~~such~~
 1500 documentation ~~as may be~~ required by the department.

1501 (b) The Department of Highway Safety and Motor Vehicles
 1502 shall charge a fee of \$3 for each certificate of destruction. A
 1503 service charge of \$4.25 shall be collected and retained by the
 1504 tax collector who processes the application.

1505 (c) The Department of Highway Safety and Motor Vehicles
 1506 may adopt ~~such~~ rules ~~as it deems~~ necessary or proper for the
 1507 administration of this subsection.

1508 (12)(a) A ~~Any~~ person who violates ~~any provision of~~
 1509 subsection (1), subsection (2), subsection (4), subsection (5),
 1510 subsection (6), or subsection (7) commits ~~is guilty of~~ a
 1511 misdemeanor of the first degree, punishable as provided in s.
 1512 775.082 or s. 775.083.

1513 (b) A ~~Any~~ person who violates ~~the provisions of~~
 1514 subsections (8) through (11) commits ~~is guilty of~~ a felony of
 1515 the third degree, punishable as provided in s. 775.082, s.
 1516 775.083, or s. 775.084.

1517 (c) A ~~Any~~ person who uses a false or fictitious name,
 1518 gives a false or fictitious address, or makes any false
 1519 statement in any application or affidavit required under ~~the~~
 1520 ~~provisions of~~ this section commits ~~is guilty of~~ a felony of the
 1521 third degree, punishable as provided in s. 775.082, s. 775.083,
 1522 or s. 775.084.



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1523 (d) Employees of the Department of Highway Safety and
1524 Motor Vehicles and law enforcement officers may ~~are authorized~~
1525 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
1526 ~~person regularly engaged in the business of recovering, towing,~~
1527 ~~or storing vehicles or vessels or transporting vehicles or~~
1528 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure
1529 compliance with the requirements of this section. A ~~Any~~ person
1530 who fails to maintain records, or fails to produce records when
1531 required in a reasonable manner and at a reasonable time,
1532 commits a misdemeanor of the first degree, punishable as
1533 provided in s. 775.082 or s. 775.083.

1534 (13)(a) Upon receipt by the Department of Highway Safety
1535 and Motor Vehicles of written notice from a wrecker company
1536 ~~operator~~ who claims a wrecker company's ~~operator's~~ lien under
1537 paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or
1538 storage of an abandoned vehicle, vessel, or mobile home upon
1539 instructions from any law enforcement agency, for which a
1540 certificate of destruction has been issued under subsection
1541 (11), the department shall place the name of the registered
1542 owner of that vehicle, vessel, or mobile home on the list of
1543 those persons who may not be issued a license plate or
1544 revalidation sticker for any motor vehicle under s. 320.03(8).
1545 If the vehicle, vessel, or mobile home is owned jointly by more
1546 than one person, the name of each registered owner shall be
1547 placed on the list. The notice of wrecker company's ~~operator's~~
1548 lien shall be submitted on forms provided by the department,
1549 which must include:

1550 1. The name, address, and telephone number of the wrecker
1551 company ~~operator~~.



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1552 2. The name of the registered owner of the vehicle,
1553 vessel, or mobile home and the address to which the wrecker
1554 company ~~operator~~ provided notice of the lien to the registered
1555 owner under subsection (4).

1556 3. A general description of the vehicle, vessel, or mobile
1557 home, including its color, make, model, body style, and year.

1558 4. The vehicle identification number (VIN); registration
1559 license plate number, state, and year; validation decal number,
1560 state, and year; mobile home sticker number, state, and year;
1561 vessel registration number; hull identification number; or other
1562 identification number, as applicable.

1563 5. The name of the person or the corresponding law
1564 enforcement agency that requested that the vehicle, vessel, or
1565 mobile home be recovered, towed, or stored.

1566 6. The amount of the wrecker company's ~~operator's~~ lien,
1567 not to exceed the amount allowed by paragraph (b).

1568 (b) For purposes of this subsection only, the amount of
1569 the wrecker company's ~~operator's~~ lien for which the department
1570 will prevent issuance of a license plate or revalidation sticker
1571 may not exceed the amount of the charges for recovery, towing,
1572 and storage of the vehicle, vessel, or mobile home for 7 days.
1573 These charges may not exceed the maximum rates imposed by the
1574 ordinances of the respective county or municipality under ss.
1575 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit
1576 the amount of a wrecker company's ~~operator's~~ lien claimed under
1577 subsection (2) or prevent a wrecker company ~~operator~~ from
1578 seeking civil remedies for enforcement of the entire amount of
1579 the lien, but limits only that portion of the lien for which the
1580 department will prevent issuance of a license plate or
1581 revalidation sticker.



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1582 (c)1. The registered owner of a vehicle, vessel, or mobile
 1583 home may dispute a wrecker company's ~~operator's~~ lien, by
 1584 notifying the department of the dispute in writing on forms
 1585 provided by the department, if at least one of the following
 1586 applies:

1587 a. The registered owner presents a notarized bill of sale
 1588 proving that the vehicle, vessel, or mobile home was sold in a
 1589 private or casual sale before the vehicle, vessel, or mobile
 1590 home was recovered, towed, or stored.

1591 b. The registered owner presents proof that the Florida
 1592 certificate of title of the vehicle, vessel, or mobile home was
 1593 sold to a licensed dealer as defined in s. 319.001 before the
 1594 vehicle, vessel, or mobile home was recovered, towed, or stored.

1595 c. The records of the department were marked to indicate
 1596 the vehicle, vessel, or mobile home was sold before the issuance
 1597 of the certificate of destruction under subsection (11).

1598
 1599 If the registered owner's dispute of a wrecker company's
 1600 ~~operator's~~ lien complies with one of these criteria, the
 1601 department shall immediately remove the registered owner's name
 1602 from the list of those persons who may not be issued a license
 1603 plate or revalidation sticker for any motor vehicle under s.
 1604 320.03(8), thereby allowing issuance of a license plate or
 1605 revalidation sticker. If the vehicle, vessel, or mobile home is
 1606 owned jointly by more than one person, each registered owner
 1607 must dispute the wrecker company's ~~operator's~~ lien in order to
 1608 be removed from the list. However, the department shall deny any
 1609 dispute and maintain the registered owner's name on the list of
 1610 those persons who may not be issued a license plate or
 1611 revalidation sticker for any motor vehicle under s. 320.03(8) if



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1612 the wrecker company ~~operator~~ has provided the department with a
1613 certified copy of the judgment of a court which orders the
1614 registered owner to pay the wrecker company's ~~operator's~~ lien
1615 claimed under this section. In such a case, the amount of the
1616 wrecker company's ~~operator's~~ lien allowed by paragraph (b) may
1617 be increased to include no more than \$500 of the reasonable
1618 costs and attorney's fees incurred in obtaining the judgment.
1619 The department's action under this subparagraph is ministerial
1620 in nature, shall not be considered final agency action, and may
1621 be appealed only to the county court for the county in which the
1622 vehicle, vessel, or mobile home was ordered removed.

1623 2. A person against whom a wrecker company's ~~operator's~~
1624 lien has been imposed may alternatively obtain a discharge of
1625 the lien by filing a complaint, challenging the validity of the
1626 lien or the amount thereof, in the county court of the county in
1627 which the vehicle, vessel, or mobile home was ordered removed.
1628 Upon filing of the complaint, the person may have her or his
1629 name removed from the list of those persons who may not be
1630 issued a license plate or revalidation sticker for any motor
1631 vehicle under s. 320.03(8), thereby allowing issuance of a
1632 license plate or revalidation sticker, upon posting with the
1633 court a cash or surety bond or other adequate security equal to
1634 the amount of the wrecker company's ~~operator's~~ lien to ensure
1635 the payment of such lien in the event she or he does not
1636 prevail. Upon the posting of the bond and the payment of the
1637 applicable fee set forth in s. 28.24, the clerk of the court
1638 shall issue a certificate notifying the department of the
1639 posting of the bond and directing the department to release the
1640 wrecker company's ~~operator's~~ lien. Upon determining the



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1641 respective rights of the parties, the court may award damages
1642 and costs in favor of the prevailing party.

1643 3. If a person against whom a wrecker company's ~~operator's~~
1644 lien has been imposed does not object to the lien, but cannot
1645 discharge the lien by payment because the wrecker company
1646 ~~operator~~ has moved or gone out of business, the person may have
1647 her or his name removed from the list of those persons who may
1648 not be issued a license plate or revalidation sticker for any
1649 motor vehicle under s. 320.03(8), thereby allowing issuance of a
1650 license plate or revalidation sticker, upon posting with the
1651 clerk of court in the county in which the vehicle, vessel, or
1652 mobile home was ordered removed, a cash or surety bond or other
1653 adequate security equal to the amount of the wrecker company's
1654 ~~operator's~~ lien. Upon the posting of the bond and the payment of
1655 the application fee set forth in s. 28.24, the clerk of the
1656 court shall issue a certificate notifying the department of the
1657 posting of the bond and directing the department to release the
1658 wrecker company's ~~operator's~~ lien. The department shall mail to
1659 the wrecker company ~~operator~~, at the address upon the lien form,
1660 notice that the wrecker company ~~operator~~ must claim the security
1661 within 60 days, or the security will be released back to the
1662 person who posted it. At the conclusion of the 60 days, the
1663 department shall direct the clerk as to which party is entitled
1664 to payment of the security, less applicable clerk's fees.

1665 4. A wrecker company's ~~operator's~~ lien expires 5 years
1666 after filing.

1667 (d) Upon discharge of the amount of the wrecker company's
1668 ~~operator's~~ lien allowed by paragraph (b), the wrecker company
1669 ~~operator~~ must issue a certificate of discharged wrecker
1670 company's ~~operator's~~ lien on forms provided by the department to



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1671 each registered owner of the vehicle, vessel, or mobile home
1672 attesting that the amount of the wrecker company's ~~operator's~~
1673 lien allowed by paragraph (b) has been discharged. Upon
1674 presentation of the certificate of discharged wrecker company's
1675 ~~operator's~~ lien by the registered owner, the department shall
1676 immediately remove the registered owner's name from the list of
1677 those persons who may not be issued a license plate or
1678 revalidation sticker for any motor vehicle under s. 320.03(8),
1679 thereby allowing issuance of a license plate or revalidation
1680 sticker. Issuance of a certificate of discharged wrecker
1681 company's ~~operator's~~ lien under this paragraph does not
1682 discharge the entire amount of the wrecker company's ~~operator's~~
1683 lien claimed under subsection (2), but only certifies to the
1684 department that the amount of the wrecker company's ~~operator's~~
1685 lien allowed by paragraph (b), for which the department will
1686 prevent issuance of a license plate or revalidation sticker, has
1687 been discharged.

1688 (e) When a wrecker company ~~operator~~ files a notice of
1689 wrecker company's ~~operator's~~ lien under this subsection, the
1690 department shall charge the wrecker company ~~operator~~ a fee of
1691 \$2, which must ~~shall~~ be deposited into the Florida Motor Vehicle
1692 Theft Prevention Trust Fund established under s. 860.158. A
1693 service charge of \$2.50 must be collected and retained by the
1694 tax collector who processes a notice of wrecker company's
1695 ~~operator's~~ lien.

1696 (f) This subsection applies only to the annual renewal in
1697 the registered owner's birth month of a motor vehicle
1698 registration and does not apply to the transfer of a
1699 registration of a motor vehicle sold by a motor vehicle dealer
1700 licensed under chapter 320, except for the transfer of



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1701 registrations which is inclusive of the annual renewals. This
 1702 subsection does not apply to any vehicle registered in the name
 1703 of a lessor. This subsection does not affect the issuance of the
 1704 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1705 (g) The Department of Highway Safety and Motor Vehicles
 1706 may adopt rules under ss. 120.536(1) and 120.54 to implement
 1707 this subsection.

1708 (14) The amendments to this section made by this act do
 1709 not affect the validity of liens established under this section
 1710 before January 1, 2004.

1711 Section 12. Effective January 1, 2004, section 715.07,
 1712 Florida Statutes, is amended to read:

1713 715.07 Vehicles and vessels parked on real ~~private~~
 1714 property without permission; towing.--

1715 (1) As used in this section, the term:

1716 (a) "Property owner" means an owner or lessee of real
 1717 property, or a person authorized by the owner or lessee, which
 1718 person may be the designated representative of the condominium
 1719 association if the real property is a condominium.

1720 (b) "Vehicle" has the same meaning ascribed in s. 508.01
 1721 ~~means any mobile item which normally uses wheels, whether~~
 1722 ~~motorized or not.~~

1723 (c) "Vessel" has the same meaning ascribed in s. 508.01.

1724 (d) "Wrecker company" has the same meaning ascribed in s.
 1725 508.01.

1726 (e) "Wrecker operator" has the same meaning ascribed in s.
 1727 508.01.

1728 (2) A property owner ~~The owner or lessee of real property,~~
 1729 ~~or any person authorized by the owner or lessee, which person~~
 1730 ~~may be the designated representative of the condominium~~



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1731 ~~association if the real property is a condominium,~~ may cause a
 1732 ~~any~~ vehicle or vessel parked on her or his real ~~such~~ property
 1733 without her or his permission to be removed by a wrecker company
 1734 registered under chapter 508 ~~person regularly engaged in the~~
 1735 ~~business of towing vehicles,~~ without liability for the costs of
 1736 removal, transportation, or storage or damages caused by the
 1737 ~~such~~ removal, transportation, or storage, under any of the
 1738 following circumstances:

1739 (a) The towing or removal of any vehicle or vessel from
 1740 real ~~private~~ property without the consent of the registered
 1741 owner or other legally authorized person in control of that
 1742 vehicle or vessel is subject to strict compliance with the
 1743 following conditions and restrictions:

1744 1.a. Any towed or removed vehicle or vessel must be stored
 1745 at a storage facility ~~site~~ within 10 miles of the point of
 1746 removal in any county of 500,000 population or more, and within
 1747 15 miles of the point of removal in any county of less than
 1748 500,000 population. The wrecker company's storage facility ~~That~~
 1749 ~~site~~ must be open for the purpose of redemption of vehicles and
 1750 vessels on any day that the wrecker company ~~person or firm~~
 1751 towing the ~~such~~ vehicle or vessel is open for towing purposes,
 1752 from 8 ~~8:00~~ a.m. to 6 ~~6:00~~ p.m., and, when closed, must ~~shall~~
 1753 have prominently posted a sign indicating a telephone number
 1754 where the operator of the storage facility ~~site~~ can be reached
 1755 at all times. Upon receipt of a telephoned request to open the
 1756 storage facility ~~site~~ to redeem a vehicle or vessel, the
 1757 operator shall return to the storage facility ~~site~~ within 1 hour
 1758 or she or he violates ~~will be in violation of~~ this section.

1759 b. If a wrecker company ~~no towing business providing such~~
 1760 ~~service~~ is not located within the area of towing limitations ~~set~~



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1761 ~~forth~~ in sub-subparagraph a., the following limitations apply:
 1762 any towed or removed vehicle or vessel must be stored at a
 1763 storage facility site within 20 miles of the point of removal in
 1764 any county of 500,000 population or more, and within 30 miles of
 1765 the point of removal in any county of less than 500,000
 1766 population.

1767 2. The wrecker company ~~person or firm~~ towing or removing
 1768 the vehicle or vessel must ~~shall~~, within 30 minutes of
 1769 completion of that ~~such~~ towing or removal, notify the municipal
 1770 police department or, in an unincorporated area, the sheriff of
 1771 that ~~such~~ towing or removal, the location of the storage
 1772 facility site, the time the vehicle or vessel was towed or
 1773 removed, and the make, model, color, and license plate number of
 1774 the vehicle or the make, model, color, and registration number
 1775 of the vessel. The wrecker company must also ~~and shall~~ obtain
 1776 the name of the person at that department to whom this ~~such~~
 1777 information is ~~was~~ reported and note that name on the trip
 1778 record.

1779 3. If the registered owner or other legally authorized
 1780 person in control of the vehicle or vessel arrives at the scene
 1781 before ~~prior to removal or towing of the vehicle or vessel is~~
 1782 towed or removed, the wrecker company must disconnect the
 1783 vehicle or vessel ~~shall be disconnected~~ from the wrecker towing
 1784 ~~or removal apparatus~~, and must allow that person ~~shall be~~
 1785 ~~allowed~~ to remove the vehicle or vessel without interference
 1786 upon the payment of a reasonable service fee of not more than
 1787 one-half of the posted rate for those services ~~such towing~~
 1788 ~~service~~ as provided in subparagraph 6., for which a receipt
 1789 shall be given, unless that person refuses to remove the vehicle
 1790 or vessel which is otherwise unlawfully parked or located.



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1791 4. A wrecker company, a wrecker operator, or another
 1792 employee or agent of a wrecker company may not give a ~~The~~ rebate
 1793 or the payment of money or any other valuable consideration from
 1794 the individual or firm towing or removing vehicles to the
 1795 property owner ~~owners or operators~~ of the premises from which a
 1796 vehicle or vessel is ~~the vehicles are~~ towed or removed, for the
 1797 privilege of removing or towing the vehicle or vessel ~~those~~
 1798 vehicles, is prohibited. A property owner may not solicit a
 1799 wrecker company, a wrecker operator, or another employee or
 1800 agent of a wrecker company to give him or her a rebate or the
 1801 payment of money or other valuable consideration for the
 1802 privilege of removing or towing a vehicle from his or her
 1803 premises.

1804 5. Except for property appurtenant to and obviously a part
 1805 of a single-family residence, and except for instances when
 1806 notice is personally given to the owner or other legally
 1807 authorized person in control of the vehicle or vessel that the
 1808 area in which that vehicle or vessel is parked is reserved or
 1809 otherwise unavailable for unauthorized vehicles or vessels and
 1810 the vehicle or vessel is subject to being removed at the owner's
 1811 or operator's expense, any property owner ~~or lessee, or person~~
 1812 ~~authorized by the property owner or lessee, before~~ prior to
 1813 towing or removing any vehicle or vessel from ~~real~~ private
 1814 property without the consent of the owner or other legally
 1815 authorized person in control of that vehicle or vessel, must
 1816 post a notice meeting the following requirements:

1817 a. The notice must be prominently placed at each driveway
 1818 access or curb cut allowing vehicular access to the property,
 1819 within 5 feet from the public right-of-way line. If there are no



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1820 curbs or access barriers, the signs must be posted not less than
 1821 one sign for each 25 feet of lot frontage.

1822 b. The notice must clearly indicate, in not less than 2-
 1823 inch high, light-reflective letters on a contrasting background,
 1824 that unauthorized vehicles will be towed away at the owner's
 1825 expense. A property owner towing or removing vessels from real
 1826 property must post notice, consistent with this subparagraph,
 1827 that unauthorized vehicles or vessels will be towed at the
 1828 owner's expense. The words "tow-away zone" must be included on
 1829 the sign in not less than 4-inch high letters.

1830 c. The notice must also provide the name and current
 1831 telephone number of the wrecker company ~~person or firm~~ towing or
 1832 removing the vehicles and vessels, if the property owner,
 1833 ~~lessee, or person in control~~ of the real property has a written
 1834 contract with the wrecker ~~towing~~ company.

1835 d. The sign structure containing the required notices must
 1836 be permanently installed with the words "tow-away zone" not less
 1837 than 3 feet and not more than 6 feet above ground level and must
 1838 be continuously maintained on the property for not less than 24
 1839 hours prior to the towing or removal of any vehicles or vessels.

1840 e. The local government may require permitting and
 1841 inspection of these signs prior to any towing or removal of
 1842 vehicles or vessels being authorized.

1843 f. A business with 20 or fewer parking spaces satisfies
 1844 the notice requirements of this subparagraph by prominently
 1845 displaying a sign stating "Reserved Parking for Customers Only
 1846 Unauthorized Vehicles or Vessels Will be Towed Away At the
 1847 Owner's Expense" in not less than 4-inch high, light-reflective
 1848 letters on a contrasting background.

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1850 A business owner or lessee may authorize the removal of a
 1851 vehicle or vessel by a wrecker towing company when the vehicle
 1852 or vessel is parked in ~~such~~ a manner that restricts the normal
 1853 operation of business; and, if a vehicle or vessel parked on a
 1854 public right-of-way obstructs access to a private driveway, the
 1855 owner, lessee, or agent may have the vehicle or vessel removed
 1856 by a wrecker towing company registered under chapter 508 upon
 1857 signing an order that the vehicle or vessel be removed without a
 1858 posted tow-away zone sign.

1859 6. Each wrecker company ~~Any person or firm~~ that tows or
 1860 removes vehicles or vessels and proposes to require an owner,
 1861 operator, or person in control of a vehicle or vessel to pay the
 1862 costs of towing and storage before ~~prior to~~ redemption of the
 1863 vehicle or vessel must file and keep on record with the local
 1864 law enforcement agency a complete copy of the current rates to
 1865 be charged for those ~~such~~ services and post at the storage
 1866 facility ~~site~~ an identical rate schedule and any written
 1867 contracts with property owners, lessees, or persons in control
 1868 of real property which authorize the wrecker company ~~such person~~
 1869 ~~or firm~~ to remove vehicles or vessels as provided in this
 1870 section.

1871 7. Each wrecker company ~~Any person or firm~~ towing or
 1872 removing any vehicles or vessels from real ~~private~~ property
 1873 without the consent of the owner or other legally authorized
 1874 person in control of the vehicles or vessels must ~~shall~~, on each
 1875 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01
 1876 ~~713.78(1)(c), or other vehicles~~ used in the towing or removal,
 1877 have the name, address, and telephone number of the wrecker
 1878 company ~~performing such service~~ clearly printed in contrasting
 1879 colors on the driver and passenger sides of the wrecker ~~vehicle~~.



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1880 The name must ~~shall~~ be in at least 3-inch permanently affixed
 1881 letters, and the address and telephone number must ~~shall~~ be in
 1882 at least 1-inch permanently affixed letters.

1883 8. Vehicle or vessel entry for the purpose of towing or
 1884 removing the vehicle or vessel is ~~shall be~~ allowed with
 1885 reasonable care by ~~on the part of~~ the wrecker company and the
 1886 wrecker operators ~~person or firm~~ towing the vehicle or vessel
 1887 for the wrecker company. A wrecker company, its wrecker
 1888 operators, and other employees or agents of the wrecker company
 1889 are not ~~Such person or firm shall be~~ liable for any damage
 1890 occasioned to the vehicle or vessel if ~~such~~ entry to the vehicle
 1891 or vessel is performed ~~not in accordance~~ with ~~the standard of~~
 1892 reasonable care.

1893 9. When a vehicle or vessel is ~~has been~~ towed or removed
 1894 under ~~pursuant to~~ this section, the wrecker company ~~it~~ must
 1895 release the vehicle or vessel ~~be released~~ to its owner or
 1896 custodian within one hour after requested. Any vehicle or vessel
 1897 owner, custodian, or agent has ~~shall have~~ the right to inspect
 1898 the vehicle or vessel before accepting its return. A wrecker
 1899 company may not require any vehicle or vessel owner, custodian,
 1900 or agent to, ~~and no~~ release or waive ~~waiver~~ the wrecker company
 1901 of any kind which would release the person or firm towing the
 1902 vehicle or vessel from liability for damages noted by the owner
 1903 or other legally authorized person at the time of the redemption
 1904 ~~may be required from any vehicle owner, custodian, or agent as a~~
 1905 condition of release of the vehicle or vessel to its owner. A
 1906 wrecker company must give a person paying towing and storage
 1907 charges under this section a detailed, signed receipt showing
 1908 the legal name of the wrecker company ~~or person towing or~~
 1909 ~~removing the vehicle must be given to the person paying towing~~



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1910 ~~or storage charges~~ at the time of payment, whether requested or
 1911 not.

1912 (b) These requirements are ~~shall be the~~ minimum standards
 1913 and do ~~shall~~ not preclude enactment of additional regulations by
 1914 any municipality or county including the right to regulate rates
 1915 when vehicles or vessels are towed from real ~~private~~ property.

1916 (3) This section does not apply to vehicles or vessels
 1917 reasonably identifiable from markings as law enforcement,
 1918 firefighting, rescue squad, ambulance, or other emergency
 1919 vehicles or vessels ~~which are marked as such~~ or to property
 1920 owned by any governmental entity.

1921 (4) When a person improperly causes a vehicle or vessel to
 1922 be removed, that ~~such~~ person is ~~shall be~~ liable to the owner or
 1923 lessee of the vehicle or vessel for the cost of removal,
 1924 transportation, and storage; any damages resulting from the
 1925 removal, transportation, or storage of the vehicle or vessel;
 1926 attorneys' fees; and court costs.

1927 (5) Failure to make good faith best efforts to comply with
 1928 the notice requirement of this section, as appropriate,
 1929 precludes the imposition of any towing or storage charges
 1930 against the vehicle or vessel.

1931 (6)~~(5)~~(a) A ~~Any~~ person who violates ~~the provisions of~~
 1932 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits ~~is guilty~~
 1933 ~~of~~ a misdemeanor of the first degree, punishable as provided in
 1934 s. 775.082 or s. 775.083.

1935 (b) A ~~Any~~ person who violates ~~the provisions of~~
 1936 subparagraph (2)(a)1., subparagraph (2)(a)3., subparagraph
 1937 (2)(a)4., subparagraph (2)(a)7., or subparagraph (2)(a)9.
 1938 commits ~~is guilty of~~ a felony of the third degree, punishable as
 1939 provided in s. 775.082, s. 775.083, or s. 775.084.



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1940 Section 13. Effective January 1, 2004, subsection (15) of
 1941 section 1.01, Florida Statutes, is amended to read:

1942 1.01 Definitions.--In construing these statutes and each
 1943 and every word, phrase, or part hereof, where the context will
 1944 permit:

1945 ~~(15) The term "wrecker operator" means any person or firm~~
 1946 ~~regularly engaged for hire in the business of towing or removing~~
 1947 ~~motor vehicles.~~

1948 Section 14. Effective January 1, 2004, paragraph (b) of
 1949 subsection (8) of section 120.80, Florida Statutes, is amended
 1950 to read:

1951 120.80 Exceptions and special requirements; agencies.--

1952 (8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.--

1953 (b) Wrecker companies ~~operators~~.--Notwithstanding s.
 1954 120.57(1)(a), hearings held by the Division of the Florida
 1955 Highway Patrol of the Department of Highway Safety and Motor
 1956 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~
 1957 from participating in the wrecker allocation ~~rotation~~ system
 1958 established under ~~by~~ s. 321.051 need not be conducted by an
 1959 administrative law judge assigned by the division. These
 1960 hearings shall be held by a hearing officer appointed by the
 1961 director of the Division of the Florida Highway Patrol.

1962 Section 15. Subsection (3) of section 316.530, Florida
 1963 Statutes, is amended to read:

1964 316.530 Towing requirements.--

1965 (3) Whenever a motor vehicle becomes disabled upon the
 1966 highways of this state and a wrecker ~~or tow truck~~ is required to
 1967 remove it to a repair shop or other appropriate location, if the
 1968 combined weights of those two vehicles and the loads thereon
 1969 exceed the maximum allowable weights as established by s.



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1970 316.535, no penalty shall be assessed either vehicle or driver.
 1971 However, this exception shall not apply to the load limits for
 1972 bridges and culverts established by the department as provided
 1973 in s. 316.555.

1974 Section 16. Subsection (40) of section 320.01, Florida
 1975 Statutes, is amended to read:

1976 320.01 Definitions, general.--As used in the Florida
 1977 Statutes, except as otherwise provided, the term:

1978 (40) "Wrecker" means a tow truck or other ~~any~~ motor
 1979 vehicle ~~that is~~ used to tow, carry, or otherwise transport
 1980 vehicles, vessels, or mobile homes upon the streets and highways
 1981 of this state which ~~motor vehicles and that~~ is equipped for that
 1982 purpose with a boom, winch, car carrier, or other similar
 1983 equipment.

1984 Section 17. Effective January 1, 2004, subsection (8) of
 1985 section 320.03, Florida Statutes, is amended to read:

1986 320.03 Registration; duties of tax collectors;
 1987 International Registration Plan.--

1988 (8) If the applicant's name appears on the list referred
 1989 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1990 license plate or revalidation sticker may not be issued until
 1991 that person's name no longer appears on the list or until the
 1992 person presents a receipt from the clerk showing that the fines
 1993 outstanding have been paid. The tax collector and the clerk of
 1994 the court are each entitled to receive monthly, as costs for
 1995 implementing and administering this subsection, 10 percent of
 1996 the civil penalties and fines recovered from such persons. As
 1997 used in this subsection, the term "civil penalties and fines"
 1998 does not include a wrecker company's ~~operator's~~ lien as
 1999 described in s. 713.78(13). If the tax collector has private tag



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2000 agents, such tag agents are entitled to receive a pro rata share
 2001 of the amount paid to the tax collector, based upon the
 2002 percentage of license plates and revalidation stickers issued by
 2003 the tag agent compared to the total issued within the county.
 2004 The authority of any private agent to issue license plates shall
 2005 be revoked, after notice and a hearing as provided in chapter
 2006 120, if he or she issues any license plate or revalidation
 2007 sticker contrary to the provisions of this subsection. This
 2008 section applies only to the annual renewal in the owner's birth
 2009 month of a motor vehicle registration and does not apply to the
 2010 transfer of a registration of a motor vehicle sold by a motor
 2011 vehicle dealer licensed under this chapter, except for the
 2012 transfer of registrations which is inclusive of the annual
 2013 renewals. This section does not affect the issuance of the title
 2014 to a motor vehicle, notwithstanding s. 319.23(7)(b).

2015 Section 18. Paragraph (a) of subsection (1) of section
 2016 320.13, Florida Statutes, is amended to read:

2017 320.13 Dealer and manufacturer license plates and
 2018 alternative method of registration.--

2019 (1)(a) Any licensed motor vehicle dealer and any licensed
 2020 mobile home dealer may, upon payment of the license tax imposed
 2021 by s. 320.08(12), secure one or more dealer license plates,
 2022 which are valid for use on motor vehicles or mobile homes owned
 2023 by the dealer to whom such plates are issued while the motor
 2024 vehicles are in inventory and for sale, or while being operated
 2025 in connection with such dealer's business, but are not valid for
 2026 use for hire. Dealer license plates may not be used on any ~~tow~~
 2027 ~~truck or wrecker, as defined in s. 320.01, unless the tow truck~~
 2028 ~~or wrecker~~ is being demonstrated for sale, and the dealer



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2029 license plates may not be used on a vehicle used to transport
 2030 another motor vehicle for the motor vehicle dealer.

2031 Section 19. For the purpose of incorporating the
 2032 amendments made by this act to section 320.01, Florida Statutes,
 2033 in references thereto, subsection (4) of section 316.550,
 2034 Florida Statutes, and paragraphs (d) and (e) of subsection (5)
 2035 of section 320.08, Florida Statutes, are reenacted to read:

2036 316.550 Operations not in conformity with law; special
 2037 permits.--

2038 (4)(a) The Department of Transportation may issue a
 2039 wrecker special blanket permit to authorize a wrecker as defined
 2040 in s. 320.01(40) to tow a disabled vehicle as defined in s.
 2041 320.01(38) where the combination of the wrecker and the disabled
 2042 vehicle being towed exceeds the maximum weight limits as
 2043 established by s. 316.535.

2044 (b) The Department of Transportation must supply the
 2045 permitted wrecker with a map showing the routes on which the
 2046 wrecker may safely tow disabled vehicles for all special permit
 2047 classifications for which the wrecker applies.

2048 320.08 License taxes.--Except as otherwise provided
 2049 herein, there are hereby levied and imposed annual license taxes
 2050 for the operation of motor vehicles, mopeds, motorized bicycles
 2051 as defined in s. 316.003(2), and mobile homes, as defined in s.
 2052 320.01, which shall be paid to and collected by the department
 2053 or its agent upon the registration or renewal of registration of
 2054 the following:

2055 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 2056 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

2057 (d) A wrecker, as defined in s. 320.01(40), which is used
 2058 to tow a vessel as defined in s. 327.02(36), a disabled,



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2059 abandoned, stolen-recovered, or impounded motor vehicle as
 2060 defined in s. 320.01(38), or a replacement motor vehicle as
 2061 defined in s. 320.01(39): \$30 flat.

2062 (e) A wrecker, as defined in s. 320.01(40), which is used
 2063 to tow any motor vehicle, regardless of whether or not such
 2064 motor vehicle is a disabled motor vehicle as defined in s.
 2065 320.01(38), a replacement motor vehicle as defined in s.
 2066 320.01(39), a vessel as defined in s. 327.02(36), or any other
 2067 cargo, as follows:

2068 1. Gross vehicle weight of 10,000 pounds or more, but less
 2069 than 15,000 pounds: \$87 flat.

2070 2. Gross vehicle weight of 15,000 pounds or more, but less
 2071 than 20,000 pounds: \$131 flat.

2072 3. Gross vehicle weight of 20,000 pounds or more, but less
 2073 than 26,000 pounds: \$186 flat.

2074 4. Gross vehicle weight of 26,000 pounds or more, but less
 2075 than 35,000 pounds: \$240 flat.

2076 5. Gross vehicle weight of 35,000 pounds or more, but less
 2077 than 44,000 pounds: \$300 flat.

2078 6. Gross vehicle weight of 44,000 pounds or more, but less
 2079 than 55,000 pounds: \$572 flat.

2080 7. Gross vehicle weight of 55,000 pounds or more, but less
 2081 than 62,000 pounds: \$678 flat.

2082 8. Gross vehicle weight of 62,000 pounds or more, but less
 2083 than 72,000 pounds: \$800 flat.

2084 9. Gross vehicle weight of 72,000 pounds or more: \$979
 2085 flat.

2086 Section 20. The sum of \$..... is appropriated from the
 2087 General Inspection Trust Fund to the Department of Agriculture
 2088 and Consumer Services, and full-time-equivalent positions



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2089 are authorized, for the purpose of implementing this act during
2090 the 2003-2004 fiscal year.

2091 Section 21. Except as otherwise provided herein, this act
2092 shall take effect July 1, 2003.