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A bill to be entitled

1 An act relating to wrecker services; amending s. 120.80,
2 F.S.; exempting hearings of the Division of the Florida
3 Highway Patrol concerning the wrecker allocation system
4 from requirements of ch. 120, F.S.; creating s. 205.1975,
5 F.S.; prohibiting a county or municipality from issuing or
6 renewing a license for a wrecker company that is not in
7 compliance with the requirements of the act; amending s.
8 316.530, F.S., relating to traffic control; conforming
9 provisions to changes made by the act; reenacting s.
10 316.550(4), F.S., relating to special wrecker permits, to
11 incorporate the amendment to s. 320.01, F.S., in
12 references thereto; amending s. 316.605, F.S.; providing
13 requirements for licensing wreckers and other vehicles;
14 amending s. 320.01, F.S.; redefining the term "wrecker"
15 for purposes of the Florida Statutes; amending ss. 320.03
16 and 320.0706, F.S., relating to motor vehicle registration
17 and license plates; conforming provisions to changes made
18 by the act; reenacting s. 320.08(5)(d) and (e), F.S.,
19 relating to license taxes, to incorporate the amendment to
20 s. 320.01, F.S., in references thereto; amending s.
21 320.0821, F.S.; revising requirements for the issuance of
22 wrecker license plates; amending s. 320.13, F.S., relating
23 to dealer license plates; conforming provisions to changes
24 made by the act; amending s. 321.051, F.S.; providing
25 definitions; authorizing the Division of the Florida
26 Highway Patrol within the Department of Highway Safety and
27 Motor Vehicles to establish a wrecker allocation system;
28 providing requirements for the system; authorizing the
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30 | division to set maximum rates for towing and storage of
31 | vehicles; prohibiting an unauthorized wrecker company from
32 | monitoring a police radio or engaging in other activities;
33 | providing penalties; providing requirements for
34 | dispatching wreckers; amending s. 323.001, F.S., relating
35 | to wrecker company storage facilities; providing
36 | definitions; providing procedures for a law enforcement
37 | agency to place a hold on a stored vehicle; providing for
38 | payment of towing and storage charges; amending s.
39 | 323.002, F.S.; providing definitions; providing
40 | requirements for a county or municipality that operates a
41 | wrecker allocation system; providing requirements for the
42 | system; prohibiting an unauthorized wrecker company from
43 | monitoring a police radio or engaging in other activities;
44 | providing penalties; providing requirements for
45 | dispatching wreckers; creating chapter 508, F.S. ;
46 | providing definitions; creating the Wrecker Operator
47 | Advisory Council within the Department of Agriculture and
48 | Consumer Services; providing for membership and terms;
49 | providing for reimbursement for travel and per diem
50 | expenses; requiring the council to advise the department
51 | on matters relating to standards and practices in the
52 | wrecker industry; authorizing the department to adopt
53 | rules; requiring wrecker companies to register annually
54 | with the department; requiring registration prior to
55 | issuance or renewal of local occupational license;
56 | excluding certain motor vehicle repair shops and dealers;
57 | providing application requirements for registration and
58 | renewal; providing for processing of fingerprints by the

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59 Department of Law Enforcement; requiring fees for
60 processing; providing for issuance of registration
61 certificate; requiring display of the certificate;
62 providing requirements for advertisements; requiring
63 notification of changes in registration information;
64 requiring certain fees be paid; requiring local
65 occupational license of certain companies prior to
66 renewal; requiring insurance coverage; requiring the
67 department to notify the Department of Highway Safety and
68 Motor Vehicles when a registration has been suspended or
69 revoked; authorizing the department to deny registration
70 under certain circumstances; specifying acceptable forms
71 of payment; establishing a certification program for
72 wrecker operators; requiring the department to approve
73 courses and organizations; providing requirements for
74 examinations; providing for certification in specialized
75 wrecker services; requiring the department to adopt rules;
76 providing for certification cards to be issued to wrecker
77 operators who complete the certification course and pass
78 the examination; providing for approval by the council of
79 out-of-state certification instructions, training, and
80 examinations; prohibiting the performance of wrecker
81 services after a specified date unless the company is
82 registered and obtains certification as required;
83 excluding service performed for certain shops and
84 organizations; authorizing the department to inspect
85 employment records; providing requirements for continuing
86 education; specifying prohibited acts; providing
87 administrative, civil, and criminal penalties; providing

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88 for registration fees; providing for deposit and use of
89 fees, penalties, and other funds; providing that the
90 chapter does not apply to recovery agents; authorizing
91 counties and municipalities to enact ordinances governing
92 wrecker operators; requiring that a wrecker company
93 maintain records of its services for a specified time;
94 requiring a wrecker company to keep records of its
95 operators continuing education courses for a specified
96 time; directing organizations that conduct continuing
97 education courses to keep records for a specified time;
98 authorizing inspection of records by the department;
99 amending s. 713.78, F.S., relating to liens for
100 recovering, towing, or storing vehicles and vessels;
101 providing definitions; conforming provisions to changes
102 made by the act; providing for attorney's fees to be
103 awarded to the prevailing party for a frivolous claim of
104 wrongful taking or claim of lien; providing immunity from
105 liability for a wrecker company, its operators, and other
106 employees or agents if services are performed with
107 reasonable care or for complying with the directions of a
108 law enforcement officer or certain emergency personnel;
109 providing for the owner of a vehicle or vessel to dispute
110 a claim of lien by a wrecker company based on a record of
111 sale; excluding from application vehicles registered by
112 lessor; clarifying that the amendments made by the act do
113 not affect the validity of prior liens; creating s.
114 713.785, F.S.; authorizing the imposition of lien by a
115 mobile home transport company for recovering, towing, or
116 storing a mobile home; providing definitions; requiring a

117 mobile home transport company to provide notice of
 118 recovery, towing, or storage services; providing that said
 119 lien is prior in dignity to all others except for unpaid
 120 purchase price or a landlord's lien for rent; providing
 121 for the filing of a complaint; providing procedures for
 122 the sale of an unclaimed mobile home; requiring certain
 123 notice; limiting liability of the transport company, the
 124 landlord and his or her agent, and any subsequent
 125 purchaser; specifying circumstances under which a mobile
 126 home transport company must obtain a certificate of
 127 destruction; limiting assignment of the certificate;
 128 requiring application to the county tax collector;
 129 authorizing the Department of Highway Safety and Motor
 130 Vehicles to adopt rules; authorizing the department to
 131 inspect records of the transport company; providing for
 132 issuing certificates of destruction and revalidation
 133 stickers; providing procedures for disputing a lien and
 134 for discharge of a lien; providing for expiration of the
 135 lien; providing for the posting and repayment of surety;
 136 providing for award of damages and costs; providing for
 137 collection and distribution of certain fees; amending s.
 138 319.30, F.S.; redefining the term "certificate of
 139 destruction," to conform; amending s. 713.69, F.S.,
 140 relating to circumstances in which it is unlawful to
 141 remove property upon which a lien has accrued, to conform;
 142 amending s. 715.07, F.S., relating to the towing of
 143 vehicles and vessels parked on real property without
 144 permission; providing definitions; providing for the
 145 towing and removal of vehicles and vessels under certain

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146 circumstances; conforming provisions to changes made by
 147 the act; providing requirements for towing and storage;
 148 prohibiting a property owner from soliciting a wrecker
 149 company for a rebate for the privilege of removing
 150 vehicles from the owner's property; providing immunity
 151 from liability for a wrecker company, its operators, and
 152 other employees or agents if services are performed with
 153 reasonable care; providing that failure to comply with
 154 notice requirements precludes a wrecker company from
 155 imposing certain towing or storage charges; providing
 156 penalties; repealing s. 1.01(15), F.S., relating to the
 157 definition of the term "wrecker operator"; providing an
 158 appropriation and authorizing additional positions;
 159 providing effective dates.

160

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

162

163 Section 1. Effective January 1, 2005, paragraph (b) of
 164 subsection (8) of section 120.80, Florida Statutes, is amended
 165 to read:

166 120.80 Exceptions and special requirements; agencies.--

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

168 (b) Wrecker companies ~~operators~~.--Notwithstanding s.

169 120.57(1)(a), hearings held by the Division of the Florida
 170 Highway Patrol of the Department of Highway Safety and Motor
 171 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~
 172 from participating in the wrecker allocation ~~rotation~~ system
 173 established under ~~by~~ s. 321.051 need not be conducted by an
 174 administrative law judge assigned by the division. These

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175 | hearings shall be held by a hearing officer appointed by the
 176 | director of the Division of the Florida Highway Patrol.

177 | Section 2. Effective January 1, 2005, section 205.1975,
 178 | Florida Statutes, is created to read:

179 | 205.1975 Wrecker companies; consumer protection.--A county
 180 | or municipality may not issue or renew an occupational license
 181 | for the operation of a wrecker company under chapter 508 unless
 182 | the wrecker company exhibits a current registration from the
 183 | Department of Agriculture and Consumer Services.

184 | Section 3. Subsection (3) of section 316.530, Florida
 185 | Statutes, is amended to read:

186 | 316.530 Towing requirements.--

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

192 | 316.535, no penalty shall be assessed either vehicle or driver.

193 | However, this exception shall not apply to the load limits for
 194 | bridges and culverts established by the department as provided
 195 | in s. 316.555.

196 | Section 4. For the purpose of incorporating the amendment
 197 | made by this act to section 320.01, Florida Statutes, in
 198 | references thereto, subsection (4) of section 316.550, Florida
 199 | Statutes, is reenacted to read:

200 | 316.550 Operations not in conformity with law; special
 201 | permits.--

202 | (4)(a) The Department of Transportation may issue a
 203 | wrecker special blanket permit to authorize a wrecker as defined

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204 in s. 320.01(40) to tow a disabled vehicle as defined in s.
 205 320.01(38) where the combination of the wrecker and the disabled
 206 vehicle being towed exceeds the maximum weight limits as
 207 established by s. 316.535.

208 (b) The Department of Transportation must supply the
 209 permitted wrecker with a map showing the routes on which the
 210 wrecker may safely tow disabled vehicles for all special permit
 211 classifications for which the wrecker applies.

212 Section 5. Subsection (1) of section 316.605, Florida
 213 Statutes, is amended to read:

214 316.605 Licensing of vehicles.--

215 (1) Every vehicle, at all times while driven, stopped, or
 216 parked upon any highways, roads, or streets of this state, shall
 217 be licensed in the name of the owner thereof in accordance with
 218 the laws of this state unless such vehicle is not required by
 219 the laws of this state to be licensed in this state and shall,
 220 except as otherwise provided in s. 320.0706 for front-end
 221 registration license plates on truck tractors or wreckers,
 222 display the license plate or both of the license plates assigned
 223 to it by the state, one on the rear and, if two, the other on
 224 the front of the vehicle, each to be securely fastened to the
 225 vehicle outside the main body of the vehicle in such manner as
 226 to prevent the plates from swinging, with all letters, numerals,
 227 printing, writing, and other identification marks upon the
 228 plates clear and distinct and free from defacement, mutilation,
 229 grease, and other obscuring matter, so that they will be plainly
 230 visible and legible at all times 100 feet from the rear or
 231 front. In addition, if only one registration plate is issued for
 232 a motor vehicle that is equipped with a mechanical loading

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233 device that may damage the plate, the plate may be attached to
 234 the front of the vehicle. Nothing shall be placed upon the face
 235 of a Florida plate except as permitted by law or by rule or
 236 regulation of a governmental agency. No license plates other
 237 than those furnished by the state shall be used. However, if
 238 the vehicle is not required to be licensed in this state, the
 239 license plates on such vehicle issued by another state, by a
 240 territory, possession, or district of the United States, or by a
 241 foreign country, substantially complying with the provisions
 242 hereof, shall be considered as complying with this chapter. A
 243 government license plate that is issued to a truck tractor or
 244 heavy truck having a gross vehicle weight of 26,001 pounds or
 245 more which is owned by a governmental entity may be placed on
 246 the front of the vehicle and is in compliance with this chapter.
 247 A violation of this subsection is a noncriminal traffic
 248 infraction, punishable as a nonmoving violation as provided in
 249 chapter 318.

250 Section 6. Subsection (40) of section 320.01, Florida
 251 Statutes, is amended to read:

252 320.01 Definitions, general.--As used in the Florida
 253 Statutes, except as otherwise provided, the term:

254 (40) "Wrecker" means a tow truck or other ~~any~~ motor
 255 vehicle that is used to tow, carry, or otherwise transport ~~motor~~
 256 vehicles or vessels upon the streets and highways of this state
 257 and that is equipped for that purpose with a boom, winch, car
 258 carrier, or other similar equipment.

259 Section 7. Effective January 1, 2005, subsection (8) of
 260 section 320.03, Florida Statutes, is amended to read:

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261 320.03 Registration; duties of tax collectors;
262 International Registration Plan.--

263 (8) If the applicant's name appears on the list referred
264 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
265 license plate or revalidation sticker may not be issued until
266 that person's name no longer appears on the list or until the
267 person presents a receipt from the clerk showing that the fines
268 outstanding have been paid. The tax collector and the clerk of
269 the court are each entitled to receive monthly, as costs for
270 implementing and administering this subsection, 10 percent of
271 the civil penalties and fines recovered from such persons. As
272 used in this subsection, the term "civil penalties and fines"
273 does not include a wrecker company's ~~operator's~~ lien as
274 described in s. 713.78(13). If the tax collector has private tag
275 agents, such tag agents are entitled to receive a pro rata share
276 of the amount paid to the tax collector, based upon the
277 percentage of license plates and revalidation stickers issued by
278 the tag agent compared to the total issued within the county.
279 The authority of any private agent to issue license plates shall
280 be revoked, after notice and a hearing as provided in chapter
281 120, if he or she issues any license plate or revalidation
282 sticker contrary to the provisions of this subsection. This
283 section applies only to the annual renewal in the owner's birth
284 month of a motor vehicle registration and does not apply to the
285 transfer of a registration of a motor vehicle sold by a motor
286 vehicle dealer licensed under this chapter, except for the
287 transfer of registrations which is inclusive of the annual
288 renewals. This section does not affect the issuance of the title
289 to a motor vehicle, notwithstanding s. 319.23(7)(b).

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290 Section 8. Section 320.0706, Florida Statutes, is amended
 291 to read:

292 320.0706 Display of license plates on trucks.--The owner
 293 of any commercial truck of gross vehicle weight of 26,001 pounds
 294 or more shall display the registration license plate on both the
 295 front and rear of the truck in conformance with all the
 296 requirements of s. 316.605 that do not conflict with this
 297 section. However, the owner of a truck tractor or a wrecker
 298 must ~~shall be required to~~ display the registration license plate
 299 only on the front of such vehicle.

300 Section 9. For the purpose of incorporating the amendment
 301 made by this act to section 320.01, Florida Statutes, in
 302 references thereto, paragraphs (d) and (e) of subsection (5) of
 303 section 320.08, Florida Statutes, are reenacted to read:

304 320.08 License taxes.--Except as otherwise provided
 305 herein, there are hereby levied and imposed annual license taxes
 306 for the operation of motor vehicles, mopeds, motorized bicycles
 307 as defined in s. 316.003(2), and mobile homes, as defined in s.
 308 320.01, which shall be paid to and collected by the department
 309 or its agent upon the registration or renewal of registration of
 310 the following:

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

313 (d) A wrecker, as defined in s. 320.01(40), which is used
 314 to tow a vessel as defined in s. 327.02(36), a disabled,
 315 abandoned, stolen-recovered, or impounded motor vehicle as
 316 defined in s. 320.01(38), or a replacement motor vehicle as
 317 defined in s. 320.01(39): \$30 flat.

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318 (e) A wrecker, as defined in s. 320.01(40), which is used
 319 to tow any motor vehicle, regardless of whether or not such
 320 motor vehicle is a disabled motor vehicle as defined in s.
 321 320.01(38), a replacement motor vehicle as defined in s.
 322 320.01(39), a vessel as defined in s. 327.02(36), or any other
 323 cargo, as follows:

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

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

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

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

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

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

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

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

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

342 Section 10. Subsection (1) of section 320.0821, Florida
 343 Statutes, is amended, and subsection (5) is added to that
 344 section, to read:

345 320.0821 Wrecker license plates.--

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346 (1) The department shall issue one a wrecker license
 347 plate, regardless of gross vehicle weight, to the owner of any
 348 motor vehicle that is used to tow, carry, or otherwise transport
 349 motor vehicles and that is equipped for that purpose with a
 350 boom, winch, carrier, or other similar equipment, except a motor
 351 vehicle registered under the International Registration Plan,
 352 upon application and payment of the appropriate license tax and
 353 fees in accordance with s. 320.08(5)(d) or (e).

354 (5) A wrecker license plate must be displayed on the front
 355 of such vehicle.

356 Section 11. Effective January 1, 2005, subsection (1) of
 357 section 320.0821, Florida Statutes, as amended by this act, is
 358 amended to read:

359 320.0821 Wrecker license plates.--

360 (1) The department shall issue one wrecker license plate,
 361 regardless of gross vehicle weight, to the owner of a wrecker
 362 ~~any motor vehicle that is used to tow, carry, or otherwise~~
 363 ~~transport motor vehicles and that is equipped for that purpose~~
 364 ~~with a boom, winch, carrier, or other similar equipment, except~~
 365 ~~a motor vehicle registered under the International Registration~~
 366 ~~Plan,~~ upon application and payment of the appropriate license
 367 tax and fees in accordance with s. 320.08(5)(d) or (e). However,
 368 the department may issue or renew a wrecker license plate only
 369 if the owner of the wrecker is a wrecker company registered
 370 under chapter 508. This section does not apply to a motor
 371 vehicle registered under the International Registration Plan.

372 Section 12. Paragraph (a) of subsection (1) of section
 373 320.13, Florida Statutes, is amended to read:

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374 320.13 Dealer and manufacturer license plates and
 375 alternative method of registration.--

376 (1)(a) Any licensed motor vehicle dealer and any licensed
 377 mobile home dealer may, upon payment of the license tax imposed
 378 by s. 320.08(12), secure one or more dealer license plates,
 379 which are valid for use on motor vehicles or mobile homes owned
 380 by the dealer to whom such plates are issued while the motor
 381 vehicles are in inventory and for sale, or while being operated
 382 in connection with such dealer's business, but are not valid for
 383 use for hire. Dealer license plates may not be used on any ~~tow~~
 384 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 385 wrecker is being demonstrated for sale, and the dealer license
 386 plates may not be used on a vehicle used to transport another
 387 motor vehicle for the motor vehicle dealer.

388 Section 13. Effective January 1, 2005, section 321.051,
 389 Florida Statutes, is amended to read:

390 (Substantial rewording of section. See
 391 s. 321.051, F.S., for present text.)

392 321.051 Florida Highway Patrol wrecker allocation system;
 393 penalties for operation outside of system.--

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

395 (a) "Authorized wrecker company" means a wrecker company
 396 designated by the division as part of its wrecker allocation
 397 system.

398 (b) "Division" means the Division of the Florida Highway
 399 Patrol within the Department of Highway Safety and Motor
 400 Vehicles.

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401 (c) "Unauthorized wrecker company" means a wrecker company
 402 not designated by the division as part of its wrecker allocation
 403 system.

404 (d) "Wrecker company" has the same meaning ascribed in s.
 405 508.01.

406 (e) "Wrecker operator" has the same meaning ascribed in s.
 407 508.01.

408 (f) "Wrecker services" has the same meaning ascribed in s.
 409 508.01.

410 (2)(a) The division may establish within areas designated
 411 by the division a wrecker allocation system, using qualified,
 412 reputable wrecker companies, for the removal from crash scenes
 413 and the storage of wrecked or disabled vehicles when the owner
 414 or operator is incapacitated, unavailable, or leaves the
 415 procurement of wrecker services to the officer at the scene and
 416 for the removal and storage of abandoned vehicles.

417 (b) The wrecker allocation system may use only wrecker
 418 companies registered under chapter 508. Each reputable wrecker
 419 company registered under chapter 508 is eligible for use in the
 420 system if its equipment and wrecker operators meet the
 421 recognized safety qualifications and mechanical standards set by
 422 the division's rules for the size of vehicle they are designed
 423 to handle. The division may limit the number of wrecker
 424 companies participating in the wrecker allocation system.

425 (c) The division may establish maximum rates for the
 426 towing and storage of vehicles removed at the division's request
 427 if those rates are not established by a county or municipality
 428 under s. 125.0103 or s. 166.043. These rates are not rules for
 429 the purpose of chapter 120; however, the Department of Highway

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430 Safety and Motor Vehicles shall adopt rules prescribing the
 431 procedures for setting these rates.

432 (d) Notwithstanding chapter 120, a final order of the
 433 department denying, suspending, or revoking a wrecker company's
 434 participation in the wrecker allocation system may be appealed
 435 only in the manner and within the time provided by the Florida
 436 Rules of Appellate Procedure by a writ of certiorari issued by
 437 the circuit court in the county in which the wrecker company's
 438 primary place of business is located, as evidenced by the
 439 wrecker company's registration under chapter 508.

440 (3)(a) An unauthorized wrecker company, its wrecker
 441 operators, or its other employees or agents may not monitor a
 442 police radio for communications between patrol field units and
 443 the dispatcher in order to determine the location of a wrecked
 444 or disabled vehicle for the purpose of dispatching its wrecker
 445 operator to drive by the scene of the vehicle in a manner
 446 described in paragraph (b) or paragraph (c). Any person who
 447 violates this paragraph commits a noncriminal violation,
 448 punishable as provided in s. 775.083.

449 (b) A wrecker operator dispatched by an unauthorized
 450 wrecker company may not drive by the scene of a wrecked or
 451 disabled vehicle before the arrival of the wrecker operator
 452 dispatched by the authorized wrecker company, initiate contact
 453 with the owner or operator of the vehicle by soliciting or
 454 offering wrecker services, or tow the vehicle. Any person who
 455 violates this paragraph commits a misdemeanor of the second
 456 degree, punishable as provided in s. 775.082 or s. 775.083.

457 (c) When a wrecker operator dispatched by an unauthorized
 458 wrecker company drives by the scene of a wrecked or disabled

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459 vehicle and the owner or operator initiates contact by signaling
 460 the wrecker operator to stop and provide wrecker services, the
 461 wrecker operator must disclose to the owner or operator of the
 462 vehicle that he or she was not dispatched by the authorized
 463 wrecker company designated as part of the wrecker allocation
 464 system and must disclose, in writing, what charges for towing
 465 and storage will apply before the vehicle is connected to the
 466 towing apparatus. Any person who violates this paragraph commits
 467 a misdemeanor of the second degree, punishable as provided in s.
 468 775.082 or s. 775.083.

469 (d) A wrecker operator may not falsely identify himself or
 470 herself as being part of, or as being employed by a wrecker
 471 company that is part of, the wrecker allocation system at the
 472 scene of a wrecked or disabled vehicle. Any person who violates
 473 this paragraph commits a misdemeanor of the first degree,
 474 punishable as provided in s. 775.082 or s. 775.083.

475 (4) This section does not prohibit, or in any way prevent,
 476 the owner or operator of a vehicle involved in a crash or
 477 otherwise disabled from contacting any wrecker company for the
 478 provision of wrecker services, regardless of whether the wrecker
 479 company is an authorized wrecker company or not. However, if a
 480 law enforcement officer determines that the disabled vehicle or
 481 vehicle cargo is a public safety hazard, the officer may, in the
 482 interest of public safety, dispatch an authorized wrecker
 483 company if the officer believes that the authorized wrecker
 484 company would arrive at the scene before the wrecker company
 485 requested by the owner or operator of the disabled vehicle or
 486 vehicle cargo.

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487 (5) A law enforcement officer may dispatch an authorized
 488 wrecker company out of rotation to the scene of a wrecked or
 489 disabled vehicle if the authorized wrecker company next on
 490 rotation is not equipped to provide the required wrecker
 491 services and the out-of-rotation authorized wrecker company is
 492 available with the required equipment. However, this subsection
 493 does not prohibit or prevent the owner or operator of a vehicle
 494 involved in a crash or otherwise disabled from contacting any
 495 wrecker company who is properly equipped to provide the required
 496 wrecker services, regardless of whether the wrecker company is
 497 an authorized wrecker company or not, unless the law enforcement
 498 officer determines that the wrecked or disabled vehicle is a
 499 public safety hazard and the officer believes that the
 500 authorized wrecker company would arrive at the scene before the
 501 wrecker company requested by the owner or operator.

502 Section 14. Effective January 1, 2005, section 323.001,
 503 Florida Statutes, is amended to read:

504 (Substantial rewording of section. See
 505 s. 323.001, F.S., for present text.)

506 323.001 Wrecker company storage facilities; vehicle
 507 holds.--

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

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

511 (b) "Wrecker company" has the same meaning ascribed in s.
 512 508.01.

513 (2) A law enforcement agency may place a hold on a motor
 514 vehicle stored within a wrecker company's storage facility for 5

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515 business days, thereby preventing a motor vehicle from being
516 released to its owner.

517 (3) To extend a hold, the law enforcement agency must
518 notify the wrecker company in writing within the 5 business
519 days. If notification is not made within the 5 business days,
520 the wrecker company must release the vehicle to the designated
521 person under s. 713.78.

522 (a) If the hold is extended beyond the 5 business days,
523 the law enforcement agency may have the vehicle removed to a
524 designated impound lot, in which event the vehicle may not be
525 released by the law enforcement agency to the owner or
526 lienholder of the vehicle until proof of payment of the towing
527 and storage charges incurred by the wrecker company is presented
528 to the law enforcement agency.

529 (b) If the law enforcement agency chooses to have the
530 vehicle remain at the wrecker company's storage facility for
531 more than 5 business days under the written notification, the
532 law enforcement agency is responsible for paying the storage
533 charges incurred by the wrecker company for the requested
534 extended period. In such an event, the owner or lienholder is
535 responsible for paying the accrued towing and storage charges
536 for the first 5 business days, or any period less than the first
537 5 business days, if the law enforcement agency moves the vehicle
538 from the wrecker company's storage facility to a designated
539 impound lot or provides written notification to extend the hold
540 on the vehicle before the expiration of the 5 business days.

541 (c) The towing and storage rates for the owner or
542 lienholder of the held vehicle may not exceed the rates for the
543 law enforcement agency.

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544 (4) If there is a judicial finding of no probable cause
 545 for having continued the immobilization or impoundment, the law
 546 enforcement agency ordering the hold must pay the accrued
 547 charges for any towing and storage.

548 (5) The requirements for a written hold apply when the
 549 following conditions are present:

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

553 (b) The law enforcement officer has probable cause to
 554 believe that the vehicle should be seized and forfeited under
 555 chapter 370 or chapter 372;

556 (c) The law enforcement officer has probable cause to
 557 believe that the vehicle was used as the means of committing a
 558 crime;

559 (d) The law enforcement officer has probable cause to
 560 believe that the vehicle is itself evidence that tends to show
 561 that a crime has been committed or that the vehicle contains
 562 evidence, which cannot readily be removed, which tends to show
 563 that a crime has been committed;

564 (e) The law enforcement officer has probable cause to
 565 believe that the vehicle was involved in a traffic accident
 566 resulting in death or personal injury and should be sealed for
 567 investigation and collection of evidence by a vehicular homicide
 568 investigator;

569 (f) The vehicle is impounded or immobilized under s.
 570 316.193 or s. 322.34; or

571 (g) The law enforcement officer is complying with a court
 572 order.

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573 (6) The hold must be in writing and must specify:
 574 (a) The name and agency of the law enforcement officer
 575 placing the hold on the vehicle;
 576 (b) The date and time the hold is placed on the vehicle;
 577 (c) A general description of the vehicle, including its
 578 color, make, model, body style, and year; VIN (Vehicle
 579 Identification Number); registration license plate number,
 580 state, and year; and validation sticker number, state, and year;
 581 (d) The specific reason for placing the hold;
 582 (e) The condition of the vehicle;
 583 (f) The location where the vehicle is being held; and
 584 (g) The name, address, and telephone number of the wrecker
 585 company and the storage facility.
 586 (7) A wrecker company's storage facility must comply with
 587 a hold placed by a law enforcement officer, including
 588 instructions for inside or outside storage. A wrecker company's
 589 storage facility may not release a motor vehicle subject to a
 590 hold to any person except as directed by the law enforcement
 591 agency placing the hold.
 592 (8) When a vehicle owner is found guilty of, or pleads
 593 nolo contendere to, the offense that resulted in a hold being
 594 placed on his or her vehicle, regardless of the adjudication of
 595 guilt, the owner must pay the accrued towing and storage charges
 596 assessed against the vehicle.
 597 Section 15. Effective January 1, 2005, section 323.002,
 598 Florida Statutes, is amended to read:
 599 (Substantial rewording of section. See
 600 s. 323.002, F.S., for present text.)

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601 323.002 County and municipal wrecker allocation systems;
 602 penalties for operation outside of system.--

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

604 (a) "Authorized wrecker company" means a wrecker company
 605 designated as part of the wrecker allocation system established
 606 by the governmental unit having jurisdiction over the scene of a
 607 wrecked or disabled vehicle.

608 (b) "Unauthorized wrecker company" means a wrecker company
 609 not designated as part of the wrecker allocation system
 610 established by the governmental unit having jurisdiction over
 611 the scene of a wrecked or disabled vehicle.

612 (c) "Wrecker allocation system" means a system for the
 613 towing or removal of wrecked, disabled, or abandoned vehicles,
 614 similar to the Florida Highway Patrol wrecker allocation system
 615 described in s. 321.051(2), under which a county or municipality
 616 contracts with one or more wrecker companies registered under
 617 chapter 508 for the towing or removal of wrecked, disabled, or
 618 abandoned vehicles from accident scenes, streets, or highways.
 619 Each wrecker allocation system must use a method for
 620 apportioning the towing assignments among the eligible wrecker
 621 companies through the creation of geographic zones, a rotation
 622 schedule, or a combination of these methods.

623 (d) "Wrecker company" has the same meaning ascribed in s.
 624 508.01.

625 (e) "Wrecker operator" has the same meaning ascribed in s.
 626 508.01.

627 (f) "Wrecker services" has the same meaning ascribed in s.
 628 508.01.

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629 (2) In a county or municipality that operates a wrecker
630 allocation system:

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

633 (b) An unauthorized wrecker company, its wrecker
634 operators, or its other employees or agents may not monitor a
635 police radio for communications between patrol field units and
636 the dispatcher in order to determine the location of a wrecked
637 or disabled vehicle for the purpose of dispatching its wrecker
638 operator to drive by the scene of the vehicle in a manner
639 described in paragraph (b) or paragraph (c). Any person who
640 violates this paragraph commits a noncriminal violation,
641 punishable as provided in s. 775.083.

642 (c) A wrecker operator dispatched by an unauthorized
643 wrecker company may not drive by the scene of a wrecked or
644 disabled vehicle before the arrival of the wrecker operator
645 dispatched by the authorized wrecker company, initiate contact
646 with the owner or operator of the vehicle by soliciting or
647 offering wrecker services, or tow the vehicle. Any person who
648 violates this paragraph commits a misdemeanor of the second
649 degree, punishable as provided in s. 775.082 or s. 775.083.

650 (d) When a wrecker operator dispatched by an unauthorized
651 wrecker company drives by the scene of a wrecked or disabled
652 vehicle and the owner or operator initiates contact by signaling
653 the wrecker operator to stop and provide wrecker services, the
654 wrecker operator must disclose to the owner or operator of the
655 vehicle that he or she was not dispatched by the authorized
656 wrecker company designated as part of the wrecker allocation
657 system and must disclose, in writing, what charges for towing

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658 and storage will apply before the vehicle is connected to the
 659 towing apparatus. Any person who violates this paragraph commits
 660 a misdemeanor of the second degree, punishable as provided in s.
 661 775.082 or s. 775.083.

662 (e) A wrecker operator may not falsely identify himself or
 663 herself as being part of, or as being employed by a wrecker
 664 company that is part of, the wrecker allocation system at the
 665 scene of a wrecked or disabled vehicle. Any person who violates
 666 this paragraph commits a misdemeanor of the first degree,
 667 punishable as provided in s. 775.082 or s. 775.083.

668 (3) This section does not prohibit, or in any way prevent,
 669 the owner or operator of a vehicle involved in a crash or
 670 otherwise disabled from contacting any wrecker company for the
 671 provision of wrecker services, regardless of whether the wrecker
 672 company is an authorized wrecker company or not. However, if a
 673 law enforcement officer determines that the disabled vehicle or
 674 vehicle cargo is a public safety hazard, the officer may, in the
 675 interest of public safety, dispatch an authorized wrecker
 676 company if the officer believes that the authorized wrecker
 677 company would arrive at the scene before the wrecker company
 678 requested by the owner or operator of the disabled vehicle or
 679 vehicle cargo.

680 (4) A law enforcement officer may dispatch an authorized
 681 wrecker company out of rotation to the scene of a wrecked or
 682 disabled vehicle if the authorized wrecker company next on
 683 rotation is not equipped to provide the required wrecker
 684 services and the out-of-rotation authorized wrecker company is
 685 available with the required equipment. However, this subsection
 686 does not prohibit or prevent the owner or operator of a vehicle

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687 involved in a crash or otherwise disabled from contacting any
 688 wrecker company that is properly equipped to provide the
 689 required wrecker services, regardless of whether the wrecker
 690 company is an authorized wrecker company or not, unless the law
 691 enforcement officer determines that the wrecked or disabled
 692 vehicle is a public safety hazard and the officer believes that
 693 the authorized wrecker company would arrive at the scene before
 694 the wrecker company requested by the owner or operator.

695 Section 16. Chapter 508, Florida Statutes, consisting of
 696 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06,
 697 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13,
 698 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20,
 699 Florida Statutes, is created to read:

700 CHAPTER 508

701 WRECKER SERVICES

702 508.01 Definitions.--As used in this chapter, the term:

703 (1) "Business entity" means any form of corporation,
 704 limited liability company, partnership, association,
 705 cooperative, joint venture, business trust, sole proprietorship,
 706 or self-employed person conducting business in this state.

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

708 (3) "Department" means the Department of Agriculture and
 709 Consumer Services.

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

713 (5) "Ultimate equitable owner" means a natural person who,
 714 directly or indirectly, owns or controls 10 percent or more of
 715 an ownership interest in a wrecker company, regardless of

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716 whether the natural person owns or controls the ownership
 717 interest through one or more natural persons or one or more
 718 proxies, powers of attorney, nominees, business entities, or any
 719 combination thereof.

720 (6) "Vehicle" means any vehicle of a type that may be
 721 registered under chapter 320 for operation on the roads of this
 722 state, regardless of whether the vehicle is actually registered.
 723 The term does not include a mobile home or manufactured home as
 724 defined in s. 320.01.

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

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

730 (9) "Wrecker company" means a business entity engaged for
 731 hire in the business of towing, carrying, or transporting
 732 vehicles or vessels by wrecker upon the streets and highways of
 733 this state. The term does not include a person regularly engaged
 734 in the business of transporting mobile homes.

735 (10) "Wrecker operator" means a person who performs
 736 wrecker services.

737 (11) "Wrecker services" means towing, carrying, or
 738 otherwise transporting vehicles or vessels by wrecker upon the
 739 streets and highways of this state for hire. The term includes,
 740 but is not limited to, each of the following:

741 (a) Driving a wrecker.

742 (b) Loading, securing, and unloading a vehicle or vessel
 743 on a wrecker using a boom, winch, car carrier, or other similar
 744 equipment.

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745 (c) Towing or removal of a wrecked, disabled, or abandoned
 746 vehicle under the Florida Highway Patrol wrecker allocation
 747 system pursuant to s. 321.051 or under a county or municipal
 748 wrecker allocation system pursuant to s. 323.002.

749 (d) Towing, recovery, or removal of a vehicle or vessel
 750 under s. 713.78.

751 (e) Towing, transportation, or removal of a vehicle or
 752 vessel parked on real property without permission under s.
 753 715.07.

754 (f) Recovery of a vehicle or vessel.

755 508.02 Wrecker Operator Advisory Council.--

756 (1) The Wrecker Operator Advisory Council is created
 757 within the department. The council shall advise and assist the
 758 department in administering this chapter.

759 (2)(a) The council shall be composed of six members
 760 appointed by the Commissioner of Agriculture. In addition, the
 761 executive director of the Professional Wrecker Operators of
 762 Florida, Inc., shall serve ex officio as a voting member of the
 763 council.

764 (b) Three members of the council must each be an ultimate
 765 equitable owner of a wrecker company who has been an ultimate
 766 equitable owner of that company for at least 5 years before his
 767 or her appointment; one member must be a wrecker operator who is
 768 not an ultimate equitable owner of a wrecker company and who has
 769 been a wrecker operator for at least 5 years before his or her
 770 appointment; and two members must be laypersons. Each member
 771 must be a resident of this state. This paragraph expires July 1,
 772 2010.

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773 (c) Effective July 1, 2010, three members of the council
774 must each be an ultimate equitable owner of a wrecker company
775 registered under this chapter who has been an ultimate equitable
776 owner of that company registered for at least 5 years before his
777 or her appointment; one member must be a wrecker operator
778 certified under this chapter who is not an ultimate equitable
779 owner of a wrecker company and who has been a wrecker operator
780 certified for at least 5 years before his or her appointment;
781 and two members must be laypersons. Each member must be a
782 resident of this state.

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

790 (4)(a) From among its members, the council shall annually
791 elect a chair, who shall preside over the meetings of the
792 council, and a vice chair.

793 (b) In conducting its meetings, the council shall use
794 accepted rules of procedure. The department shall keep a
795 complete record of each meeting which must show the names of
796 members present and the actions taken. These records and other
797 documents about matters within the jurisdiction of the council
798 must be kept on file with the department.

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

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

804 (7) The council shall review the rules adopted by the
 805 department to administer this chapter and shall advise the
 806 department on matters relating to industry standards and
 807 practices and other issues that require technical expertise and
 808 consultation or that promote better consumer protection in the
 809 wrecker industry.

810 508.03 Rulemaking authority.--The department may adopt
 811 rules under ss. 120.536(1) and 120.54 to administer this
 812 chapter.

813 508.04 Wrecker companies; registration
 814 required.--Effective January 1, 2005:

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

819 (2) A person applying for or renewing a local occupational
 820 license to engage for hire in the business of a wrecker company
 821 must exhibit a current registration certificate from the
 822 department before the local occupational license may be issued
 823 or reissued under chapter 205.

824 (3) This section does not apply to a motor vehicle repair
 825 shop registered with the department under s. 559.904 which
 826 derives at least 80 percent of its gross sales from motor
 827 vehicle repairs, or to any franchised motor vehicle dealers
 828 licensed pursuant to s. 320.27 when wrecker services are
 829 incidental to the operation of the franchise.

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830 508.05 Registration requirements; renewal of
831 registrations.--

832 (1) Each wrecker company engaged or attempting to engage
833 for hire in the business of towing, carrying, or transporting
834 vehicles, vessels, or mobile homes by wrecker upon the streets
835 and highways of this state must annually register with the
836 department on forms prescribed by the department. The
837 application for registration must include at least the following
838 information:

839 (a) The name and federal employer identification number of
840 the wrecker company.

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

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

845 (d) The full name, residence address, business address,
846 and telephone number of the applicant. If the applicant is other
847 than a natural person, the application must also contain the
848 full name, residence address, business address, telephone
849 number, and federal employer identification number, if
850 applicable, of each ultimate equitable owner of the business
851 entity and each officer, director, partner, manager, member, or
852 managing member of the entity.

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

856 (f) The physical address and telephone number of each
857 business location and each storage facility where the wrecker
858 company stores towed vehicles, vessels, or mobile homes.

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859 (2) Each initial and renewal application for registration
 860 must be accompanied by the registration fee prescribed in s.
 861 508.16.

862 (3) Each initial application for registration must be
 863 accompanied by a complete set of the applicant's fingerprints
 864 taken by a law enforcement agency. If the applicant is other
 865 than a natural person, a complete set of fingerprints must also
 866 be filed for each ultimate equitable owner of the business
 867 entity and each officer, director, partner, manager, member, or
 868 managing member of the entity. The department shall submit the
 869 fingerprints to the Department of Law Enforcement for state
 870 processing, and the Department of Law Enforcement shall forward
 871 the fingerprints to the Federal Bureau of Investigation for
 872 national processing. The applicant must also pay the Department
 873 of Law Enforcement a fingerprint processing fee of \$23 for state
 874 processing, and an additional fee for federal processing, for
 875 each applicant's name submitted. Registration renewal
 876 applications need not be accompanied by a set of fingerprints
 877 for an individual who previously submitted a set of fingerprints
 878 to the department as part of a prior year's registration
 879 application.

880 (4) The department shall review each application in
 881 accordance with s. 120.60 and shall issue a registration
 882 certificate, in the form and size prescribed by the department,
 883 to each wrecker company whose application is approved. The
 884 certificate must show at least the name and address of the
 885 wrecker company and the registration number. The registration
 886 certificate must be prominently displayed in the wrecker
 887 company's primary place of business.

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888 (5) Each advertisement of a wrecker company must include
 889 the phrase "Fla. Wrecker Co. Reg. No. ." For the purpose of
 890 this subsection, the term "advertisement" means a printed or
 891 graphic statement made in a newspaper or other publication or
 892 contained in any notice, handbill, or sign, including signage on
 893 a vehicle, flyer, catalog, or letter.

894 (6) A registration is invalid for a wrecker company
 895 transacting business at a place other than the location
 896 designated in the registration application unless the department
 897 is first notified in writing before the change of location. A
 898 registration issued under this chapter is not transferable or
 899 assignable, and a wrecker company may not conduct business under
 900 a name other than as registered. A wrecker company desiring to
 901 change its registered name, location, or registered agent for
 902 service of process at a time other than upon renewal of
 903 registration must notify the department of the change.

904 (7)(a) Each registration must be renewed annually on or
 905 before the expiration date of the current registration. A late
 906 fee of \$25 must be paid, in addition to the registration fee or
 907 any other penalty, for a registration renewal application that
 908 is received by the department after the expiration date of the
 909 current registration. The department may not issue a
 910 registration until all fees are paid.

911 (b) A wrecker company whose primary place of business is
 912 located within a county or municipality that requires, by local
 913 ordinance, a local occupational license under chapter 205 may
 914 not renew a license under this chapter unless the wrecker
 915 company obtains the occupational license from the county or
 916 municipality.

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917 (8) Each wrecker company must provide the department with
 918 a certificate of insurance for the required insurance coverage
 919 under s. 627.7415 before the department may issue the
 920 registration certificate for an initial or renewal registration.
 921 The department must be named as a certificateholder on the
 922 insurance certificate and must be notified at least 30 days
 923 before any change in insurance coverage.

924 (9) The department shall notify the Department of Highway
 925 Safety and Motor Vehicles when a registration issued under this
 926 chapter has been suspended or revoked by order of the
 927 department. Notification must be sent within 10 days after the
 928 department issues the suspension or revocation order.

929 508.06 Denial of registration.--The department may deny,
 930 revoke, or refuse to renew the registration of a wrecker company
 931 based upon a determination that the applicant or, if the
 932 applicant is other than a natural person, the wrecker company or
 933 any of its ultimate equitable owners, officers, directors,
 934 partners, managers, members, or managing members has:

935 (1) Not met the requirements for registration under this
 936 chapter;

937 (2) Been convicted of, found guilty of, or pled guilty or
 938 nolo contendere to, regardless of the adjudication of guilt, a
 939 felony within the last 10 years;

940 (3) Been convicted of, found guilty of, or pled guilty or
 941 nolo contendere to, regardless of the adjudication of guilt, a
 942 crime within the last 10 years involving repossession of a motor
 943 vehicle under chapter 493; repair of a motor vehicle under ss.
 944 559.901-559.9221; theft of a motor vehicle under s. 812.014;
 945 carjacking under s. 812.133; operation of a chop shop under s.

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946 812.16; failure to maintain records of motor vehicle parts and
 947 accessories under s. 860.14; airbag theft or use of fake airbags
 948 under s. 860.145 or s. 860.146; overcharging for repairs and
 949 parts under s. 860.15; or a violation of towing or storage
 950 requirements for a motor vehicle under s. 321.051, chapter 323,
 951 s. 713.78, s. 715.07, or this chapter;

952 (4) Not satisfied a civil fine or penalty arising out of
 953 an administrative or enforcement action brought by the
 954 department, another governmental agency, or a private person
 955 based upon conduct involving a violation of this chapter;

956 (5) Pending against him or her a criminal, administrative,
 957 or enforcement proceeding in any jurisdiction based upon conduct
 958 involving a violation of this chapter; or

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

961 508.061 Acceptable forms of payment.--A wrecker company
 962 shall accept a minimum of two of the three following forms of
 963 payment:

964 (1) Cash, cashier's check, money order, or traveler's
 965 check;

966 (2) Valid personal check, showing upon its face the name
 967 and address of the vehicle/vessel owner or authorized
 968 representative; or

969 (3) Valid credit card, which shall include, but not be
 970 limited to, Visa or MasterCard.

971 508.07 Wrecker operator certification program.--

972 (1) The department, in consultation with the council,
 973 shall establish a wrecker operator certification program by
 974 December 31, 2004. Under this program, the council shall approve

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975 certification courses for wrecker operators conducted by
 976 approved organizations. The council shall prescribe the minimum
 977 curricula for these courses, which must comprise at least 16
 978 hours, equally apportioned between theoretical instruction and
 979 practical training. The council must approve each organization
 980 and its certification course before the course is accepted for
 981 certification of wrecker operators under this chapter.

982 (2) Each approved wrecker operator certification course
 983 must include a certification examination demonstrating a wrecker
 984 operator's knowledge, skills, and abilities in performing
 985 wrecker services and in the instruction and training of the
 986 certification course. The council must approve each
 987 certification examination before the examination is accepted for
 988 certification of wrecker operators under this chapter.

989 (3) Each organization conducting an approved wrecker
 990 operator certification course must issue on forms prescribed by
 991 the department a certificate to each wrecker operator who
 992 completes the approved certification course or who passes the
 993 approved certification examination.

994 508.08 Specialized wrecker services.--

995 (1) In addition to the minimum curricula for certification
 996 of wrecker operators, each approved certification course must
 997 offer optional instruction, training, and examination of wrecker
 998 operators for each of the following specialized wrecker
 999 services:

1000 (a) Light duty.--Towing and winching a passenger vehicle,
 1001 and uprighting such an overturned vehicle, including the proper
 1002 use of chains, wire rope, and straps.

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1003 (b) Medium duty.--Towing and winching a medium-sized
 1004 commercial vehicle, and uprighting such an overturned vehicle.

1005 (c) Heavy duty.--Towing and winching a standard large-
 1006 sized commercial vehicle, and uprighting such an overturned
 1007 vehicle.

1008 (d) Ultra-heavy duty.--Towing and winching a specialty
 1009 large-sized commercial vehicle or another complex vehicle, and
 1010 uprighting such an overturned vehicle.

1011 (e) Rollback wrecker.--Proper loading, securing,
 1012 transporting, and unloading of a vehicle on a flatbed-rollback
 1013 wrecker.

1014 (f) Hazardous materials.--Awareness of hazardous
 1015 materials. Instruction and training for this wrecker service
 1016 must comprise at least 8 hours in order to be approved.

1017 (g) Air cushions.--Proper use of air cushions in the
 1018 recovery of a heavy-duty vehicle.

1019 (2) The department shall adopt rules prescribing specific
 1020 standards to further define each of the specialized wrecker
 1021 services described in subsection (1). The council must approve
 1022 the instruction, training, and examination for a specialized
 1023 wrecker service before the specialized wrecker service is
 1024 accepted for endorsement of a wrecker operator's certification
 1025 under this chapter.

1026 (3) Each organization conducting an approved wrecker
 1027 operator certification course must issue on forms prescribed by
 1028 the department a certificate to each wrecker operator who
 1029 completes the approved instruction and training for a
 1030 specialized wrecker service or who passes the approved
 1031 endorsement examination for that specialized wrecker service.

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1032 508.09 Certification cards.--

1033 (1) Each organization conducting an approved wrecker
 1034 operator certification course must issue a certification card to
 1035 each wrecker operator who completes the approved certification
 1036 course and passes the approved certification examination. The
 1037 department must approve the form of the certification cards
 1038 issued by each organization. Each certification card must
 1039 include the wrecker operator's name, a color photograph or
 1040 digital image of the wrecker operator, and the expiration date
 1041 of the certification card.

1042 (2) Each certification card must also include the wrecker
 1043 operator's applicable endorsements for specialized wrecker
 1044 services, for which the wrecker operator completed the approved
 1045 instruction and training for the specialized wrecker service and
 1046 passed the approved endorsement examination for that specialized
 1047 wrecker service.

1048 (3) The department may adopt rules governing the issuance
 1049 of a certification card to a wrecker operator who:

1050 (a) Completes a certification course and passes a
 1051 certification examination in another state which are
 1052 substantially equivalent to the approved certification courses
 1053 and approved certification examinations in this state.

1054 (b) Completed a certification course and passed a
 1055 certification examination in this state between January 1, 2000,
 1056 and December 31, 2004, which are substantially equivalent to the
 1057 approved certification courses and the approved certification
 1058 examinations. This paragraph expires July 1, 2005.

1059 (c) Completed instruction and training for a specialized
 1060 wrecker service and passed an endorsement examination for that

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1061 specialized wrecker service between January 1, 2000, and
 1062 December 31, 2004, which are substantially equivalent to the
 1063 approved instruction and training and the approved endorsement
 1064 examinations. This paragraph expires July 1, 2005.

1065
 1066 For the purposes of this subsection, the council shall approve
 1067 each certification examination in another state, and shall
 1068 approve the instruction, training, and examination for each
 1069 specialized wrecker service in another state, which the council
 1070 determines are substantially equivalent to the approved
 1071 certification courses and approved certification examinations in
 1072 this state or to the approved instruction, training, and
 1073 endorsement examinations for a specialized wrecker service in
 1074 this state.

1075 (4) Each certification card expires 5 years after the date
 1076 of issuance.

1077 (5) Certification cards shall be issued by the
 1078 organizations conducting approved wrecker operator certification
 1079 courses. The department is not responsible for issuing
 1080 certification cards or for the costs associated with the
 1081 issuance of certification cards.

1082 508.10 Wrecker operators; certification required;
 1083 inspection of employment records.--Effective January 1, 2005:

1084 (1) A person may not perform wrecker services in this
 1085 state unless he or she is an employee or ultimate equitable
 1086 owner of a wrecker company that is registered with the
 1087 department under this chapter and those wrecker services are
 1088 performed on behalf of the wrecker company.

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1089 (2)(a) A person may not perform wrecker services or
 1090 specialized wrecker services for a wrecker company for more than
 1091 6 months after first being employed by, or becoming an ultimate
 1092 equitable owner of, the wrecker company without being certified
 1093 as a wrecker operator under this chapter.

1094 (b) A wrecker operator certified under this chapter may
 1095 not perform a specialized wrecker service for a wrecker company
 1096 unless the wrecker operator's certification includes an
 1097 endorsement for that specialized wrecker service.

1098 (3)(a) Notwithstanding subsections (1) and (2), a person
 1099 may perform wrecker services or specialized wrecker services in
 1100 this state if he or she is an employee or ultimate equitable
 1101 owner of a motor vehicle repair shop registered with the
 1102 department under s. 559.904 and those wrecker services or
 1103 specialized wrecker services are performed on behalf of the
 1104 motor vehicle repair shop.

1105 (b) Notwithstanding subsections (1) and (2), a person may
 1106 perform wrecker services or specialized wrecker services in this
 1107 state if those wrecker services or specialized wrecker services
 1108 are performed on behalf of a religious organization that holds a
 1109 current exemption from federal taxation or that is not required
 1110 to apply for recognition of its exemption, under s. 501 of the
 1111 Internal Revenue Code.

1112 (4) The department may, at any time during business hours,
 1113 enter any business location of a wrecker company and examine the
 1114 company's books or records. If the department reasonable
 1115 believes a violation of this chapter has occurred or is
 1116 occurring, the department may subpoena any necessary books or
 1117 records.

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1118 508.11 Renewal of certification; continuing education
 1119 requirements.--

1120 (1) The department, in consultation with the council,
 1121 shall establish a continuing education program for the
 1122 recertification of wrecker operators by December 31, 2006. In
 1123 order to renew a wrecker operator's certification card, an
 1124 operator must complete a continuing education course. The
 1125 council must prescribe the minimum curricula and proper
 1126 examination for each continuing education course, each of which
 1127 must be at least 8 hours in length. The council shall approve
 1128 each organization, and the continuing education course it
 1129 proposes to offer, before the course is approved for
 1130 recertifying wrecker operators.

1131 (2) Each organization conducting an approved wrecker
 1132 operator continuing education course must issue, on forms
 1133 prescribed by the department, a certificate to each wrecker
 1134 operator who completes the approved course or who passes an
 1135 approved recertification examination.

1136 508.12 Prohibited acts.--It is a violation of this chapter
 1137 for a person to:

1138 (1) Charge rates that exceed the maximum rates imposed by
 1139 the ordinances of the respective county or municipality under
 1140 ss. 125.0103(1)(c) and 166.043(1)(c).

1141 (2) Violate s. 321.051, relating to the Florida Highway
 1142 Patrol wrecker allocation system.

1143 (3) Violate s. 323.002, relating to county and municipal
 1144 wrecker allocation systems.

1145 (4) Violate s. 713.78, relating to liens for recovering,
 1146 towing, or storing vehicles and vessels.

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1147 (5) Violate s. 715.07, relating to towing or removing
 1148 vehicles and vessels parked on real property without permission.

1149 (6) Refuse to allow a law enforcement officer to inspect a
 1150 towing and storage facility, as required in s. 812.055.

1151 (7) Allow a person who is not certified as a wrecker
 1152 operator under this chapter to perform wrecker services or
 1153 specialized wrecker services for the wrecker company for more
 1154 than 6 months after first being employed by, or becoming an
 1155 ultimate equitable owner of, the wrecker company.

1156 (8) Allow a wrecker operator certified under this chapter
 1157 to perform a specialized wrecker service for the wrecker company
 1158 if the wrecker operator's certification does not include an
 1159 endorsement for that specialized wrecker service.

1160 (9) Perform an act otherwise prohibited by this chapter or
 1161 fail to perform an act otherwise required by this chapter.

1162 508.13 Administrative penalties; inspection of records.--

1163 (1) The department may order one or more of the following
 1164 if the department finds that a person has violated this chapter
 1165 or the rules or orders issued under this chapter:

1166 (a) Issue a notice of noncompliance under s. 120.695.

1167 (b) Impose an administrative fine not to exceed \$5,000 for
 1168 each act or omission.

1169 (c) Direct the person to cease and desist specified
 1170 activities.

1171 (d) Refuse to register the wrecker company or suspend or
 1172 revoke the wrecker company's registration.

1173 (e) Place the wrecker company on probation for a period of
 1174 time, subject to the conditions specified by the department.

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1175 (2) Chapter 120 shall govern an administrative proceeding
 1176 resulting from an order imposing a penalty specified in
 1177 subsection (1).

1178 508.14 Civil penalties.--The department may bring a civil
 1179 action in a court of competent jurisdiction to recover any
 1180 penalties or damages allowed in this chapter and for injunctive
 1181 relief to enforce compliance with this chapter. The department
 1182 may seek a civil penalty of up to \$5,000 for each violation of
 1183 this chapter and may seek restitution for and on behalf of any
 1184 owner of a vehicle, vessel, or mobile home who is aggrieved or
 1185 injured by a violation of this chapter.

1186 508.15 Criminal penalties.--Effective July 1, 2005:

1187 (1) A person who violates s. 508.04(1) by operating a
 1188 wrecker company in this state without being registered with the
 1189 department under this chapter commits a felony of the third
 1190 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1191 775.084.

1192 (2) A person who violates s. 508.10(1) by performing
 1193 wrecker services in this state without being an employee or
 1194 ultimate equitable owner of a wrecker company that is registered
 1195 with the department under this chapter commits a felony of the
 1196 third degree, punishable as provided in s. 775.082, s. 775.083,
 1197 or s. 775.084.

1198 508.16 Fees.--The department shall adopt by rule a fee
 1199 schedule, not to exceed the following amounts:

1200 (1) Wrecker company registration fee: \$425.

1201 (2) Wrecker company registration renewal fee: \$425.

1202 508.17 General Inspection Trust Fund; payments.--All fees,
 1203 penalties, or other funds collected by the department under this

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1204 chapter must be deposited in the General Inspection Trust Fund
 1205 and may only be used for the purpose of administering this
 1206 chapter.

1207 508.18 Recovery agents; exemption.--This chapter does not
 1208 apply to a person licensed under chapter 493 performing
 1209 repossession services.

1210 508.19 County and municipal ordinances.--A county or
 1211 municipality may enact ordinances governing the business of
 1212 transporting vehicles or vessels by wrecker which are more
 1213 restrictive than this chapter. This section does not limit the
 1214 authority of a political subdivision to impose regulatory fees
 1215 or charges or to levy occupational license taxes under chapter
 1216 205. The department may enter into a cooperative agreement with
 1217 any county or municipality that provides for the referral,
 1218 investigation, and prosecution of consumer complaints alleging
 1219 violations of this act. The department is authorized to delegate
 1220 enforcement of this act to any county or municipality entering
 1221 into a cooperative agreement.

1222 508.20 Records.--

1223 (1) Each wrecker company shall maintain records of its
 1224 wrecker services for at least 12 months. These records shall be
 1225 maintained at the wrecker company's principal place of business.

1226 (2) Each wrecker company shall maintain records on each of
 1227 its wrecker operators sufficient to demonstrate that the
 1228 operator has successfully completed an approved wrecker operator
 1229 certification course or an approved wrecker operator continuing
 1230 education course and is certified to perform wrecker services.
 1231 These records shall be maintained at the wrecker company's
 1232 principal place of business for as long as the operator is

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1233 employed by the wrecker company and for at least 6 months
 1234 thereafter.

1235 (3) Each organization approved to conduct a wrecker
 1236 operator certification course or approved to offer a wrecker
 1237 operator continuing education course shall maintain records on
 1238 each person who successfully completes one of the courses. The
 1239 records shall be maintained at the organization's principal
 1240 place of business for at least 5 years. The department may, at
 1241 any time during normal business hours, enter the organization's
 1242 principal place of business to examine the records.

1243 Section 17. Subsection (13) of section 713.78, Florida
 1244 Statutes, is amended to read:

1245 713.78 Liens for recovering, towing, or storing vehicles
 1246 and vessels.--

1247 (13)(a) Upon receipt by the Department of Highway Safety
 1248 and Motor Vehicles of written notice from a wrecker operator who
 1249 claims a wrecker operator's lien under paragraph (2)(c) or
 1250 paragraph (2)(d) for recovery, towing, or storage of an
 1251 abandoned vehicle, vessel, or mobile home upon instructions from
 1252 any law enforcement agency, for which a certificate of
 1253 destruction has been issued under subsection (11), the
 1254 department shall place the name of the registered owner of that
 1255 vehicle, vessel, or mobile home on the list of those persons who
 1256 may not be issued a license plate or revalidation sticker for
 1257 any motor vehicle under s. 320.03(8). If the vehicle, vessel, or
 1258 mobile home is owned jointly by more than one person, the name
 1259 of each registered owner shall be placed on the list. The notice
 1260 of wrecker operator's lien shall be submitted on forms provided
 1261 by the department, which must include:

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1262 1. The name, address, and telephone number of the wrecker
1263 operator.

1264 2. The name of the registered owner of the vehicle,
1265 vessel, or mobile home and the address to which the wrecker
1266 operator provided notice of the lien to the registered owner
1267 under subsection (4).

1268 3. A general description of the vehicle, vessel, or mobile
1269 home, including its color, make, model, body style, and year.

1270 4. The vehicle identification number (VIN); registration
1271 license plate number, state, and year; validation decal number,
1272 state, and year; mobile home sticker number, state, and year;
1273 vessel registration number; hull identification number; or other
1274 identification number, as applicable.

1275 5. The name of the person or the corresponding law
1276 enforcement agency that requested that the vehicle, vessel, or
1277 mobile home be recovered, towed, or stored.

1278 6. The amount of the wrecker operator's lien, not to
1279 exceed the amount allowed by paragraph (b).

1280 (b) For purposes of this subsection only, the amount of
1281 the wrecker operator's lien for which the department will
1282 prevent issuance of a license plate or revalidation sticker may
1283 not exceed the amount of the charges for recovery, towing, and
1284 storage of the vehicle, vessel, or mobile home for 7 days. These
1285 charges may not exceed the maximum rates imposed by the
1286 ordinances of the respective county or municipality under ss.
1287 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit
1288 the amount of a wrecker operator's lien claimed under subsection
1289 (2) or prevent a wrecker operator from seeking civil remedies
1290 for enforcement of the entire amount of the lien, but limits

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1291 only that portion of the lien for which the department will
 1292 prevent issuance of a license plate or revalidation sticker.

1293 (c)1. The registered owner of a vehicle, vessel, or mobile
 1294 home may dispute a wrecker operator's lien, by notifying the
 1295 department of the dispute in writing on forms provided by the
 1296 department, if at least one of the following applies:

1297 a. The registered owner presents a notarized bill of sale
 1298 proving that the vehicle, vessel, or mobile home was sold in a
 1299 private or casual sale before the vehicle, vessel, or mobile
 1300 home was recovered, towed, or stored.

1301 b. The registered owner presents proof that the Florida
 1302 certificate of title of the vehicle, vessel, or mobile home was
 1303 sold to a licensed dealer as defined in s. 319.001 before the
 1304 vehicle, vessel, or mobile home was recovered, towed, or stored.

1305 c. The records of the department were marked to indicate
 1306 that the vehicle, vessel, or mobile home was sold before the
 1307 issuance of the certificate of destruction under subsection
 1308 (11).

1309
 1310 If the registered owner's dispute of a wrecker operator's lien
 1311 complies with one of these criteria, the department shall
 1312 immediately remove the registered owner's name from the list of
 1313 those persons who may not be issued a license plate or
 1314 revalidation sticker for any motor vehicle under s. 320.03(8),
 1315 thereby allowing issuance of a license plate or revalidation
 1316 sticker. If the vehicle, vessel, or mobile home is owned jointly
 1317 by more than one person, each registered owner must dispute the
 1318 wrecker operator's lien in order to be removed from the list.
 1319 However, the department shall deny any dispute and maintain the

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1320 registered owner's name on the list of those persons who may not
 1321 be issued a license plate or revalidation sticker for any motor
 1322 vehicle under s. 320.03(8) if the wrecker operator has provided
 1323 the department with a certified copy of the judgment of a court
 1324 which orders the registered owner to pay the wrecker operator's
 1325 lien claimed under this section. In such a case, the amount of
 1326 the wrecker operator's lien allowed by paragraph (b) may be
 1327 increased to include no more than \$500 of the reasonable costs
 1328 and attorney's fees incurred in obtaining the judgment. The
 1329 department's action under this subparagraph is ministerial in
 1330 nature, shall not be considered final agency action, and may be
 1331 appealed ~~is appealable~~ only to the county court for the county
 1332 in which the vehicle, vessel, or mobile home was ordered
 1333 removed.

1334 2. A person against whom a wrecker operator's lien has
 1335 been imposed may alternatively obtain a discharge of the lien by
 1336 filing a complaint, challenging the validity of the lien or the
 1337 amount thereof, in the county court of the county in which the
 1338 vehicle, vessel, or mobile home was ordered removed. Upon filing
 1339 of the complaint, the person may have her or his name removed
 1340 from the list of those persons who may not be issued a license
 1341 plate or revalidation sticker for any motor vehicle under s.
 1342 320.03(8), thereby allowing issuance of a license plate or
 1343 revalidation sticker, upon posting with the court a cash or
 1344 surety bond or other adequate security equal to the amount of
 1345 the wrecker operator's lien to ensure the payment of such lien
 1346 in the event she or he does not prevail. Upon the posting of the
 1347 bond and the payment of the applicable fee set forth in s.
 1348 28.24, the clerk of the court shall issue a certificate

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1349 notifying the department of the posting of the bond and
 1350 directing the department to release the wrecker operator's lien.
 1351 Upon determining the respective rights of the parties, the court
 1352 may award damages and costs in favor of the prevailing party.

1353 3. If a person against whom a wrecker operator's lien has
 1354 been imposed does not object to the lien, but cannot discharge
 1355 the lien by payment because the wrecker operator has moved or
 1356 gone out of business, the person may have her or his name
 1357 removed from the list of those persons who may not be issued a
 1358 license plate or revalidation sticker for any motor vehicle
 1359 under s. 320.03(8), thereby allowing issuance of a license plate
 1360 or revalidation sticker, upon posting with the clerk of court in
 1361 the county in which the vehicle, vessel, or mobile home was
 1362 ordered removed, a cash or surety bond or other adequate
 1363 security equal to the amount of the wrecker operator's lien.
 1364 Upon the posting of the bond and the payment of the application
 1365 fee set forth in s. 28.24, the clerk of the court shall issue a
 1366 certificate notifying the department of the posting of the bond
 1367 and directing the department to release the wrecker operator's
 1368 lien. The department shall mail to the wrecker operator, at the
 1369 address upon the lien form, notice that the wrecker operator
 1370 must claim the security within 60 days, or the security will be
 1371 released back to the person who posted it. At the conclusion of
 1372 the 60 days, the department shall direct the clerk as to which
 1373 party is entitled to payment of the security, less applicable
 1374 clerk's fees.

1375 4. A wrecker operator's lien expires 5 years after filing.

1376 (d) Upon discharge of the amount of the wrecker operator's
 1377 lien allowed by paragraph (b), the wrecker operator must issue a

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1378 certificate of discharged wrecker operator's lien on forms
 1379 provided by the department to each registered owner of the
 1380 vehicle, vessel, or mobile home attesting that the amount of the
 1381 wrecker operator's lien allowed by paragraph (b) has been
 1382 discharged. Upon presentation of the certificate of discharged
 1383 wrecker operator's lien by the registered owner, the department
 1384 shall immediately remove the registered owner's name from the
 1385 list of those persons who may not be issued a license plate or
 1386 revalidation sticker for any motor vehicle under s. 320.03(8),
 1387 thereby allowing issuance of a license plate or revalidation
 1388 sticker. Issuance of a certificate of discharged wrecker
 1389 operator's lien under this paragraph does not discharge the
 1390 entire amount of the wrecker operator's lien claimed under
 1391 subsection (2), but only certifies to the department that the
 1392 amount of the wrecker operator's lien allowed by paragraph (b),
 1393 for which the department will prevent issuance of a license
 1394 plate or revalidation sticker, has been discharged.

1395 (e) When a wrecker operator files a notice of wrecker
 1396 operator's lien under this subsection, the department shall
 1397 charge the wrecker operator a fee of \$2, which must ~~shall~~ be
 1398 deposited into the General Revenue Fund ~~established under s.~~
 1399 ~~860.158~~. A service charge of \$2.50 shall be collected and
 1400 retained by the tax collector who processes a notice of wrecker
 1401 operator's lien.

1402 (f) This subsection applies only to the annual renewal in
 1403 the registered owner's birth month of a motor vehicle
 1404 registration and does not apply to the transfer of a
 1405 registration of a motor vehicle sold by a motor vehicle dealer
 1406 licensed under chapter 320, except for the transfer of

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1407 registrations which is inclusive of the annual renewals. This
 1408 subsection does not apply to any vehicle registered in the name
 1409 of a lessor. This subsection does not affect the issuance of the
 1410 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1411 (g) The Department of Highway Safety and Motor Vehicles
 1412 may adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
 1413 implement this subsection.

1414 Section 18. Effective January 1, 2005, section 713.78,
 1415 Florida Statutes, as amended by this act, is amended to read:

1416 713.78 Liens for recovering, towing, or storing vehicles
 1417 and vessels.--

1418 (1) As used in ~~For the purposes of~~ this section, the term:

1419 (a) "Business day" means a day other than a Saturday,
 1420 Sunday, or federal or state legal holiday.

1421 (b) "Property owner" has the same meaning ascribed in s.
 1422 715.07.

1423 (c)~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1424 508.01 ~~means any mobile item, whether motorized or not, which is~~
 1425 ~~mounted on wheels.~~

1426 (d)~~(b)~~ "Vessel" has the same meaning ascribed in s. 508.01
 1427 ~~means every description of watercraft, barge, and air boat used~~
 1428 ~~or capable of being used as a means of transportation on water,~~
 1429 ~~other than a seaplane or a "documented vessel" as defined in s.~~
 1430 ~~327.02(8).~~

1431 (e)~~(c)~~ "Wrecker" has the same meaning ascribed in s.
 1432 320.01 ~~means any truck or other vehicle which is used to tow,~~
 1433 ~~carry, or otherwise transport motor vehicles or vessels upon the~~
 1434 ~~streets and highways of this state and which is equipped for~~

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1435 ~~that purpose with a boom, winch, car carrier, or other similar~~
 1436 ~~equipment.~~

1437 (f) "Wrecker company" has the same meaning ascribed in s.
 1438 508.01.

1439 (g) "Wrecker operator" has the same meaning ascribed in s.
 1440 508.01.

1441 (2) Whenever a wrecker company registered under chapter
 1442 508 ~~person regularly engaged in the business of transporting~~
 1443 ~~vehicles or vessels by wrecker, tow truck, or car carrier~~
 1444 ~~recovers, removes, or stores a vehicle or, vessel, or mobile~~
 1445 ~~home upon instructions from:~~

1446 (a) The owner of the vehicle or vessel thereof; ~~or~~

1447 (b) The property owner or lessor, or a person authorized
 1448 ~~by the owner or lessor,~~ of real property on which the such
 1449 vehicle is wrongfully parked without permission, and the such
 1450 removal is done in compliance with s. 715.07; or

1451 (c) A Any law enforcement agency; ~~or~~

1452 ~~(d) A mobile home park owner as defined in s. 723.003 who~~
 1453 ~~has a current writ of possession for a mobile home lot pursuant~~
 1454 ~~to s. 723.061,~~

1455
 1456 the wrecker company has she or he shall have a lien on the such
 1457 vehicle or vessel for a reasonable towing fee and for a
 1458 reasonable storage fee; except that a no storage fee may not
 1459 shall be charged if a such vehicle or vessel is stored for less
 1460 than 6 hours.

1461 (3) This section does not authorize any person to claim a
 1462 lien on a vehicle for fees or charges connected with the

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1463 immobilization of a ~~such~~ vehicle using a vehicle boot or other
 1464 similar device under ~~pursuant to~~ s. 715.07.

1465 (4)(a) Any wrecker company ~~that person regularly engaged~~
 1466 ~~in the business of recovering, towing, or storing vehicles or~~
 1467 ~~vessels who~~ comes into possession of a vehicle or vessel under
 1468 ~~pursuant to~~ subsection (2), and who claims a lien for recovery,
 1469 towing, or storage services, must ~~shall~~ give notice to the
 1470 registered owner, the insurance company insuring the vehicle
 1471 notwithstanding ~~the provisions of~~ s. 627.736, and to all persons
 1472 claiming a lien on the vehicle or vessel ~~thereon~~, as disclosed
 1473 by the records in the Department of Highway Safety and Motor
 1474 Vehicles or of a corresponding agency in any other state.

1475 (b) Whenever a ~~any~~ law enforcement agency authorizes the
 1476 removal of a vehicle, or whenever a wrecker company ~~any towing~~
 1477 ~~service, garage, repair shop, or automotive service, storage, or~~
 1478 ~~parking place~~ notifies the law enforcement agency of possession
 1479 of a vehicle under ~~pursuant to~~ s. 715.07(2)(a)2., the applicable
 1480 law enforcement agency shall contact the Department of Highway
 1481 Safety and Motor Vehicles, or the appropriate agency of the
 1482 state of registration, if known, within 24 hours through the
 1483 medium of electronic communications, giving the full description
 1484 of the vehicle. Upon receipt of the full description of the
 1485 vehicle, the department shall search its files to determine the
 1486 owner's name, the insurance company insuring the vehicle, and
 1487 whether any person has filed a lien upon the vehicle as provided
 1488 in s. 319.27(2) and (3) and notify the applicable law
 1489 enforcement agency within 72 hours. The wrecker company ~~person~~
 1490 ~~in charge of the towing service, garage, repair shop, or~~
 1491 ~~automotive service, storage, or parking place~~ shall obtain this

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1492 ~~such~~ information from the applicable law enforcement agency
 1493 within 5 days after ~~from~~ the date of storage and must ~~shall~~ give
 1494 notice under ~~pursuant to~~ paragraph (a). The department may
 1495 release the insurance company information to the requestor
 1496 notwithstanding ~~the provisions of~~ s. 627.736.

1497 (c) Notice by certified mail, return receipt requested,
 1498 must ~~shall~~ be sent within 7 business days after the date of
 1499 storage of the vehicle or vessel to the registered owner, the
 1500 insurance company insuring the vehicle notwithstanding ~~the~~
 1501 ~~provisions of~~ s. 627.736, and all persons of record claiming a
 1502 lien against the vehicle or vessel. The notice must ~~It shall~~
 1503 state the fact of possession of the vehicle or vessel, that a
 1504 lien as provided in subsection (2) is claimed, that charges have
 1505 accrued and the amount of the charges ~~thereof~~, that the lien is
 1506 subject to enforcement under ~~pursuant to~~ law, ~~and~~ that the owner
 1507 or lienholder, if any, has the right to a hearing as set forth
 1508 in subsection (5), and that any vehicle or vessel which remains
 1509 unclaimed, or for which the charges for recovery, towing, or
 1510 storage services remain unpaid, may be sold free of all prior
 1511 liens after 35 days if the vehicle or vessel is more than 3
 1512 years of age or after 50 days if the vehicle or vessel is 3
 1513 years of age or less.

1514 (d) If the wrecker company is unable ~~attempts to~~ identify
 1515 the name of ~~locate~~ the owner or lienholder ~~prove unsuccessful~~,
 1516 the wrecker company must ~~towing-storage operator shall~~, after 7
 1517 business working days following, ~~excluding Saturday and Sunday~~,
 1518 ~~of~~ the initial tow or storage, notify the public agency of
 1519 jurisdiction in writing by certified mail or acknowledged hand
 1520 delivery that the wrecker ~~towing-storage~~ company has been unable

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1521 to identify the name of ~~locate~~ the owner or lienholder and a
 1522 physical search of the vehicle or vessel has disclosed no
 1523 ownership information and a good faith effort has been made. For
 1524 purposes of this paragraph and subsection (9), the term "good
 1525 faith effort" means that the following checks have been
 1526 performed by the wrecker company to establish prior state of
 1527 registration and for title:

- 1528 1. Check of vehicle or vessel for any type of tag, tag
 1529 record, temporary tag, or regular tag.
- 1530 2. Check of law enforcement report for tag number or other
 1531 information identifying the vehicle or vessel, if the vehicle or
 1532 vessel was towed at the request of a law enforcement officer.
- 1533 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~
 1534 ~~truck~~ operator to see if a tag was on vehicle at beginning of
 1535 tow, if private tow.
- 1536 4. If there is no address of the owner on the impound
 1537 report, check of law enforcement report to see if an out-of-
 1538 state address is indicated from driver license information.
- 1539 5. Check of vehicle or vessel for inspection sticker or
 1540 other stickers and decals that may indicate a state of possible
 1541 registration.
- 1542 6. Check of the interior of the vehicle or vessel for any
 1543 papers that may be in the glove box, trunk, or other areas for a
 1544 state of registration.
- 1545 7. Check of vehicle for vehicle identification number.
- 1546 8. Check of vessel for vessel registration number.
- 1547 9. Check of vessel hull for a hull identification number
 1548 which should be carved, burned, stamped, embossed, or otherwise
 1549 permanently affixed to the outboard side of the transom or, if

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1550 there is no transom, to the outmost seaboard side at the end of
 1551 the hull that bears the rudder or other steering mechanism.

1552 (5)(a) The owner of a vehicle or vessel removed under
 1553 ~~pursuant to the provisions of~~ subsection (2), or any person
 1554 claiming a lien, other than the wrecker company towing-storage
 1555 ~~operator~~, within 10 days after the time she or he has knowledge
 1556 of the location of the vehicle or vessel, may file a complaint
 1557 in the county court of the county in which the vehicle or vessel
 1558 is stored or in which the owner resides to determine if her or
 1559 his property was wrongfully taken or withheld from her or him.

1560 (b) Upon filing of a complaint, an owner or lienholder may
 1561 have her or his vehicle or vessel released upon posting with the
 1562 court a cash or surety bond or other adequate security equal to
 1563 the amount of the charges for towing or storage and lot rental
 1564 amount to ensure the payment of the ~~such~~ charges in the event
 1565 she or he does not prevail. Upon the posting of the bond and
 1566 the payment of the applicable fee set forth in s. 28.24, the
 1567 clerk of the court shall issue a certificate notifying the
 1568 lienor of the posting of the bond and directing the lienor to
 1569 release the vehicle or vessel. At the time of the ~~such~~ release,
 1570 after reasonable inspection, she or he shall give a receipt to
 1571 the wrecker towing-storage company reciting any claims she or he
 1572 has for loss or damage to the vehicle or vessel or to the
 1573 contents of the vehicle or vessel ~~thereof~~.

1574 (c) Upon determining the respective rights of the parties,
 1575 the court shall ~~may~~ award damages, and costs, and reasonable
 1576 attorney's fees to ~~in favor of~~ the prevailing party. ~~In any~~
 1577 ~~event~~, The final order must require ~~shall provide for~~ immediate
 1578 payment in full of the recovery, towing, and storage fees by the

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1579 vehicle or vessel owner or lienholder; by ~~or~~ the law enforcement
 1580 agency ordering the tow; or by the property owner, ~~lessee, or~~
 1581 ~~agent thereof~~ of the real property from which the vehicle or
 1582 vessel was towed or removed under s. 715.07.

1583 (6) Any vehicle or vessel that ~~which~~ is stored under
 1584 ~~pursuant to~~ subsection (2) and that ~~which~~ remains unclaimed, or
 1585 for which reasonable charges for recovery, towing, or storing
 1586 remain unpaid ~~or for which a lot rental amount is due and owing~~
 1587 ~~to the mobile home park owner, as evidenced by a judgment for~~
 1588 ~~unpaid rent, and any contents not released~~ under ~~pursuant to~~
 1589 subsection (10), may be sold by the wrecker company ~~owner or~~
 1590 ~~operator of the storage space~~ for the ~~such~~ towing or storage
 1591 charge or unpaid lot rental amount ~~after~~ 35 days after ~~from the~~
 1592 ~~time~~ the vehicle or vessel is stored in the wrecker company's
 1593 storage facility ~~therein~~ if the vehicle or vessel is more than 3
 1594 years of age or ~~after~~ 50 days after ~~following the time the~~
 1595 vehicle or vessel is stored in the wrecker company's storage
 1596 facility ~~therein~~ if the vehicle or vessel is 3 years of age or
 1597 less. The sale must ~~shall~~ be at public auction for cash. If the
 1598 date of the sale is ~~was~~ not included in the notice required in
 1599 subsection (4), notice of the sale must ~~shall~~ be given to the
 1600 person in whose name the vehicle or, vessel, ~~or mobile home~~ is
 1601 registered, ~~to the mobile home park owner,~~ and to all persons
 1602 claiming a lien on the vehicle or vessel as shown on the records
 1603 of the Department of Highway Safety and Motor Vehicles or of the
 1604 corresponding agency in any other state. Notice must ~~shall~~ be
 1605 sent by certified mail, return receipt requested, to the owner
 1606 of the vehicle or vessel and the person having the recorded lien
 1607 on the vehicle or vessel at the address shown on the records of

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1608 the registering agency and must ~~shall~~ be mailed at least ~~not~~
 1609 ~~less than~~ 15 days before the date of the sale. After diligent
 1610 search and inquiry, if the name and address of the registered
 1611 owner or the owner of the recorded lien cannot be ascertained,
 1612 the requirements of notice by mail may be dispensed with. In
 1613 addition to the notice by mail, public notice of the time and
 1614 place of sale must ~~shall~~ be made by publishing a notice of the
 1615 sale ~~thereof~~ one time, at least 10 days before ~~prior to~~ the date
 1616 of the sale, in a newspaper of general circulation in the county
 1617 in which the sale is to be held. The proceeds of the sale,
 1618 after payment of reasonable towing and storage charges and,
 1619 costs of the sale, ~~and the unpaid lot rental amount~~, in that
 1620 order of priority, must ~~shall~~ be deposited with the clerk of the
 1621 circuit court for the county if the owner is absent, and the
 1622 clerk shall hold the ~~such~~ proceeds subject to the claim of the
 1623 person legally entitled to those proceeds ~~thereto~~. The clerk is
 1624 ~~shall be~~ entitled to receive 5 percent of the ~~such~~ proceeds for
 1625 the care and disbursement of the proceeds ~~thereof~~. The
 1626 certificate of title issued under this section must ~~law shall~~ be
 1627 discharged of all liens unless otherwise provided by court
 1628 order.

1629 (7)(a) A wrecker company, its wrecker operators, and other
 1630 employees or agents of the wrecker company ~~operator~~ recovering,
 1631 towing, or storing vehicles or vessels are ~~is~~ not liable for
 1632 damages connected with those ~~such~~ services, theft of the ~~such~~
 1633 vehicles or vessels, or theft of personal property contained in
 1634 the ~~such~~ vehicles or vessels, if those ~~provided that~~ such
 1635 services are ~~have been~~ performed with reasonable care and if
 1636 ~~provided, further, that~~, in the case of removal of a vehicle or

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1637 vessel upon the request of a person purporting, and reasonably
 1638 appearing, to be the property owner ~~or lessee, or a person~~
 1639 ~~authorized by the owner or lessee,~~ of the real property from
 1640 which the ~~such~~ vehicle or vessel is removed, the ~~such~~ removal
 1641 has been done in compliance with s. 715.07. Further, a wrecker
 1642 company, its wrecker operators, and other employees or agents of
 1643 the wrecker company are ~~operator is~~ not liable for damage
 1644 connected with those ~~such~~ services when complying with the
 1645 lawful directions of a law enforcement officer to remove a
 1646 vehicle stopped, standing, or parked upon a street or highway in
 1647 ~~such~~ a position that obstructs ~~as to obstruct~~ the normal
 1648 movement of traffic or that creates ~~in such a condition as to~~
 1649 ~~create~~ a hazard to other traffic upon the street or highway.

1650 (b) Employees or authorized agents of an authorized or
 1651 unauthorized wrecker company, as defined in s. 321.051 or s.
 1652 323.002, may remove a vehicle or vehicle cargo from a public
 1653 road without consent of the owner or operator of the vehicle or
 1654 vehicle cargo upon request of a law enforcement officer as
 1655 defined in s. 112.531, a sheriff or deputy sheriff as defined in
 1656 s. 30.072, or a firefighter as defined in s. 112.81. The
 1657 employee or authorized agent of the wrecker company, its wrecker
 1658 operators, and other employees or agents of the wrecker company,
 1659 the law enforcement officer, sheriff, or deputy sheriff, and the
 1660 firefighters and emergency medical services providers are not
 1661 liable for any property damages or claims of damage for the
 1662 removal if the vehicle or vehicle cargo is removed because it
 1663 presents an imminent public-safety hazard.

1664 (c)~~(b)~~ For the purposes of this subsection, a wrecker
 1665 company, its wrecker operators, and other employees or agents of

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1666 the wrecker company are ~~operator is~~ presumed to use reasonable
 1667 care to prevent the theft of a vehicle or vessel or of any
 1668 personal property contained in the ~~such~~ vehicle stored in the
 1669 wrecker company's ~~operator's~~ storage facility if all of the
 1670 following apply:

1671 1. The wrecker company ~~operator~~ surrounds the storage
 1672 facility with a chain-link or solid-wall type fence at least 6
 1673 feet in height;

1674 2. The wrecker company ~~illuminates operator has~~
 1675 ~~illuminated~~ the storage facility with lighting of sufficient
 1676 intensity to reveal persons and vehicles at a distance of at
 1677 least 150 feet during nighttime; and

1678 3. The wrecker company ~~operator~~ uses one or more of the
 1679 following security methods to discourage theft of vehicles or
 1680 vessels or of any personal property contained in such vehicles
 1681 or vessels stored in the wrecker company's ~~operator's~~ storage
 1682 facility:

1683 a. A night dispatcher or watchman remains on duty at the
 1684 storage facility from sunset to sunrise;

1685 b. A security dog remains at the storage facility from
 1686 sunset to sunrise;

1687 c. Security cameras or other similar surveillance devices
 1688 monitor the storage facility; or

1689 d. A security guard service examines the storage facility
 1690 at least once each hour from sunset to sunrise.

1691 ~~(d)(e)~~ Any law enforcement agency requesting that a motor
 1692 vehicle be removed from an accident scene, street, or highway
 1693 must conduct an inventory and prepare a written record of all
 1694 personal property found in the vehicle before the vehicle is

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1695 removed by a wrecker operator. However, if the owner or driver
 1696 of the motor vehicle is present and accompanies the vehicle, an
 1697 ~~ne~~ inventory by law enforcement is not required. A wrecker
 1698 company, its wrecker operators, and other employees or agents of
 1699 the wrecker company are ~~operator is~~ not liable for the loss of
 1700 personal property alleged to be contained in ~~such~~ a vehicle when
 1701 the ~~such~~ personal property was not identified on the inventory
 1702 record prepared by the law enforcement agency requesting the
 1703 removal of the vehicle.

1704 (8) A wrecker company and its wrecker operators, excluding
 1705 ~~person regularly engaged in the business of recovering, towing,~~
 1706 ~~or storing vehicles or vessels, except~~ a person licensed under
 1707 chapter 493 while engaged in "repossession" activities as
 1708 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~
 1709 ~~ear carrier~~ unless the name, address, and telephone number of
 1710 the wrecker company performing the wrecker services ~~service~~ is
 1711 clearly printed in contrasting colors on the driver and
 1712 passenger sides of the wrecker ~~its vehicle~~. The name must be in
 1713 at least 3-inch permanently affixed letters, and the address and
 1714 telephone number must be in at least 1-inch permanently affixed
 1715 letters.

1716 (9) Failure to make good faith best efforts to comply with
 1717 the notice requirements of this section precludes ~~shall preclude~~
 1718 the imposition of any storage charges against the ~~such~~ vehicle
 1719 or vessel.

1720 (10) Each wrecker company that provides ~~Persons who~~
 1721 ~~provide~~ services under ~~pursuant to~~ this section must ~~shall~~
 1722 permit vehicle or vessel owners or their agents, which agency is
 1723 evidenced by a writing acknowledged by the owner before a notary

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1724 public or other person empowered by law to administer oaths, to
 1725 inspect the towed vehicle or vessel and must ~~shall~~ release to
 1726 the owner or agent all personal property not affixed to the
 1727 vehicle or vessel which was in the vehicle or vessel at the time
 1728 the vehicle or vessel came into the custody of the wrecker
 1729 company ~~person~~ providing those ~~such~~ services.

1730 (11)(a) A wrecker company that ~~Any person regularly~~
 1731 ~~engaged in the business of recovering, towing, or storing~~
 1732 ~~vehicles or vessels who~~ comes into possession of a vehicle or
 1733 vessel under ~~pursuant to~~ subsection (2) and that complies ~~who~~
 1734 ~~has complied~~ with the provisions of subsections (3) and (6),
 1735 when the ~~such~~ vehicle or vessel is to be sold for purposes of
 1736 being dismantled, destroyed, or changed in a such manner that it
 1737 is not the motor vehicle or, ~~vessel, or mobile home~~ described in
 1738 the certificate of title, must ~~shall~~ apply to the county tax
 1739 collector for a certificate of destruction. A certificate of
 1740 destruction, which authorizes the dismantling or destruction of
 1741 the vehicle or vessel described on the certificate ~~therein~~, is
 1742 ~~shall be~~ reassignable no more than twice ~~a maximum of two times~~
 1743 before dismantling or destruction of the vehicle is ~~shall be~~
 1744 required, and the certificate must ~~shall~~ accompany the vehicle
 1745 or vessel for which it is issued, when the ~~such~~ vehicle or
 1746 vessel is sold for that purpose ~~such purposes~~, in lieu of a
 1747 certificate of title. The application for a certificate of
 1748 destruction must include an affidavit from the applicant that it
 1749 has complied with all applicable requirements of this section
 1750 and, if the vehicle or vessel is not registered in this state,
 1751 by a statement from a law enforcement officer that the vehicle
 1752 or vessel is not reported stolen, and must also ~~shall~~ be

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1753 accompanied by any other ~~such~~ documentation ~~as may be~~ required
 1754 by the department.

1755 (b) The Department of Highway Safety and Motor Vehicles
 1756 shall charge a fee of \$3 for each certificate of destruction. A
 1757 service charge of \$4.25 shall be collected and retained by the
 1758 tax collector who processes the application.

1759 (c) The Department of Highway Safety and Motor Vehicles
 1760 may adopt ~~such~~ rules to administer ~~as it deems necessary or~~
 1761 ~~proper for the administration of~~ this subsection.

1762 (12)(a) Any person who violates ~~any provision of~~
 1763 subsection (1), subsection (2), subsection (4), subsection (5),
 1764 subsection (6), or subsection (7) commits ~~is guilty of~~ a
 1765 misdemeanor of the first degree, punishable as provided in s.
 1766 775.082 or s. 775.083.

1767 (b) Any person who violates ~~the provisions of~~ subsections
 1768 (8) through (11) commits ~~is guilty of~~ a felony of the third
 1769 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1770 775.084.

1771 (c) Any person who uses a false or fictitious name, gives
 1772 a false or fictitious address, or makes any false statement in
 1773 any application or affidavit required under ~~the provisions of~~
 1774 this section commits ~~is guilty of~~ a felony of the third degree,
 1775 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1776 (d) Employees of the Department of Highway Safety and
 1777 Motor Vehicles and law enforcement officers may ~~are authorized~~
 1778 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
 1779 ~~person regularly engaged in the business of recovering, towing,~~
 1780 ~~or storing vehicles or vessels or transporting vehicles or~~
 1781 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure

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1782 compliance with the requirements of this section. Any person who
 1783 fails to maintain records, or fails to produce records when
 1784 required in a reasonable manner and at a reasonable time,
 1785 commits a misdemeanor of the first degree, punishable as
 1786 provided in s. 775.082 or s. 775.083.

1787 (13)(a) Upon receipt by the Department of Highway Safety
 1788 and Motor Vehicles of written notice from a wrecker company
 1789 ~~operator~~ who claims a wrecker company's ~~operator's~~ lien under
 1790 paragraph (2)(c) or paragraph (2)(d) for recovery, towing, or
 1791 storage of an abandoned vehicle or ~~vessel, or mobile home~~ upon
 1792 instructions from any law enforcement agency, for which a
 1793 certificate of destruction has been issued under subsection
 1794 (11), the department shall place the name of the registered
 1795 owner of that vehicle or ~~vessel, or mobile home~~ on the list of
 1796 those persons who may not be issued a license plate or
 1797 revalidation sticker for any motor vehicle under s. 320.03(8).
 1798 If the vehicle or ~~vessel, or mobile home~~ is owned jointly by
 1799 more than one person, the name of each registered owner shall be
 1800 placed on the list. The notice of wrecker company's ~~operator's~~
 1801 lien shall be submitted on forms provided by the department,
 1802 which must include:

1803 1. The name, address, and telephone number of the wrecker
 1804 company ~~operator~~.

1805 2. The name of the registered owner of the vehicle or
 1806 ~~vessel, or mobile home~~ and the address to which the wrecker
 1807 company ~~operator~~ provided notice of the lien to the registered
 1808 owner under subsection (4).

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1809 3. A general description of the vehicle or vessel, ~~or~~
 1810 ~~mobile home~~, including its color, make, model, body style, and
 1811 year.

1812 4. The vehicle identification number (VIN); registration
 1813 license plate number, state, and year; validation decal number,
 1814 state, and year; ~~mobile home sticker number, state, and year;~~
 1815 ~~vessel registration number;~~ hull identification number; or other
 1816 identification number, as applicable.

1817 5. The name of the person or the corresponding law
 1818 enforcement agency that requested that the vehicle or vessel,
 1819 ~~or mobile home~~ be recovered, towed, or stored.

1820 6. The amount of the wrecker company's ~~operator's~~ lien,
 1821 not to exceed the amount allowed by paragraph (b).

1822 (b) For purposes of this subsection only, the amount of
 1823 the wrecker company's ~~operator's~~ lien for which the department
 1824 will prevent issuance of a license plate or revalidation sticker
 1825 may not exceed the amount of the charges for recovery, towing,
 1826 and storage of the vehicle or vessel, ~~or mobile home~~ for 7
 1827 days. These charges may not exceed the maximum rates imposed by
 1828 the ordinances of the respective county or municipality under
 1829 ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not
 1830 limit the amount of a wrecker company's ~~operator's~~ lien claimed
 1831 under subsection (2) or prevent a wrecker company ~~operator~~ from
 1832 seeking civil remedies for enforcement of the entire amount of
 1833 the lien, but limits only that portion of the lien for which the
 1834 department will prevent issuance of a license plate or
 1835 revalidation sticker.

1836 (c)1. The registered owner of a vehicle, vessel, or mobile
 1837 home may dispute a wrecker company's ~~operator's~~ lien, by

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1838 notifying the department of the dispute in writing on forms
 1839 provided by the department, if at least one of the following
 1840 applies:

1841 a. The registered owner presents a notarized bill of sale
 1842 proving that the vehicle or, vessel, ~~or mobile home~~ was sold in
 1843 a private or casual sale before the vehicle or, vessel, ~~or~~
 1844 ~~mobile home~~ was recovered, towed, or stored.

1845 b. The registered owner presents proof that the Florida
 1846 certificate of title of the vehicle or, vessel, ~~or mobile home~~
 1847 was sold to a licensed dealer as defined in s. 319.001 before
 1848 the vehicle or, vessel, ~~or mobile home~~ was recovered, towed, or
 1849 stored.

1850 c. The records of the department were marked to indicate
 1851 that the vehicle or, vessel, ~~or mobile home~~ was sold before the
 1852 issuance of the certificate of destruction under subsection
 1853 (11).

1854
 1855 If the registered owner's dispute of a wrecker company's
 1856 ~~operator's~~ lien complies with one of these criteria, the
 1857 department shall immediately remove the registered owner's name
 1858 from the list of those persons who may not be issued a license
 1859 plate or revalidation sticker for any motor vehicle under s.
 1860 320.03(8), thereby allowing issuance of a license plate or
 1861 revalidation sticker. If the vehicle or, vessel, ~~or mobile home~~
 1862 is owned jointly by more than one person, each registered owner
 1863 must dispute the wrecker company's ~~operator's~~ lien in order to
 1864 be removed from the list. However, the department shall deny any
 1865 dispute and maintain the registered owner's name on the list of
 1866 those persons who may not be issued a license plate or

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1867 revalidation sticker for any motor vehicle under s. 320.03(8) if
 1868 the wrecker company ~~operator~~ has provided the department with a
 1869 certified copy of the judgment of a court which orders the
 1870 registered owner to pay the wrecker company's ~~operator's~~ lien
 1871 claimed under this section. In such a case, the amount of the
 1872 wrecker company's ~~operator's~~ lien allowed by paragraph (b) may
 1873 be increased to include no more than \$500 of the reasonable
 1874 costs and attorney's fees incurred in obtaining the judgment.
 1875 The department's action under this subparagraph is ministerial
 1876 in nature, shall not be considered final agency action, and may
 1877 be appealed only to the county court for the county in which the
 1878 vehicle or, ~~vessel, or mobile home~~ was ordered removed.

1879 2. A person against whom a wrecker company's ~~operator's~~
 1880 lien has been imposed may alternatively obtain a discharge of
 1881 the lien by filing a complaint, challenging the validity of the
 1882 lien or the amount thereof, in the county court of the county in
 1883 which the vehicle or, ~~vessel, or mobile home~~ was ordered
 1884 removed. Upon filing of the complaint, the person may have her
 1885 or his name removed from the list of those persons who may not
 1886 be issued a license plate or revalidation sticker for any motor
 1887 vehicle under s. 320.03(8), thereby allowing issuance of a
 1888 license plate or revalidation sticker, upon posting with the
 1889 court a cash or surety bond or other adequate security equal to
 1890 the amount of the wrecker company's ~~operator's~~ lien to ensure
 1891 the payment of such lien in the event she or he does not
 1892 prevail. Upon the posting of the bond and the payment of the
 1893 applicable fee set forth in s. 28.24, the clerk of the court
 1894 shall issue a certificate notifying the department of the
 1895 posting of the bond and directing the department to release the

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1896 wrecker company's ~~operator's~~ lien. Upon determining the
 1897 respective rights of the parties, the court may award damages
 1898 and costs in favor of the prevailing party.

1899 3. If a person against whom a wrecker company's ~~operator's~~
 1900 lien has been imposed does not object to the lien, but cannot
 1901 discharge the lien by payment because the wrecker company
 1902 ~~operator~~ has moved or gone out of business, the person may have
 1903 her or his name removed from the list of those persons who may
 1904 not be issued a license plate or revalidation sticker for any
 1905 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 1906 license plate or revalidation sticker, upon posting with the
 1907 clerk of court in the county in which the vehicle or, ~~vessel, or~~
 1908 ~~mobile home~~ was ordered removed, a cash or surety bond or other
 1909 adequate security equal to the amount of the wrecker company's
 1910 ~~operator's~~ lien. Upon the posting of the bond and the payment of
 1911 the application fee set forth in s. 28.24, the clerk of the
 1912 court shall issue a certificate notifying the department of the
 1913 posting of the bond and directing the department to release the
 1914 wrecker company's ~~operator's~~ lien. The department shall mail to
 1915 the wrecker company ~~operator~~, at the address upon the lien form,
 1916 notice that the wrecker company ~~operator~~ must claim the security
 1917 within 60 days, or the security will be released back to the
 1918 person who posted it. At the conclusion of the 60 days, the
 1919 department shall direct the clerk as to which party is entitled
 1920 to payment of the security, less applicable clerk's fees.

1921 4. A wrecker company's ~~operator's~~ lien expires 5 years
 1922 after filing.

1923 (d) Upon discharge of the amount of the wrecker company's
 1924 ~~operator's~~ lien allowed by paragraph (b), the wrecker company

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1925 ~~operator~~ must issue a certificate of discharged wrecker
 1926 company's ~~operator's~~ lien on forms provided by the department to
 1927 each registered owner of the vehicle, vessel, or mobile home
 1928 attesting that the amount of the wrecker company's ~~operator's~~
 1929 lien allowed by paragraph (b) has been discharged. Upon
 1930 presentation of the certificate of discharged wrecker company's
 1931 ~~operator's~~ lien by the registered owner, the department shall
 1932 immediately remove the registered owner's name from the list of
 1933 those persons who may not be issued a license plate or
 1934 revalidation sticker for any motor vehicle under s. 320.03(8),
 1935 thereby allowing issuance of a license plate or revalidation
 1936 sticker. Issuance of a certificate of discharged wrecker
 1937 company's ~~operator's~~ lien under this paragraph does not
 1938 discharge the entire amount of the wrecker company's ~~operator's~~
 1939 lien claimed under subsection (2), but only certifies to the
 1940 department that the amount of the wrecker company's ~~operator's~~
 1941 lien allowed by paragraph (b), for which the department will
 1942 prevent issuance of a license plate or revalidation sticker, has
 1943 been discharged.

1944 (e) When a wrecker company ~~operator~~ files a notice of
 1945 wrecker operator's lien under this subsection, the department
 1946 shall charge the wrecker company ~~operator~~ a fee of \$2, which
 1947 must be deposited into the General Revenue Fund. A service
 1948 charge of \$2.50 shall be collected and retained by the tax
 1949 collector who processes a notice of wrecker company's ~~operator's~~
 1950 lien.

1951 (f) This subsection applies only to the annual renewal in
 1952 the registered owner's birth month of a motor vehicle
 1953 registration and does not apply to the transfer of a

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1954 registration of a motor vehicle sold by a motor vehicle dealer
 1955 licensed under chapter 320, except for the transfer of
 1956 registrations which is inclusive of the annual renewals. This
 1957 subsection does not apply to any vehicle registered in the name
 1958 of a lessor. This subsection does not affect the issuance of the
 1959 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1960 (g) The Department of Highway Safety and Motor Vehicles
 1961 may adopt rules under ss. 120.536(1) and 120.54 to implement
 1962 this subsection.

1963 (14) The amendments to this section made by this act do
 1964 not affect the validity of liens established under this section
 1965 before January 1, 2005.

1966 Section 19. Effective January 1, 2005, section 713.785,
 1967 Florida Statutes, is created to read:

1968 713.785 Liens for recovering, towing, or storing mobile
 1969 homes.--

1970 (1) As used in this section, the term:

1971 (a) "Mobile home" means a mobile home or manufactured home
 1972 as those terms are defined in s. 320.01 and any contents and
 1973 appurtenances thereof.

1974 (b) "Mobile home transport company" means a person
 1975 regularly engaged in the business of transporting mobile homes.

1976 (c) "Property owner" has the same meaning ascribed in s.
 1977 715.07.

1978 (d) "Store" means a mobile home transport company has
 1979 legal possession of a mobile home either on the mobile home
 1980 transport company's property or on any other property.

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1981 (e) "Unpaid lot rental amount" means any unpaid financial
 1982 obligations of the mobile home owner or tenant to the mobile
 1983 home park owner.

1984 (2) If a mobile home transport company recovers, removes,
 1985 or stores a mobile home upon instructions from:

1986 (a) The owner of the mobile home;

1987 (b) A law enforcement agency; or

1988 (c) A mobile home park owner as defined in s. 723.003 who
 1989 has a current writ of possession for a mobile home lot under s.
 1990 723.062 or s. 83.062,

1991 the mobile home transport company has a lien on the mobile home
 1992 for a reasonable towing fee and for a reasonable storage fee.

1994 (3) A mobile home transport company that comes into
 1995 possession of a mobile home under subsection (2) and that claims
 1996 a lien for recovery, towing, or storage services must give
 1997 notice to the registered owner and to all persons claiming a
 1998 lien on the mobile home, as disclosed by the records in the
 1999 Department of Highway Safety and Motor Vehicles or of a
 2000 corresponding agency in any other state.

2001 (4) The lien created under subsection (2) is prior in
 2002 dignity to all others except a lien for unpaid purchase price or
 2003 a landlord's lien for rent.

2004 (5) A mobile home that is stored under subsection (2) and
 2005 that remains unclaimed, or for which reasonable charges for
 2006 recovery, towing, or storing remain unpaid or for which a lot
 2007 rental amount is due and owing to the mobile home park owner,
 2008 may be sold by the mobile home transport company for the towing
 2009 or storage charge and any unpaid lot rental amount 35 days after

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2010 the mobile home is stored by a mobile home transport company.
 2011 The sale must be at public auction for cash. Notice of the sale
 2012 must be given to the person in whose name the mobile home is
 2013 registered, to the mobile home park owner, and to all persons
 2014 claiming a lien on the mobile home as shown on the records of
 2015 the Department of Highway Safety and Motor Vehicles or of the
 2016 corresponding agency in any other state. Notice must be sent by
 2017 certified mail, return receipt requested, at least 15 days
 2018 before the date of the sale. After diligent search and inquiry,
 2019 if the name and address of the registered owner or the owner of
 2020 the recorded lien cannot be ascertained, the requirements of
 2021 notice by mail may be dispensed with. In addition to the notice
 2022 by mail, public notice of the time and place of sale must be
 2023 made by publishing a notice of the sale one time, at least 10
 2024 days before the date of the sale, in a newspaper of general
 2025 circulation in the county in which the sale is to be held. The
 2026 proceeds of the sale, after payment of reasonable towing and
 2027 storage charges, costs of the sale, and the unpaid lot rental
 2028 amount, as evidenced by an affidavit executed by the mobile home
 2029 park owner or the owner's agent, in that order of priority, must
 2030 be deposited with the clerk of the circuit court for the county
 2031 if the owner is absent, and the clerk shall hold the proceeds
 2032 subject to the claim of the person legally entitled to those
 2033 proceeds. The clerk is entitled to receive 5 percent of the
 2034 proceeds for the care and disbursement of the proceeds.

2035 (6) Neither the mobile home transport company, the
 2036 landlord or his or her agent, nor any subsequent purchaser for
 2037 value is responsible to the tenant or any other party for loss,
 2038 destruction, or damage to the mobile home or other personal

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2039 property after coming into possession of the mobile home
 2040 pursuant to this section.

2041 (7)(a) A mobile home transport company that comes into
 2042 possession of a mobile home under subsection (2) and that
 2043 complies with subsection (3), if the mobile home is to be sold
 2044 for purposes of being dismantled, destroyed, or changed so that
 2045 it is not the mobile home described in the certificate of title,
 2046 must apply to the county tax collector for a certificate of
 2047 destruction. A certificate of destruction, which authorizes the
 2048 dismantling or destruction of the mobile home described in the
 2049 certificate, is reassignable no more than twice before
 2050 dismantling or destruction of the mobile home is required, and
 2051 the certificate must accompany the mobile home for which it is
 2052 issued when the mobile home is sold for that purpose, in lieu of
 2053 a certificate of title. The application for a certificate of
 2054 destruction must include an affidavit from the applicant that it
 2055 has complied with all applicable requirements of this section;
 2056 must, if the mobile home is not registered in this state,
 2057 include a statement from a law enforcement officer that the
 2058 mobile home is not reported stolen; and must be accompanied by
 2059 any other documentation required by the department.

2060 (b) The Department of Highway Safety and Motor Vehicles
 2061 shall charge a fee of \$3 for each certificate of destruction.
 2062 The tax collector who processes the application shall collect
 2063 and retain a service charge of \$4.25.

2064 (c) The Department of Highway Safety and Motor Vehicles
 2065 may adopt rules to administer this subsection.

2066 (d) Employees of the Department of Highway Safety and
 2067 Motor Vehicles and law enforcement officers may inspect the

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2068 records of each mobile home transport company in this state to
 2069 ensure compliance with this section.

2070 (8)(a) Upon receipt by the Department of Highway Safety
 2071 and Motor Vehicles of written notice from a mobile home
 2072 transport company that claims a lien under paragraph (2)(c) or
 2073 paragraph (2)(d) for recovery, towing, or storage, upon
 2074 instructions from any law enforcement agency, of a mobile home
 2075 for which a certificate of destruction has been issued under
 2076 subsection (7), the department shall place the name of the
 2077 registered owner of that mobile home on the list of those
 2078 persons who may not be issued a revalidation sticker under s.
 2079 320.03. If the mobile home is owned jointly by more than one
 2080 person, the name of each registered owner must be placed on the
 2081 list. The notice of lien must be submitted on forms provided by
 2082 the department, which must include:

2083 1. The name, address, and telephone number of the mobile
 2084 home transport company.

2085 2. The name of the registered owner of the mobile home and
 2086 the address to which the mobile home transport company provided
 2087 notice of the lien to the registered owner under subsection (3).

2088 3. A general description of the mobile home, including its
 2089 color, make, model, and year.

2090 4. The mobile home sticker number, state, and year or
 2091 other identification number, as applicable.

2092 5. The name of the person or the corresponding law
 2093 enforcement agency that requested that the mobile home be
 2094 recovered, towed, or stored.

2095 6. The amount of the lien, which may not exceed the amount
 2096 allowed by paragraph (b).

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2097 (b) For purposes of this subsection only, the amount of
 2098 the mobile home transport company's lien for which the
 2099 department will prevent issuance of a revalidation sticker may
 2100 not exceed the amount of the charges for recovery, towing, and
 2101 storage of the mobile home for 7 days. These charges may not
 2102 exceed the maximum rates imposed by the ordinances of the
 2103 respective county or municipality under ss. 125.0103(1)(c) and
 2104 166.043(1)(c). This paragraph does not limit the amount of a
 2105 mobile home transport company's lien claimed under subsection
 2106 (2) or prevent a mobile home transport company from seeking
 2107 civil remedies for enforcement of the entire amount of the lien,
 2108 but limits only that portion of the lien for which the
 2109 department will prevent issuance of a revalidation sticker.

2110 (c)1. The registered owner of the mobile home may dispute
 2111 a mobile home transport company's lien by notifying the
 2112 department of the dispute in writing on forms provided by the
 2113 department, if at least one of the following applies:

2114 a. The registered owner presents a notarized bill of sale
 2115 proving that the mobile home was sold in a private or casual
 2116 sale before the mobile home was recovered, towed, or stored.

2117 b. The registered owner presents proof that the Florida
 2118 certificate of title of the mobile home was sold to a licensed
 2119 dealer as defined in s. 319.001 before the mobile home was
 2120 recovered, towed, or stored.

2121 c. The records of the department were marked to indicate
 2122 that the mobile home was sold before the issuance of the
 2123 certificate of destruction under subsection (7).

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2125 If the registered owner's dispute of a mobile home transport
2126 company's lien complies with one of these criteria, the
2127 department shall immediately remove the registered owner's name
2128 from the list of those persons who may not be issued a
2129 revalidation sticker under s. 320.03. If the mobile home is
2130 owned jointly by more than one person, each registered owner
2131 must dispute the mobile home transport company's lien in order
2132 to be removed from the list. However, the department shall deny
2133 any dispute and maintain the registered owner's name on the list
2134 of those persons who may not be issued a revalidation sticker if
2135 the motor home transport company has provided the department
2136 with a certified copy of the judgment of a court which orders
2137 the registered owner to pay the mobile home transport company's
2138 lien claimed under this section. In such a case, the amount of
2139 the mobile home transport company's lien allowed under paragraph
2140 (b) may be increased to include no more than \$500 of the
2141 reasonable costs and attorney's fees incurred in obtaining the
2142 judgment. The department's action under this subparagraph is
2143 ministerial in nature, is not final agency action, and may be
2144 appealed only to the county court for the county in which the
2145 mobile home was ordered removed.

2146 2. A person against whom a mobile home transport company's
2147 lien has been imposed may alternatively obtain a discharge of
2148 the lien by filing a complaint challenging the validity of the
2149 lien, or the amount thereof, in the county court of the county
2150 in which the mobile home was ordered removed. Upon filing the
2151 complaint, the person may have her or his name removed from the
2152 list of those persons who may not be issued a revalidation
2153 sticker under s. 320.03 upon posting with the court a cash or

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2154 surety bond or other adequate security equal to the amount of
 2155 the mobile home transport company's lien to ensure the payment
 2156 of the lien if she or he does not prevail. Upon the posting of
 2157 the bond and the payment of the applicable fee set forth in s.
 2158 28.24, the clerk of the court shall issue a certificate
 2159 notifying the department of the posting of the bond and
 2160 directing the department to release the mobile home transport
 2161 company's lien. Upon determining the respective rights of the
 2162 parties, the court may award damages and costs in favor of the
 2163 prevailing party.

2164 3. If a person against whom a mobile home transport
 2165 company's lien has been imposed does not object to the lien but
 2166 cannot discharge the lien by payment because the mobile home
 2167 transport company has moved or gone out of business, the person
 2168 may have her or his name removed from the list of those persons
 2169 who may not be issued a revalidation sticker under s. 320.03
 2170 upon posting with the clerk of the court in the county in which
 2171 the mobile home was ordered removed a cash or surety bond or
 2172 other adequate security equal to the amount of the mobile home
 2173 transport company's lien. Upon the posting of the bond and the
 2174 payment of the application fee set forth in s. 28.24, the clerk
 2175 of the court shall issue a certificate notifying the department
 2176 of the posting of the bond and directing the department to
 2177 release the mobile home transport company's lien. The department
 2178 shall mail to the mobile home transport company, at the address
 2179 on the lien form, notice that the mobile home transport company
 2180 must claim the security within 60 days or the security will be
 2181 released to the person who posted it. At the conclusion of the
 2182 60 days, the department shall direct the clerk as to which party

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2183 is entitled to payment of the security, less applicable clerk's
 2184 fees.

2185 4. A mobile home transport company's lien expires 5 years
 2186 after filing.

2187 (d) Upon discharge of the amount of the mobile home
 2188 transport company's lien allowed under paragraph (b), the mobile
 2189 home transport company must issue a certificate of discharged
 2190 lien on a form provided by the department to each registered
 2191 owner of the mobile home, attesting that the amount of the
 2192 mobile home transport company's lien allowed under paragraph (b)
 2193 has been discharged. Upon presentation of the certificate of
 2194 discharged lien by the registered owner, the department shall
 2195 immediately remove the registered owner's name from the list of
 2196 those persons who may not be issued a revalidation sticker under
 2197 s. 320.03. Issuance of a certificate of discharged lien under
 2198 this paragraph does not discharge the entire amount of the
 2199 mobile home transport company's lien claimed under subsection
 2200 (2), but certifies to the department only that the amount of the
 2201 mobile home transport company's lien allowed under paragraph
 2202 (b), for which the department will prevent issuance of a
 2203 revalidation sticker, has been discharged.

2204 (e) When a mobile home transport company files a notice of
 2205 lien under this subsection, the department shall charge the
 2206 mobile home transport company a fee of \$2, which must be
 2207 deposited into the General Revenue Fund. The tax collector who
 2208 processes a notice of lien shall collect and retain a service
 2209 charge of \$2.50.

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2210 (f) The Department of Highway Safety and Motor Vehicles
 2211 may adopt rules under ss. 120.536(1) and 120.54 to administer
 2212 this subsection.

2213 Section 20. Paragraph (a) of subsection (1) of section
 2214 319.30, Florida Statutes, is amended to read:

2215 319.30 Definitions; dismantling, destruction, change of
 2216 identity of motor vehicle or mobile home; salvage.--

2217 (1) As used in this section, the term:

2218 (a) "Certificate of destruction" means the certificate
 2219 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

2220 Section 21. Section 713.69, Florida Statutes, is amended
 2221 to read:

2222 713.69 Unlawful to remove property upon which lien has
 2223 accrued.--It is unlawful for any person to remove any property
 2224 upon which a lien has accrued under the provisions of s. 713.68,
 2225 s. 713.77, or s. 713.785 from any mobile home park, hotel,
 2226 apartment house, roominghouse, lodginghouse, boardinghouse or
 2227 tenement house without first making full payment to the person
 2228 operating or conducting the same of all sums due and payable for
 2229 such occupancy or without first having the written consent of
 2230 such person so conducting or operating such place to so remove
 2231 such property. Any person violating the provisions of this
 2232 section shall, if the property removed in violation hereof be of
 2233 the value of \$50 or less, be guilty of a misdemeanor of the
 2234 second degree, punishable as provided in s. 775.082 or s.
 2235 775.083; and if the property so removed should be of greater
 2236 value than \$50 then such person shall be guilty of a felony of
 2237 the third degree, punishable as provided in s. 775.082, s.
 2238 775.083, or s. 775.084.

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2239 Section 22. Effective January 1, 2005, section 715.07,
 2240 Florida Statutes, is amended to read:

2241 715.07 Vehicles and vessels parked on real private
 2242 property without permission; towing.--

2243 (1) As used in this section, the term:

2244 (a) "Property owner" means an owner or lessee of real
 2245 property, or a person authorized by the owner or lessee, which
 2246 person may be the designated representative of the condominium
 2247 association if the real property is a condominium.

2248 (b) "Vehicle" has the same meaning ascribed in s. 508.01
 2249 ~~means any mobile item which normally uses wheels, whether~~
 2250 ~~motorized or not.~~

2251 (c) "Vessel" has the same meaning ascribed in s. 508.01.

2252 (d) "Wrecker company" has the same meaning ascribed in s.
 2253 508.01.

2254 (e) "Wrecker operator" has the same meaning ascribed in s.
 2255 508.01.

2256 (2) A property owner ~~The owner or lessee of real property,~~
 2257 ~~or any person authorized by the owner or lessee, which person~~
 2258 ~~may be the designated representative of the condominium~~
 2259 ~~association if the real property is a condominium,~~ may cause a
 2260 any vehicle or vessel parked on her or his ~~such~~ property without
 2261 her or his permission to be removed by a wrecker company
 2262 registered under chapter 508 ~~person regularly engaged in the~~
 2263 ~~business of towing vehicles,~~ without liability for the costs of
 2264 removal, transportation, or storage or damages caused by the
 2265 ~~such~~ removal, transportation, or storage, under any of the
 2266 following circumstances:

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2267 (a) The towing or removal of any vehicle or vessel from
 2268 ~~real private~~ property without the consent of the registered
 2269 owner or other legally authorized person in control of that
 2270 vehicle or vessel is subject to strict compliance with the
 2271 following conditions and restrictions:

2272 1.a. Any towed or removed vehicle or vessel must be stored
 2273 at a storage facility site within a 10-mile radius ~~10 miles~~ of
 2274 the point of removal in any county of 500,000 population or
 2275 more, and within a 15-mile radius ~~15 miles~~ of the point of
 2276 removal in any county of less than 500,000 population. The
 2277 wrecker company's storage facility ~~That site~~ must be open for
 2278 the purpose of redemption of vehicles and vessels on any day
 2279 that the wrecker company ~~person or firm~~ towing the ~~such~~ vehicle
 2280 or vessel is open for towing purposes, from 8 ~~8:00~~ a.m. to 6
 2281 ~~6:00~~ p.m., and, when closed, must ~~shall~~ have prominently posted
 2282 a sign indicating a telephone number where the operator of the
 2283 storage facility site can be reached at all times. Upon receipt
 2284 of a telephoned request to open the storage facility site to
 2285 redeem a vehicle or vessel, the operator shall return to the
 2286 storage facility site within 1 hour or she or he ~~is~~ will be in
 2287 violation of this section.

2288 b. If a wrecker company ~~no towing business providing such~~
 2289 ~~service~~ is not located within the area of towing limitations ~~set~~
 2290 ~~forth~~ in sub-subparagraph a., the following limitations apply:
 2291 any towed or removed vehicle or vessel must be stored at a
 2292 storage facility site within a 20-mile radius ~~20 miles~~ of the
 2293 point of removal in any county of 500,000 population or more,
 2294 and within a 30-mile radius ~~30 miles~~ of the point of removal in
 2295 any county of less than 500,000 population.

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2296 2. The wrecker company ~~person or firm~~ towing or removing
 2297 the vehicle or vessel must ~~shall~~, within 30 minutes after ~~of~~
 2298 completion of that ~~such~~ towing or removal, notify the municipal
 2299 police department or, in an unincorporated area, the sheriff of
 2300 that ~~such~~ towing or removal; the location of the storage
 2301 facility; site, ~~the time the vehicle or vessel was towed or~~
 2302 removed; and the make, model, color, and license plate number
 2303 of the vehicle or the make, model, color, and registration
 2304 number of the vessel. The wrecker company must also ~~and shall~~
 2305 obtain the name of the person at that department to whom this
 2306 ~~such~~ information is ~~was~~ reported and note that name on the trip
 2307 record.

2308 3. If the registered owner or other legally authorized
 2309 person in control of the vehicle or vessel arrives at the scene
 2310 before ~~prior to removal or towing of the vehicle or vessel is~~
 2311 towed or removed, the wrecker company must disconnect the
 2312 vehicle or vessel ~~shall be disconnected~~ from the wrecker towing
 2313 ~~or removal apparatus~~, and must allow that person ~~shall be~~
 2314 ~~allowed~~ to remove the vehicle or vessel without interference
 2315 upon the payment of a reasonable service fee of not more than
 2316 one-half of the posted rate for those services ~~such towing~~
 2317 ~~service~~ as provided in subparagraph 6., for which a receipt
 2318 shall be given, unless that person refuses to remove the vehicle
 2319 or vessel that ~~which~~ is otherwise unlawfully parked or located.

2320 4. A wrecker company, a wrecker operator, or another
 2321 employee or agent of a wrecker company may not give a ~~The~~ rebate
 2322 or pay ~~payment of~~ money or ~~any~~ other valuable consideration ~~from~~
 2323 ~~the individual or firm towing or removing vehicles~~ to the
 2324 property owner ~~owners or operators~~ of the premises from which a

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2325 vehicle or vessel is ~~the vehicles are~~ towed or removed, for the
 2326 privilege of removing or towing the vehicle or vessel ~~these~~
 2327 ~~vehicles, is prohibited.~~ A property owner may not solicit a
 2328 wrecker company, a wrecker operator, or another employee or
 2329 agent of a wrecker company to give him or her a rebate or the
 2330 payment of money or other valuable consideration for the
 2331 privilege of removing or towing a vehicle from his or her
 2332 premises.

2333 5. Except for property appurtenant to and obviously a part
 2334 of a single-family residence, and except for instances when
 2335 notice is personally given to the owner or other legally
 2336 authorized person in control of the vehicle or vessel that the
 2337 area in which that vehicle or vessel is parked is reserved or
 2338 otherwise unavailable for unauthorized vehicles or vessels and
 2339 subject to being removed at the owner's or operator's expense,
 2340 any property owner ~~or lessee, or person authorized by the~~
 2341 ~~property owner or lessee, before~~ prior to towing or removing any
 2342 vehicle or vessel from real ~~private~~ property without the consent
 2343 of the owner or other legally authorized person in control of
 2344 that vehicle or vessel, must post a notice meeting the following
 2345 requirements:

2346 a. The notice must be prominently placed at each driveway
 2347 access or curb cut allowing vehicular access to the property,
 2348 within 5 feet from the public right-of-way line. If there are
 2349 no curbs or access barriers, the signs must be posted not less
 2350 than one sign for each 25 feet of lot frontage.

2351 b. The notice must clearly indicate, in not less than 2-
 2352 inch high, light-reflective letters on a contrasting background,
 2353 that unauthorized vehicles will be towed away at the owner's

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2354 expense. The words "tow-away zone" must be included on the sign
 2355 in not less than 4-inch high letters.

2356 c. The notice must also provide the name and current
 2357 telephone number of the wrecker company ~~person or firm~~ towing or
 2358 removing the vehicles, if the property owner, ~~lessee, or person~~
 2359 ~~in control~~ of the real property has a written contract with the
 2360 wrecker towing company.

2361 d. The sign structure containing the required notices must
 2362 be permanently installed with the words "tow-away zone" not less
 2363 than 3 feet and not more than 6 feet above ground level and must
 2364 be continuously maintained on the property for not less than 24
 2365 hours prior to the towing or removal of any vehicles.

2366 e. The local government may require permitting and
 2367 inspection of these signs prior to any towing or removal of
 2368 vehicles being authorized.

2369 f. A business with 20 or fewer parking spaces satisfies
 2370 the notice requirements of this subparagraph by prominently
 2371 displaying a sign stating "Reserved Parking for Customers Only
 2372 Unauthorized Vehicles Will be Towed Away At the Owner's Expense"
 2373 in not less than 4-inch high, light-reflective letters on a
 2374 contrasting background.

2375 g. A property owner towing or removing vessels from real
 2376 property must post notice, consistent with the requirements in
 2377 sub-subparagraphs a.-f. which apply to vehicles, that
 2378 unauthorized vehicles or vessels will be towed away at the
 2379 owner's expense.

2380
 2381 A business owner or lessee may authorize the removal of a
 2382 vehicle or vessel by a wrecker towing company registered under

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2383 chapter 508 when the vehicle or vessel is parked in ~~such~~ a
 2384 manner that restricts the normal operation of business; and if a
 2385 vehicle or vessel parked on a public right-of-way obstructs
 2386 access to a private driveway the owner, lessee, or agent may
 2387 have the vehicle or vessel removed by a wrecker ~~towing~~ company
 2388 registered under chapter 508 upon signing an order that the
 2389 vehicle or vessel be removed without a posted tow-away zone
 2390 sign.

2391 6. Each wrecker company ~~Any person or firm~~ that tows or
 2392 removes vehicles or vessels and proposes to require an owner,
 2393 operator, or person in control of a vehicle or vessel to pay the
 2394 costs of towing and storage prior to redemption of the vehicle
 2395 or vessel must file and keep on record with the local law
 2396 enforcement agency a complete copy of the current rates to be
 2397 charged for those ~~such~~ services and post at the wrecker
 2398 company's storage facility ~~site~~ an identical rate schedule and
 2399 any written contracts with property owners, lessees, or persons
 2400 in control of real property which authorize the wrecker company
 2401 ~~such person or firm~~ to remove vehicles or vessels as provided in
 2402 this section.

2403 7. Each wrecker company ~~Any person or firm~~ towing or
 2404 removing any vehicles or vessels from real ~~private~~ property
 2405 without the consent of the owner or other legally authorized
 2406 person in control of the vehicles must ~~shall~~, on each wrecker
 2407 ~~any trucks, wreckers~~ as defined in s. 320.01 ~~s. 713.78(1)(c)~~, or
 2408 ~~other vehicles~~ used in the towing or removal, have the name,
 2409 address, and telephone number of the wrecker company ~~performing~~
 2410 ~~such service~~ clearly printed in contrasting colors on the driver
 2411 and passenger sides of the wrecker ~~vehicle~~. The name must ~~shall~~

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2412 be in at least 3-inch permanently affixed letters, and the
 2413 address and telephone number must ~~shall~~ be in at least 1-inch
 2414 permanently affixed letters.

2415 8. Vehicle or vessel entry for the purpose of towing or
 2416 removing the vehicle or vessel is ~~shall be~~ allowed with
 2417 reasonable care by ~~on the part of~~ the wrecker company and the
 2418 wrecker operators ~~person or firm~~ towing the vehicle or vessel
 2419 for the wrecker company. A wrecker company, its wrecker
 2420 operators, and other employees or agents of the wrecker company
 2421 are not ~~Such person or firm shall be~~ liable for any damage
 2422 occasioned to the vehicle or vessel if ~~such~~ entry to the vehicle
 2423 or vessel is performed ~~not in accordance~~ with ~~the standard of~~
 2424 reasonable care.

2425 9. When a vehicle or vessel is ~~has been~~ towed or removed
 2426 under ~~pursuant to~~ this section, the wrecker company ~~it~~ must
 2427 release the vehicle or vessel ~~be released~~ to its owner or
 2428 custodian within one hour after requested. Any vehicle or vessel
 2429 owner, custodian, or agent has ~~shall have~~ the right to inspect
 2430 the vehicle or vessel before accepting its return. A wrecker
 2431 company may not require any vehicle or vessel owner, custodian,
 2432 or agent to, and no release the wrecker company or waiver of any
 2433 kind which would release the person or firm towing the vehicle
 2434 or vessel from liability for damages noted by the owner or other
 2435 legally authorized person at the time of the redemption ~~may be~~
 2436 ~~required from any vehicle owner, custodian, or agent~~ as a
 2437 condition of release of the vehicle or vessel to its owner. A
 2438 wrecker company must give a person paying towing and storage
 2439 charges under this section a detailed, signed receipt showing
 2440 the legal name of the wrecker company ~~or person towing or~~

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2441 ~~removing the vehicle must be given to the person paying towing~~
 2442 ~~or storage charges~~ at the time of payment, whether requested or
 2443 not.

2444 (b) These requirements are ~~shall be the~~ minimum standards
 2445 and do ~~shall~~ not preclude enactment of additional regulations by
 2446 any municipality or county, including the regulation of right to
 2447 ~~regulate~~ rates when vehicles or vessels are towed from real
 2448 ~~private~~ property.

2449 (3) This section does not apply to vehicles or vessels
 2450 that are reasonably identifiable from markings as law
 2451 enforcement, firefighting, rescue squad, ambulance, or other
 2452 emergency vehicles or vessels ~~which are marked as such~~ or to
 2453 property owned by any governmental entity.

2454 (4) When a person improperly causes a vehicle or vessel to
 2455 be removed, that such person is ~~shall be~~ liable to the owner or
 2456 lessee of the vehicle or vessel for the cost of removal,
 2457 transportation, and storage; any damages resulting from the
 2458 removal, transportation, or storage of the vehicle or vessel;
 2459 attorneys' fees; and court costs.

2460 (5) Failure to make good-faith efforts to comply with the
 2461 notice requirements in subparagraph (2)(a)5. precludes the
 2462 imposition of any towing or storage charges against the vehicle
 2463 or vessel.

2464 (6)(5)(a) Any person who violates ~~the provisions of~~
 2465 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is guilty
 2466 ~~of~~ a misdemeanor of the first degree, punishable as provided in
 2467 s. 775.082 or s. 775.083.

2468 (b) Any person who violates ~~the provisions of~~ subparagraph
 2469 (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4.,

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2470 subparagraph (2)(a)7., or subparagraph (2)(a)9. commits is
 2471 ~~guilty of~~ a felony of the third degree, punishable as provided
 2472 in s. 775.082, s. 775.083, or s. 775.084.

2473 Section 23. Effective January 1, 2005, subsection (15) of
 2474 section 1.01, Florida Statutes, is repealed.

2475 Section 24. The sum of \$595,000 is appropriated from the
 2476 General Inspection Trust Fund to the Department of Agriculture
 2477 and Consumer Services, and nine additional full-time-equivalent
 2478 positions are authorized, for the purpose of implementing this
 2479 act during the 2004-2005 fiscal year.

2480 Section 25. Except as otherwise expressly provided in this
 2481 act, this act shall take effect July 1, 2004.