

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Effective January 1, 2006, paragraph (b) of  
6 subsection (8) of section 120.80, Florida Statutes, is amended  
7 to read:

8 120.80 Exceptions and special requirements; agencies.--

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

10 (b) Wrecker companies ~~operators~~.--Notwithstanding s.  
11 120.57(1)(a), hearings held by the Division of the Florida  
12 Highway Patrol of the Department of Highway Safety and Motor  
13 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~  
14 from participating in the wrecker allocation ~~rotation~~ system  
15 established under ~~by~~ s. 321.051 need not be conducted by an

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16 administrative law judge assigned by the division. These  
17 hearings shall be held by a hearing officer appointed by the  
18 director of the Division of the Florida Highway Patrol.

19 Section 2. Effective January 1, 2006, section 205.1975,  
20 Florida Statutes, is created to read:

21 205.1975 Wrecker companies; consumer protection.--A county  
22 or municipality may not issue or renew an occupational license  
23 for the operation of a wrecker company under chapter 508 unless  
24 the wrecker company exhibits a current registration from the  
25 Department of Agriculture and Consumer Services.

26 Section 3. Subsection (3) of section 316.530, Florida  
27 Statutes, is amended to read:

28 316.530 Towing requirements.--

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

34 316.535, no penalty shall be assessed either vehicle or driver.  
35 However, this exception shall not apply to the load limits for  
36 bridges and culverts established by the department as provided  
37 in s. 316.555.

38 Section 4. For the purpose of incorporating the amendment  
39 made by this act to section 320.01, Florida Statutes, in  
40 references thereto, subsection (4) of section 316.550, Florida  
41 Statutes, is reenacted to read:

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42 316.550 Operations not in conformity with law; special  
43 permits.--

44 (4)(a) The Department of Transportation may issue a  
45 wrecker special blanket permit to authorize a wrecker as defined  
46 in s. 320.01(40) to tow a disabled vehicle as defined in s.  
47 320.01(38) where the combination of the wrecker and the disabled  
48 vehicle being towed exceeds the maximum weight limits as  
49 established by s. 316.535.

50 (b) The Department of Transportation must supply the  
51 permitted wrecker with a map showing the routes on which the  
52 wrecker may safely tow disabled vehicles for all special permit  
53 classifications for which the wrecker applies.

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

56 316.605 Licensing of vehicles.--

57 (1) Every vehicle, at all times while driven, stopped, or  
58 parked upon any highways, roads, or streets of this state, shall  
59 be licensed in the name of the owner thereof in accordance with  
60 the laws of this state unless such vehicle is not required by  
61 the laws of this state to be licensed in this state and shall,  
62 except as otherwise provided in s. 320.0706 for front-end  
63 registration license plates on truck tractors or wreckers,  
64 display the license plate or both of the license plates assigned  
65 to it by the state, one on the rear and, if two, the other on  
66 the front of the vehicle, each to be securely fastened to the  
67 vehicle outside the main body of the vehicle in such manner as  
68 to prevent the plates from swinging, and ~~with~~ all letters,

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69 numerals, printing, writing, and other identification marks upon  
70 the plates regarding the word "Florida," the registration decal,  
71 and this alphanumeric designation shall be clear and distinct  
72 and free from defacement, mutilation, grease, and other  
73 obscuring matter, so that they will be plainly visible and  
74 legible at all times 100 feet from the rear or front. In  
75 addition, if only one registration plate is issued for a motor  
76 vehicle that is equipped with a mechanical loading device that  
77 may damage the plate, the plate may be attached to the front of  
78 the vehicle. Nothing shall be placed upon the face of a Florida  
79 plate except as permitted by law or by rule or regulation of a  
80 governmental agency. No license plates other than those  
81 furnished by the state shall be used. However, if the vehicle  
82 is not required to be licensed in this state, the license plates  
83 on such vehicle issued by another state, by a territory,  
84 possession, or district of the United States, or by a foreign  
85 country, substantially complying with the provisions hereof,  
86 shall be considered as complying with this chapter. A government  
87 license plate that is issued to a truck tractor or heavy truck  
88 having a gross vehicle weight of 26,001 pounds or more which is  
89 owned by a governmental entity may be placed on the front of the  
90 vehicle and is in compliance with this chapter. A violation of  
91 this subsection is a noncriminal traffic infraction, punishable  
92 as a nonmoving violation as provided in chapter 318.

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

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95 320.01 Definitions, general.--As used in the Florida  
96 Statutes, except as otherwise provided, the term:

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

102 Section 7. Effective January 1, 2006, subsection (8) of  
103 section 320.03, Florida Statutes, is amended to read:

104 320.03 Registration; duties of tax collectors;  
105 International Registration Plan.--

106 (8) If the applicant's name appears on the list referred  
107 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
108 license plate or revalidation sticker may not be issued until  
109 that person's name no longer appears on the list or until the  
110 person presents a receipt from the clerk showing that the fines  
111 outstanding have been paid. The tax collector and the clerk of  
112 the court are each entitled to receive monthly, as costs for  
113 implementing and administering this subsection, 10 percent of  
114 the civil penalties and fines recovered from such persons. As  
115 used in this subsection, the term "civil penalties and fines"  
116 does not include a wrecker company's ~~operator's~~ lien as  
117 described in s. 713.78(13). If the tax collector has private tag  
118 agents, such tag agents are entitled to receive a pro rata share  
119 of the amount paid to the tax collector, based upon the  
120 percentage of license plates and revalidation stickers issued by  
121 the tag agent compared to the total issued within the county.

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122 The authority of any private agent to issue license plates shall  
123 be revoked, after notice and a hearing as provided in chapter  
124 120, if he or she issues any license plate or revalidation  
125 sticker contrary to the provisions of this subsection. This  
126 section applies only to the annual renewal in the owner's birth  
127 month of a motor vehicle registration and does not apply to the  
128 transfer of a registration of a motor vehicle sold by a motor  
129 vehicle dealer licensed under this chapter, except for the  
130 transfer of registrations which is inclusive of the annual  
131 renewals. This section does not affect the issuance of the title  
132 to a motor vehicle, notwithstanding s. 319.23(7)(b).

133 Section 8. Section 320.0706, Florida Statutes, is amended  
134 to read:

135 320.0706 Display of license plates on trucks.--The owner  
136 of any commercial truck of gross vehicle weight of 26,001 pounds  
137 or more shall display the registration license plate on both the  
138 front and rear of the truck in conformance with all the  
139 requirements of s. 316.605 that do not conflict with this  
140 section. However, the owner of a truck tractor or a wrecker  
141 must ~~shall be required to~~ display the registration license plate  
142 only on the front of such vehicle.

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

147 320.08 License taxes.--Except as otherwise provided  
148 herein, there are hereby levied and imposed annual license taxes

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149 for the operation of motor vehicles, mopeds, motorized bicycles  
150 as defined in s. 316.003(2), and mobile homes, as defined in s.  
151 320.01, which shall be paid to and collected by the department  
152 or its agent upon the registration or renewal of registration of  
153 the following:

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

156 (d) A wrecker, as defined in s. 320.01(40), which is used  
157 to tow a vessel as defined in s. 327.02(36), a disabled,  
158 abandoned, stolen-recovered, or impounded motor vehicle as  
159 defined in s. 320.01(38), or a replacement motor vehicle as  
160 defined in s. 320.01(39): \$30 flat.

161 (e) A wrecker, as defined in s. 320.01(40), which is used  
162 to tow any motor vehicle, regardless of whether or not such  
163 motor vehicle is a disabled motor vehicle as defined in s.  
164 320.01(38), a replacement motor vehicle as defined in s.  
165 320.01(39), a vessel as defined in s. 327.02(36), or any other  
166 cargo, as follows:

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

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

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

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

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

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

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

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

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

185           Section 10. Subsection (1) of section 320.0821, Florida  
186 Statutes, is amended, and subsection (5) is added to that  
187 section, to read:

188           320.0821 Wrecker license plates.--

189           (1) The department shall issue one a wrecker license  
190 plate, regardless of gross vehicle weight, to the owner of any  
191 motor vehicle that is used to tow, carry, or otherwise transport  
192 motor vehicles and that is equipped for that purpose with a  
193 boom, winch, carrier, or other similar equipment, except a motor  
194 vehicle registered under the International Registration Plan,  
195 upon application and payment of the appropriate license tax and  
196 fees in accordance with s. 320.08(5)(d) or (e).

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

199           Section 11. Effective January 1, 2006, subsection (1) of  
200 section 320.0821, Florida Statutes, as amended by this act, is  
201 amended to read:

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202 320.0821 Wrecker license plates.--

203 (1) The department shall issue one wrecker license plate,  
204 regardless of gross vehicle weight, to the owner of a wrecker  
205 ~~any motor vehicle that is used to tow, carry, or otherwise~~  
206 ~~transport motor vehicles and that is equipped for that purpose~~  
207 ~~with a boom, winch, carrier, or other similar equipment, except~~  
208 ~~a motor vehicle registered under the International Registration~~  
209 ~~Plan,~~ upon application and payment of the appropriate license  
210 tax and fees in accordance with s. 320.08(5)(d) or (e). However,  
211 the department may issue or renew a wrecker license plate only  
212 if the owner of the wrecker is a wrecker company registered  
213 under chapter 508. This section does not apply to a motor  
214 vehicle registered under the International Registration Plan.

215 Section 12. Paragraph (a) of subsection (1) of section  
216 320.13, Florida Statutes, is amended to read:

217 320.13 Dealer and manufacturer license plates and  
218 alternative method of registration.--

219 (1)(a) Any licensed motor vehicle dealer and any licensed  
220 mobile home dealer may, upon payment of the license tax imposed  
221 by s. 320.08(12), secure one or more dealer license plates,  
222 which are valid for use on motor vehicles or mobile homes owned  
223 by the dealer to whom such plates are issued while the motor  
224 vehicles are in inventory and for sale, or while being operated  
225 in connection with such dealer's business, but are not valid for  
226 use for hire. Dealer license plates may not be used on any ~~tow~~  
227 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~  
228 wrecker is being demonstrated for sale, and the dealer license

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229 plates may not be used on a vehicle used to transport another  
230 motor vehicle for the motor vehicle dealer.

231 Section 13. Effective January 1, 2006, section 321.051,  
232 Florida Statutes, is amended to read:

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

235 321.051 Florida Highway Patrol wrecker allocation system;  
236 penalties for operation outside of system.--

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

238 (a) "Division" means the Division of the Florida Highway  
239 Patrol within the Department of Highway Safety and Motor  
240 Vehicles.

241 (b) "Authorized wrecker company" means a wrecker company  
242 designated by the division as part of its wrecker allocation  
243 system.

244 (c) "Unauthorized wrecker company" means a wrecker company  
245 not designated by the division as part of its wrecker allocation  
246 system.

247 (d) "Wrecker company" has the same meaning ascribed in s.  
248 508.01.

249 (e) "Wrecker operator" has the same meaning ascribed in s.  
250 508.01.

251 (f) "Wrecker services" has the same meaning ascribed in s.  
252 508.01.

253 (2)(a) The division may establish within areas designated  
254 by the division a wrecker allocation system, using qualified,  
255 reputable wrecker companies, for the removal from crash scenes

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256 and the storage of wrecked or disabled vehicles when the owner  
257 or operator is incapacitated, unavailable, or leaves the  
258 procurement of wrecker services to the officer at the scene and  
259 for the removal and storage of abandoned vehicles.

260 (b) The wrecker allocation system may use only wrecker  
261 companies registered under chapter 508. Each reputable wrecker  
262 company registered under chapter 508 is eligible for use in the  
263 system if its equipment and wrecker operators meet the  
264 recognized safety qualifications and mechanical standards set by  
265 the division's rules for the size of vehicle they are designed  
266 to handle. The division may limit the number of wrecker  
267 companies participating in the wrecker allocation system.

268 (c) The division may establish maximum rates for the  
269 towing and storage of vehicles removed at the division's request  
270 if those rates are not established by a county or municipality  
271 under s. 125.0103 or s. 166.043. These rates are not rules for  
272 the purpose of chapter 120; however, the Department of Highway  
273 Safety and Motor Vehicles shall adopt rules prescribing the  
274 procedures for setting these rates.

275 (d) Notwithstanding chapter 120, a final order of the  
276 department denying, suspending, or revoking a wrecker company's  
277 participation in the wrecker allocation system may be appealed  
278 only in the manner and within the time provided by the Florida  
279 Rules of Appellate Procedure by a writ of certiorari issued by  
280 the circuit court in the county in which the wrecker company's  
281 primary place of business is located, as evidenced by the  
282 wrecker company's registration under chapter 508.

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283       (3)(a) An unauthorized wrecker company, its wrecker  
284 operators, or its other employees or agents may not monitor a  
285 police radio for communications between patrol field units and  
286 the dispatcher in order to determine the location of a wrecked  
287 or disabled vehicle for the purpose of dispatching its wrecker  
288 operator to drive by the scene of the vehicle in a manner  
289 described in paragraph (b) or paragraph (c). Any person who  
290 violates this paragraph commits a noncriminal violation,  
291 punishable as provided in s. 775.083.

292       (b) A wrecker operator dispatched by an unauthorized  
293 wrecker company may not drive by the scene of a wrecked or  
294 disabled vehicle before the arrival of the wrecker operator  
295 dispatched by the authorized wrecker company, initiate contact  
296 with the owner or operator of the vehicle by soliciting or  
297 offering wrecker services, or tow the vehicle. Any person who  
298 violates this paragraph commits a misdemeanor of the second  
299 degree, punishable as provided in s. 775.082 or s. 775.083.

300       (c) When a wrecker operator dispatched by an unauthorized  
301 wrecker company drives by the scene of a wrecked or disabled  
302 vehicle and the owner or operator initiates contact by signaling  
303 the wrecker operator to stop and provide wrecker services, the  
304 wrecker operator must disclose to the owner or operator of the  
305 vehicle that he or she was not dispatched by the authorized  
306 wrecker company designated as part of the wrecker allocation  
307 system and must disclose, in writing, what charges for towing  
308 and storage will apply before the vehicle is connected to the  
309 towing apparatus. Any person who violates this paragraph commits

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310 a misdemeanor of the second degree, punishable as provided in s.  
311 775.082 or s. 775.083.

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

318 (4) This section does not prohibit, or in any way prevent,  
319 the owner or operator of a vehicle involved in a crash or  
320 otherwise disabled from contacting any wrecker company for the  
321 provision of wrecker services, regardless of whether the wrecker  
322 company is an authorized wrecker company or not. However, if a  
323 law enforcement officer determines that the disabled vehicle or  
324 vehicle cargo is a public safety hazard, the officer may, in the  
325 interest of public safety, dispatch an authorized wrecker  
326 company if the officer believes that the authorized wrecker  
327 company would arrive at the scene before the wrecker company  
328 requested by the owner or operator of the disabled vehicle or  
329 vehicle cargo.

330 (5) A law enforcement officer may dispatch an authorized  
331 wrecker company out of rotation to the scene of a wrecked or  
332 disabled vehicle if the authorized wrecker company next on  
333 rotation is not equipped to provide the required wrecker  
334 services and the out-of-rotation authorized wrecker company is  
335 available with the required equipment. However, this subsection  
336 does not prohibit or prevent the owner or operator of a vehicle

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337 involved in a crash or otherwise disabled from contacting any  
338 wrecker company who is properly equipped to provide the required  
339 wrecker services, regardless of whether the wrecker company is  
340 an authorized wrecker company or not, unless the law enforcement  
341 officer determines that the wrecked or disabled vehicle is a  
342 public safety hazard and the officer believes that the  
343 authorized wrecker company would arrive at the scene before the  
344 wrecker company requested by the owner or operator.

345 Section 14. Effective January 1, 2006, section 323.001,  
346 Florida Statutes, is amended to read:

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

349 323.001 Wrecker company storage facilities; vehicle  
350 holds.--

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

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

354 (b) "Wrecker company" has the same meaning ascribed in s.  
355 508.01.

356 (2) A law enforcement agency may place a hold on a motor  
357 vehicle stored within a wrecker company's storage facility for 5  
358 business days, thereby preventing a motor vehicle from being  
359 released to its owner.

360 (3) To extend a hold, the law enforcement agency must  
361 notify the wrecker company in writing within the 5 business  
362 days. If notification is not made within the 5 business days,

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363 the wrecker company must release the vehicle to the designated  
364 person under s. 713.78.

365 (a) If the hold is extended beyond the 5 business days,  
366 the law enforcement agency may have the vehicle removed to a  
367 designated impound lot, in which event the vehicle may not be  
368 released by the law enforcement agency to the owner or  
369 lienholder of the vehicle until proof of payment of the towing  
370 and storage charges incurred by the wrecker company is presented  
371 to the law enforcement agency.

372 (b) If the law enforcement agency chooses to have the  
373 vehicle remain at the wrecker company's storage facility for  
374 more than 5 business days under the written notification, the  
375 law enforcement agency is responsible for paying the storage  
376 charges incurred by the wrecker company for the requested  
377 extended period. In such an event, the owner or lienholder is  
378 responsible for paying the accrued towing and storage charges  
379 for the first 5 business days, or any period less than the first  
380 5 business days, if the law enforcement agency moves the vehicle  
381 from the wrecker company's storage facility to a designated  
382 impound lot or provides written notification to extend the hold  
383 on the vehicle before the expiration of the 5 business days.

384 (c) The towing and storage rates for the owner or  
385 lienholder of the held vehicle may not exceed the rates for the  
386 law enforcement agency.

387 (4) If there is a judicial finding of no probable cause  
388 for having continued the immobilization or impoundment, the law

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389 enforcement agency ordering the hold must pay the accrued  
390 charges for any towing and storage.

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

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

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

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

402 (d) The law enforcement officer has probable cause to  
403 believe that the vehicle is itself evidence that tends to show  
404 that a crime has been committed or that the vehicle contains  
405 evidence, which cannot readily be removed, which tends to show  
406 that a crime has been committed;

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

412 (f) The vehicle is impounded or immobilized under s.  
413 316.193 or s. 322.34; or

414 (g) The law enforcement officer is complying with a court  
415 order.

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- 416       (6) The hold must be in writing and must specify:  
417       (a) The name and agency of the law enforcement officer  
418 placing the hold on the vehicle;  
419       (b) The date and time the hold is placed on the vehicle;  
420       (c) A general description of the vehicle, including its  
421 color, make, model, body style, and year; VIN (Vehicle  
422 Identification Number); registration license plate number,  
423 state, and year; and validation sticker number, state, and year;  
424       (d) The specific reason for placing the hold;  
425       (e) The condition of the vehicle;  
426       (f) The location where the vehicle is being held; and  
427       (g) The name, address, and telephone number of the wrecker  
428 company and the storage facility.  
429       (7) A wrecker company's storage facility must comply with  
430 a hold placed by a law enforcement officer, including  
431 instructions for inside or outside storage. A wrecker company's  
432 storage facility may not release a motor vehicle subject to a  
433 hold to any person except as directed by the law enforcement  
434 agency placing the hold.  
435       (8) When a vehicle owner is found guilty of, or pleads  
436 nolo contendere to, the offense that resulted in a hold being  
437 placed on his or her vehicle, regardless of the adjudication of  
438 guilt, the owner must pay the accrued towing and storage charges  
439 assessed against the vehicle.

440       Section 15. Effective January 1, 2006, section 323.002,  
441 Florida Statutes, is amended to read:

442       (Substantial rewording of section. See

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- 443 s. 323.002, F.S., for present text.)  
444 323.002 County and municipal wrecker allocation systems;  
445 penalties for operation outside of system.--  
446 (1) As used in this section, the term:  
447 (a) "Authorized wrecker company" means a wrecker company  
448 designated as part of the wrecker allocation system established  
449 by the governmental unit having jurisdiction over the scene of a  
450 wrecked or disabled vehicle.  
451 (b) "Unauthorized wrecker company" means a wrecker company  
452 not designated as part of the wrecker allocation system  
453 established by the governmental unit having jurisdiction over  
454 the scene of a wrecked or disabled vehicle.  
455 (c) "Wrecker allocation system" means a system for the  
456 towing or removal of wrecked, disabled, or abandoned vehicles,  
457 similar to the Florida Highway Patrol wrecker allocation system  
458 described in s. 321.051(2), under which a county or municipality  
459 contracts with one or more wrecker companies registered under  
460 chapter 508 for the towing or removal of wrecked, disabled, or  
461 abandoned vehicles from accident scenes, streets, or highways.  
462 Each wrecker allocation system must use a method for  
463 apportioning the towing assignments among the eligible wrecker  
464 companies through the creation of geographic zones, a rotation  
465 schedule, or a combination of these methods.  
466 (d) "Wrecker company" has the same meaning ascribed in s.  
467 508.01.  
468 (e) "Wrecker operator" has the same meaning ascribed in s.  
469 508.01.

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470 (f) "Wrecker services" has the same meaning ascribed in s.  
471 508.01.

472 (2) In a county or municipality that operates a wrecker  
473 allocation system:

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

476 (b) An unauthorized wrecker company, its wrecker  
477 operators, or its other employees or agents may not monitor a  
478 police radio for communications between patrol field units and  
479 the dispatcher in order to determine the location of a wrecked  
480 or disabled vehicle for the purpose of dispatching its wrecker  
481 operator to drive by the scene of the vehicle in a manner  
482 described in paragraph (c) or paragraph (d). Any person who  
483 violates this paragraph commits a noncriminal violation,  
484 punishable as provided in s. 775.083.

485 (c) A wrecker operator dispatched by an unauthorized  
486 wrecker company may not drive by the scene of a wrecked or  
487 disabled vehicle before the arrival of the wrecker operator  
488 dispatched by the authorized wrecker company, initiate contact  
489 with the owner or operator of the vehicle by soliciting or  
490 offering wrecker services, or tow the vehicle. Any person who  
491 violates this paragraph commits a misdemeanor of the second  
492 degree, punishable as provided in s. 775.082 or s. 775.083.

493 (d) When a wrecker operator dispatched by an unauthorized  
494 wrecker company drives by the scene of a wrecked or disabled  
495 vehicle and the owner or operator initiates contact by signaling  
496 the wrecker operator to stop and provide wrecker services, the

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497 wrecker operator must disclose to the owner or operator of the  
498 vehicle that he or she was not dispatched by the authorized  
499 wrecker company designated as part of the wrecker allocation  
500 system and must disclose, in writing, what charges for towing  
501 and storage will apply before the vehicle is connected to the  
502 towing apparatus. Any person who violates this paragraph commits  
503 a misdemeanor of the second degree, punishable as provided in s.  
504 775.082 or s. 775.083.

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

511 (3) This section does not prohibit, or in any way prevent,  
512 the owner or operator of a vehicle involved in a crash or  
513 otherwise disabled from contacting any wrecker company for the  
514 provision of wrecker services, regardless of whether the wrecker  
515 company is an authorized wrecker company or not. However, if a  
516 law enforcement officer determines that the disabled vehicle or  
517 vehicle cargo is a public safety hazard, the officer may, in the  
518 interest of public safety, dispatch an authorized wrecker  
519 company if the officer believes that the authorized wrecker  
520 company would arrive at the scene before the wrecker company  
521 requested by the owner or operator of the disabled vehicle or  
522 vehicle cargo.

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523       (4) A law enforcement officer may dispatch an authorized  
524 wrecker company out of rotation to the scene of a wrecked or  
525 disabled vehicle if the authorized wrecker company next on  
526 rotation is not equipped to provide the required wrecker  
527 services and the out-of-rotation authorized wrecker company is  
528 available with the required equipment. However, this subsection  
529 does not prohibit or prevent the owner or operator of a vehicle  
530 involved in a crash or otherwise disabled from contacting any  
531 wrecker company that is properly equipped to provide the  
532 required wrecker services, regardless of whether the wrecker  
533 company is an authorized wrecker company or not, unless the law  
534 enforcement officer determines that the wrecked or disabled  
535 vehicle is a public safety hazard and the officer believes that  
536 the authorized wrecker company would arrive at the scene before  
537 the wrecker company requested by the owner or operator.

538       Section 16. Chapter 508, Florida Statutes, consisting of  
539 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06,  
540 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13,  
541 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20,  
542 Florida Statutes, is created to read:

543                               CHAPTER 508

544                               WRECKER SERVICES

545  
546       508.01 Definitions.--As used in this chapter, the term:

547       (1) "Business entity" means any form of corporation,  
548 limited liability company, partnership, association,

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549 cooperative, joint venture, business trust, sole proprietorship,  
550 or self-employed person conducting business in this state.

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

552 (3) "Department" means the Department of Agriculture and  
553 Consumer Services.

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

557 (5) "Ultimate equitable owner" means a natural person who,  
558 directly or indirectly, owns or controls 10 percent or more of  
559 an ownership interest in a wrecker company, regardless of  
560 whether the natural person owns or controls the ownership  
561 interest through one or more natural persons or one or more  
562 proxies, powers of attorney, nominees, business entities, or any  
563 combination thereof.

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

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

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

574 (9) "Wrecker company" means a business entity engaged for  
575 hire in the business of towing, carrying, or transporting

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576 vehicles or vessels by wrecker upon the streets and highways of  
577 this state. The term does not include a person regularly engaged  
578 in the business of transporting mobile homes.

579 (10) "Wrecker operator" means a person who performs  
580 wrecker services.

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

585 (a) Driving a wrecker.

586 (b) Loading, securing, and unloading a vehicle or vessel  
587 on a wrecker using a boom, winch, car carrier, or other similar  
588 equipment.

589 (c) Towing or removal of a wrecked, disabled, or abandoned  
590 vehicle under the Florida Highway Patrol wrecker allocation  
591 system pursuant to s. 321.051 or under a county or municipal  
592 wrecker allocation system pursuant to s. 323.002.

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

595 (e) Towing, transportation, or removal of a vehicle or  
596 vessel parked on real property without permission under s.  
597 715.07.

598 (f) Recovery of a vehicle or vessel.

599 508.02 Wrecker Operator Advisory Council.--

600 (1) The Wrecker Operator Advisory Council is created  
601 within the department. The council shall advise and assist the  
602 department in administering this chapter.

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603       (2)(a) The council shall be composed of seven members  
604 appointed by the Commissioner of Agriculture. One member must be  
605 an officer of an organization whose members are engaged in  
606 towing or transporting vehicles, vessels, or mobile homes.

607       (b) Three members of the council must each be an ultimate  
608 equitable owner of a wrecker company who has been an ultimate  
609 equitable owner of that company for at least 5 years before his  
610 or her appointment; one member must be a wrecker operator who is  
611 not an ultimate equitable owner of a wrecker company and who has  
612 been a wrecker operator for at least 5 years before his or her  
613 appointment; and two members must be laypersons. Each member  
614 must be a resident of this state. This paragraph expires July 1,  
615 2011.

616       (c) Effective July 1, 2011, three members of the council  
617 must each be an ultimate equitable owner of a wrecker company  
618 registered under this chapter who has been an ultimate equitable  
619 owner of that company registered for at least 5 years before his  
620 or her appointment; one member must be a wrecker operator  
621 certified under this chapter who is not an ultimate equitable  
622 owner of a wrecker company and who has been a wrecker operator  
623 certified for at least 5 years before his or her appointment;  
624 and two members must be laypersons. Each member must be a  
625 resident of this state.

626       (3) The term of each member of the council is 4 years,  
627 except, to establish staggered terms, two members who are owners  
628 of wrecker companies and one layperson shall be appointed  
629 initially for a 2-year term. Members may be reappointed for

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630 additional terms not to exceed 8 years of consecutive service. A  
631 vacancy shall be filled for the remainder of the unexpired term  
632 in the same manner as the original appointment.

633 (4)(a) From among its members, the council shall annually  
634 elect a chair, who shall preside over the meetings of the  
635 council, and a vice chair.

636 (b) In conducting its meetings, the council shall use  
637 accepted rules of procedure. The department shall keep a  
638 complete record of each meeting which must show the names of  
639 members present and the actions taken. These records and other  
640 documents about matters within the jurisdiction of the council  
641 must be kept on file with the department.

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

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

647 (7) The council shall review the rules adopted by the  
648 department to administer this chapter and shall advise the  
649 department on matters relating to industry standards and  
650 practices and other issues that require technical expertise and  
651 consultation or that promote better consumer protection in the  
652 wrecker industry.

653 508.03 Rulemaking authority.--The department may adopt  
654 rules under ss. 120.536(1) and 120.54 to administer this  
655 chapter.

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656       508.04 Wrecker companies; registration  
657 required.--Effective January 1, 2006:

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

662       (2) A person applying for or renewing a local occupational  
663 license to engage for hire in the business of a wrecker company  
664 must exhibit a current registration certificate from the  
665 department before the local occupational license may be issued  
666 or reissued under chapter 205.

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

673       508.05 Registration requirements; renewal of  
674 registrations.--

675       (1) Each wrecker company engaged or attempting to engage  
676 for hire in the business of towing, carrying, or transporting  
677 vehicles, vessels, or mobile homes by wrecker upon the streets  
678 and highways of this state must annually register with the  
679 department on forms prescribed by the department. The  
680 application for registration must include at least the following  
681 information:

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682        (a) The name and federal employer identification number of  
683 the wrecker company.

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

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

688        (d) The full name, residence address, business address,  
689 and telephone number of the applicant. If the applicant is other  
690 than a natural person, the application must also contain the  
691 full name, residence address, business address, telephone  
692 number, and federal employer identification number, if  
693 applicable, of each ultimate equitable owner of the business  
694 entity and each officer, director, partner, manager, member, or  
695 managing member of the entity.

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

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

702        (2) Each initial and renewal application for registration  
703 must be accompanied by the registration fee prescribed in s.  
704 508.16.

705        (3) Each initial application for registration must be  
706 accompanied by a complete set of the applicant's fingerprints  
707 taken by a law enforcement agency. If the applicant is other  
708 than a natural person, a complete set of fingerprints must also

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709 be filed for each ultimate equitable owner of the business  
710 entity and each officer, director, partner, manager, member, or  
711 managing member of the entity. The department shall submit the  
712 fingerprints to the Department of Law Enforcement for state  
713 processing, and the Department of Law Enforcement shall forward  
714 the fingerprints to the Federal Bureau of Investigation for  
715 national processing. The Department of Agriculture and Consumer  
716 Services shall collect from each applicant the fingerprint  
717 processing fee of \$23 for state processing and an additional fee  
718 for federal processing for each applicant's name submitted. The  
719 Department of Agriculture and Consumer Services shall screen  
720 background results to determine if the applicant meets the  
721 requirements for issuance of a registration certificate.  
722 Registration renewal applications need not be accompanied by a  
723 set of fingerprints for an individual who previously submitted a  
724 set of fingerprints to the department as part of a prior year's  
725 registration application.

726 (4) The department shall review each application in  
727 accordance with s. 120.60 and shall issue a registration  
728 certificate, in the form and size prescribed by the department,  
729 to each wrecker company whose application is approved. The  
730 certificate must show at least the name and address of the  
731 wrecker company and the registration number. The registration  
732 certificate must be prominently displayed in the wrecker  
733 company's primary place of business.

734 (5) Each advertisement of a wrecker company must include  
735 the phrase "Fla. Wrecker Co. Reg. No. ." For the purpose of

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736 this subsection, the term "advertisement" means a printed or  
737 graphic statement made in a newspaper or other publication or  
738 contained in any notice, handbill, or sign, including signage on  
739 a vehicle, flyer, catalog, or letter.

740 (6) A registration is invalid for a wrecker company  
741 transacting business at a place other than the location  
742 designated in the registration application unless the department  
743 is first notified in writing before the change of location. A  
744 registration issued under this chapter is not transferable or  
745 assignable, and a wrecker company may not conduct business under  
746 a name other than as registered. A wrecker company desiring to  
747 change its registered name, location, or registered agent for  
748 service of process at a time other than upon renewal of  
749 registration must notify the department of the change.

750 (7)(a) Each registration must be renewed annually on or  
751 before the expiration date of the current registration. A late  
752 fee of \$25 must be paid, in addition to the registration fee or  
753 any other penalty, for a registration renewal application that  
754 is received by the department after the expiration date of the  
755 current registration. The department may not issue a  
756 registration until all fees are paid.

757 (b) A wrecker company whose primary place of business is  
758 located within a county or municipality that requires, by local  
759 ordinance, a local occupational license under chapter 205 may  
760 not renew a license under this chapter unless the wrecker  
761 company obtains the occupational license from the county or  
762 municipality.

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763       (8) Each wrecker company must provide the department with  
764 a certificate of insurance for the required insurance coverage  
765 under s. 627.7415 before the department may issue the  
766 registration certificate for an initial or renewal registration.  
767 The department must be named as a certificateholder on the  
768 insurance certificate and must be notified at least 30 days  
769 before any change in insurance coverage.

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

775       508.06 Denial of registration.--The department may deny,  
776 revoke, or refuse to renew the registration of a wrecker company  
777 based upon a determination that the applicant or, if the  
778 applicant is other than a natural person, the wrecker company or  
779 any of its ultimate equitable owners, officers, directors,  
780 partners, managers, members, or managing members has:

781       (1) Not met the requirements for registration under this  
782 chapter;

783       (2) Been convicted of, found guilty of, or pled guilty or  
784 nolo contendere to, regardless of the adjudication of guilt, a  
785 felony within the last 7 years;

786       (3) Been convicted of, found guilty of, or pled guilty or  
787 nolo contendere to, regardless of the adjudication of guilt, a  
788 crime within the last 7 years involving repossession of a motor  
789 vehicle under chapter 493; repair of a motor vehicle under ss.

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790 559.901-559.9221; theft of a motor vehicle under s. 812.014;  
791 carjacking under s. 812.133; operation of a chop shop under s.  
792 812.16; failure to maintain records of motor vehicle parts and  
793 accessories under s. 860.14; airbag theft or use of fake airbags  
794 under s. 860.145 or s. 860.146; overcharging for repairs and  
795 parts under s. 860.15; or a violation of towing or storage  
796 requirements for a motor vehicle under s. 321.051, chapter 323,  
797 s. 713.78, s. 715.07, or this chapter;

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

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

805 (6) An administrative order entered against him or her in  
806 an action brought by the department under this chapter.

807 508.061 Acceptable forms of payment.--A wrecker company  
808 shall accept a minimum of two of the following forms of payment:

809 (1) Cash, cashier's check, money order, or traveler's  
810 check;

811 (2) Valid personal check, showing upon its face the name  
812 and address of the vehicle or vessel owner or authorized  
813 representative; or

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

816 508.07 Wrecker operator certification program.--

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817       (1) The department, in consultation with the council,  
818 shall establish a wrecker operator certification program by  
819 December 31, 2005. Under this program, the council shall approve  
820 certification courses for wrecker operators conducted by  
821 approved organizations. The council shall prescribe the minimum  
822 curricula for these courses, which must comprise at least 16  
823 hours, equally apportioned between theoretical instruction and  
824 practical training. The council must approve each organization  
825 and its certification course before the course is accepted for  
826 certification of wrecker operators under this chapter.

827       (2) Each approved wrecker operator certification course  
828 must include a certification examination demonstrating a wrecker  
829 operator's knowledge, skills, and abilities in performing  
830 wrecker services and in the instruction and training of the  
831 certification course. The council must approve each  
832 certification examination before the examination is accepted for  
833 certification of wrecker operators under this chapter.

834       (3) Each organization conducting an approved wrecker  
835 operator certification course must issue on forms prescribed by  
836 the department a certificate to each wrecker operator who  
837 completes the approved certification course or who passes the  
838 approved certification examination.

839       508.08 Specialized wrecker services.--

840       (1) In addition to the minimum curricula for certification  
841 of wrecker operators, each approved certification course must  
842 offer optional instruction, training, and examination of wrecker

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843 operators for each of the following specialized wrecker  
844 services:

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

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

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

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

856 (e) Rollback wrecker.--Proper loading, securing,  
857 transporting, and unloading of a vehicle on a flatbed-rollback  
858 wrecker.

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

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

864 (2) The department shall adopt rules prescribing specific  
865 standards to further define each of the specialized wrecker  
866 services described in subsection (1). The council must approve  
867 the instruction, training, and examination for a specialized  
868 wrecker service before the specialized wrecker service is

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869 accepted for endorsement of a wrecker operator's certification  
870 under this chapter.

871 (3) Each organization conducting an approved wrecker  
872 operator certification course must issue on forms prescribed by  
873 the department a certificate to each wrecker operator who  
874 completes the approved instruction and training for a  
875 specialized wrecker service or who passes the approved  
876 endorsement examination for that specialized wrecker service.

877 508.09 Certification cards.--

878 (1) Each organization conducting an approved wrecker  
879 operator certification course must issue a certification card to  
880 each wrecker operator who completes the approved certification  
881 course and passes the approved certification examination. The  
882 department must approve the form of the certification cards  
883 issued by each organization. Each certification card must  
884 include the wrecker operator's name, a color photograph or  
885 digital image of the wrecker operator, and the expiration date  
886 of the certification card.

887 (2) Each certification card must also include the wrecker  
888 operator's applicable endorsements for specialized wrecker  
889 services, for which the wrecker operator completed the approved  
890 instruction and training for the specialized wrecker service and  
891 passed the approved endorsement examination for that specialized  
892 wrecker service.

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

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895 (a) Completes a certification course and passes a  
896 certification examination in another state which are  
897 substantially equivalent to the approved certification courses  
898 and approved certification examinations in this state.

899 (b) Completed a certification course and passed a  
900 certification examination in this state between January 1, 2000,  
901 and December 31, 2005, which are substantially equivalent to the  
902 approved certification courses and the approved certification  
903 examinations. This paragraph expires July 1, 2006.

904 (c) Completed instruction and training for a specialized  
905 wrecker service and passed an endorsement examination for that  
906 specialized wrecker service between January 1, 2000, and  
907 December 31, 2005, which are substantially equivalent to the  
908 approved instruction and training and the approved endorsement  
909 examinations. This paragraph expires July 1, 2006.

910  
911 For the purposes of this subsection, the council shall approve  
912 each certification examination in another state, and shall  
913 approve the instruction, training, and examination for each  
914 specialized wrecker service in another state, which the council  
915 determines are substantially equivalent to the approved  
916 certification courses and approved certification examinations in  
917 this state or to the approved instruction, training, and  
918 endorsement examinations for a specialized wrecker service in  
919 this state.

920 (4) Each certification card expires 5 years after the date  
921 of issuance.

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922       (5) Certification cards shall be issued by the  
923 organizations conducting approved wrecker operator certification  
924 courses. The department is not responsible for issuing  
925 certification cards or for the costs associated with the  
926 issuance of certification cards.

927       508.10 Wrecker operators; certification required;  
928 inspection of employment records.--Effective January 1, 2006:

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

934       (2)(a) A person may not perform wrecker services or  
935 specialized wrecker services for a wrecker company for more than  
936 6 months after first being employed by, or becoming an ultimate  
937 equitable owner of, the wrecker company without being certified  
938 as a wrecker operator under this chapter.

939       (b) A wrecker operator certified under this chapter may  
940 not perform a specialized wrecker service for a wrecker company  
941 unless the wrecker operator's certification includes an  
942 endorsement for that specialized wrecker service.

943       (3)(a) Notwithstanding subsections (1) and (2), a person  
944 may perform wrecker services or specialized wrecker services in  
945 this state if he or she is an employee or ultimate equitable  
946 owner of a motor vehicle repair shop registered with the  
947 department under s. 559.904 and those wrecker services or

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948 specialized wrecker services are performed on behalf of the  
949 motor vehicle repair shop.

950 (b) Notwithstanding subsections (1) and (2), a person may  
951 perform wrecker services or specialized wrecker services in this  
952 state if those wrecker services or specialized wrecker services  
953 are performed on behalf of a religious organization that holds a  
954 current exemption from federal taxation or that is not required  
955 to apply for recognition of its exemption, under s. 501 of the  
956 Internal Revenue Code.

957 (4) The department may, at any time during business hours,  
958 enter any business location of a wrecker company and examine the  
959 company's books or records. If the department has reason to  
960 believe that a violation of this chapter has occurred or is  
961 occurring, the department may subpoena any necessary books or  
962 records.

963 508.11 Renewal of certification; continuing education  
964 requirements.--

965 (1) The department, in consultation with the council,  
966 shall establish a continuing education program for the  
967 recertification of wrecker operators by December 31, 2007. In  
968 order to renew a wrecker operator's certification card, an  
969 operator must complete a continuing education course. The  
970 council must prescribe the minimum curricula and proper  
971 examination for each continuing education course, each of which  
972 must be at least 8 hours in length. The council shall approve  
973 each organization, and the continuing education course it

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974 | proposes to offer, before the course is approved for  
975 | recertifying wrecker operators.

976 |       (2) Each organization conducting an approved wrecker  
977 | operator continuing education course must issue, on forms  
978 | prescribed by the department, a certificate to each wrecker  
979 | operator who completes the approved course or who passes an  
980 | approved recertification examination.

981 |       508.12 Prohibited acts.--It is a violation of this chapter  
982 | for a person to:

983 |       (1) Charge rates that exceed the maximum rates imposed by  
984 | the ordinances of the respective county or municipality under  
985 | ss. 125.0103(1)(c) and 166.043(1)(c).

986 |       (2) Violate s. 321.051, relating to the Florida Highway  
987 | Patrol wrecker allocation system.

988 |       (3) Violate s. 323.002, relating to county and municipal  
989 | wrecker allocation systems.

990 |       (4) Violate s. 713.78, relating to liens for recovering,  
991 | towing, or storing vehicles and vessels.

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

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

996 |       (7) Allow a person who is not certified as a wrecker  
997 | operator under this chapter to perform wrecker services or  
998 | specialized wrecker services for the wrecker company for more  
999 | than 6 months after first being employed by, or becoming an  
1000 | ultimate equitable owner of, the wrecker company.

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1001 (8) Allow a wrecker operator certified under this chapter  
1002 to perform a specialized wrecker service for the wrecker company  
1003 if the wrecker operator's certification does not include an  
1004 endorsement for that specialized wrecker service.

1005 (9) Perform an act otherwise prohibited by this chapter or  
1006 fail to perform an act otherwise required by this chapter.

1007 508.13 Administrative penalties; inspection of records.--

1008 (1) The department may order one or more of the following  
1009 if the department finds that a person has violated this chapter  
1010 or the rules or orders issued under this chapter:

1011 (a) Issue a notice of noncompliance under s. 120.695.

1012 (b) Impose an administrative fine not to exceed \$5,000 for  
1013 each act or omission.

1014 (c) Direct the person to cease and desist specified  
1015 activities.

1016 (d) Refuse to register the wrecker company or suspend or  
1017 revoke the wrecker company's registration.

1018 (e) Place the wrecker company on probation for a period of  
1019 time, subject to the conditions specified by the department.

1020 (2) Chapter 120 shall govern an administrative proceeding  
1021 resulting from an order imposing a penalty specified in  
1022 subsection (1).

1023 508.14 Civil penalties.--The department may bring a civil  
1024 action in a court of competent jurisdiction to recover any  
1025 penalties or damages allowed in this chapter and for injunctive  
1026 relief to enforce compliance with this chapter. The department  
1027 may seek a civil penalty of up to \$5,000 for each violation of

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1028 this chapter and may seek restitution for and on behalf of any  
1029 owner of a vehicle, vessel, or mobile home who is aggrieved or  
1030 injured by a violation of this chapter.

1031 508.15 Criminal penalties.--Effective July 1, 2006:

1032 (1) A person who violates s. 508.04(1) by operating a  
1033 wrecker company in this state without being registered with the  
1034 department under this chapter commits a felony of the third  
1035 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1036 775.084.

1037 (2) A person who violates s. 508.10(1) by performing  
1038 wrecker services in this state without being an employee or  
1039 ultimate equitable owner of a wrecker company that is registered  
1040 with the department under this chapter commits a felony of the  
1041 third degree, punishable as provided in s. 775.082, s. 775.083,  
1042 or s. 775.084.

1043 508.16 Fees.--The department shall adopt by rule a fee  
1044 schedule, not to exceed the following amounts:

1045 (1) Wrecker company registration fee: \$515.

1046 (2) Wrecker company registration renewal fee: \$515.

1047 508.17 General Inspection Trust Fund; payments.--All fees,  
1048 penalties, or other funds collected by the department under this  
1049 chapter must be deposited in the General Inspection Trust Fund  
1050 and may only be used for the purpose of administering this  
1051 chapter.

1052 508.18 Recovery agents; exemption.--This chapter does not  
1053 apply to a person licensed under chapter 493 performing  
1054 repossession services.

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1055       508.19 County and municipal ordinances.--A county or  
1056 municipality may enact ordinances governing the business of  
1057 transporting vehicles or vessels by wrecker which are more  
1058 restrictive than this chapter. This section does not limit the  
1059 authority of a political subdivision to impose regulatory fees  
1060 or charges or to levy occupational license taxes under chapter  
1061 205. The department may enter into a cooperative agreement with  
1062 any county or municipality that provides for the referral,  
1063 investigation, and prosecution of consumer complaints alleging  
1064 violations of this act. The department is authorized to  
1065 delegate enforcement of this act to any county or municipality  
1066 entering into a cooperative agreement.

1067       508.20 Records.--

1068       (1) Each wrecker company shall maintain records of its  
1069 wrecker services for at least 12 months. These records shall be  
1070 maintained at the wrecker company's principal place of business.

1071       (2) Each wrecker company shall maintain records on each of  
1072 its wrecker operators sufficient to demonstrate that the  
1073 operator has successfully completed an approved wrecker operator  
1074 certification course or an approved wrecker operator continuing  
1075 education course and is certified to perform wrecker services.  
1076 These records shall be maintained at the wrecker company's  
1077 principal place of business for as long as the operator is  
1078 employed by the wrecker company and for at least 6 months  
1079 thereafter.

1080       (3) Each organization approved to conduct a wrecker  
1081 operator certification course or approved to offer a wrecker

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1082 operator continuing education course shall maintain records on  
1083 each person who successfully completes one of the courses. The  
1084 records shall be maintained at the organization's principal  
1085 place of business for at least 5 years. The department may, at  
1086 any time during normal business hours, enter the organization's  
1087 principal place of business to examine the records.

1088 Section 17. Subsections (2), (4), (5), (6), (7), (10),  
1089 (11), and (13) of section 713.78, Florida Statutes, are amended  
1090 to read:

1091 713.78 Liens for recovering, towing, or storing vehicles  
1092 and vessels.--

1093 (2) Whenever a person regularly engaged in the business of  
1094 transporting vehicles or vessels by wrecker, tow truck, or car  
1095 carrier recovers, removes, or stores a vehicle or vessel, ~~or~~  
1096 ~~mobile home~~ upon instructions from:

1097 (a) The owner thereof; ~~or~~

1098 (b) The owner or lessor, or a person authorized by the  
1099 owner or lessor, of property on which such vehicle or vessel is  
1100 wrongfully parked, and the ~~such~~ removal is done in compliance  
1101 with s. 715.07; or

1102 (c) Any law enforcement agency; ~~or~~

1103 ~~(d) A mobile home park owner as defined in s. 723.003 who~~  
1104 ~~has a current writ of possession for a mobile home lot pursuant~~  
1105 ~~to s. 723.061,~~

1106  
1107 she or he shall have a lien on the ~~such~~ vehicle or vessel for a  
1108 reasonable towing fee and for a reasonable storage fee; except

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1109 that no storage fee shall be charged if the ~~such~~ vehicle is  
1110 stored for less than 6 hours.

1111 (4)(a) Any person regularly engaged in the business of  
1112 recovering, towing, or storing vehicles or vessels who comes  
1113 into possession of a vehicle or vessel pursuant to subsection  
1114 (2), and who claims a lien for recovery, towing, or storage  
1115 services, shall give notice to the registered owner, the  
1116 insurance company insuring the vehicle notwithstanding the  
1117 provisions of s. 627.736, and to all persons claiming a lien  
1118 thereon, as disclosed by the records in the Department of  
1119 Highway Safety and Motor Vehicles or of a corresponding agency  
1120 in any other state.

1121 (b) Whenever any law enforcement agency authorizes the  
1122 removal of a vehicle or vessel or whenever any towing service,  
1123 garage, repair shop, or automotive service, storage, or parking  
1124 place notifies the law enforcement agency of possession of a  
1125 vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable  
1126 law enforcement agency shall contact the Department of Highway  
1127 Safety and Motor Vehicles, or the appropriate agency of the  
1128 state of registration, if known, within 24 hours through the  
1129 medium of electronic communications, giving the full description  
1130 of the vehicle or vessel. Upon receipt of the full description  
1131 of the vehicle or vessel, the department shall search its files  
1132 to determine the owner's name, the insurance company insuring  
1133 the vehicle or vessel, and whether any person has filed a lien  
1134 upon the vehicle or vessel as provided in s. 319.27(2) and (3)  
1135 and notify the applicable law enforcement agency within 72

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1136 hours. The person in charge of the towing service, garage,  
1137 repair shop, or automotive service, storage, or parking place  
1138 shall obtain such information from the applicable law  
1139 enforcement agency within 5 days after ~~from~~ the date of storage  
1140 and shall give notice pursuant to paragraph (a). The department  
1141 may release the insurance company information to the requestor  
1142 notwithstanding the provisions of s. 627.736.

1143 (c) Notice by certified mail, return receipt requested,  
1144 shall be sent within 7 business days after the date of storage  
1145 of the vehicle or vessel to the registered owner, the insurance  
1146 company insuring the vehicle notwithstanding the provisions of  
1147 s. 627.736, and all persons of record claiming a lien against  
1148 the vehicle or vessel. It shall state the fact of possession of  
1149 the vehicle or vessel, that a lien as provided in subsection (2)  
1150 is claimed, that charges have accrued and the amount thereof,  
1151 that the lien is subject to enforcement pursuant to law, and  
1152 that the owner or lienholder, if any, has the right to a hearing  
1153 as set forth in subsection (5), and that any vehicle or vessel  
1154 which remains unclaimed, or for which the charges for recovery,  
1155 towing, or storage services remain unpaid, may be sold free of  
1156 all prior liens after 35 days if the vehicle or vessel is more  
1157 than 3 years of age or after 50 days if the vehicle or vessel is  
1158 3 years of age or less.

1159 (d) If attempts to locate the name and address of the  
1160 owner or lienholder prove unsuccessful, the towing-storage  
1161 operator shall, after 7 working days, excluding Saturday and  
1162 Sunday, of the initial tow or storage, notify the public agency

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1163 of jurisdiction in writing by certified mail or acknowledged  
1164 hand delivery that the towing-storage company has been unable to  
1165 locate the name and address of the owner or lienholder and a  
1166 physical search of the vehicle or vessel has disclosed no  
1167 ownership information and a good faith effort has been made. For  
1168 purposes of this paragraph and subsection (9), "good faith  
1169 effort" means that the following checks have been performed by  
1170 the company to establish prior state of registration and for  
1171 title:

1172 1. Check of vehicle or vessel for any type of tag, tag  
1173 record, temporary tag, or regular tag.

1174 2. Check of law enforcement report for tag number or other  
1175 information identifying the vehicle or vessel, if the vehicle or  
1176 vessel was towed at the request of a law enforcement officer.

1177 3. Check of trip sheet or tow ticket of tow truck operator  
1178 to see if a tag was on vehicle or vessel at beginning of tow, if  
1179 private tow.

1180 4. If there is no address of the owner on the impound  
1181 report, check of law enforcement report to see if an out-of-  
1182 state address is indicated from driver license information.

1183 5. Check of vehicle or vessel for inspection sticker or  
1184 other stickers and decals that may indicate a state of possible  
1185 registration.

1186 6. Check of the interior of the vehicle or vessel for any  
1187 papers that may be in the glove box, trunk, or other areas for a  
1188 state of registration.

1189 7. Check of vehicle for vehicle identification number.

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1190 8. Check of vessel for vessel registration number.

1191 9. Check of vessel hull for a hull identification number  
1192 which should be carved, burned, stamped, embossed, or otherwise  
1193 permanently affixed to the outboard side of the transom or, if  
1194 there is no transom, to the outmost seaboard side at the end of  
1195 the hull that bears the rudder or other steering mechanism.

1196 (5)(a) The owner of a vehicle or vessel removed pursuant  
1197 to the provisions of subsection (2), or any person claiming a  
1198 lien, other than the towing-storage operator, within 10 days  
1199 after the time she or he has knowledge of the location of the  
1200 vehicle or vessel, may file a complaint in the county court of  
1201 the county in which the vehicle or vessel is stored or in which  
1202 the owner resides to determine if her or his property was  
1203 wrongfully taken or withheld from her or him.

1204 (b) Upon filing of a complaint, an owner or lienholder may  
1205 have her or his vehicle or vessel released upon posting with the  
1206 court a cash or surety bond or other adequate security equal to  
1207 the amount of the charges for towing or storage and lot rental  
1208 amount to ensure the payment of such charges in the event she or  
1209 he does not prevail. Upon the posting of the bond and the  
1210 payment of the applicable fee set forth in s. 28.24, the clerk  
1211 of the court shall issue a certificate notifying the lienor of  
1212 the posting of the bond and directing the lienor to release the  
1213 vehicle or vessel. At the time of such release, after reasonable  
1214 inspection, she or he shall give a receipt to the towing-storage  
1215 company reciting any claims she or he has for loss or damage to  
1216 the vehicle or vessel or the contents thereof.

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1217 (c) Upon determining the respective rights of the parties,  
1218 the court may award damages, attorney's fees, and costs in favor  
1219 of the prevailing party. In any event, the final order shall  
1220 provide for immediate payment in full of recovery, towing, and  
1221 storage fees by the vehicle or vessel owner or lienholder; or  
1222 the agency ordering the tow; or the owner, lessee, or agent  
1223 thereof of the property from which the vehicle or vessel was  
1224 removed.

1225 (6) Any vehicle or vessel which is stored pursuant to  
1226 subsection (2) and which remains unclaimed, or for which  
1227 reasonable charges for recovery, towing, or storing remain  
1228 ~~unpaid or for which a lot rental amount is due and owing to the~~  
1229 ~~mobile home park owner, as evidenced by a judgment for unpaid~~  
1230 ~~rent~~, and any contents not released pursuant to subsection (10),  
1231 may be sold by the owner or operator of the storage space for  
1232 such towing or storage charge ~~or unpaid lot rental amount~~ after  
1233 35 days from the time the vehicle or vessel is stored therein if  
1234 the vehicle or vessel is more than 3 years of age or after 50  
1235 days following the time the vehicle or vessel is stored therein  
1236 if the vehicle or vessel is 3 years of age or less. The sale  
1237 shall be at public auction for cash. If the date of the sale was  
1238 not included in the notice required in subsection (4), notice of  
1239 the sale shall be given to the person in whose name the vehicle  
1240 ~~or, vessel, or mobile home is registered, to the mobile home~~  
1241 ~~park owner~~, and to all persons claiming a lien on the vehicle or  
1242 vessel as shown on the records of the Department of Highway  
1243 Safety and Motor Vehicles or of the corresponding agency in any

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1244 other state. Notice shall be sent by certified mail, return  
1245 receipt requested, to the owner of the vehicle or vessel and the  
1246 person having the recorded lien on the vehicle or vessel at the  
1247 address shown on the records of the registering agency and shall  
1248 be mailed not less than 15 days before the date of the sale.  
1249 After diligent search and inquiry, if the name and address of  
1250 the registered owner or the owner of the recorded lien cannot be  
1251 ascertained, the requirements of notice by mail may be dispensed  
1252 with. In addition to the notice by mail, public notice of the  
1253 time and place of sale shall be made by publishing a notice  
1254 thereof one time, at least 10 days prior to the date of the  
1255 sale, in a newspaper of general circulation in the county in  
1256 which the sale is to be held. The proceeds of the sale, after  
1257 payment of reasonable towing and storage charges, and costs of  
1258 the sale, ~~and the unpaid lot rental amount,~~ in that order of  
1259 priority, shall be deposited with the clerk of the circuit court  
1260 for the county if the owner is absent, and the clerk shall hold  
1261 such proceeds subject to the claim of the person legally  
1262 entitled thereto. The clerk shall be entitled to receive 5  
1263 percent of such proceeds for the care and disbursement thereof.  
1264 The certificate of title issued under this law shall be  
1265 discharged of all liens unless otherwise provided by court  
1266 order.

1267 (7)(a) A wrecker operator recovering, towing, or storing  
1268 vehicles or vessels is not liable for damages connected with  
1269 such services, theft of such vehicles or vessels, or theft of  
1270 personal property contained in such vehicles or vessels,

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1271 provided that such services have been performed with reasonable  
1272 care and provided, further, that, in the case of removal of a  
1273 vehicle or vessel upon the request of a person purporting, and  
1274 reasonably appearing, to be the owner or lessee, or a person  
1275 authorized by the owner or lessee, of the property from which  
1276 such vehicle or vessel is removed, such removal has been done in  
1277 compliance with s. 715.07. Further, a wrecker operator is not  
1278 liable for damage to a vehicle, vessel, or cargo that obstructs  
1279 the normal movement of traffic or creates a hazard to traffic  
1280 and is removed in compliance with the request of a law  
1281 enforcement officer. ~~connected with such services when complying~~  
1282 ~~with the lawful directions of a law enforcement officer to~~  
1283 ~~remove a vehicle stopped, standing, or parked upon a street or~~  
1284 ~~highway in such a position as to obstruct the normal movement of~~  
1285 ~~traffic or in such a condition as to create a hazard to other~~  
1286 ~~traffic upon the street or highway.~~

1287 (b) For the purposes of this subsection, a wrecker  
1288 operator is presumed to use reasonable care to prevent the theft  
1289 of a vehicle or vessel or of any personal property contained in  
1290 such vehicle stored in the wrecker operator's storage facility  
1291 if all of the following apply:

1292 1. The wrecker operator surrounds the storage facility  
1293 with a chain-link or solid-wall type fence at least 6 feet in  
1294 height;

1295 2. The wrecker operator has illuminated the storage  
1296 facility with lighting of sufficient intensity to reveal persons

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1297 and vehicles at a distance of at least 150 feet during  
1298 nighttime; and

1299 3. The wrecker operator uses one or more of the following  
1300 security methods to discourage theft of vehicles or vessels or  
1301 of any personal property contained in such vehicles or vessels  
1302 stored in the wrecker operator's storage facility:

1303 a. A night dispatcher or watchman remains on duty at the  
1304 storage facility from sunset to sunrise;

1305 b. A security dog remains at the storage facility from  
1306 sunset to sunrise;

1307 c. Security cameras or other similar surveillance devices  
1308 monitor the storage facility; or

1309 d. A security guard service examines the storage facility  
1310 at least once each hour from sunset to sunrise.

1311 (c) Any law enforcement agency requesting that a motor  
1312 vehicle be removed from an accident scene, street, or highway  
1313 must conduct an inventory and prepare a written record of all  
1314 personal property found in the vehicle before the vehicle is  
1315 removed by a wrecker operator. However, if the owner or driver  
1316 of the motor vehicle is present and accompanies the vehicle, no  
1317 inventory by law enforcement is required. A wrecker operator is  
1318 not liable for the loss of personal property alleged to be  
1319 contained in such a vehicle when such personal property was not  
1320 identified on the inventory record prepared by the law  
1321 enforcement agency requesting the removal of the vehicle.

1322 (10) Persons who provide services pursuant to this section  
1323 shall permit vehicle or vessel owners or their agents, which

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1324 agency is evidenced by an original a writing acknowledged by the  
1325 owner before a notary public or other person empowered by law to  
1326 administer oaths, to inspect the towed vehicle or vessel and  
1327 shall release to the owner or agent the vehicle, vessel, or all  
1328 personal property not affixed to the vehicle or vessel which was  
1329 in the vehicle or vessel at the time the vehicle or vessel came  
1330 into the custody of the person providing such services.

1331 (11)(a) Any person regularly engaged in the business of  
1332 recovering, towing, or storing vehicles or vessels who comes  
1333 into possession of a vehicle or vessel pursuant to subsection  
1334 (2) and who has complied with the provisions of subsections (3)  
1335 and (6), when such vehicle or vessel is to be sold for purposes  
1336 of being dismantled, destroyed, or changed in such manner that  
1337 it is not the motor vehicle or vessel, ~~or mobile home~~ described  
1338 in the certificate of title, shall apply to the county tax  
1339 collector for a certificate of destruction. A certificate of  
1340 destruction, which authorizes the dismantling or destruction of  
1341 the vehicle or vessel described therein, shall be reassignable a  
1342 maximum of two times before dismantling or destruction of the  
1343 vehicle shall be required, and shall accompany the vehicle or  
1344 vessel for which it is issued, when such vehicle or vessel is  
1345 sold for such purposes, in lieu of a certificate of title. The  
1346 application for a certificate of destruction must include an  
1347 affidavit from the applicant that it has complied with all  
1348 applicable requirements of this section and, if the vehicle or  
1349 vessel is not registered in this state, by a statement from a  
1350 law enforcement officer that the vehicle or vessel is not

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1351 reported stolen, and shall be accompanied by such documentation  
1352 as may be required by the department.

1353 (b) The Department of Highway Safety and Motor Vehicles  
1354 shall charge a fee of \$3 for each certificate of destruction. A  
1355 service charge of \$4.25 shall be collected and retained by the  
1356 tax collector who processes the application.

1357 (c) The Department of Highway Safety and Motor Vehicles  
1358 may adopt such rules as it deems necessary or proper for the  
1359 administration of this subsection.

1360 (13)(a) Upon receipt by the Department of Highway Safety  
1361 and Motor Vehicles of written notice from a wrecker operator who  
1362 claims a wrecker operator's lien under paragraph (2)(c) or  
1363 paragraph (2)(d) for recovery, towing, or storage of an  
1364 abandoned vehicle or, vessel ~~or mobile home~~ upon instructions  
1365 from any law enforcement agency, for which a certificate of  
1366 destruction has been issued under subsection (11), the  
1367 department shall place the name of the registered owner of that  
1368 vehicle or, vessel, ~~or mobile home~~ on the list of those persons  
1369 who may not be issued a license plate or revalidation sticker  
1370 for any motor vehicle under s. 320.03(8). If the vehicle or,  
1371 vessel, ~~or mobile home~~ is owned jointly by more than one person,  
1372 the name of each registered owner shall be placed on the list.  
1373 The notice of wrecker operator's lien shall be submitted on  
1374 forms provided by the department, which must include:

1375 1. The name, address, and telephone number of the wrecker  
1376 operator.

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1377           2. The name of the registered owner of the vehicle or  
1378 vessel,~~or mobile home~~ and the address to which the wrecker  
1379 operator provided notice of the lien to the registered owner  
1380 under subsection (4).

1381           3. A general description of the vehicle or, vessel,~~or~~  
1382 ~~mobile home~~, including its color, make, model, body style, and  
1383 year.

1384           4. The vehicle identification number (VIN); registration  
1385 license plate number, state, and year; validation decal number,  
1386 state, and year; ~~mobile home sticker number, state, and year;~~  
1387 vessel registration number; hull identification number; or other  
1388 identification number, as applicable.

1389           5. The name of the person or the corresponding law  
1390 enforcement agency that requested that the vehicle or, vessel,  
1391 ~~or mobile home~~ be recovered, towed, or stored.

1392           6. The amount of the wrecker operator's lien, not to  
1393 exceed the amount allowed by paragraph (b).

1394           (b) For purposes of this subsection only, the amount of  
1395 the wrecker operator's lien for which the department will  
1396 prevent issuance of a license plate or revalidation sticker may  
1397 not exceed the amount of the charges for recovery, towing, and  
1398 storage of the vehicle or, vessel,~~or mobile home~~ for 7 days.  
1399 These charges may not exceed the maximum rates imposed by the  
1400 ordinances of the respective county or municipality under ss.  
1401 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit  
1402 the amount of a wrecker operator's lien claimed under subsection  
1403 (2) or prevent a wrecker operator from seeking civil remedies

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1404 for enforcement of the entire amount of the lien, but limits  
1405 only that portion of the lien for which the department will  
1406 prevent issuance of a license plate or revalidation sticker.

1407 (c)1. The registered owner of a vehicle or, vessel, ~~or~~  
1408 ~~mobile home~~ may dispute a wrecker operator's lien, by notifying  
1409 the department of the dispute in writing on forms provided by  
1410 the department, if at least one of the following applies:

1411 a. The registered owner presents a notarized bill of sale  
1412 proving that the vehicle or, vessel, ~~or mobile home~~ was sold in  
1413 a private or casual sale before the vehicle or, vessel, ~~or~~  
1414 ~~mobile home~~ was recovered, towed, or stored.

1415 b. The registered owner presents proof that the Florida  
1416 certificate of title of the vehicle or, vessel, ~~or mobile home~~  
1417 was sold to a licensed dealer as defined in s. 319.001 before  
1418 the vehicle or, vessel, ~~or mobile home~~ was recovered, towed, or  
1419 stored.

1420  
1421 If the registered owner's dispute of a wrecker operator's lien  
1422 complies with one of these criteria, the department shall  
1423 immediately remove the registered owner's name from the list of  
1424 those persons who may not be issued a license plate or  
1425 revalidation sticker for any motor vehicle under s. 320.03(8),  
1426 thereby allowing issuance of a license plate or revalidation  
1427 sticker. If the vehicle or, vessel, ~~or mobile home~~ is owned  
1428 jointly by more than one person, each registered owner must  
1429 dispute the wrecker operator's lien in order to be removed from  
1430 the list. However, the department shall deny any dispute and

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1431 maintain the registered owner's name on the list of those  
1432 persons who may not be issued a license plate or revalidation  
1433 sticker for any motor vehicle under s. 320.03(8) if the wrecker  
1434 operator has provided the department with a certified copy of  
1435 the judgment of a court which orders the registered owner to pay  
1436 the wrecker operator's lien claimed under this section. In such  
1437 a case, the amount of the wrecker operator's lien allowed by  
1438 paragraph (b) may be increased to include no more than \$500 of  
1439 the reasonable costs and attorney's fees incurred in obtaining  
1440 the judgment. The department's action under this subparagraph is  
1441 ministerial in nature, shall not be considered final agency  
1442 action, and is appealable only to the county court for the  
1443 county in which the vehicle or, vessel, ~~or mobile home~~ was  
1444 ordered removed.

1445         2. A person against whom a wrecker operator's lien has  
1446 been imposed may alternatively obtain a discharge of the lien by  
1447 filing a complaint, challenging the validity of the lien or the  
1448 amount thereof, in the county court of the county in which the  
1449 vehicle or, vessel, ~~or mobile home~~ was ordered removed. Upon  
1450 filing of the complaint, the person may have her or his name  
1451 removed from the list of those persons who may not be issued a  
1452 license plate or revalidation sticker for any motor vehicle  
1453 under s. 320.03(8), thereby allowing issuance of a license plate  
1454 or revalidation sticker, upon posting with the court a cash or  
1455 surety bond or other adequate security equal to the amount of  
1456 the wrecker operator's lien to ensure the payment of such lien  
1457 in the event she or he does not prevail. Upon the posting of the

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1458 | bond and the payment of the applicable fee set forth in s.  
1459 | 28.24, the clerk of the court shall issue a certificate  
1460 | notifying the department of the posting of the bond and  
1461 | directing the department to release the wrecker operator's lien.  
1462 | Upon determining the respective rights of the parties, the court  
1463 | may award damages and costs in favor of the prevailing party.

1464 |         3. If a person against whom a wrecker operator's lien has  
1465 | been imposed does not object to the lien, but cannot discharge  
1466 | the lien by payment because the wrecker operator has moved or  
1467 | gone out of business, the person may have her or his name  
1468 | removed from the list of those persons who may not be issued a  
1469 | license plate or revalidation sticker for any motor vehicle  
1470 | under s. 320.03(8), thereby allowing issuance of a license plate  
1471 | or revalidation sticker, upon posting with the clerk of court in  
1472 | the county in which the vehicle or, vessel, ~~or mobile home~~ was  
1473 | ordered removed, a cash or surety bond or other adequate  
1474 | security equal to the amount of the wrecker operator's lien.  
1475 | Upon the posting of the bond and the payment of the application  
1476 | fee set forth in s. 28.24, the clerk of the court shall issue a  
1477 | certificate notifying the department of the posting of the bond  
1478 | and directing the department to release the wrecker operator's  
1479 | lien. The department shall mail to the wrecker operator, at the  
1480 | address upon the lien form, notice that the wrecker operator  
1481 | must claim the security within 60 days, or the security will be  
1482 | released back to the person who posted it. At the conclusion of  
1483 | the 60 days, the department shall direct the clerk as to which

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1484 party is entitled to payment of the security, less applicable  
1485 clerk's fees.

1486 4. A wrecker operator's lien expires 5 years after filing.

1487 (d) Upon discharge of the amount of the wrecker operator's  
1488 lien allowed by paragraph (b), the wrecker operator must issue a  
1489 certificate of discharged wrecker operator's lien on forms  
1490 provided by the department to each registered owner of the  
1491 vehicle or, vessel, ~~or mobile home~~ attesting that the amount of  
1492 the wrecker operator's lien allowed by paragraph (b) has been  
1493 discharged. Upon presentation of the certificate of discharged  
1494 wrecker operator's lien by the registered owner, the department  
1495 shall immediately remove the registered owner's name from the  
1496 list of those persons who may not be issued a license plate or  
1497 revalidation sticker for any motor vehicle under s. 320.03(8),  
1498 thereby allowing issuance of a license plate or revalidation  
1499 sticker. Issuance of a certificate of discharged wrecker  
1500 operator's lien under this paragraph does not discharge the  
1501 entire amount of the wrecker operator's lien claimed under  
1502 subsection (2), but only certifies to the department that the  
1503 amount of the wrecker operator's lien allowed by paragraph (b),  
1504 for which the department will prevent issuance of a license  
1505 plate or revalidation sticker, has been discharged.

1506 (e) When a wrecker operator files a notice of wrecker  
1507 operator's lien under this subsection, the department shall  
1508 charge the wrecker operator a fee of \$2, which shall be  
1509 deposited into the General Revenue Fund established under s.  
1510 860.158. A service charge of \$2.50 shall be collected and

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1511 retained by the tax collector who processes a notice of wrecker  
1512 operator's lien.

1513 (f) This subsection applies only to the annual renewal in  
1514 the registered owner's birth month of a motor vehicle  
1515 registration and does not apply to the transfer of a  
1516 registration of a motor vehicle sold by a motor vehicle dealer  
1517 licensed under chapter 320, except for the transfer of  
1518 registrations which is inclusive of the annual renewals. This  
1519 subsection does not affect the issuance of the title to a motor  
1520 vehicle, notwithstanding s. 319.23(7)(b).

1521 (g) The Department of Highway Safety and Motor Vehicles  
1522 may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
1523 implement this subsection.

1524 Section 18. Effective January 1, 2006, section 713.785,  
1525 Florida Statutes, is created to read:

1526 713.785 Liens for recovering, towing, or storing mobile  
1527 homes.--

1528 (1) As used in this section, the term:

1529 (a) "Mobile home transport company" means a person  
1530 regularly engaged in the business of transporting mobile homes.

1531 (b) "Store" means a mobile home transport company has  
1532 legal possession of a mobile home either on the mobile home  
1533 transport company's property or on any other property.

1534 (c) "Unpaid lot rental amount" or "rent" means any unpaid  
1535 financial obligations of the mobile home owner or tenant to the  
1536 mobile home park owner defined as "lot rental amount" in s.

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1537 723.003 or "rent" in part II of chapter 83 and includes any  
1538 amounts defined as storage charges in s. 723.084.

1539 (2) If the mobile home transport company recovers,  
1540 removes, or stores a mobile home upon instructions from:

1541 (a) The owner of the mobile home;

1542 (b) Any law enforcement agency; or

1543 (c) A mobile home park owner as defined in s. 723.003 who  
1544 has a current writ of possession for a mobile home lot under s.  
1545 723.062 or s. 83.62,

1546  
1547 the mobile home transport company has a lien on the mobile home  
1548 for a reasonable towing fee and for a reasonable storage fee.

1549 (3)(a) A mobile home transport company that comes into  
1550 possession of a mobile home under subsection (2) and that claims  
1551 a lien for recovery, towing, or storage services must give  
1552 notice to the registered owner and to all persons claiming a  
1553 lien on the mobile home, as disclosed by the records in the  
1554 Department of Highway Safety and Motor Vehicles or of a  
1555 corresponding agency in any other state.

1556 (b) Notice by certified mail, return receipt requested,  
1557 shall be sent within 7 business days after the date of storage  
1558 of the mobile home to the registered owner at the owner's last  
1559 known address, and all persons of record claiming a lien against  
1560 the mobile home. The notice shall state the fact of possession  
1561 of the mobile home, that a lien as provided in subsection (2) is  
1562 claimed, that charges have accrued and the amount thereof, that  
1563 the lien is subject to enforcement under law and that the owner

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1564 or lienholder, if any, has the right to a hearing as set forth  
1565 in subsection (4), and that any mobile home which remains  
1566 unclaimed, or for which charges remain unpaid, may be sold free  
1567 of all prior liens after 35 days following the eviction  
1568 proceeding that resulted in the issuance of the writ of  
1569 possession, provided that any lienholder entitled to notice  
1570 pursuant to s. 723.084 has received such notice and has failed  
1571 to act pursuant to s. 723.084 to pay storage charges, take  
1572 possession of the home, or take legal action to foreclose its  
1573 interest prior to issuance of the writ of possession.

1574 (4)(a) The owner of a mobile home stored under subsection  
1575 (2), or any person claiming a lien of record, other than the  
1576 mobile home transport company, within 10 days after the time she  
1577 or he has knowledge of the location of the mobile home, may file  
1578 a complaint in the court of the county in which the mobile home  
1579 is stored, to determine if her or his property was wrongfully  
1580 taken or withheld from her or him.

1581 (b) Upon filing of a complaint, an owner or lienholder may  
1582 have the mobile home released upon posting with the court a cash  
1583 or surety bond or other adequate security equal to the amount of  
1584 the charges for towing or storage and lot rental amount due and  
1585 owing at that time to ensure the payment of the charges in the  
1586 event she or he does not prevail. Upon the posting of the bond  
1587 and the payment of the applicable fee set forth in s. 28.24, the  
1588 clerk of the court shall issue a certificate notifying the  
1589 mobile home transport company of the posting of the bond and  
1590 directing the mobile home transport company to release the

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1591 mobile home. At the time of the release, after reasonable  
1592 inspection, she or he shall give a receipt to the mobile home  
1593 transport company citing any claims she or he has for loss or  
1594 damage to the mobile home or the contents thereof.

1595 (c) Upon determining the respective rights of the parties,  
1596 the court may award damages and costs in favor of the prevailing  
1597 party. The final order shall provide for immediate payment in  
1598 full of any lien for recovery, towing, and storage fees and any  
1599 unpaid lot rental amount accruing until the time the home is  
1600 removed from the property, by the mobile home owner or  
1601 lienholder, or the owner, lessee, or agent thereof of the  
1602 property from which the mobile home was removed.

1603 (5) A mobile home that is stored under subsection (2) and  
1604 which remains unclaimed, or for which reasonable charges for  
1605 recovery, towing, or storing remain unpaid or for which a lot  
1606 rental amount is due and owing to the mobile home park owner as  
1607 evidenced by a judgment for unpaid rent and any contents of the  
1608 mobile home not released under subsection (9), may be sold by  
1609 the mobile home transport company for the towing or storage  
1610 charge and any unpaid lot rental amount 35 days after the mobile  
1611 home is stored by a mobile home transport company. The sale  
1612 shall be at public auction for cash. If the date of the sale was  
1613 not included in the notice required by subsection (3), notice of  
1614 the sale must be given to the person in whose name the mobile  
1615 home is registered at her or his last known address, to the  
1616 mobile home park owner, and to all persons claiming a lien on  
1617 the mobile home as shown on the records of the Department of

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1618 Highway Safety and Motor Vehicles or of the corresponding agency  
1619 in any other state. Notice must be sent by certified mail,  
1620 return receipt requested, at least 15 days before the date of  
1621 the sale. After diligent search and inquiry, if the name and  
1622 address of the registered owner or the owner of the recorded  
1623 lien cannot be ascertained, the requirements of notice by mail  
1624 may be dispensed with. In addition to the notice by mail, public  
1625 notice of the time and place of sale must be made by publishing  
1626 a notice of the sale one time, at least 10 days before the date  
1627 of the sale, in a newspaper of general circulation in the county  
1628 in which the sale is to be held. The proceeds of the sale, after  
1629 payment of reasonable towing and storage charges, costs of the  
1630 sale, and the unpaid lot rental amount as evidenced by the  
1631 judgment for unpaid lot rental and an affidavit executed by the  
1632 mobile home park owner or the owner's agent establishing the  
1633 amount of unpaid lot rental amount through the date of the sale,  
1634 in that order of priority, must be deposited with the clerk of  
1635 the circuit court for the county if the owner is absent, and the  
1636 clerk shall hold the proceeds subject to the claim of the person  
1637 legally entitled to those proceeds. The clerk is entitled to  
1638 receive 5 percent of the proceeds for the care and disbursement  
1639 of the proceeds. The certificate of title issued under this  
1640 section shall be discharged of all liens unless otherwise  
1641 provided by court order.

1642 (6) The mobile home transport company, the landlord or his  
1643 or her agent, or any subsequent purchaser for value are not  
1644 responsible to the tenant or any other party for loss,

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1645 destruction, or damage to the mobile home or other personal  
1646 property after coming into possession of the mobile home under  
1647 this section, provided the mobile home transport company, the  
1648 landlord, or their agents use reasonable care in storing the  
1649 mobile home. As used in this subsection, the term "reasonable  
1650 care" means securing the mobile home by changing door locks, or  
1651 any similar methods for securing the mobile home, in place in  
1652 the mobile home park or in a separate storage area.

1653 (7)(a) A mobile home transport company that comes into  
1654 possession of a mobile home under subsection (2) and that  
1655 complies with subsection (3), if the mobile home is to be sold  
1656 for purposes of being dismantled, destroyed, or changed so that  
1657 it is not the mobile home described in the certificate of title,  
1658 must apply to the county tax collector for a certificate of  
1659 destruction. A certificate of destruction, which authorizes the  
1660 dismantling or destruction of the mobile home described in the  
1661 certificate, is reassignable no more than twice before  
1662 dismantling or destruction of the mobile home and the  
1663 certificate must accompany the mobile home for which it is  
1664 issued when the mobile home is sold for that purpose, in lieu of  
1665 a certificate of title. The application for a certificate of  
1666 destruction must include an affidavit from the applicant that it  
1667 has complied with all applicable requirements of this section;  
1668 must, if the mobile home is not registered in this state,  
1669 include a statement from a law enforcement officer that the  
1670 mobile home is not reported stolen; and shall be accompanied by  
1671 any other documentation as may be required by the department.

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1672       (b) The Department of Highway Safety and Motor Vehicles  
1673 shall charge a fee of \$3 for each certificate of destruction.  
1674 The tax collector who processes the application shall collect  
1675 and retain a service charge of \$4.25.

1676       (c) The Department of Highway Safety and Motor Vehicles  
1677 may adopt rules to administer this subsection.

1678       (d) Employees of the Department of Highway Safety and  
1679 Motor Vehicles and law enforcement officers may inspect the  
1680 records of each mobile home transport company in this state to  
1681 ensure compliance with this section.

1682       (8)(a) Upon receipt by the Department of Highway Safety  
1683 and Motor Vehicles of written notice from a mobile home  
1684 transport company that claims a lien under paragraph (2)(b) or  
1685 paragraph (2)(c) for recovery, towing, or storage of a mobile  
1686 home for which a certificate of destruction has been issued  
1687 under subsection (7), the department shall place the name of the  
1688 registered owner of that mobile home on the list of those  
1689 persons who may not be issued a revalidation sticker under s.  
1690 320.03. If the mobile home is owned jointly by more than one  
1691 person, the name of each registered owner must be placed on the  
1692 list. The notice of a mobile home transport company's lien must  
1693 be submitted on forms provided by the department, which must  
1694 include:

1695       1. The name, address, and telephone number of the mobile  
1696 home transport company.

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1697        2. The name of the registered owner of the mobile home and  
1698 the address to which the mobile home transport company provided  
1699 notice of the lien to the registered owner under subsection (3).

1700        3. A general description of the mobile home, including its  
1701 color, make, model, body style, and year.

1702        4. The mobile home sticker number, state, and year or  
1703 other identification number, as applicable.

1704        5. The name of the person or the corresponding law  
1705 enforcement agency that requested that the mobile home be  
1706 recovered, towed, or stored.

1707        6. The amount of the lien, not to exceed the amount  
1708 allowed by paragraph (b).

1709        (b) For purposes of this subsection, the amount of the  
1710 mobile home transport company's lien for which the department  
1711 will prevent issuance of a revalidation sticker may not exceed  
1712 the amount of the charges for recovery, towing, and storage of  
1713 the mobile home for 7 days. These charges may not exceed the  
1714 maximum rates imposed by the ordinances of the respective county  
1715 or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This  
1716 paragraph does not limit the amount of a mobile home transport  
1717 company's lien claimed under subsection (2) or prevent a mobile  
1718 home transport company from seeking civil remedies for  
1719 enforcement of the entire amount of the lien, but limits only  
1720 that portion of the lien for which the department will prevent  
1721 issuance of a revalidation sticker.

1722        (c)1. The registered owner of the mobile home may dispute  
1723 the mobile home transport company's lien by notifying the

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1724 department of the dispute in writing on forms provided by the  
1725 department, if at least one of the following applies:

1726 a. The registered owner presents a notarized bill of sale  
1727 proving that the mobile home was sold in a private or casual  
1728 sale before the mobile home was recovered, towed, or stored.

1729 b. The registered owner presents proof that the Florida  
1730 certificate of title of the mobile home was sold to a licensed  
1731 dealer as defined in s. 319.001 before the mobile home was  
1732 recovered, towed, or stored.

1733 c. The records of the department were marked to indicate  
1734 that the mobile home was sold before the issuance of the  
1735 certificate of destruction under subsection (7).

1736  
1737 If the registered owner's dispute of a mobile home transport  
1738 company's lien complies with one of these criteria, the  
1739 department shall immediately remove the registered owner's name  
1740 from the list of those persons who may not be issued a  
1741 revalidation sticker under s. 320.03. If the mobile home is  
1742 owned jointly by more than one person, each registered owner  
1743 must dispute the mobile home transport company's lien in order  
1744 to be removed from the list. However, the department shall deny  
1745 any dispute and maintain the registered owner's name on the list  
1746 of those persons who may not be issued a revalidation sticker if  
1747 the mobile home transport company has provided the department  
1748 with a certified copy of the judgment of a court which orders  
1749 the registered owner to pay the mobile home transport company's  
1750 lien claimed under this section. In such a case, the amount of

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1751 the mobile home transport company's lien allowed by paragraph  
1752 (b) may be increased to include no more than \$500 of the  
1753 reasonable costs and attorney's fees incurred in obtaining the  
1754 judgment. The department's action under this subparagraph is  
1755 ministerial in nature, is not final agency action, and is  
1756 appealable only to the county court for the county in which the  
1757 mobile home was ordered removed.

1758 2. A person against whom a mobile home transport company's  
1759 lien has been imposed may alternatively obtain a discharge of  
1760 the lien by filing a complaint, challenging the validity of the  
1761 lien or the amount thereof, in the county court of the county in  
1762 which the mobile home was ordered removed. Upon filing of the  
1763 complaint, the person may have her or his name removed from the  
1764 list of those persons who may not be issued a revalidation  
1765 sticker for any mobile home under s. 320.03 upon posting with  
1766 the court a cash or surety bond or other adequate security equal  
1767 to the amount of the mobile home transport company's lien to  
1768 ensure the payment of the lien in the event she or he does not  
1769 prevail. Upon the posting of the bond and the payment of the  
1770 applicable fee set forth in s. 28.24, the clerk of the court  
1771 shall issue a certificate notifying the department of the  
1772 posting of the bond and directing the department to release the  
1773 mobile home transport company's lien. Upon determining the  
1774 respective rights of the parties, the court may award damages  
1775 and costs in favor of the prevailing party.

1776 3. If a person against whom a mobile home transport  
1777 company's lien has been imposed does not object to the lien, but

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1778 cannot discharge the lien by payment because the mobile home  
1779 transport company has moved or gone out of business, the person  
1780 may have her or his name removed from the list of those persons  
1781 who may not be issued a revalidation sticker under s. 320.03,  
1782 upon posting with the clerk of court in the county in which the  
1783 mobile home was ordered removed a cash or surety bond or other  
1784 adequate security equal to the amount of the mobile home  
1785 transport company's lien. Upon the posting of the bond and the  
1786 payment of the application fee set forth in s. 28.24, the clerk  
1787 of the court shall issue a certificate notifying the department  
1788 of the posting of the bond and directing the department to  
1789 release the mobile home transport company's lien. The department  
1790 shall mail to the mobile home transport company, at the address  
1791 upon the lien form, notice that the mobile home transport  
1792 company must claim the security within 60 days or the security  
1793 will be released to the person who posted it. At the conclusion  
1794 of the 60 days, the department shall direct the clerk as to  
1795 which party is entitled to payment of the security, less  
1796 applicable fees of the clerk.

1797 4. A mobile home transport company's lien expires 5 years  
1798 after filing.

1799 (d) Upon discharge of the amount of the mobile home  
1800 transport company's lien allowed under paragraph (b), the mobile  
1801 home transport company must issue a certificate of discharged  
1802 lien on a form provided by the department to each registered  
1803 owner of the mobile home attesting that the amount of the mobile  
1804 home transport company's lien allowed under paragraph (b) has

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1805 been discharged. Upon presentation of the certificate of  
1806 discharged lien by the registered owner, the department shall  
1807 immediately remove the registered owner's name from the list of  
1808 those persons who may not be issued a revalidation sticker under  
1809 s. 320.03. Issuance of a certificate of discharged lien under  
1810 this paragraph does not discharge the entire amount of the  
1811 mobile home transport company's lien claimed under subsection  
1812 (2), but certifies to the department only that the amount of the  
1813 mobile home transport company's lien allowed by paragraph (b),  
1814 for which the department will prevent issuance of a revalidation  
1815 sticker, has been discharged.

1816 (e) When a mobile home transport company files a notice of  
1817 lien under this subsection, the department shall charge the  
1818 mobile home transport company a fee of \$2, which must be  
1819 deposited into the General Revenue Fund. The tax collector who  
1820 processes a notice of lien shall collect and retain a service  
1821 charge of \$2.50.

1822 (f) The Department of Highway Safety and Motor Vehicles  
1823 may adopt rules to administer this subsection.

1824 (9) Persons who provide services under this section shall  
1825 permit a mobile home owner or her or his agent, whose agency is  
1826 evidenced by a writing acknowledged by the owner before a notary  
1827 public or other person empowered by law to administer oaths, to  
1828 inspect the mobile home and shall release to the owner or agent  
1829 all personal property not affixed to the mobile home, provided  
1830 there exists no landlord's lien for rent under s. 713.691 or s.  
1831 713.77.

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1832           (10) Any person who violates subsection (3), subsection  
1833 (5), subsection (6), subsection (7), or subsection (9) commits a  
1834 misdemeanor of the first degree, punishable as provided in s.  
1835 775.082 or s. 775.083.

1836           Section 19. Section 715.07, Florida Statutes, is amended  
1837 to read:

1838           715.07 Vehicles or vessels parked on private property;  
1839 towing.--

1840           (1) As used in this section, the term:

1841           (a) "Vehicle" means any mobile item which normally uses  
1842 wheels, whether motorized or not.

1843           (b) "Vessel" means every description of watercraft, barge,  
1844 and air boat used or capable of being used as a means of  
1845 transportation on water, other than a seaplane or a "documented  
1846 vessel" as defined in s. 327.02(8).

1847           (2) The owner or lessee of real property, or any person  
1848 authorized by the owner or lessee, which person may be the  
1849 designated representative of the condominium association if the  
1850 real property is a condominium, may cause any vehicle or vessel  
1851 parked on such property without her or his permission to be  
1852 removed by a person regularly engaged in the business of towing  
1853 vehicles or vessels, without liability for the costs of removal,  
1854 transportation, or storage or damages caused by such removal,  
1855 transportation, or storage, under any of the following  
1856 circumstances:

1857           (a) The towing or removal of any vehicle or vessel from  
1858 private property without the consent of the registered owner or

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1859 other legally authorized person in control of that vehicle or  
1860 vessel is subject to strict compliance with the following  
1861 conditions and restrictions:

1862 1.a. Any towed or removed vehicle or vessel must be stored  
1863 at a site within a 10-mile radius ~~10 miles~~ of the point of  
1864 removal in any county of 500,000 population or more, and within  
1865 a 15-mile radius ~~15 miles~~ of the point of removal in any county  
1866 of less than 500,000 population. That site must be open for the  
1867 purpose of redemption of vehicles on any day that the person or  
1868 firm towing such vehicle or vessel is open for towing purposes,  
1869 from 8:00 a.m. to 6:00 p.m., and, when closed, shall have  
1870 prominently posted a sign indicating a telephone number where  
1871 the operator of the site can be reached at all times. Upon  
1872 receipt of a telephoned request to open the site to redeem a  
1873 vehicle or vessel, the operator shall return to the site within  
1874 1 hour or she or he will be in violation of this section.

1875 b. If no towing business providing such service is located  
1876 within the area of towing limitations set forth in sub-  
1877 subparagraph a., the following limitations apply: any towed or  
1878 removed vehicle or vessel must be stored at a site within a 20-  
1879 mile radius ~~20 miles~~ of the point of removal in any county of  
1880 500,000 population or more, and within a 30-mile radius ~~30 miles~~  
1881 of the point of removal in any county of less than 500,000  
1882 population.

1883 2. The person or firm towing or removing the vehicle or  
1884 vessel shall, within 30 minutes after ~~of~~ completion of such  
1885 towing or removal, notify the municipal police department or, in

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1886 an unincorporated area, the sheriff, of such towing or removal,  
1887 the storage site, the time the vehicle or vessel was towed or  
1888 removed, and the make, model, color, and license plate number of  
1889 the vehicle or description and registration number of the vessel  
1890 and shall obtain the name of the person at that department to  
1891 whom such information was reported and note that name on the  
1892 trip record.

1893 3. A person in the process of towing or removing a vehicle  
1894 or vessel from the premises or parking lot in which the vehicle  
1895 or vessel is not lawfully parked must stop when a person seeks  
1896 the return of the vehicle or vessel. The vehicle or vessel must  
1897 be returned upon the payment of a reasonable service fee of not  
1898 more than one-half of the posted rate for the towing or removal  
1899 service as provided in subparagraph 6. The vehicle or vessel may  
1900 be towed or removed if, after a reasonable opportunity, the  
1901 owner or legally authorized person in control of the vehicle or  
1902 vessel is unable to pay the service fee. If the vehicle or  
1903 vessel is redeemed, a detailed signed receipt must be given to  
1904 the person redeeming the vehicle or vessel. ~~If the registered~~  
1905 ~~owner or other legally authorized person in control of the~~  
1906 ~~vehicle arrives at the scene prior to removal or towing of the~~  
1907 ~~vehicle, the vehicle shall be disconnected from the towing or~~  
1908 ~~removal apparatus, and that person shall be allowed to remove~~  
1909 ~~the vehicle without interference upon the payment of a~~  
1910 ~~reasonable service fee of not more than one-half of the posted~~  
1911 ~~rate for such towing service as provided in subparagraph 6., for~~

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1912 ~~which a receipt shall be given, unless that person refuses to~~  
1913 ~~remove the vehicle which is otherwise unlawfully parked.~~

1914 4. A person may not pay or accept money or other valuable  
1915 consideration for the privilege of towing or removing vehicles  
1916 or vessels from a particular location. ~~The rebate or payment of~~  
1917 ~~money or any other valuable consideration from the individual or~~  
1918 ~~firm towing or removing vehicles to the owners or operators of~~  
1919 ~~the premises from which the vehicles are towed or removed, for~~  
1920 ~~the privilege of removing or towing those vehicles, is~~  
1921 ~~prohibited.~~

1922 5. Except for property appurtenant to and obviously a part  
1923 of a single-family residence, and except for instances when  
1924 notice is personally given to the owner or other legally  
1925 authorized person in control of the vehicle or vessel that the  
1926 area in which that vehicle or vessel is parked is reserved or  
1927 otherwise unavailable for unauthorized vehicles or vessels and  
1928 that the vehicle or vessel is subject to being removed at the  
1929 owner's or operator's expense, any property owner or lessee, or  
1930 person authorized by the property owner or lessee, prior to  
1931 towing or removing any vehicle or vessel from private property  
1932 without the consent of the owner or other legally authorized  
1933 person in control of that vehicle or vessel, must post a notice  
1934 meeting the following requirements:

1935 a. The notice must be prominently placed at each driveway  
1936 access or curb cut allowing vehicular access to the property,  
1937 within 5 feet from the public right-of-way line. If there are

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1938 no curbs or access barriers, the signs must be posted not less  
1939 than one sign for each 25 feet of lot frontage.

1940 b. The notice must clearly indicate, in not less than 2-  
1941 inch high, light-reflective letters on a contrasting background,  
1942 that unauthorized vehicles will be towed away at the owner's  
1943 expense. The words "tow-away zone" must be included on the sign  
1944 in not less than 4-inch high letters.

1945 c. The notice must also provide the name and current  
1946 telephone number of the person or firm towing or removing the  
1947 vehicles or vessels, ~~if the property owner, lessee, or person in~~  
1948 ~~control of the property has a written contract with the towing~~  
1949 ~~company.~~

1950 d. The sign structure containing the required notices must  
1951 be permanently installed with the words "tow-away zone" not less  
1952 than 3 feet and not more than 6 feet above ground level and must  
1953 be continuously maintained on the property for not less than 24  
1954 hours prior to the towing or removal of any vehicles or vessels.

1955 e. The local government may require permitting and  
1956 inspection of these signs prior to any towing or removal of  
1957 vehicles or vessels being authorized.

1958 f. A business with 20 or fewer parking spaces satisfies  
1959 the notice requirements of this subparagraph by prominently  
1960 displaying a sign stating "Reserved Parking for Customers Only  
1961 Unauthorized Vehicles or Vessels Will be Towed Away At the  
1962 Owner's Expense" in not less than 4-inch high, light-reflective  
1963 letters on a contrasting background.

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1964        g. A property owner towing or removing vessels from real  
1965 property must post notice, consistent with the requirements in  
1966 sub-subparagraphs a.-f., which apply to vehicles, that  
1967 unauthorized vehicles or vessels will be towed away at the  
1968 owner's expense.

1969  
1970 A business owner or lessee may authorize the removal of a  
1971 vehicle or vessel by a towing company when the vehicle or vessel  
1972 is parked in such a manner that restricts the normal operation  
1973 of business; and if a vehicle or vessel parked on a public  
1974 right-of-way obstructs access to a private driveway the owner,  
1975 lessee, or agent may have the vehicle or vessel removed by a  
1976 towing company upon signing an order that the vehicle or vessel  
1977 be removed without a posted tow-away zone sign.

1978        6. Any person or firm that tows or removes vehicles or  
1979 vessels and proposes to require an owner, operator, or person in  
1980 control of a vehicle or vessel to pay the costs of towing and  
1981 storage prior to redemption of the vehicle or vessel must file  
1982 and keep on record with the local law enforcement agency a  
1983 complete copy of the current rates to be charged for such  
1984 services and post at the storage site an identical rate schedule  
1985 and any written contracts with property owners, lessees, or  
1986 persons in control of property which authorize such person or  
1987 firm to remove vehicles or vessels as provided in this section.

1988        7. Any person or firm towing or removing any vehicles or  
1989 vessels from private property without the consent of the owner  
1990 or other legally authorized person in control of the vehicles or

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1991 vessels shall, on any trucks, wreckers as defined in s.  
1992 713.78(1)(c), or other vehicles used in the towing or removal,  
1993 have the name, address, and telephone number of the company  
1994 performing such service clearly printed in contrasting colors on  
1995 the driver and passenger sides of the vehicle. The name shall  
1996 be in at least 3-inch permanently affixed letters, and the  
1997 address and telephone number shall be in at least 1-inch  
1998 permanently affixed letters.

1999 8. Vehicle entry for the purpose of removing the vehicle  
2000 or vessel shall be allowed with reasonable care on the part of  
2001 the person or firm towing the vehicle or vessel. Such person or  
2002 firm shall be liable for any damage occasioned to the vehicle or  
2003 vessel if such entry is not in accordance with the standard of  
2004 reasonable care.

2005 9. When a vehicle or vessel has been towed or removed  
2006 pursuant to this section, it must be released to its owner or  
2007 custodian within one hour after requested. Any vehicle or vessel  
2008 owner, ~~custodian~~, or agent shall have the right to inspect the  
2009 vehicle or vessel before accepting its return, and no release or  
2010 waiver of any kind which would release the person or firm towing  
2011 the vehicle or vessel from liability for damages noted by the  
2012 owner or other legally authorized person at the time of the  
2013 redemption may be required from any vehicle or vessel owner,  
2014 custodian, or agent as a condition of release of the vehicle or  
2015 vessel to its owner. A detailed, signed receipt showing the  
2016 legal name of the company or person towing or removing the  
2017 vehicle or vessel must be given to the person paying towing or

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2018 storage charges at the time of payment, whether requested or  
2019 not.

2020 (b) These requirements are ~~shall be the~~ minimum standards  
2021 and do ~~shall~~ not preclude enactment of additional regulations by  
2022 any municipality or county including the right to regulate rates  
2023 when vehicles or vessels are towed from private property.

2024 (3) This section does not apply to law enforcement,  
2025 firefighting, rescue squad, ambulance, or other emergency  
2026 vehicles or vessels that ~~which~~ are marked as such or to property  
2027 owned by any governmental entity.

2028 (4) When a person improperly causes a vehicle or vessel to  
2029 be removed, such person shall be liable to the owner or lessee  
2030 of the vehicle or vessel for the cost of removal,  
2031 transportation, and storage; any damages resulting from the  
2032 removal, transportation, or storage of the vehicle or vessel;  
2033 attorney's attorneys' fees; and court costs.

2034 (5)(a) Any person who violates ~~the provisions of~~  
2035 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is guilty  
2036 ~~of~~ a misdemeanor of the first degree, punishable as provided in  
2037 s. 775.082 or s. 775.083.

2038 (b) Any person who violates subparagraph (2)(a)1.,  
2039 subparagraph (2)(a)3., subparagraph (2)(a)4., ~~the provisions of~~  
2040 subparagraph (2)(a)7., or subparagraph (2)(a)9. commits is  
2041 ~~guilty of~~ a felony of the third degree, punishable as provided  
2042 in s. 775.082, s. 775.083, or s. 775.084.

2043 Section 20. Paragraph (a) of subsection (1) of section  
2044 319.30, Florida Statutes, is amended to read:

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2045 319.30 Definitions; dismantling, destruction, change of  
2046 identity of motor vehicle or mobile home; salvage.--

2047 (1) As used in this section, the term:

2048 (a) "Certificate of destruction" means the certificate  
2049 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

2050 Section 21. Section 713.69, Florida Statutes, is amended  
2051 to read:

2052 713.69 Unlawful to remove property upon which lien has  
2053 accrued.--It is unlawful for any person to remove any property  
2054 upon which a lien has accrued under the provisions of s. 713.68,  
2055 s. 713.77, or s. 713.785 from any mobile home park, hotel,  
2056 apartment house, roominghouse, lodginghouse, boardinghouse or  
2057 tenement house without first making full payment to the person  
2058 operating or conducting the same of all sums due and payable for  
2059 such occupancy or without first having the written consent of  
2060 such person so conducting or operating such place to so remove  
2061 such property. Any person violating the provisions of this  
2062 section shall, if the property removed in violation hereof be of  
2063 the value of \$50 or less, be guilty of a misdemeanor of the  
2064 second degree, punishable as provided in s. 775.082 or s.  
2065 775.083; and if the property so removed should be of greater  
2066 value than \$50 then such person shall be guilty of a felony of  
2067 the third degree, punishable as provided in s. 775.082, s.  
2068 775.083, or s. 775.084.

2069 Section 22. Effective January 1, 2006, subsection (15) of  
2070 section 1.01, Florida Statutes, is repealed.

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2071           Section 23. The sum of \$693,000 is appropriated from the  
 2072 General Inspection Trust Fund to the Department of Agriculture  
 2073 and Consumer Services, and 10 additional full-time-equivalent  
 2074 positions are authorized, for the purpose of implementing this  
 2075 act during the 2005-2006 fiscal year.

2076           Section 24. Except as otherwise expressly provided in this  
 2077 act, this act shall take effect July 1, 2005.

2078  
 2079 ===== T I T L E   A M E N D M E N T =====

2080           Remove the entire title and insert:

2081                           A bill to be entitled  
 2082           An act relating to wrecker services; amending s. 120.80,  
 2083           F.S.; exempting hearings of the Division of the Florida  
 2084           Highway Patrol concerning the wrecker allocation system  
 2085           from requirements of ch. 120, F.S.; creating s. 205.1975,  
 2086           F.S.; prohibiting a county or municipality from issuing or  
 2087           renewing a license for a wrecker company that is not in  
 2088           compliance with the requirements of the act; amending s.  
 2089           316.530, F.S., relating to traffic control; conforming  
 2090           provisions to changes made by the act; reenacting s.  
 2091           316.550(4), F.S., relating to special wrecker permits, to  
 2092           incorporate the amendment to s. 320.01, F.S., in  
 2093           references thereto; amending s. 316.605, F.S.; clarifying  
 2094           that portion of a license plate which must be clear and  
 2095           plainly visible; providing requirements for licensing  
 2096           wreckers and other vehicles; amending s. 320.01, F.S.;  
 2097           redefining the term "wrecker" for purposes of the Florida

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2098 Statutes; amending ss. 320.03 and 320.0706, F.S., relating  
2099 to motor vehicle registration and license plates;  
2100 conforming provisions to changes made by the act;  
2101 reenacting s. 320.08(5)(d) and (e), F.S., relating to  
2102 license taxes, to incorporate the amendment to s. 320.01,  
2103 F.S., in references thereto; amending s. 320.0821, F.S.;  
2104 revising requirements for the issuance of wrecker license  
2105 plates; amending s. 320.13, F.S., relating to dealer  
2106 license plates; conforming provisions to changes made by  
2107 the act; amending s. 321.051, F.S.; providing definitions;  
2108 requiring the Division of the Florida Highway Patrol  
2109 within the Department of Highway Safety and Motor Vehicles  
2110 to establish a wrecker allocation system; providing  
2111 requirements for the system; authorizing the division to  
2112 set maximum rates for towing and storage of vehicles;  
2113 prohibiting an unauthorized wrecker company from  
2114 monitoring a police radio or engaging in other activities;  
2115 providing penalties; providing requirements for  
2116 dispatching wreckers; amending s. 323.001, F.S., relating  
2117 to wrecker company storage facilities; providing  
2118 definitions; providing procedures for a law enforcement  
2119 agency to place a hold on a stored vehicle; providing for  
2120 payment of towing and storage charges; amending s.  
2121 323.002, F.S.; providing definitions; providing  
2122 requirements for a county or municipality that operates a  
2123 wrecker allocation system; providing requirements for the  
2124 system; prohibiting an unauthorized wrecker company from

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2125 monitoring a police radio or engaging in other activities;  
2126 providing penalties; providing requirements for  
2127 dispatching wreckers; creating chapter 508, F.S.;  
2128 providing definitions; creating the Wrecker Operator  
2129 Advisory Council within the Department of Agriculture and  
2130 Consumer Services; providing for membership and terms;  
2131 providing for reimbursement for travel and per diem  
2132 expenses; requiring the council to advise the department  
2133 on matters relating to standards and practices in the  
2134 wrecker industry; authorizing the department to adopt  
2135 rules; requiring wrecker companies to register with the  
2136 department; providing requirements for registration  
2137 renewal; providing requirements for advertisements;  
2138 requiring insurance coverage; requiring the department to  
2139 notify the Department of Highway Safety and Motor Vehicles  
2140 when a registration has been suspended or revoked;  
2141 authorizing the department to deny registration under  
2142 certain circumstances; specifying acceptable forms of  
2143 payment; establishing a certification program for wrecker  
2144 operators; requiring the department to approve courses and  
2145 organizations; providing requirements for examinations;  
2146 providing for certification in specialized wrecker  
2147 services; requiring the department to adopt rules;  
2148 providing for certification cards to be issued to wrecker  
2149 operators who complete the certification course and pass  
2150 the examination; prohibiting the performance of wrecker  
2151 services after a specified date unless the company is

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2152 registered and obtains certification as required;  
2153 authorizing the department to inspect employment records;  
2154 providing requirements for continuing education;  
2155 specifying prohibited acts; providing administrative,  
2156 civil, and criminal penalties; providing for registration  
2157 fees; providing for deposit of fees, penalties, and other  
2158 funds; providing that the chapter does not apply to  
2159 recovery agents; authorizing counties and municipalities  
2160 to enact ordinances governing wrecker operators; requiring  
2161 that a wrecker company maintain records of its services  
2162 for a specified time; requiring a wrecker company to keep  
2163 records of its operators continuing education courses for  
2164 a specified time; directing organizations that conduct  
2165 continuing education courses to keep records for a  
2166 specified time; amending s. 713.78, F.S.; removing mobile  
2167 homes from the application of a statutory lien for towing  
2168 and storage; conforming provisions related to recovering,  
2169 towing, or storing vessels; providing for attorney's fees;  
2170 creating s. 713.785, F.S.; authorizing the imposition of  
2171 lien by a mobile home transport company for recovering,  
2172 towing, or storing a mobile home; providing definitions;  
2173 requiring a mobile home transport company to provide  
2174 notice of recovery, towing, or storage services; providing  
2175 for the filing of a complaint; providing procedures for  
2176 the sale of an unclaimed mobile home; specifying  
2177 circumstances under which a mobile home transport company  
2178 must obtain a certificate of destruction; providing for

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2179 fees; authorizing the department to adopt rules; providing  
2180 for fees; providing for issuing certificates of  
2181 destruction and revalidation stickers; providing  
2182 procedures for disputing a lien and for discharge of a  
2183 lien; providing for the posting and repayment of surety;  
2184 providing for criminal penalties; amending s. 715.07,  
2185 F.S.; defining the term "vessel"; conforming provisions  
2186 related to towing vessels parked on private property;  
2187 imposing criminal penalties for failure to comply with  
2188 certain laws governing the towing of vehicles and vessels;  
2189 repealing s. 1.01(15), F.S., relating to the definition of  
2190 the term "wrecker operator"; providing an appropriation  
2191 and authorizing additional positions; providing effective  
2192 dates.

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