

1 A bill to be entitled
2 An act relating to wrecker services; amending s. 120.80,
3 F.S.; exempting hearings of the Division of the Florida
4 Highway Patrol concerning the wrecker allocation system
5 from requirements of ch. 120, F.S.; creating s. 205.1975,
6 F.S.; prohibiting a county or municipality from issuing or
7 renewing a license for a wrecker company that is not in
8 compliance with the requirements of the act; amending s.
9 316.530, F.S., relating to traffic control; conforming
10 provisions to changes made by the act; reenacting s.
11 316.550(4), F.S., relating to special wrecker permits, to
12 incorporate the amendment to s. 320.01, F.S., in
13 references thereto; amending s. 316.605, F.S.; providing
14 requirements for licensing wreckers and other vehicles;
15 amending s. 320.01, F.S.; redefining the term "wrecker"
16 for purposes of the Florida Statutes; amending ss. 320.03
17 and 320.0706, F.S., relating to motor vehicle registration
18 and license plates; conforming provisions to changes made
19 by the act; reenacting s. 320.08(5)(d) and (e), F.S.,
20 relating to license taxes, to incorporate the amendment to
21 s. 320.01, F.S., in references thereto; amending s.
22 320.0821, F.S.; revising requirements for the issuance of
23 wrecker license plates; amending s. 320.13, F.S., relating
24 to dealer license plates; conforming provisions to changes
25 made by the act; amending s. 321.051, F.S.; providing
26 definitions; requiring the Division of the Florida Highway
27 Patrol within the Department of Highway Safety and Motor
28 Vehicles to establish a wrecker allocation system;

29 providing requirements for the system; authorizing the
30 division to set maximum rates for towing and storage of
31 vehicles; prohibiting an unauthorized wrecker company from
32 monitoring a police radio or engaging in other activities;
33 providing penalties; providing requirements for
34 dispatching wreckers; amending s. 323.001, F.S., relating
35 to wrecker company storage facilities; providing
36 definitions; providing procedures for a law enforcement
37 agency to place a hold on a stored vehicle; providing for
38 payment of towing and storage charges; amending s.
39 323.002, F.S.; providing definitions; providing
40 requirements for a county or municipality that operates a
41 wrecker allocation system; providing requirements for the
42 system; prohibiting an unauthorized wrecker company from
43 monitoring a police radio or engaging in other activities;
44 providing penalties; providing requirements for
45 dispatching wreckers; creating ch. 508, F.S.; providing
46 definitions; creating the Wrecker Operator Advisory
47 Council within the Department of Agriculture and Consumer
48 Services; providing for membership and terms; providing
49 for reimbursement for travel and per diem expenses;
50 requiring the council to advise the department on matters
51 relating to standards and practices in the wrecker
52 industry; authorizing the department to adopt rules;
53 requiring wrecker companies to register with the
54 department; providing requirements for registration
55 renewal; providing requirements for advertisements;
56 requiring insurance coverage; requiring the department to

57 | notify the Department of Highway Safety and Motor Vehicles
58 | when a registration has been suspended or revoked;
59 | authorizing the department to deny registration under
60 | certain circumstances; specifying acceptable forms of
61 | payment; establishing a certification program for wrecker
62 | operators; requiring the department to approve courses and
63 | organizations; providing requirements for examinations;
64 | providing for certification in specialized wrecker
65 | services; requiring the department to adopt rules;
66 | providing for certification cards to be issued to wrecker
67 | operators who complete the certification course and pass
68 | the examination; prohibiting the performance of wrecker
69 | services after a specified date unless the company is
70 | registered and obtains certification as required;
71 | authorizing the department to inspect employment records;
72 | providing requirements for continuing education;
73 | specifying prohibited acts; providing administrative,
74 | civil, and criminal penalties; providing for registration
75 | fees; providing for deposit of fees, penalties, and other
76 | funds; providing that the chapter does not apply to
77 | recovery agents; authorizing counties and municipalities
78 | to enact ordinances governing wrecker operators; requiring
79 | that a wrecker company maintain records of its services
80 | for a specified time; requiring a wrecker company to keep
81 | records of its operators continuing education courses for
82 | a specified time; directing organizations that conduct
83 | continuing education courses to keep records for a
84 | specified time; amending s. 713.78, F.S., relating to

85 | liens for recovering, towing, or storing vehicles and
86 | vessels; providing definitions; conforming provisions to
87 | changes made by the act; providing for attorney's fees to
88 | be awarded to the prevailing party for a frivolous claim
89 | of wrongful taking or claim of lien; providing immunity
90 | from liability for a wrecker company, its operators, and
91 | other employees or agents if services are performed with
92 | reasonable care or for complying with the directions of a
93 | law enforcement officer; providing for the owner of a
94 | vehicle or vessel to dispute a claim of lien by a wrecker
95 | company based on a record of sale; clarifying that the
96 | amendments made by the act do not affect the validity of
97 | prior liens; creating s. 713.785, F.S.; authorizing the
98 | imposition of lien by a mobile home transport company for
99 | recovering, towing, or storing a mobile home; providing
100 | definitions; requiring a mobile home transport company to
101 | provide notice of recovery, towing, or storage services;
102 | providing for the filing of a complaint; providing
103 | procedures for the sale of an unclaimed mobile home;
104 | specifying circumstances under which a mobile home
105 | transport company must obtain a certificate of
106 | destruction; providing for fees; authorizing the
107 | department to adopt rules; providing for fees; providing
108 | for issuing certificates of destruction and revalidation
109 | stickers; providing procedures for disputing a lien and
110 | for discharge of a lien; providing for the posting and
111 | repayment of surety; providing for criminal penalties;
112 | amending s. 319.30, F.S.; redefining the term "certificate

113 of destruction," to conform; amending s. 713.69, F.S.,
 114 relating to circumstances in which it is unlawful to
 115 remove property upon which a lien has accrued, to conform;
 116 amending s. 715.07, F.S., relating to the towing of
 117 vehicles and vessels parked on real property without
 118 permission; providing definitions; providing for the
 119 towing and removal of vehicles and vessels under certain
 120 circumstances; conforming provisions to changes made by
 121 the act; providing requirements for towing and storage;
 122 prohibiting a property owner from soliciting a wrecker
 123 company for a rebate for the privilege of removing
 124 vehicles from the owner's property; providing immunity
 125 from liability for a wrecker company, its operators, and
 126 other employees or agents if services are performed with
 127 reasonable care; providing that failure to comply with
 128 notice requirements precludes a wrecker company from
 129 imposing certain towing or storage charges; providing
 130 penalties; repealing s. 1.01(15), F.S., relating to the
 131 definition of the term "wrecker operator"; providing an
 132 appropriation and authorizing additional positions;
 133 providing effective dates.

134
 135 Be It Enacted by the Legislature of the State of Florida:

136
 137 Section 1. Effective January 1, 2006, paragraph (b) of
 138 subsection (8) of section 120.80, Florida Statutes, is amended
 139 to read:

140 120.80 Exceptions and special requirements; agencies.--

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

142 (b) Wrecker companies ~~operators~~.--Notwithstanding s.
 143 120.57(1)(a), hearings held by the Division of the Florida
 144 Highway Patrol of the Department of Highway Safety and Motor
 145 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~
 146 from participating in the wrecker allocation ~~rotation~~ system
 147 established under ~~by~~ s. 321.051 need not be conducted by an
 148 administrative law judge assigned by the division. These
 149 hearings shall be held by a hearing officer appointed by the
 150 director of the Division of the Florida Highway Patrol.

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

153 205.1975 Wrecker companies; consumer protection.--A county
 154 or municipality may not issue or renew an occupational license
 155 for the operation of a wrecker company under chapter 508 unless
 156 the wrecker company exhibits a current registration from the
 157 Department of Agriculture and Consumer Services.

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

160 316.530 Towing requirements.--

161 (3) Whenever a motor vehicle becomes disabled upon the
 162 highways of this state and a wrecker ~~or tow truck~~ is required to
 163 remove it to a repair shop or other appropriate location, if the
 164 combined weights of those two vehicles and the loads thereon
 165 exceed the maximum allowable weights as established by s.
 166 316.535, no penalty shall be assessed either vehicle or driver.

167 However, this exception shall not apply to the load limits for
 168 bridges and culverts established by the department as provided

169 in s. 316.555.

170 Section 4. For the purpose of incorporating the amendment
 171 made by this act to section 320.01, Florida Statutes, in a
 172 reference thereto, subsection (4) of section 316.550, Florida
 173 Statutes, is reenacted to read:

174 316.550 Operations not in conformity with law; special
 175 permits.--

176 (4)(a) The Department of Transportation may issue a
 177 wrecker special blanket permit to authorize a wrecker as defined
 178 in s. 320.01(40) to tow a disabled vehicle as defined in s.
 179 320.01(38) where the combination of the wrecker and the disabled
 180 vehicle being towed exceeds the maximum weight limits as
 181 established by s. 316.535.

182 (b) The Department of Transportation must supply the
 183 permitted wrecker with a map showing the routes on which the
 184 wrecker may safely tow disabled vehicles for all special permit
 185 classifications for which the wrecker applies.

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

188 316.605 Licensing of vehicles.--

189 (1) Every vehicle, at all times while driven, stopped, or
 190 parked upon any highways, roads, or streets of this state, shall
 191 be licensed in the name of the owner thereof in accordance with
 192 the laws of this state unless such vehicle is not required by
 193 the laws of this state to be licensed in this state and shall,
 194 except as otherwise provided in s. 320.0706 for front-end
 195 registration license plates on truck tractors or wreckers,
 196 display the license plate or both of the license plates assigned

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197 to it by the state, one on the rear and, if two, the other on
 198 the front of the vehicle, each to be securely fastened to the
 199 vehicle outside the main body of the vehicle in such manner as
 200 to prevent the plates from swinging, with all letters, numerals,
 201 printing, writing, and other identification marks upon the
 202 plates clear and distinct and free from defacement, mutilation,
 203 grease, and other obscuring matter, so that they will be plainly
 204 visible and legible at all times 100 feet from the rear or
 205 front. In addition, if only one registration plate is issued for
 206 a motor vehicle that is equipped with a mechanical loading
 207 device that may damage the plate, the plate may be attached to
 208 the front of the vehicle. Nothing shall be placed upon the face
 209 of a Florida plate except as permitted by law or by rule or
 210 regulation of a governmental agency. No license plates other
 211 than those furnished by the state shall be used. However, if
 212 the vehicle is not required to be licensed in this state, the
 213 license plates on such vehicle issued by another state, by a
 214 territory, possession, or district of the United States, or by a
 215 foreign country, substantially complying with the provisions
 216 hereof, shall be considered as complying with this chapter. A
 217 government license plate that is issued to a truck tractor or
 218 heavy truck having a gross vehicle weight of 26,001 pounds or
 219 more which is owned by a governmental entity may be placed on
 220 the front of the vehicle and is in compliance with this chapter.
 221 A violation of this subsection is a noncriminal traffic
 222 infraction, punishable as a nonmoving violation as provided in
 223 chapter 318.

224 Section 6. Subsection (40) of section 320.01, Florida

225 Statutes, is amended to read:

226 320.01 Definitions, general.--As used in the Florida
 227 Statutes, except as otherwise provided, the term:

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

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

235 320.03 Registration; duties of tax collectors;
 236 International Registration Plan.--

237 (8) If the applicant's name appears on the list referred
 238 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 239 license plate or revalidation sticker may not be issued until
 240 that person's name no longer appears on the list or until the
 241 person presents a receipt from the clerk showing that the fines
 242 outstanding have been paid. The tax collector and the clerk of
 243 the court are each entitled to receive monthly, as costs for
 244 implementing and administering this subsection, 10 percent of
 245 the civil penalties and fines recovered from such persons. As
 246 used in this subsection, the term "civil penalties and fines"
 247 does not include a wrecker company's ~~operator's~~ lien as
 248 described in s. 713.78(13). If the tax collector has private tag
 249 agents, such tag agents are entitled to receive a pro rata share
 250 of the amount paid to the tax collector, based upon the
 251 percentage of license plates and revalidation stickers issued by
 252 the tag agent compared to the total issued within the county.

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253 The authority of any private agent to issue license plates shall
 254 be revoked, after notice and a hearing as provided in chapter
 255 120, if he or she issues any license plate or revalidation
 256 sticker contrary to the provisions of this subsection. This
 257 section applies only to the annual renewal in the owner's birth
 258 month of a motor vehicle registration and does not apply to the
 259 transfer of a registration of a motor vehicle sold by a motor
 260 vehicle dealer licensed under this chapter, except for the
 261 transfer of registrations which is inclusive of the annual
 262 renewals. This section does not affect the issuance of the title
 263 to a motor vehicle, notwithstanding s. 319.23(7)(b).

264 Section 8. Section 320.0706, Florida Statutes, is amended
 265 to read:

266 320.0706 Display of license plates on trucks.--The owner
 267 of any commercial truck of gross vehicle weight of 26,001 pounds
 268 or more shall display the registration license plate on both the
 269 front and rear of the truck in conformance with all the
 270 requirements of s. 316.605 that do not conflict with this
 271 section. However, the owner of a truck tractor or a wrecker must
 272 ~~shall be required to~~ display the registration license plate only
 273 on the front of such vehicle.

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

278 320.08 License taxes.--Except as otherwise provided
 279 herein, there are hereby levied and imposed annual license taxes
 280 for the operation of motor vehicles, mopeds, motorized bicycles

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281 as defined in s. 316.003(2), and mobile homes, as defined in s.
 282 320.01, which shall be paid to and collected by the department
 283 or its agent upon the registration or renewal of registration of
 284 the following:

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

287 (d) A wrecker, as defined in s. 320.01(40), which is used
 288 to tow a vessel as defined in s. 327.02(36), a disabled,
 289 abandoned, stolen-recovered, or impounded motor vehicle as
 290 defined in s. 320.01(38), or a replacement motor vehicle as
 291 defined in s. 320.01(39): \$30 flat.

292 (e) A wrecker, as defined in s. 320.01(40), which is used
 293 to tow any motor vehicle, regardless of whether or not such
 294 motor vehicle is a disabled motor vehicle as defined in s.
 295 320.01(38), a replacement motor vehicle as defined in s.
 296 320.01(39), a vessel as defined in s. 327.02(36), or any other
 297 cargo, as follows:

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

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

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

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

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

308 6. Gross vehicle weight of 44,000 pounds or more, but less

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309 than 55,000 pounds: \$572 flat.

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

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

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

316 Section 10. Subsection (1) of section 320.0821, Florida
317 Statutes, is amended, and subsection (5) is added to that
318 section, to read:

319 320.0821 Wrecker license plates.--

320 (1) The department shall issue one a wrecker license
321 plate, regardless of gross vehicle weight, to the owner of any
322 motor vehicle that is used to tow, carry, or otherwise transport
323 motor vehicles and that is equipped for that purpose with a
324 boom, winch, carrier, or other similar equipment, except a motor
325 vehicle registered under the International Registration Plan,
326 upon application and payment of the appropriate license tax and
327 fees in accordance with s. 320.08(5)(d) or (e).

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

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

333 320.0821 Wrecker license plates.--

334 (1) The department shall issue one wrecker license plate,
335 regardless of gross vehicle weight, to the owner of a wrecker
336 ~~any motor vehicle that is used to tow, carry, or otherwise~~

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337 ~~transport motor vehicles and that is equipped for that purpose~~
 338 ~~with a boom, winch, carrier, or other similar equipment, except~~
 339 ~~a motor vehicle registered under the International Registration~~
 340 ~~Plan,~~ upon application and payment of the appropriate license
 341 tax and fees in accordance with s. 320.08(5)(d) or (e). However,
 342 the department may issue or renew a wrecker license plate only
 343 if the owner of the wrecker is a wrecker company registered
 344 under chapter 508. This section does not apply to a motor
 345 vehicle registered under the International Registration Plan.

346 Section 12. Paragraph (a) of subsection (1) of section
 347 320.13, Florida Statutes, is amended to read:

348 320.13 Dealer and manufacturer license plates and
 349 alternative method of registration.--

350 (1)(a) Any licensed motor vehicle dealer and any licensed
 351 mobile home dealer may, upon payment of the license tax imposed
 352 by s. 320.08(12), secure one or more dealer license plates,
 353 which are valid for use on motor vehicles or mobile homes owned
 354 by the dealer to whom such plates are issued while the motor
 355 vehicles are in inventory and for sale, or while being operated
 356 in connection with such dealer's business, but are not valid for
 357 use for hire. Dealer license plates may not be used on any ~~tow~~
 358 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 359 wrecker is being demonstrated for sale, and the dealer license
 360 plates may not be used on a vehicle used to transport another
 361 motor vehicle for the motor vehicle dealer.

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

364 (Substantial rewording of section. See

365 s. 321.051, F.S., for present text.)
 366 321.051 Florida Highway Patrol wrecker allocation system;
 367 penalties for operation outside of system.--
 368 (1) As used in this section, the term:
 369 (a) "Division" means the Division of the Florida Highway
 370 Patrol within the Department of Highway Safety and Motor
 371 Vehicles.
 372 (b) "Authorized wrecker company" means a wrecker company
 373 designated by the division as part of its wrecker allocation
 374 system.
 375 (c) "Unauthorized wrecker company" means a wrecker company
 376 not designated by the division as part of its wrecker allocation
 377 system.
 378 (d) "Wrecker company" has the same meaning ascribed in s.
 379 508.01.
 380 (e) "Wrecker operator" has the same meaning ascribed in s.
 381 508.01.
 382 (f) "Wrecker services" has the same meaning ascribed in s.
 383 508.01.
 384 (2)(a) The division may establish within areas designated
 385 by the division a wrecker allocation system, using qualified,
 386 reputable wrecker companies, for the removal from crash scenes
 387 and the storage of wrecked or disabled vehicles when the owner
 388 or operator is incapacitated, unavailable, or leaves the
 389 procurement of wrecker services to the officer at the scene and
 390 for the removal and storage of abandoned vehicles.
 391 (b) The wrecker allocation system may use only wrecker
 392 companies registered under chapter 508. Each reputable wrecker

393 company registered under chapter 508 is eligible for use in the
 394 system if its equipment and wrecker operators meet the
 395 recognized safety qualifications and mechanical standards set by
 396 the division's rules for the size of vehicle they are designed
 397 to handle. The division may limit the number of wrecker
 398 companies participating in the wrecker allocation system.

399 (c) The division may establish maximum rates for the
 400 towing and storage of vehicles removed at the division's request
 401 if those rates are not established by a county or municipality
 402 under s. 125.0103 or s. 166.043. These rates are not rules for
 403 the purpose of chapter 120; however, the Department of Highway
 404 Safety and Motor Vehicles shall adopt rules prescribing the
 405 procedures for setting these rates.

406 (d) Notwithstanding chapter 120, a final order of the
 407 department denying, suspending, or revoking a wrecker company's
 408 participation in the wrecker allocation system may be appealed
 409 only in the manner and within the time provided by the Florida
 410 Rules of Appellate Procedure by a writ of certiorari issued by
 411 the circuit court in the county in which the wrecker company's
 412 primary place of business is located, as evidenced by the
 413 wrecker company's registration under chapter 508.

414 (3)(a) An unauthorized wrecker company, its wrecker
 415 operators, or its other employees or agents may not monitor a
 416 police radio for communications between patrol field units and
 417 the dispatcher in order to determine the location of a wrecked
 418 or disabled vehicle for the purpose of dispatching its wrecker
 419 operator to drive by the scene of the vehicle in a manner
 420 described in paragraph (b) or paragraph (c). Any person who

421 violates this paragraph commits a noncriminal violation,
422 punishable as provided in s. 775.083.

423 (b) A wrecker operator dispatched by an unauthorized
424 wrecker company may not drive by the scene of a wrecked or
425 disabled vehicle before the arrival of the wrecker operator
426 dispatched by the authorized wrecker company, initiate contact
427 with the owner or operator of the vehicle by soliciting or
428 offering wrecker services, or tow the vehicle. Any person who
429 violates this paragraph commits a misdemeanor of the second
430 degree, punishable as provided in s. 775.082 or s. 775.083.

431 (c) When a wrecker operator dispatched by an unauthorized
432 wrecker company drives by the scene of a wrecked or disabled
433 vehicle and the owner or operator initiates contact by signaling
434 the wrecker operator to stop and provide wrecker services, the
435 wrecker operator must disclose to the owner or operator of the
436 vehicle that he or she was not dispatched by the authorized
437 wrecker company designated as part of the wrecker allocation
438 system and must disclose, in writing, what charges for towing
439 and storage will apply before the vehicle is connected to the
440 towing apparatus. Any person who violates this paragraph commits
441 a misdemeanor of the second degree, punishable as provided in s.
442 775.082 or s. 775.083.

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

449 (4) This section does not prohibit, or in any way prevent,
 450 the owner or operator of a vehicle involved in a crash or
 451 otherwise disabled from contacting any wrecker company for the
 452 provision of wrecker services, regardless of whether the wrecker
 453 company is an authorized wrecker company or not. However, if a
 454 law enforcement officer determines that the disabled vehicle or
 455 vehicle cargo is a public safety hazard, the officer may, in the
 456 interest of public safety, dispatch an authorized wrecker
 457 company if the officer believes that the authorized wrecker
 458 company would arrive at the scene before the wrecker company
 459 requested by the owner or operator of the disabled vehicle or
 460 vehicle cargo.

461 (5) A law enforcement officer may dispatch an authorized
 462 wrecker company out of rotation to the scene of a wrecked or
 463 disabled vehicle if the authorized wrecker company next on
 464 rotation is not equipped to provide the required wrecker
 465 services and the out-of-rotation authorized wrecker company is
 466 available with the required equipment. However, this subsection
 467 does not prohibit or prevent the owner or operator of a vehicle
 468 involved in a crash or otherwise disabled from contacting any
 469 wrecker company who is properly equipped to provide the required
 470 wrecker services, regardless of whether the wrecker company is
 471 an authorized wrecker company or not, unless the law enforcement
 472 officer determines that the wrecked or disabled vehicle is a
 473 public safety hazard and the officer believes that the
 474 authorized wrecker company would arrive at the scene before the
 475 wrecker company requested by the owner or operator.

476 Section 14. Effective January 1, 2006, section 323.001,

477 Florida Statutes, is amended to read:

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

480 323.001 Wrecker company storage facilities; vehicle
 481 holds.--

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

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

485 (b) "Wrecker company" has the same meaning ascribed in s.
 486 508.01.

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

491 (3) To extend a hold, the law enforcement agency must
 492 notify the wrecker company in writing within the 5 business
 493 days. If notification is not made within the 5 business days,
 494 the wrecker company must release the vehicle to the designated
 495 person under s. 713.78.

496 (a) If the hold is extended beyond the 5 business days,
 497 the law enforcement agency may have the vehicle removed to a
 498 designated impound lot, in which event the vehicle may not be
 499 released by the law enforcement agency to the owner or
 500 lienholder of the vehicle until proof of payment of the towing
 501 and storage charges incurred by the wrecker company is presented
 502 to the law enforcement agency.

503 (b) If the law enforcement agency chooses to have the
 504 vehicle remain at the wrecker company's storage facility for

505 more than 5 business days under the written notification, the
506 law enforcement agency is responsible for paying the storage
507 charges incurred by the wrecker company for the requested
508 extended period. In such an event, the owner or lienholder is
509 responsible for paying the accrued towing and storage charges
510 for the first 5 business days, or any period less than the first
511 5 business days, if the law enforcement agency moves the vehicle
512 from the wrecker company's storage facility to a designated
513 impound lot or provides written notification to extend the hold
514 on the vehicle before the expiration of the 5 business days.

515 (c) The towing and storage rates for the owner or
516 lienholder of the held vehicle may not exceed the rates for the
517 law enforcement agency.

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

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

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

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

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

533 (d) The law enforcement officer has probable cause to
 534 believe that the vehicle is itself evidence that tends to show
 535 that a crime has been committed or that the vehicle contains
 536 evidence, which cannot readily be removed, which tends to show
 537 that a crime has been committed;

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

543 (f) The vehicle is impounded or immobilized under s.
 544 316.193 or s. 322.34; or

545 (g) The law enforcement officer is complying with a court
 546 order.

547 (6) The hold must be in writing and must specify:

548 (a) The name and agency of the law enforcement officer
 549 placing the hold on the vehicle.

550 (b) The date and time the hold is placed on the vehicle.

551 (c) A general description of the vehicle, including its
 552 color, make, model, body style, and year; vehicle identification
 553 number (VIN); registration license plate number, state, and
 554 year; and validation sticker number, state, and year.

555 (d) The specific reason for placing the hold.

556 (e) The condition of the vehicle.

557 (f) The location where the vehicle is being held.

558 (g) The name, address, and telephone number of the wrecker
 559 company and the storage facility.

560 (7) A wrecker company's storage facility must comply with

561 a hold placed by a law enforcement officer, including
 562 instructions for inside or outside storage. A wrecker company's
 563 storage facility may not release a motor vehicle subject to a
 564 hold to any person except as directed by the law enforcement
 565 agency placing the hold.

566 (8) When a vehicle owner is found guilty of, or pleads
 567 nolo contendere to, the offense that resulted in a hold being
 568 placed on his or her vehicle, regardless of the adjudication of
 569 guilt, the owner must pay the accrued towing and storage charges
 570 assessed against the vehicle.

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

573 (Substantial rewording of section. See
 574 s. 323.002, F.S., for present text.)

575 323.002 County and municipal wrecker allocation systems;
 576 penalties for operation outside of system.--

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

578 (a) "Authorized wrecker company" means a wrecker company
 579 designated as part of the wrecker allocation system established
 580 by the governmental unit having jurisdiction over the scene of a
 581 wrecked or disabled vehicle.

582 (b) "Unauthorized wrecker company" means a wrecker company
 583 not designated as part of the wrecker allocation system
 584 established by the governmental unit having jurisdiction over
 585 the scene of a wrecked or disabled vehicle.

586 (c) "Wrecker allocation system" means a system for the
 587 towing or removal of wrecked, disabled, or abandoned vehicles,
 588 similar to the Florida Highway Patrol wrecker allocation system

589 described in s. 321.051(2), under which a county or municipality
 590 contracts with one or more wrecker companies registered under
 591 chapter 508 for the towing or removal of wrecked, disabled, or
 592 abandoned vehicles from accident scenes, streets, or highways.
 593 Each wrecker allocation system must use a method for
 594 apportioning the towing assignments among the eligible wrecker
 595 companies through the creation of geographic zones, a rotation
 596 schedule, or a combination of these methods.

597 (d) "Wrecker company" has the same meaning ascribed in s.
 598 508.01.

599 (e) "Wrecker operator" has the same meaning ascribed in s.
 600 508.01.

601 (f) "Wrecker services" has the same meaning ascribed in s.
 602 508.01.

603 (2) In a county or municipality that operates a wrecker
 604 allocation system:

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

607 (b) An unauthorized wrecker company, its wrecker
 608 operators, or its other employees or agents may not monitor a
 609 police radio for communications between patrol field units and
 610 the dispatcher in order to determine the location of a wrecked
 611 or disabled vehicle for the purpose of dispatching its wrecker
 612 operator to drive by the scene of the vehicle in a manner
 613 described in paragraph (c) or paragraph (d). Any person who
 614 violates this paragraph commits a noncriminal violation,
 615 punishable as provided in s. 775.083.

616 (c) A wrecker operator dispatched by an unauthorized

617 wrecker company may not drive by the scene of a wrecked or
 618 disabled vehicle before the arrival of the wrecker operator
 619 dispatched by the authorized wrecker company, initiate contact
 620 with the owner or operator of the vehicle by soliciting or
 621 offering wrecker services, or tow the vehicle. Any person who
 622 violates this paragraph commits a misdemeanor of the second
 623 degree, punishable as provided in s. 775.082 or s. 775.083.

624 (d) When a wrecker operator dispatched by an unauthorized
 625 wrecker company drives by the scene of a wrecked or disabled
 626 vehicle and the owner or operator initiates contact by signaling
 627 the wrecker operator to stop and provide wrecker services, the
 628 wrecker operator must disclose to the owner or operator of the
 629 vehicle that he or she was not dispatched by the authorized
 630 wrecker company designated as part of the wrecker allocation
 631 system and must disclose, in writing, what charges for towing
 632 and storage will apply before the vehicle is connected to the
 633 towing apparatus. Any person who violates this paragraph commits
 634 a misdemeanor of the second degree, punishable as provided in s.
 635 775.082 or s. 775.083.

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

642 (3) This section does not prohibit, or in any way prevent,
 643 the owner or operator of a vehicle involved in a crash or
 644 otherwise disabled from contacting any wrecker company for the

645 provision of wrecker services, regardless of whether the wrecker
 646 company is an authorized wrecker company or not. However, if a
 647 law enforcement officer determines that the disabled vehicle or
 648 vehicle cargo is a public safety hazard, the officer may, in the
 649 interest of public safety, dispatch an authorized wrecker
 650 company if the officer believes that the authorized wrecker
 651 company would arrive at the scene before the wrecker company
 652 requested by the owner or operator of the disabled vehicle or
 653 vehicle cargo.

654 (4) A law enforcement officer may dispatch an authorized
 655 wrecker company out of rotation to the scene of a wrecked or
 656 disabled vehicle if the authorized wrecker company next on
 657 rotation is not equipped to provide the required wrecker
 658 services and the out-of-rotation authorized wrecker company is
 659 available with the required equipment. However, this subsection
 660 does not prohibit or prevent the owner or operator of a vehicle
 661 involved in a crash or otherwise disabled from contacting any
 662 wrecker company that is properly equipped to provide the
 663 required wrecker services, regardless of whether the wrecker
 664 company is an authorized wrecker company or not, unless the law
 665 enforcement officer determines that the wrecked or disabled
 666 vehicle is a public safety hazard and the officer believes that
 667 the authorized wrecker company would arrive at the scene before
 668 the wrecker company requested by the owner or operator.

669 Section 16. Chapter 508, Florida Statutes, consisting of
 670 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06,
 671 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13,
 672 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20, is

673 created to read:

674 CHAPTER 508

675 WRECKER SERVICES

676 508.01 Definitions.--As used in this chapter, the term:

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

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

682 (3) "Department" means the Department of Agriculture and
 683 Consumer Services.

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

687 (5) "Ultimate equitable owner" means a natural person who,
 688 directly or indirectly, owns or controls 10 percent or more of
 689 an ownership interest in a wrecker company, regardless of
 690 whether the natural person owns or controls the ownership
 691 interest through one or more natural persons or one or more
 692 proxies, powers of attorney, nominees, business entities, or any
 693 combination thereof.

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

699 (7) "Vessel" means every description of watercraft, barge,
 700 and air boat used or capable of being used as a means of

701 transportation on water, other than a seaplane or a documented
702 vessel as defined in s. 327.02.

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

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

709 (10) "Wrecker operator" means a person who performs
710 wrecker services.

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

715 (a) Driving a wrecker.

716 (b) Loading, securing, and unloading a vehicle or vessel
717 on a wrecker using a boom, winch, car carrier, or other similar
718 equipment.

719 (c) Towing or removal of a wrecked, disabled, or abandoned
720 vehicle under the Florida Highway Patrol wrecker allocation
721 system pursuant to s. 321.051 or under a county or municipal
722 wrecker allocation system pursuant to s. 323.002.

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

725 (e) Towing, transportation, or removal of a vehicle or
726 vessel parked on real property without permission under s.
727 715.07.

728 (f) Recovery of a vehicle or vessel.

729 508.02 Wrecker Operator Advisory Council.--

730 (1) The Wrecker Operator Advisory Council is created
 731 within the department. The council shall advise and assist the
 732 department in administering this chapter.

733 (2)(a) The council shall be composed of six members
 734 appointed by the Commissioner of Agriculture. In addition, the
 735 executive director of the Professional Wrecker Operators of
 736 Florida, Inc., shall serve ex officio as a voting member of the
 737 council.

738 (b) Three members of the council must each be an ultimate
 739 equitable owner of a wrecker company who has been an ultimate
 740 equitable owner of that company for at least 5 years before his
 741 or her appointment; one member must be a wrecker operator who is
 742 not an ultimate equitable owner of a wrecker company and who has
 743 been a wrecker operator for at least 5 years before his or her
 744 appointment; and two members must be laypersons. Each member
 745 must be a resident of this state. This paragraph expires July 1,
 746 2011.

747 (c) Effective July 1, 2011, three members of the council
 748 must each be an ultimate equitable owner of a wrecker company
 749 registered under this chapter who has been an ultimate equitable
 750 owner of that company registered for at least 5 years before his
 751 or her appointment; one member must be a wrecker operator
 752 certified under this chapter who is not an ultimate equitable
 753 owner of a wrecker company and who has been a wrecker operator
 754 certified for at least 5 years before his or her appointment;
 755 and two members must be laypersons. Each member must be a
 756 resident of this state.

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

764 (4)(a) From among its members, the council shall annually
765 elect a chair, who shall preside over the meetings of the
766 council, and a vice chair.

767 (b) In conducting its meetings, the council shall use
768 accepted rules of procedure. The department shall keep a
769 complete record of each meeting which must show the names of
770 members present and the actions taken. These records and other
771 documents about matters within the jurisdiction of the council
772 must be kept on file with the department.

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

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

778 (7) The council shall review the rules adopted by the
779 department to administer this chapter and shall advise the
780 department on matters relating to industry standards and
781 practices and other issues that require technical expertise and
782 consultation or that promote better consumer protection in the
783 wrecker industry.

784 508.03 Rulemaking authority.--The department may adopt

785 rules under ss. 120.536(1) and 120.54 to administer this
 786 chapter.

787 508.04 Wrecker companies; registration
 788 required.--Effective January 1, 2006:

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

793 (2) A person applying for or renewing a local occupational
 794 license to engage for hire in the business of a wrecker company
 795 must exhibit a current registration certificate from the
 796 department before the local occupational license may be issued
 797 or reissued under chapter 205.

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

804 508.05 Registration requirements; renewal of
 805 registrations.--

806 (1) Each wrecker company engaged or attempting to engage
 807 for hire in the business of towing, carrying, or transporting
 808 vehicles, vessels, or mobile homes by wrecker upon the streets
 809 and highways of this state must annually register with the
 810 department on forms prescribed by the department. The
 811 application for registration must include at least the following
 812 information:

813 (a) The name and federal employer identification number of
814 the wrecker company.

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

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

819 (d) The full name, residence address, business address,
820 and telephone number of the applicant. If the applicant is other
821 than a natural person, the application must also contain the
822 full name, residence address, business address, telephone
823 number, and federal employer identification number, if
824 applicable, of each ultimate equitable owner of the business
825 entity and each officer, director, partner, manager, member, or
826 managing member of the entity.

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

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

833 (2) Each initial and renewal application for registration
834 must be accompanied by the registration fee prescribed in s.
835 508.16.

836 (3) Each initial application for registration must be
837 accompanied by a complete set of the applicant's fingerprints
838 taken by a law enforcement agency. If the applicant is other
839 than a natural person, a complete set of fingerprints must also
840 be filed for each ultimate equitable owner of the business

841 entity and each officer, director, partner, manager, member, or
842 managing member of the entity. The department shall submit the
843 fingerprints to the Department of Law Enforcement for state
844 processing, and the Department of Law Enforcement shall forward
845 the fingerprints to the Federal Bureau of Investigation for
846 national processing. The applicant must also pay the Department
847 of Law Enforcement a fingerprint processing fee of \$23 for state
848 processing, and an additional fee for federal processing, for
849 each applicant's name submitted. Registration renewal
850 applications need not be accompanied by a set of fingerprints
851 for an individual who previously submitted a set of fingerprints
852 to the department as part of a prior year's registration
853 application.

854 (4) The department shall review each application in
855 accordance with s. 120.60 and shall issue a registration
856 certificate, in the form and size prescribed by the department,
857 to each wrecker company whose application is approved. The
858 certificate must show at least the name and address of the
859 wrecker company and the registration number. The registration
860 certificate must be prominently displayed in the wrecker
861 company's primary place of business.

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

868 (6) A registration is invalid for a wrecker company

869 transacting business at a place other than the location
 870 designated in the registration application unless the department
 871 is first notified in writing before the change of location. A
 872 registration issued under this chapter is not transferable or
 873 assignable, and a wrecker company may not conduct business under
 874 a name other than as registered. A wrecker company desiring to
 875 change its registered name, location, or registered agent for
 876 service of process at a time other than upon renewal of
 877 registration must notify the department of the change.

878 (7)(a) Each registration must be renewed annually on or
 879 before the expiration date of the current registration. A late
 880 fee of \$25 must be paid, in addition to the registration fee or
 881 any other penalty, for a registration renewal application that
 882 is received by the department after the expiration date of the
 883 current registration. The department may not issue a
 884 registration until all fees are paid.

885 (b) A wrecker company whose primary place of business is
 886 located within a county or municipality that requires, by local
 887 ordinance, a local occupational license under chapter 205 may
 888 not renew a license under this chapter unless the wrecker
 889 company obtains the occupational license from the county or
 890 municipality.

891 (8) Each wrecker company must provide the department with
 892 a certificate of insurance for the required insurance coverage
 893 under s. 627.7415 before the department may issue the
 894 registration certificate for an initial or renewal registration.
 895 The department must be named as a certificateholder on the
 896 insurance certificate and must be notified at least 30 days

897 before any change in insurance coverage.

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

903 508.06 Denial of registration.--The department may deny,
 904 revoke, or refuse to renew the registration of a wrecker company
 905 based upon a determination that the applicant or, if the
 906 applicant is other than a natural person, the wrecker company or
 907 any of its ultimate equitable owners, officers, directors,
 908 partners, managers, members, or managing members has:

909 (1) Not met the requirements for registration under this
 910 chapter;

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

914 (3) Been convicted of, found guilty of, or pled guilty or
 915 nolo contendere to, regardless of the adjudication of guilt, a
 916 crime within the last 10 years involving repossession of a motor
 917 vehicle under chapter 493; repair of a motor vehicle under ss.
 918 559.901-559.9221; theft of a motor vehicle under s. 812.014;
 919 carjacking under s. 812.133; operation of a chop shop under s.
 920 812.16; failure to maintain records of motor vehicle parts and
 921 accessories under s. 860.14; airbag theft or use of fake airbags
 922 under s. 860.145 or s. 860.146; overcharging for repairs and
 923 parts under s. 860.15; or a violation of towing or storage
 924 requirements for a motor vehicle under s. 321.051, chapter 323,

925 s. 713.78, s. 715.07, or this chapter;

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

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

933 (6) A judgment entered against him or her in an action
 934 brought by the department under this chapter.

935 508.061 Acceptable forms of payment.--A wrecker company
 936 shall accept a minimum of two of the following forms of payment:

937 (1) Cash, cashier's check, money order, or traveler's
 938 check;

939 (2) Valid personal check, showing upon its face the name
 940 and address of the vehicle or vessel owner or authorized
 941 representative; or

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

944 508.07 Wrecker operator certification program.--

945 (1) The department, in consultation with the council,
 946 shall establish a wrecker operator certification program by
 947 December 31, 2005. Under this program, the council shall approve
 948 certification courses for wrecker operators conducted by
 949 approved organizations. The council shall prescribe the minimum
 950 curricula for these courses, which must comprise at least 16
 951 hours, equally apportioned between theoretical instruction and
 952 practical training. The council must approve each organization

953 and its certification course before the course is accepted for
 954 certification of wrecker operators under this chapter.

955 (2) Each approved wrecker operator certification course
 956 must include a certification examination demonstrating a wrecker
 957 operator's knowledge, skills, and abilities in performing
 958 wrecker services and in the instruction and training of the
 959 certification course. The council must approve each
 960 certification examination before the examination is accepted for
 961 certification of wrecker operators under this chapter.

962 (3) Each organization conducting an approved wrecker
 963 operator certification course must issue on forms prescribed by
 964 the department a certificate to each wrecker operator who
 965 completes the approved certification course or who passes the
 966 approved certification examination.

967 508.08 Specialized wrecker services.--

968 (1) In addition to the minimum curricula for certification
 969 of wrecker operators, each approved certification course must
 970 offer optional instruction, training, and examination of wrecker
 971 operators for each of the following specialized wrecker
 972 services:

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

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

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

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

984 (e) Rollback wrecker.--Proper loading, securing,
 985 transporting, and unloading of a vehicle on a flatbed-rollback
 986 wrecker.

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

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

992 (2) The department shall adopt rules prescribing specific
 993 standards to further define each of the specialized wrecker
 994 services described in subsection (1). The council must approve
 995 the instruction, training, and examination for a specialized
 996 wrecker service before the specialized wrecker service is
 997 accepted for endorsement of a wrecker operator's certification
 998 under this chapter.

999 (3) Each organization conducting an approved wrecker
 1000 operator certification course must issue on forms prescribed by
 1001 the department a certificate to each wrecker operator who
 1002 completes the approved instruction and training for a
 1003 specialized wrecker service or who passes the approved
 1004 endorsement examination for that specialized wrecker service.

1005 508.09 Certification cards.--

1006 (1) Each organization conducting an approved wrecker
 1007 operator certification course must issue a certification card to
 1008 each wrecker operator who completes the approved certification

1009 course and passes the approved certification examination. The
 1010 department must approve the form of the certification cards
 1011 issued by each organization. Each certification card must
 1012 include the wrecker operator's name, a color photograph or
 1013 digital image of the wrecker operator, and the expiration date
 1014 of the certification card.

1015 (2) Each certification card must also include the wrecker
 1016 operator's applicable endorsements for specialized wrecker
 1017 services, for which the wrecker operator completed the approved
 1018 instruction and training for the specialized wrecker service and
 1019 passed the approved endorsement examination for that specialized
 1020 wrecker service.

1021 (3) The department may adopt rules governing the issuance
 1022 of a certification card to a wrecker operator who:

1023 (a) Completes a certification course and passes a
 1024 certification examination in another state which are
 1025 substantially equivalent to the approved certification courses
 1026 and approved certification examinations in this state.

1027 (b) Completed a certification course and passed a
 1028 certification examination in this state between January 1, 2000,
 1029 and December 31, 2005, which are substantially equivalent to the
 1030 approved certification courses and the approved certification
 1031 examinations. This paragraph expires July 1, 2006.

1032 (c) Completed instruction and training for a specialized
 1033 wrecker service and passed an endorsement examination for that
 1034 specialized wrecker service between January 1, 2000, and
 1035 December 31, 2005, which are substantially equivalent to the
 1036 approved instruction and training and the approved endorsement

1037 examinations. This paragraph expires July 1, 2006.

1038
 1039 For the purposes of this subsection, the council shall approve
 1040 each certification examination in another state, and shall
 1041 approve the instruction, training, and examination for each
 1042 specialized wrecker service in another state, which the council
 1043 determines are substantially equivalent to the approved
 1044 certification courses and approved certification examinations in
 1045 this state or to the approved instruction, training, and
 1046 endorsement examinations for a specialized wrecker service in
 1047 this state.

1048 (4) Each certification card expires 5 years after the date
 1049 of issuance.

1050 (5) Certification cards shall be issued by the
 1051 organizations conducting approved wrecker operator certification
 1052 courses. The department is not responsible for issuing
 1053 certification cards or for the costs associated with the
 1054 issuance of certification cards.

1055 508.10 Wrecker operators; certification required;
 1056 inspection of employment records.--Effective January 1, 2006:

1057 (1) A person may not perform wrecker services in this
 1058 state unless he or she is an employee or ultimate equitable
 1059 owner of a wrecker company that is registered with the
 1060 department under this chapter and those wrecker services are
 1061 performed on behalf of the wrecker company.

1062 (2)(a) A person may not perform wrecker services or
 1063 specialized wrecker services for a wrecker company for more than
 1064 6 months after first being employed by, or becoming an ultimate

1065 equitable owner of, the wrecker company without being certified
 1066 as a wrecker operator under this chapter.

1067 (b) A wrecker operator certified under this chapter may
 1068 not perform a specialized wrecker service for a wrecker company
 1069 unless the wrecker operator's certification includes an
 1070 endorsement for that specialized wrecker service.

1071 (3)(a) Notwithstanding subsections (1) and (2), a person
 1072 may perform wrecker services or specialized wrecker services in
 1073 this state if he or she is an employee or ultimate equitable
 1074 owner of a motor vehicle repair shop registered with the
 1075 department under s. 559.904 and those wrecker services or
 1076 specialized wrecker services are performed on behalf of the
 1077 motor vehicle repair shop.

1078 (b) Notwithstanding subsections (1) and (2), a person may
 1079 perform wrecker services or specialized wrecker services in this
 1080 state if those wrecker services or specialized wrecker services
 1081 are performed on behalf of a religious organization that holds a
 1082 current exemption from federal taxation, or that is not required
 1083 to apply for recognition of its exemption, under s. 501 of the
 1084 Internal Revenue Code.

1085 (4) The department may, at any time during business hours,
 1086 enter any business location of a wrecker company and examine the
 1087 company's books or records. If the department has reason to
 1088 believe that a violation of this chapter has occurred or is
 1089 occurring, the department may subpoena any necessary books or
 1090 records.

1091 508.11 Renewal of certification; continuing education
 1092 requirements.--

1093 (1) The department, in consultation with the council,
 1094 shall establish a continuing education program for the
 1095 recertification of wrecker operators by December 31, 2007. In
 1096 order to renew a wrecker operator's certification card, an
 1097 operator must complete a continuing education course. The
 1098 council must prescribe the minimum curricula and proper
 1099 examination for each continuing education course, each of which
 1100 must be at least 8 hours in length. The council shall approve
 1101 each organization, and the continuing education course it
 1102 proposes to offer, before the course is approved for
 1103 recertifying wrecker operators.

1104 (2) Each organization conducting an approved wrecker
 1105 operator continuing education course must issue, on forms
 1106 prescribed by the department, a certificate to each wrecker
 1107 operator who completes the approved course or who passes an
 1108 approved recertification examination.

1109 508.12 Prohibited acts.--It is a violation of this chapter
 1110 for a person to:

1111 (1) Charge rates that exceed the maximum rates imposed by
 1112 the ordinances of the respective county or municipality under
 1113 ss. 125.0103(1)(c) and 166.043(1)(c).

1114 (2) Violate s. 321.051, relating to the Florida Highway
 1115 Patrol wrecker allocation system.

1116 (3) Violate s. 323.002, relating to county and municipal
 1117 wrecker allocation systems.

1118 (4) Violate s. 713.78, relating to liens for recovering,
 1119 towing, or storing vehicles and vessels.

1120 (5) Violate s. 715.07, relating to towing or removing

1121 vehicles and vessels parked on real property without permission.

1122 (6) Refuse to allow a law enforcement officer to inspect a
 1123 towing and storage facility, as required in s. 812.055.

1124 (7) Allow a person who is not certified as a wrecker
 1125 operator under this chapter to perform wrecker services or
 1126 specialized wrecker services for the wrecker company for more
 1127 than 6 months after first being employed by, or becoming an
 1128 ultimate equitable owner of, the wrecker company.

1129 (8) Allow a wrecker operator certified under this chapter
 1130 to perform a specialized wrecker service for the wrecker company
 1131 if the wrecker operator's certification does not include an
 1132 endorsement for that specialized wrecker service.

1133 (9) Perform an act otherwise prohibited by this chapter or
 1134 fail to perform an act otherwise required by this chapter.

1135 508.13 Administrative penalties; inspection of records.--

1136 (1) The department may order one or more of the following
 1137 if the department finds that a person has violated this chapter
 1138 or the rules or orders issued under this chapter:

1139 (a) Issue a notice of noncompliance under s. 120.695.

1140 (b) Impose an administrative fine not to exceed \$5,000 for
 1141 each act or omission.

1142 (c) Direct the person to cease and desist specified
 1143 activities.

1144 (d) Refuse to register the wrecker company or suspend or
 1145 revoke the wrecker company's registration.

1146 (e) Place the wrecker company on probation for a period of
 1147 time, subject to the conditions specified by the department.

1148 (2) Chapter 120 shall govern an administrative proceeding

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1149 resulting from an order imposing a penalty specified in
 1150 subsection (1).

1151 508.14 Civil penalties.--The department may bring a civil
 1152 action in a court of competent jurisdiction to recover any
 1153 penalties or damages allowed in this chapter and for injunctive
 1154 relief to enforce compliance with this chapter. The department
 1155 may seek a civil penalty of up to \$5,000 for each violation of
 1156 this chapter and may seek restitution for and on behalf of any
 1157 owner of a vehicle, vessel, or mobile home who is aggrieved or
 1158 injured by a violation of this chapter.

1159 508.15 Criminal penalties.--Effective July 1, 2006:

1160 (1) A person who violates s. 508.04(1) by operating a
 1161 wrecker company in this state without being registered with the
 1162 department under this chapter commits a felony of the third
 1163 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1164 775.084.

1165 (2) A person who violates s. 508.10(1) by performing
 1166 wrecker services in this state without being an employee or
 1167 ultimate equitable owner of a wrecker company that is registered
 1168 with the department under this chapter commits a felony of the
 1169 third degree, punishable as provided in s. 775.082, s. 775.083,
 1170 or s. 775.084.

1171 508.16 Fees.--The department shall adopt by rule a fee
 1172 schedule, not to exceed the following amounts:

1173 (1) Wrecker company registration fee: \$495.

1174 (2) Wrecker company registration renewal fee: \$495.

1175 508.17 General Inspection Trust Fund; payments.--All fees,
 1176 penalties, or other funds collected by the department under this

1177 chapter must be deposited in the General Inspection Trust Fund
 1178 and may only be used for the purpose of administering this
 1179 chapter.

1180 508.18 Recovery agents; exemption.--This chapter does not
 1181 apply to a person licensed under chapter 493 performing
 1182 repossession services.

1183 508.19 County and municipal ordinances.--A county or
 1184 municipality may enact ordinances governing the business of
 1185 transporting vehicles or vessels by wrecker which are more
 1186 restrictive than this chapter. This section does not limit the
 1187 authority of a political subdivision to impose regulatory fees
 1188 or charges or to levy occupational license taxes under chapter
 1189 205. The department may enter into a cooperative agreement with
 1190 any county or municipality that provides for the referral,
 1191 investigation, and prosecution of consumer complaints alleging
 1192 violations of this act. The department is authorized to delegate
 1193 enforcement of this act to any county or municipality entering
 1194 into a cooperative agreement.

1195 508.20 Records.--

1196 (1) Each wrecker company shall maintain records of its
 1197 wrecker services for at least 12 months. These records shall be
 1198 maintained at the wrecker company's principal place of business.

1199 (2) Each wrecker company shall maintain records on each of
 1200 its wrecker operators sufficient to demonstrate that the
 1201 operator has successfully completed an approved wrecker operator
 1202 certification course or an approved wrecker operator continuing
 1203 education course and is certified to perform wrecker services.
 1204 These records shall be maintained at the wrecker company's

1205 principal place of business for as long as the operator is
 1206 employed by the wrecker company and for at least 6 months
 1207 thereafter.

1208 (3) Each organization approved to conduct a wrecker
 1209 operator certification course or approved to offer a wrecker
 1210 operator continuing education course shall maintain records on
 1211 each person who successfully completes one of the courses. The
 1212 records shall be maintained at the organization's principal
 1213 place of business for at least 5 years. The department may, at
 1214 any time during normal business hours, enter the organization's
 1215 principal place of business to examine the records.

1216 Section 17. Subsection (13) of section 713.78, Florida
 1217 Statutes, is amended to read:

1218 713.78 Liens for recovering, towing, or storing vehicles
 1219 and vessels.--

1220 (13)(a) Upon receipt by the Department of Highway Safety
 1221 and Motor Vehicles of written notice from a wrecker operator who
 1222 claims a wrecker operator's lien under paragraph (2)(c) or
 1223 paragraph (2)(d) for recovery, towing, or storage of an
 1224 abandoned vehicle, vessel, or mobile home upon instructions from
 1225 any law enforcement agency, for which a certificate of
 1226 destruction has been issued under subsection (11), the
 1227 department shall place the name of the registered owner of that
 1228 vehicle, vessel, or mobile home on the list of those persons who
 1229 may not be issued a license plate or revalidation sticker for
 1230 any motor vehicle under s. 320.03(8). If the vehicle, vessel, or
 1231 mobile home is owned jointly by more than one person, the name
 1232 of each registered owner shall be placed on the list. The notice

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1233 of wrecker operator's lien shall be submitted on forms provided
 1234 by the department, which must include:

1235 1. The name, address, and telephone number of the wrecker
 1236 operator.

1237 2. The name of the registered owner of the vehicle,
 1238 vessel, or mobile home and the address to which the wrecker
 1239 operator provided notice of the lien to the registered owner
 1240 under subsection (4).

1241 3. A general description of the vehicle, vessel, or mobile
 1242 home, including its color, make, model, body style, and year.

1243 4. The vehicle identification number (VIN); registration
 1244 license plate number, state, and year; validation decal number,
 1245 state, and year; mobile home sticker number, state, and year;
 1246 vessel registration number; hull identification number; or other
 1247 identification number, as applicable.

1248 5. The name of the person or the corresponding law
 1249 enforcement agency that requested that the vehicle, vessel, or
 1250 mobile home be recovered, towed, or stored.

1251 6. The amount of the wrecker operator's lien, not to
 1252 exceed the amount allowed by paragraph (b).

1253 (b) For purposes of this subsection only, the amount of
 1254 the wrecker operator's lien for which the department will
 1255 prevent issuance of a license plate or revalidation sticker may
 1256 not exceed the amount of the charges for recovery, towing, and
 1257 storage of the vehicle, vessel, or mobile home for 7 days. These
 1258 charges may not exceed the maximum rates imposed by the
 1259 ordinances of the respective county or municipality under ss.
 1260 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit

1261 the amount of a wrecker operator's lien claimed under subsection
 1262 (2) or prevent a wrecker operator from seeking civil remedies
 1263 for enforcement of the entire amount of the lien, but limits
 1264 only that portion of the lien for which the department will
 1265 prevent issuance of a license plate or revalidation sticker.

1266 (c)1. The registered owner of a vehicle, vessel, or mobile
 1267 home may dispute a wrecker operator's lien, by notifying the
 1268 department of the dispute in writing on forms provided by the
 1269 department, if at least one of the following applies:

1270 a. The registered owner presents a notarized bill of sale
 1271 proving that the vehicle, vessel, or mobile home was sold in a
 1272 private or casual sale before the vehicle, vessel, or mobile
 1273 home was recovered, towed, or stored.

1274 b. The registered owner presents proof that the Florida
 1275 certificate of title of the vehicle, vessel, or mobile home was
 1276 sold to a licensed dealer as defined in s. 319.001 before the
 1277 vehicle, vessel, or mobile home was recovered, towed, or stored.

1278 c. The records of the department were marked to indicate
 1279 that the vehicle, vessel, or mobile home was sold before the
 1280 issuance of the certificate of destruction under subsection
 1281 (11).

1282
 1283 If the registered owner's dispute of a wrecker operator's lien
 1284 complies with one of these criteria, the department shall
 1285 immediately remove the registered owner's name from the list of
 1286 those persons who may not be issued a license plate or
 1287 revalidation sticker for any motor vehicle under s. 320.03(8),
 1288 thereby allowing issuance of a license plate or revalidation

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1289 sticker. If the vehicle, vessel, or mobile home is owned jointly
 1290 by more than one person, each registered owner must dispute the
 1291 wrecker operator's lien in order to be removed from the list.
 1292 However, the department shall deny any dispute and maintain the
 1293 registered owner's name on the list of those persons who may not
 1294 be issued a license plate or revalidation sticker for any motor
 1295 vehicle under s. 320.03(8) if the wrecker operator has provided
 1296 the department with a certified copy of the judgment of a court
 1297 which orders the registered owner to pay the wrecker operator's
 1298 lien claimed under this section. In such a case, the amount of
 1299 the wrecker operator's lien allowed by paragraph (b) may be
 1300 increased to include no more than \$500 of the reasonable costs
 1301 and attorney's fees incurred in obtaining the judgment. The
 1302 department's action under this subparagraph is ministerial in
 1303 nature, shall not be considered final agency action, and may be
 1304 appealed ~~is appealable~~ only to the county court for the county
 1305 in which the vehicle, vessel, or mobile home was ordered
 1306 removed.

1307 2. A person against whom a wrecker operator's lien has
 1308 been imposed may alternatively obtain a discharge of the lien by
 1309 filing a complaint, challenging the validity of the lien or the
 1310 amount thereof, in the county court of the county in which the
 1311 vehicle, vessel, or mobile home was ordered removed. Upon filing
 1312 of the complaint, the person may have her or his name removed
 1313 from the list of those persons who may not be issued a license
 1314 plate or revalidation sticker for any motor vehicle under s.
 1315 320.03(8), thereby allowing issuance of a license plate or
 1316 revalidation sticker, upon posting with the court a cash or

1317 | surety bond or other adequate security equal to the amount of
 1318 | the wrecker operator's lien to ensure the payment of such lien
 1319 | in the event she or he does not prevail. Upon the posting of the
 1320 | bond and the payment of the applicable fee set forth in s.
 1321 | 28.24, the clerk of the court shall issue a certificate
 1322 | notifying the department of the posting of the bond and
 1323 | directing the department to release the wrecker operator's lien.
 1324 | Upon determining the respective rights of the parties, the court
 1325 | may award damages and costs in favor of the prevailing party.

1326 | 3. If a person against whom a wrecker operator's lien has
 1327 | been imposed does not object to the lien, but cannot discharge
 1328 | the lien by payment because the wrecker operator has moved or
 1329 | gone out of business, the person may have her or his name
 1330 | removed from the list of those persons who may not be issued a
 1331 | license plate or revalidation sticker for any motor vehicle
 1332 | under s. 320.03(8), thereby allowing issuance of a license plate
 1333 | or revalidation sticker, upon posting with the clerk of court in
 1334 | the county in which the vehicle, vessel, or mobile home was
 1335 | ordered removed, a cash or surety bond or other adequate
 1336 | security equal to the amount of the wrecker operator's lien.
 1337 | Upon the posting of the bond and the payment of the application
 1338 | fee set forth in s. 28.24, the clerk of the court shall issue a
 1339 | certificate notifying the department of the posting of the bond
 1340 | and directing the department to release the wrecker operator's
 1341 | lien. The department shall mail to the wrecker operator, at the
 1342 | address upon the lien form, notice that the wrecker operator
 1343 | must claim the security within 60 days, or the security will be
 1344 | released back to the person who posted it. At the conclusion of

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1345 the 60 days, the department shall direct the clerk as to which
 1346 party is entitled to payment of the security, less applicable
 1347 clerk's fees.

1348 4. A wrecker operator's lien expires 5 years after filing.

1349 (d) Upon discharge of the amount of the wrecker operator's
 1350 lien allowed by paragraph (b), the wrecker operator must issue a
 1351 certificate of discharged wrecker operator's lien on forms
 1352 provided by the department to each registered owner of the
 1353 vehicle, vessel, or mobile home attesting that the amount of the
 1354 wrecker operator's lien allowed by paragraph (b) has been
 1355 discharged. Upon presentation of the certificate of discharged
 1356 wrecker operator's lien by the registered owner, the department
 1357 shall immediately remove the registered owner's name from the
 1358 list of those persons who may not be issued a license plate or
 1359 revalidation sticker for any motor vehicle under s. 320.03(8),
 1360 thereby allowing issuance of a license plate or revalidation
 1361 sticker. Issuance of a certificate of discharged wrecker
 1362 operator's lien under this paragraph does not discharge the
 1363 entire amount of the wrecker operator's lien claimed under
 1364 subsection (2), but only certifies to the department that the
 1365 amount of the wrecker operator's lien allowed by paragraph (b),
 1366 for which the department will prevent issuance of a license
 1367 plate or revalidation sticker, has been discharged.

1368 (e) When a wrecker operator files a notice of wrecker
 1369 operator's lien under this subsection, the department shall
 1370 charge the wrecker operator a fee of \$2, which must ~~shall~~ be
 1371 deposited into the General Revenue Fund ~~established under s.~~
 1372 ~~860.158~~. A service charge of \$2.50 shall be collected and

1373 retained by the tax collector who processes a notice of wrecker
 1374 operator's lien.

1375 (f) This subsection applies only to the annual renewal in
 1376 the registered owner's birth month of a motor vehicle
 1377 registration and does not apply to the transfer of a
 1378 registration of a motor vehicle sold by a motor vehicle dealer
 1379 licensed under chapter 320, except for the transfer of
 1380 registrations which is inclusive of the annual renewals. This
 1381 subsection does not apply to any vehicle registered in the name
 1382 of a lessor. This subsection does not affect the issuance of the
 1383 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1384 (g) The Department of Highway Safety and Motor Vehicles
 1385 may adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
 1386 implement this subsection.

1387 Section 18. Effective January 1, 2006, section 713.78,
 1388 Florida Statutes, as amended by this act, is amended to read:

1389 713.78 Liens for recovering, towing, or storing vehicles
 1390 and vessels.--

1391 (1) As used in ~~For the purposes of~~ this section, the term:

1392 (a) "Business day" means a day other than a Saturday,
 1393 Sunday, or federal or state legal holiday.

1394 (b) "Property owner" has the same meaning ascribed in s.
 1395 715.07.

1396 (c)~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1397 508.01 ~~means any mobile item, whether motorized or not, which is~~
 1398 ~~mounted on wheels.~~

1399 (d)~~(b)~~ "Vessel" has the same meaning ascribed in s. 508.01
 1400 ~~means every description of watercraft, barge, and air boat used~~

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1401 ~~or capable of being used as a means of transportation on water,~~
 1402 ~~other than a seaplane or a "documented vessel" as defined in s.~~
 1403 ~~327.02(8).~~

1404 (e)~~(e)~~ "Wrecker" has the same meaning ascribed in s.
 1405 320.01 ~~means any truck or other vehicle which is used to tow,~~
 1406 ~~carry, or otherwise transport motor vehicles or vessels upon the~~
 1407 ~~streets and highways of this state and which is equipped for~~
 1408 ~~that purpose with a boom, winch, car carrier, or other similar~~
 1409 ~~equipment.~~

1410 (f) "Wrecker company" has the same meaning ascribed in s.
 1411 508.01.

1412 (g) "Wrecker operator" has the same meaning ascribed in s.
 1413 508.01.

1414 (2) Whenever a wrecker company registered under chapter
 1415 508 ~~person regularly engaged in the business of transporting~~
 1416 ~~vehicles or vessels by wrecker, tow truck, or car carrier~~
 1417 ~~recovers, removes, or stores a vehicle or, vessel, or mobile~~
 1418 ~~home upon instructions from:~~

1419 (a) The owner of the vehicle or vessel thereof; ~~or~~

1420 (b) The property owner or lessor, ~~or a person authorized~~
 1421 ~~by the owner or lessor,~~ of real property on which the ~~such~~
 1422 vehicle is ~~wrongfully~~ parked without permission, and the ~~such~~
 1423 removal is done in compliance with s. 715.07; or

1424 (c) A ~~Any~~ law enforcement agency, ~~or~~

1425 ~~(d) A mobile home park owner as defined in s. 723.003 who~~
 1426 ~~has a current writ of possession for a mobile home lot pursuant~~
 1427 ~~to s. 723.061,~~

1428

1429 the wrecker company has ~~she or he shall have~~ a lien on the such
 1430 vehicle or vessel for a reasonable towing fee and for a
 1431 reasonable storage fee; except that a no storage fee may not
 1432 ~~shall~~ be charged if a such vehicle or vessel is stored ~~for~~ less
 1433 than 6 hours.

1434 (3) This section does not authorize any person to claim a
 1435 lien on a vehicle for fees or charges connected with the
 1436 immobilization of a such vehicle using a vehicle boot or other
 1437 similar device under ~~pursuant to~~ s. 715.07.

1438 (4)(a) Any wrecker company that ~~person regularly engaged~~
 1439 ~~in the business of recovering, towing, or storing vehicles or~~
 1440 ~~vessels who~~ comes into possession of a vehicle or vessel under
 1441 ~~pursuant to~~ subsection (2), and who claims a lien for recovery,
 1442 towing, or storage services, must ~~shall~~ give notice to the
 1443 registered owner, to the insurance company insuring the vehicle
 1444 notwithstanding ~~the provisions of~~ s. 627.736, and to all persons
 1445 claiming a lien on the vehicle or vessel ~~thereon~~, as disclosed
 1446 by the records in the Department of Highway Safety and Motor
 1447 Vehicles or of a corresponding agency in any other state.

1448 (b) Whenever a any law enforcement agency authorizes the
 1449 removal of a vehicle, or whenever a wrecker company ~~any towing~~
 1450 ~~service, garage, repair shop, or automotive service, storage, or~~
 1451 ~~parking place~~ notifies the law enforcement agency of possession
 1452 of a vehicle under ~~pursuant to~~ s. 715.07(2)(a)2., the applicable
 1453 law enforcement agency shall contact the Department of Highway
 1454 Safety and Motor Vehicles, or the appropriate agency of the
 1455 state of registration, if known, within 24 hours through the
 1456 medium of electronic communications, giving the full description

1457 of the vehicle. Upon receipt of the full description of the
 1458 vehicle, the department shall search its files to determine the
 1459 owner's name, the insurance company insuring the vehicle, and
 1460 whether any person has filed a lien upon the vehicle as provided
 1461 in s. 319.27(2) and (3) and notify the applicable law
 1462 enforcement agency within 72 hours. The wrecker company ~~person~~
 1463 ~~in charge of the towing service, garage, repair shop, or~~
 1464 ~~automotive service, storage, or parking place~~ shall obtain this
 1465 ~~such~~ information from the applicable law enforcement agency
 1466 within 5 days after ~~from~~ the date of storage and must ~~shall~~ give
 1467 notice under ~~pursuant to~~ paragraph (a). The department may
 1468 release the insurance company information to the requestor
 1469 notwithstanding ~~the provisions of~~ s. 627.736.

1470 (c) Notice by certified mail, return receipt requested,
 1471 must ~~shall~~ be sent within 7 business days after the date of
 1472 storage of the vehicle or vessel to the registered owner, the
 1473 insurance company insuring the vehicle notwithstanding ~~the~~
 1474 ~~provisions of~~ s. 627.736, and all persons of record claiming a
 1475 lien against the vehicle or vessel. The notice must ~~it shall~~
 1476 state the fact of possession of the vehicle or vessel, that a
 1477 lien as provided in subsection (2) is claimed, that charges have
 1478 accrued and the amount of the charges ~~thereof~~, that the lien is
 1479 subject to enforcement under ~~pursuant to~~ law, ~~and~~ that the owner
 1480 or lienholder, if any, has the right to a hearing as set forth
 1481 in subsection (5), and that any vehicle or vessel which remains
 1482 unclaimed, or for which the charges for recovery, towing, or
 1483 storage services remain unpaid, may be sold free of all prior
 1484 liens after 35 days if the vehicle or vessel is more than 3

1485 years of age or after 50 days if the vehicle or vessel is 3
 1486 years of age or less.

1487 (d) If the wrecker company is unable ~~attempts~~ to identify
 1488 the name of ~~locate~~ the owner or lienholder ~~prove unsuccessful~~,
 1489 the wrecker company must ~~towing-storage operator shall~~, after 7
 1490 business working days following, ~~excluding Saturday and Sunday~~,
 1491 ~~of~~ the initial tow or storage, notify the public agency of
 1492 jurisdiction in writing by certified mail or acknowledged hand
 1493 delivery that the wrecker ~~towing-storage~~ company has been unable
 1494 to identify the name of ~~locate~~ the owner or lienholder and a
 1495 physical search of the vehicle or vessel has disclosed no
 1496 ownership information and a good faith effort has been made. For
 1497 purposes of this paragraph and subsection (9), the term "good
 1498 faith effort" means that the following checks have been
 1499 performed by the wrecker company to establish prior state of
 1500 registration and for title:

1501 1. Check of vehicle or vessel for any type of tag, tag
 1502 record, temporary tag, or regular tag.

1503 2. Check of law enforcement report for tag number or other
 1504 information identifying the vehicle or vessel, if the vehicle or
 1505 vessel was towed at the request of a law enforcement officer.

1506 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~
 1507 ~~truck~~ operator to see if a tag was on vehicle at beginning of
 1508 tow, if private tow.

1509 4. If there is no address of the owner on the impound
 1510 report, check of law enforcement report to see if an out-of-
 1511 state address is indicated from driver license information.

1512 5. Check of vehicle or vessel for inspection sticker or

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1513 other stickers and decals that may indicate a state of possible
1514 registration.

1515 6. Check of the interior of the vehicle or vessel for any
1516 papers that may be in the glove box, trunk, or other areas for a
1517 state of registration.

1518 7. Check of vehicle for vehicle identification number.

1519 8. Check of vessel for vessel registration number.

1520 9. Check of vessel hull for a hull identification number
1521 which should be carved, burned, stamped, embossed, or otherwise
1522 permanently affixed to the outboard side of the transom or, if
1523 there is no transom, to the outmost seaboard side at the end of
1524 the hull that bears the rudder or other steering mechanism.

1525 (5)(a) The owner of a vehicle or vessel removed under
1526 ~~pursuant to the provisions of~~ subsection (2), or any person
1527 claiming a lien, other than the wrecker company towing-storage
1528 ~~operator~~, within 10 days after the time she or he has knowledge
1529 of the location of the vehicle or vessel, may file a complaint
1530 in the county court of the county in which the vehicle or vessel
1531 is stored or in which the owner resides to determine if her or
1532 his property was wrongfully taken or withheld from her or him.

1533 (b) Upon filing of a complaint, an owner or lienholder may
1534 have her or his vehicle or vessel released upon posting with the
1535 court a cash or surety bond or other adequate security equal to
1536 the amount of the charges for towing or storage and lot rental
1537 amount to ensure the payment of the ~~such~~ charges in the event
1538 she or he does not prevail. Upon the posting of the bond and the
1539 payment of the applicable fee set forth in s. 28.24, the clerk
1540 of the court shall issue a certificate notifying the lienor of

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1541 the posting of the bond and directing the lienor to release the
 1542 vehicle or vessel. At the time of the ~~such~~ release, after
 1543 reasonable inspection, she or he shall give a receipt to the
 1544 wrecker towing-storage company reciting any claims she or he has
 1545 for loss or damage to the vehicle or vessel or to the contents
 1546 of the vehicle or vessel thereof.

1547 (c) Upon determining the respective rights of the parties,
 1548 the court shall ~~may~~ award damages, ~~and costs,~~ and reasonable
 1549 attorney's fees to in favor of the prevailing party. ~~In any~~
 1550 ~~event,~~ The final order must require ~~shall provide for~~ immediate
 1551 payment in full of the recovery, towing, and storage fees by the
 1552 vehicle or vessel owner or lienholder; by ~~or~~ the law enforcement
 1553 agency ordering the tow; or by the property owner, ~~lessee, or~~
 1554 ~~agent thereof~~ of the real property from which the vehicle or
 1555 vessel was towed or removed under s. 715.07.

1556 (6) Any vehicle or vessel that ~~which~~ is stored under
 1557 ~~pursuant to~~ subsection (2) and that ~~which~~ remains unclaimed, or
 1558 for which reasonable charges for recovery, towing, or storing
 1559 remain unpaid ~~or for which a lot rental amount is due and owing~~
 1560 ~~to the mobile home park owner, as evidenced by a judgment for~~
 1561 ~~unpaid rent,~~ and any contents not released under ~~pursuant to~~
 1562 subsection (10), may be sold by the wrecker company ~~owner or~~
 1563 ~~operator of the storage space~~ for the ~~such~~ towing or storage
 1564 charge or unpaid lot rental amount ~~after~~ 35 days after ~~from the~~
 1565 ~~time~~ the vehicle or vessel is stored in the wrecker company's
 1566 storage facility therein if the vehicle or vessel is more than 3
 1567 years of age or ~~after~~ 50 days after ~~following the time the~~
 1568 vehicle or vessel is stored in the wrecker company's storage

1569 facility ~~therein~~ if the vehicle or vessel is 3 years of age or
 1570 less. The sale must ~~shall~~ be at public auction for cash. If the
 1571 date of the sale is ~~was~~ not included in the notice required in
 1572 subsection (4), notice of the sale must ~~shall~~ be given to the
 1573 person in whose name the vehicle or, ~~vessel, or mobile home~~ is
 1574 registered, ~~to the mobile home park owner,~~ and to all persons
 1575 claiming a lien on the vehicle or vessel as shown on the records
 1576 of the Department of Highway Safety and Motor Vehicles or of the
 1577 corresponding agency in any other state. Notice must ~~shall~~ be
 1578 sent by certified mail, return receipt requested, to the owner
 1579 of the vehicle or vessel and the person having the recorded lien
 1580 on the vehicle or vessel at the address shown on the records of
 1581 the registering agency and must ~~shall~~ be mailed at least ~~not~~
 1582 ~~less than~~ 15 days before the date of the sale. After diligent
 1583 search and inquiry, if the name and address of the registered
 1584 owner or the owner of the recorded lien cannot be ascertained,
 1585 the requirements of notice by mail may be dispensed with. In
 1586 addition to the notice by mail, public notice of the time and
 1587 place of sale must ~~shall~~ be made by publishing a notice of the
 1588 sale ~~thereof~~ one time, at least 10 days before ~~prior to~~ the date
 1589 of the sale, in a newspaper of general circulation in the county
 1590 in which the sale is to be held. The proceeds of the sale, after
 1591 payment of reasonable towing and storage charges and, ~~costs of~~
 1592 the sale, ~~and the unpaid lot rental amount,~~ in that order of
 1593 priority, must ~~shall~~ be deposited with the clerk of the circuit
 1594 court for the county if the owner is absent, and the clerk shall
 1595 hold the ~~such~~ proceeds subject to the claim of the person
 1596 legally entitled to those proceeds ~~thereto~~. The clerk is ~~shall~~

1597 ~~be~~ entitled to receive 5 percent of the ~~such~~ proceeds for the
 1598 care and disbursement of the proceeds thereof. The certificate
 1599 of title issued under this section must ~~law shall~~ be discharged
 1600 of all liens unless otherwise provided by court order.

1601 (7)(a) A wrecker company, its wrecker operators, and other
 1602 employees or agents of the wrecker company ~~operator~~ recovering,
 1603 towing, or storing vehicles or vessels are ~~is~~ not liable for
 1604 damages connected with those ~~such~~ services, theft of the ~~such~~
 1605 vehicles or vessels, or theft of personal property contained in
 1606 the ~~such~~ vehicles or vessels, if those ~~provided that such~~
 1607 services are ~~have been~~ performed with reasonable care and if
 1608 ~~provided, further, that,~~ in the case of removal of a vehicle or
 1609 vessel upon the request of a person purporting, and reasonably
 1610 appearing, to be the property owner ~~or lessee, or a person~~
 1611 ~~authorized by the owner or lessee,~~ of the real property from
 1612 which the ~~such~~ vehicle or vessel is removed, the ~~such~~ removal
 1613 has been done in compliance with s. 715.07. Further, a wrecker
 1614 company, its wrecker operators, and other employees or agents of
 1615 the wrecker company ~~are~~ ~~operator~~ ~~is~~ not liable for damage
 1616 connected with those ~~such~~ services when complying with the
 1617 lawful directions of a law enforcement officer to remove a
 1618 vehicle stopped, standing, or parked upon a street or highway in
 1619 ~~such~~ a position that obstructs ~~as to obstruct~~ the normal
 1620 movement of traffic or that creates ~~in such a condition as to~~
 1621 ~~create~~ a hazard to other traffic upon the street or highway.

1622 (b) Employees or authorized agents of an authorized or
 1623 unauthorized wrecker company, as defined in s. 321.051 or s.
 1624 323.002, may remove a vehicle or vehicle cargo from a public

1625 road without consent of the owner or operator of the vehicle or
 1626 vehicle cargo upon request of a law enforcement officer as
 1627 defined in s. 112.531, a sheriff or deputy sheriff as defined in
 1628 s. 30.072, or a firefighter as defined in s. 112.81. The
 1629 employee or authorized agent of the wrecker company, its wrecker
 1630 operators, and other employees or agents of the wrecker company,
 1631 the law enforcement officer, sheriff, or deputy sheriff, and the
 1632 firefighters and emergency medical services providers are not
 1633 liable for any property damages or claims of damage for the
 1634 removal if the vehicle or vehicle cargo is removed because it
 1635 presents an imminent public safety hazard.

1636 (c)(b) For the purposes of this subsection, a wrecker
 1637 company, its wrecker operators, and other employees or agents of
 1638 the wrecker company are ~~operator is~~ presumed to use reasonable
 1639 care to prevent the theft of a vehicle or vessel or of any
 1640 personal property contained in the such vehicle stored in the
 1641 wrecker company's ~~operator's~~ storage facility if all of the
 1642 following apply:

1643 1. The wrecker company ~~operator~~ surrounds the storage
 1644 facility with a chain-link or solid-wall type fence at least 6
 1645 feet in height;

1646 2. The wrecker company illuminates ~~operator has~~
 1647 ~~illuminated~~ the storage facility with lighting of sufficient
 1648 intensity to reveal persons and vehicles at a distance of at
 1649 least 150 feet during nighttime; and

1650 3. The wrecker company ~~operator~~ uses one or more of the
 1651 following security methods to discourage theft of vehicles or
 1652 vessels or of any personal property contained in such vehicles

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1653 or vessels stored in the wrecker company's ~~operator's~~ storage
 1654 facility:

1655 a. A night dispatcher or watchman remains on duty at the
 1656 storage facility from sunset to sunrise;

1657 b. A security dog remains at the storage facility from
 1658 sunset to sunrise;

1659 c. Security cameras or other similar surveillance devices
 1660 monitor the storage facility; or

1661 d. A security guard service examines the storage facility
 1662 at least once each hour from sunset to sunrise.

1663 (d)~~(e)~~ Any law enforcement agency requesting that a motor
 1664 vehicle be removed from an accident scene, street, or highway
 1665 must conduct an inventory and prepare a written record of all
 1666 personal property found in the vehicle before the vehicle is
 1667 removed by a wrecker operator. However, if the owner or driver
 1668 of the motor vehicle is present and accompanies the vehicle, an
 1669 ~~ne~~ inventory by law enforcement is not required. A wrecker
 1670 company, its wrecker operators, and other employees or agents of
 1671 the wrecker company are ~~operator is~~ not liable for the loss of
 1672 personal property alleged to be contained in ~~such~~ a vehicle when
 1673 the ~~such~~ personal property was not identified on the inventory
 1674 record prepared by the law enforcement agency requesting the
 1675 removal of the vehicle.

1676 (8) A wrecker company and its wrecker operators, excluding
 1677 ~~person regularly engaged in the business of recovering, towing,~~
 1678 ~~or storing vehicles or vessels, except~~ a person licensed under
 1679 chapter 493 while engaged in "repossession" activities as
 1680 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~

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1681 ~~car carrier~~ unless the name, address, and telephone number of
1682 the wrecker company performing the wrecker services ~~service~~ is
1683 clearly printed in contrasting colors on the driver and
1684 passenger sides of the wrecker ~~its vehicle~~. The name must be in
1685 at least 3-inch permanently affixed letters, and the address and
1686 telephone number must be in at least 1-inch permanently affixed
1687 letters.

1688 (9) Failure to make good faith best efforts to comply with
1689 the notice requirements of this section precludes ~~shall preclude~~
1690 the imposition of any storage charges against the ~~such~~ vehicle
1691 or vessel.

1692 (10) Each wrecker company that provides ~~Persons who~~
1693 ~~provide~~ services under ~~pursuant to~~ this section must ~~shall~~
1694 permit vehicle or vessel owners or their agents, which agency is
1695 evidenced by a writing acknowledged by the owner before a notary
1696 public or other person empowered by law to administer oaths, to
1697 inspect the towed vehicle or vessel and must ~~shall~~ release to
1698 the owner or agent all personal property not affixed to the
1699 vehicle or vessel which was in the vehicle or vessel at the time
1700 the vehicle or vessel came into the custody of the wrecker
1701 company person providing those ~~such~~ services.

1702 (11)(a) A wrecker company that ~~Any person regularly~~
1703 ~~engaged in the business of recovering, towing, or storing~~
1704 ~~vehicles or vessels who~~ comes into possession of a vehicle or
1705 vessel under ~~pursuant to~~ subsection (2) and that complies ~~who~~
1706 ~~has complied~~ with the provisions of subsections (3) and (6),
1707 when the ~~such~~ vehicle or vessel is to be sold for purposes of
1708 being dismantled, destroyed, or changed in a a ~~such~~ manner that it

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1709 is not the motor vehicle ~~or~~, vessel, ~~or mobile home~~ described in
 1710 the certificate of title, must ~~shall~~ apply to the county tax
 1711 collector for a certificate of destruction. A certificate of
 1712 destruction, which authorizes the dismantling or destruction of
 1713 the vehicle or vessel described on the certificate therein, is
 1714 ~~shall be~~ reassignable no more than twice ~~a maximum of two times~~
 1715 before dismantling or destruction of the vehicle is ~~shall be~~
 1716 required, and the certificate must ~~shall~~ accompany the vehicle
 1717 or vessel for which it is issued, when the ~~such~~ vehicle or
 1718 vessel is sold for that purpose ~~such purposes~~, in lieu of a
 1719 certificate of title. The application for a certificate of
 1720 destruction must include an affidavit from the applicant that it
 1721 has complied with all applicable requirements of this section
 1722 and, if the vehicle or vessel is not registered in this state,
 1723 by a statement from a law enforcement officer that the vehicle
 1724 or vessel is not reported stolen, and must also ~~shall~~ be
 1725 accompanied by any other ~~such~~ documentation ~~as may be~~ required
 1726 by the department.

1727 (b) The Department of Highway Safety and Motor Vehicles
 1728 shall charge a fee of \$3 for each certificate of destruction. A
 1729 service charge of \$4.25 shall be collected and retained by the
 1730 tax collector who processes the application.

1731 (c) The Department of Highway Safety and Motor Vehicles
 1732 may adopt ~~such~~ rules to administer ~~as it deems necessary or~~
 1733 ~~proper for the administration of~~ this subsection.

1734 (12)(a) Any person who violates ~~any provision of~~
 1735 subsection (1), subsection (2), subsection (4), subsection (5),
 1736 subsection (6), or subsection (7) commits ~~is guilty of~~ a

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1737 misdemeanor of the first degree, punishable as provided in s.
 1738 775.082 or s. 775.083.

1739 (b) Any person who violates ~~the provisions of~~ subsections
 1740 (8) through (11) commits ~~is guilty of~~ a felony of the third
 1741 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1742 775.084.

1743 (c) Any person who uses a false or fictitious name, gives
 1744 a false or fictitious address, or makes any false statement in
 1745 any application or affidavit required under ~~the provisions of~~
 1746 this section commits ~~is guilty of~~ a felony of the third degree,
 1747 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1748 (d) Employees of the Department of Highway Safety and
 1749 Motor Vehicles and law enforcement officers may ~~are authorized~~
 1750 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
 1751 ~~person regularly engaged in the business of recovering, towing,~~
 1752 ~~or storing vehicles or vessels or transporting vehicles or~~
 1753 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure
 1754 compliance with the requirements of this section. Any person who
 1755 fails to maintain records, or fails to produce records when
 1756 required in a reasonable manner and at a reasonable time,
 1757 commits a misdemeanor of the first degree, punishable as
 1758 provided in s. 775.082 or s. 775.083.

1759 (13)(a) Upon receipt by the Department of Highway Safety
 1760 and Motor Vehicles of written notice from a wrecker company
 1761 ~~operator~~ who claims a wrecker company's ~~operator's~~ lien under
 1762 paragraph (2)(c) ~~or paragraph (2)(d)~~ for recovery, towing, or
 1763 storage of an abandoned vehicle or, ~~or~~ vessel, ~~or mobile home~~ upon
 1764 instructions from any law enforcement agency, for which a

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1765 certificate of destruction has been issued under subsection
1766 (11), the department shall place the name of the registered
1767 owner of that vehicle or vessel, ~~or mobile home~~ on the list of
1768 those persons who may not be issued a license plate or
1769 revalidation sticker for any motor vehicle under s. 320.03(8).
1770 If the vehicle or vessel, ~~or mobile home~~ is owned jointly by
1771 more than one person, the name of each registered owner shall be
1772 placed on the list. The notice of wrecker company's ~~operator's~~
1773 lien shall be submitted on forms provided by the department,
1774 which must include:

- 1775 1. The name, address, and telephone number of the wrecker
1776 company ~~operator~~.
- 1777 2. The name of the registered owner of the vehicle or
1778 vessel, ~~or mobile home~~ and the address to which the wrecker
1779 company ~~operator~~ provided notice of the lien to the registered
1780 owner under subsection (4).
- 1781 3. A general description of the vehicle or vessel, ~~or~~
1782 ~~mobile home~~, including its color, make, model, body style, and
1783 year.
- 1784 4. The vehicle identification number (VIN); registration
1785 license plate number, state, and year; validation decal number,
1786 state, and year; ~~mobile home sticker number, state, and year;~~
1787 ~~vessel registration number;~~ hull identification number; or other
1788 identification number, as applicable.
- 1789 5. The name of the person or the corresponding law
1790 enforcement agency that requested that the vehicle or vessel,
1791 ~~or mobile home~~ be recovered, towed, or stored.
- 1792 6. The amount of the wrecker company's ~~operator's~~ lien,

1793 not to exceed the amount allowed by paragraph (b).

1794 (b) For purposes of this subsection only, the amount of
 1795 the wrecker company's ~~operator's~~ lien for which the department
 1796 will prevent issuance of a license plate or revalidation sticker
 1797 may not exceed the amount of the charges for recovery, towing,
 1798 and storage of the vehicle or ~~vessel, or mobile home~~ for 7
 1799 days. These charges may not exceed the maximum rates imposed by
 1800 the ordinances of the respective county or municipality under
 1801 ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not
 1802 limit the amount of a wrecker company's ~~operator's~~ lien claimed
 1803 under subsection (2) or prevent a wrecker company ~~operator~~ from
 1804 seeking civil remedies for enforcement of the entire amount of
 1805 the lien, but limits only that portion of the lien for which the
 1806 department will prevent issuance of a license plate or
 1807 revalidation sticker.

1808 (c)1. The registered owner of a vehicle, vessel, or mobile
 1809 home may dispute a wrecker company's ~~operator's~~ lien, by
 1810 notifying the department of the dispute in writing on forms
 1811 provided by the department, if at least one of the following
 1812 applies:

1813 a. The registered owner presents a notarized bill of sale
 1814 proving that the vehicle or ~~vessel, or mobile home~~ was sold in
 1815 a private or casual sale before the vehicle or ~~vessel, or~~
 1816 ~~mobile home~~ was recovered, towed, or stored.

1817 b. The registered owner presents proof that the Florida
 1818 certificate of title of the vehicle or ~~vessel, or mobile home~~
 1819 was sold to a licensed dealer as defined in s. 319.001 before
 1820 the vehicle or ~~vessel, or mobile home~~ was recovered, towed, or

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1821 stored.

1822 c. The records of the department were marked to indicate
1823 that the vehicle or, vessel, ~~or mobile home~~ was sold before the
1824 issuance of the certificate of destruction under subsection
1825 (11).

1826

1827 If the registered owner's dispute of a wrecker company's
1828 ~~operator's~~ lien complies with one of these criteria, the
1829 department shall immediately remove the registered owner's name
1830 from the list of those persons who may not be issued a license
1831 plate or revalidation sticker for any motor vehicle under s.
1832 320.03(8), thereby allowing issuance of a license plate or
1833 revalidation sticker. If the vehicle or, vessel, ~~or mobile home~~
1834 is owned jointly by more than one person, each registered owner
1835 must dispute the wrecker company's ~~operator's~~ lien in order to
1836 be removed from the list. However, the department shall deny any
1837 dispute and maintain the registered owner's name on the list of
1838 those persons who may not be issued a license plate or
1839 revalidation sticker for any motor vehicle under s. 320.03(8) if
1840 the wrecker company ~~operator~~ has provided the department with a
1841 certified copy of the judgment of a court which orders the
1842 registered owner to pay the wrecker company's ~~operator's~~ lien
1843 claimed under this section. In such a case, the amount of the
1844 wrecker company's ~~operator's~~ lien allowed by paragraph (b) may
1845 be increased to include no more than \$500 of the reasonable
1846 costs and attorney's fees incurred in obtaining the judgment.
1847 The department's action under this subparagraph is ministerial
1848 in nature, shall not be considered final agency action, and may

1849 | be appealed only to the county court for the county in which the
 1850 | vehicle or, vessel, ~~or mobile home~~ was ordered removed.

1851 | 2. A person against whom a wrecker company's ~~operator's~~
 1852 | lien has been imposed may alternatively obtain a discharge of
 1853 | the lien by filing a complaint, challenging the validity of the
 1854 | lien or the amount thereof, in the county court of the county in
 1855 | which the vehicle or, vessel, ~~or mobile home~~ was ordered
 1856 | removed. Upon filing of the complaint, the person may have her
 1857 | or his name removed from the list of those persons who may not
 1858 | be issued a license plate or revalidation sticker for any motor
 1859 | vehicle under s. 320.03(8), thereby allowing issuance of a
 1860 | license plate or revalidation sticker, upon posting with the
 1861 | court a cash or surety bond or other adequate security equal to
 1862 | the amount of the wrecker company's ~~operator's~~ lien to ensure
 1863 | the payment of such lien in the event she or he does not
 1864 | prevail. Upon the posting of the bond and the payment of the
 1865 | applicable fee set forth in s. 28.24, the clerk of the court
 1866 | shall issue a certificate notifying the department of the
 1867 | posting of the bond and directing the department to release the
 1868 | wrecker company's ~~operator's~~ lien. Upon determining the
 1869 | respective rights of the parties, the court may award damages
 1870 | and costs in favor of the prevailing party.

1871 | 3. If a person against whom a wrecker company's ~~operator's~~
 1872 | lien has been imposed does not object to the lien, but cannot
 1873 | discharge the lien by payment because the wrecker company
 1874 | ~~operator~~ has moved or gone out of business, the person may have
 1875 | her or his name removed from the list of those persons who may
 1876 | not be issued a license plate or revalidation sticker for any

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1877 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 1878 license plate or revalidation sticker, upon posting with the
 1879 clerk of court in the county in which the vehicle or, vessel, ~~or~~
 1880 ~~mobile home~~ was ordered removed, a cash or surety bond or other
 1881 adequate security equal to the amount of the wrecker company's
 1882 ~~operator's~~ lien. Upon the posting of the bond and the payment of
 1883 the application fee set forth in s. 28.24, the clerk of the
 1884 court shall issue a certificate notifying the department of the
 1885 posting of the bond and directing the department to release the
 1886 wrecker company's ~~operator's~~ lien. The department shall mail to
 1887 the wrecker company ~~operator~~, at the address upon the lien form,
 1888 notice that the wrecker company ~~operator~~ must claim the security
 1889 within 60 days, or the security will be released back to the
 1890 person who posted it. At the conclusion of the 60 days, the
 1891 department shall direct the clerk as to which party is entitled
 1892 to payment of the security, less applicable clerk's fees.

1893 4. A wrecker company's ~~operator's~~ lien expires 5 years
 1894 after filing.

1895 (d) Upon discharge of the amount of the wrecker company's
 1896 ~~operator's~~ lien allowed by paragraph (b), the wrecker company
 1897 ~~operator~~ must issue a certificate of discharged wrecker
 1898 company's ~~operator's~~ lien on forms provided by the department to
 1899 each registered owner of the vehicle, vessel, or mobile home
 1900 attesting that the amount of the wrecker company's ~~operator's~~
 1901 lien allowed by paragraph (b) has been discharged. Upon
 1902 presentation of the certificate of discharged wrecker company's
 1903 ~~operator's~~ lien by the registered owner, the department shall
 1904 immediately remove the registered owner's name from the list of

1905 those persons who may not be issued a license plate or
 1906 revalidation sticker for any motor vehicle under s. 320.03(8),
 1907 thereby allowing issuance of a license plate or revalidation
 1908 sticker. Issuance of a certificate of discharged wrecker
 1909 company's ~~operator's~~ lien under this paragraph does not
 1910 discharge the entire amount of the wrecker company's ~~operator's~~
 1911 lien claimed under subsection (2), but only certifies to the
 1912 department that the amount of the wrecker company's ~~operator's~~
 1913 lien allowed by paragraph (b), for which the department will
 1914 prevent issuance of a license plate or revalidation sticker, has
 1915 been discharged.

1916 (e) When a wrecker company ~~operator~~ files a notice of
 1917 wrecker company's ~~operator's~~ lien under this subsection, the
 1918 department shall charge the wrecker company ~~operator~~ a fee of
 1919 \$2, which must be deposited into the General Revenue Fund. A
 1920 service charge of \$2.50 shall be collected and retained by the
 1921 tax collector who processes a notice of wrecker company's
 1922 ~~operator's~~ lien.

1923 (f) This subsection applies only to the annual renewal in
 1924 the registered owner's birth month of a motor vehicle
 1925 registration and does not apply to the transfer of a
 1926 registration of a motor vehicle sold by a motor vehicle dealer
 1927 licensed under chapter 320, except for the transfer of
 1928 registrations which is inclusive of the annual renewals. This
 1929 subsection does not apply to any vehicle registered in the name
 1930 of a lessor. This subsection does not affect the issuance of the
 1931 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1932 (g) The Department of Highway Safety and Motor Vehicles

1933 may adopt rules under ss. 120.536(1) and 120.54 to implement
 1934 this subsection.

1935 (14) The amendments to this section made by this act do
 1936 not affect the validity of liens established under this section
 1937 before January 1, 2006.

1938 Section 19. Effective January 1, 2006, section 713.785,
 1939 Florida Statutes, is created to read:

1940 713.785 Liens for recovering, towing, or storing mobile
 1941 homes.--

1942 (1) As used in this section, the term:

1943 (a) "Mobile home transport company" means a person
 1944 regularly engaged in the business of transporting mobile homes.

1945 (b) "Store" means a mobile home transport company has
 1946 legal possession of a mobile home either on the mobile home
 1947 transport company's property or on any other property.

1948 (c) "Unpaid lot rental amount" or "rent" means any unpaid
 1949 financial obligations of the mobile home owner or tenant to the
 1950 mobile home park owner defined as lot rental amount in s.
 1951 723.003 or rent in part II of chapter 83 and includes any
 1952 amounts defined as storage charges in s. 723.084.

1953 (2) If the mobile home transport company recovers,
 1954 removes, or stores a mobile home upon instructions from:

1955 (a) The owner of the mobile home;

1956 (b) Any law enforcement agency; or

1957 (c) A mobile home park owner as defined in s. 723.003 who
 1958 has a current writ of possession for a mobile home lot under s.
 1959 723.062 or s. 83.62,

1960

1961 the mobile home transport company has a lien on the mobile home
 1962 for a reasonable towing fee and for a reasonable storage fee.

1963 (3)(a) A mobile home transport company that comes into
 1964 possession of a mobile home under subsection (2) and that claims
 1965 a lien for recovery, towing, or storage services must give
 1966 notice to the registered owner and to all persons claiming a
 1967 lien on the mobile home, as disclosed by the records in the
 1968 Department of Highway Safety and Motor Vehicles or of a
 1969 corresponding agency in any other state.

1970 (b) Notice by certified mail, return receipt requested,
 1971 shall be sent within 7 business days after the date of storage
 1972 of the mobile home to the registered owner at the owner's last
 1973 known address and all persons of record claiming a lien against
 1974 the mobile home. The notice shall state the fact of possession
 1975 of the mobile home, that a lien as provided in subsection (2) is
 1976 claimed, that charges have accrued and the amount thereof, that
 1977 the lien is subject to enforcement under law and that the owner
 1978 or lienholder, if any, has the right to a hearing as set forth
 1979 in subsection (4), and that any mobile home which remains
 1980 unclaimed, or for which charges remain unpaid, may be sold free
 1981 of all prior liens after 35 days.

1982 (4)(a) The owner of a mobile home stored under subsection
 1983 (2), or any person claiming a lien of record, other than the
 1984 mobile home transport company, within 10 days after the time she
 1985 or he has knowledge of the location of the mobile home, may file
 1986 a complaint in the court of the county in which the mobile home
 1987 is stored to determine if her or his property was wrongfully
 1988 taken or withheld from her or him.

1989 (b) Upon filing of a complaint, an owner or lienholder may
 1990 have the mobile home released upon posting with the court a cash
 1991 or surety bond or other adequate security equal to the amount of
 1992 the charges for towing or storage and lot rental amount due and
 1993 owing at that time to ensure the payment of the charges in the
 1994 event she or he does not prevail. Upon the posting of the bond
 1995 and the payment of the applicable fee set forth in s. 28.24, the
 1996 clerk of the court shall issue a certificate notifying the
 1997 mobile home transport company of the posting of the bond and
 1998 directing the mobile home transport company to release the
 1999 mobile home. At the time of the release, after reasonable
 2000 inspection, she or he shall give a receipt to the mobile home
 2001 transport company citing any claims she or he has for loss or
 2002 damage to the mobile home or the contents thereof.

2003 (c) Upon determining the respective rights of the parties,
 2004 the court may award damages and costs in favor of the prevailing
 2005 party. The final order shall provide for immediate payment in
 2006 full of any lien for recovery, towing, and storage fees and any
 2007 unpaid lot rental amount accruing until the time the home is
 2008 removed from the property by the mobile home owner or lienholder
 2009 or the owner, lessee, or agent thereof of the property from
 2010 which the mobile home was removed.

2011 (5) A mobile home that is stored under subsection (2) and
 2012 which remains unclaimed, or for which reasonable charges for
 2013 recovery, towing, or storing remain unpaid or for which a lot
 2014 rental amount is due and owing to the mobile home park owner as
 2015 evidenced by a judgment for unpaid rent and any contents of the
 2016 mobile home not released under subsection (9), may be sold by

2017 the mobile home transport company for the towing or storage
 2018 charge and any unpaid lot rental amount 35 days after the mobile
 2019 home is stored by a mobile home transport company. The sale
 2020 shall be at public auction for cash. If the date of the sale was
 2021 not included in the notice required by subsection (3), notice of
 2022 the sale must be given to the person in whose name the mobile
 2023 home is registered at her or his last known address, to the
 2024 mobile home park owner, and to all persons claiming a lien on
 2025 the mobile home as shown on the records of the Department of
 2026 Highway Safety and Motor Vehicles or of the corresponding agency
 2027 in any other state. Notice must be sent by certified mail,
 2028 return receipt requested, at least 15 days before the date of
 2029 the sale. After diligent search and inquiry, if the name and
 2030 address of the registered owner or the owner of the recorded
 2031 lien cannot be ascertained, the requirements of notice by mail
 2032 may be dispensed with. In addition to the notice by mail, public
 2033 notice of the time and place of sale must be made by publishing
 2034 a notice of the sale one time, at least 10 days before the date
 2035 of the sale, in a newspaper of general circulation in the county
 2036 in which the sale is to be held. The proceeds of the sale, after
 2037 payment of reasonable towing and storage charges, costs of the
 2038 sale, and the unpaid lot rental amount, as evidenced by an
 2039 affidavit executed by the mobile home park owner or the owner's
 2040 agent establishing the amount of unpaid lot rental amount
 2041 through the date of the sale, in that order of priority, must be
 2042 deposited with the clerk of the circuit court for the county if
 2043 the owner is absent, and the clerk shall hold the proceeds
 2044 subject to the claim of the person legally entitled to those

2045 proceeds. The clerk is entitled to receive 5 percent of the
 2046 proceeds for the care and disbursement of the proceeds. The
 2047 certificate of title issued under this section shall be
 2048 discharged of all liens unless otherwise provided by court
 2049 order.

2050 (6) The mobile home transport company, the landlord or his
 2051 or her agent, or any subsequent purchaser for value are not
 2052 responsible to the tenant or any other party for loss,
 2053 destruction, or damage to the mobile home or other personal
 2054 property after coming into possession of the mobile home under
 2055 this section, provided the mobile home transport company, the
 2056 landlord, or their agents use reasonable care in storing the
 2057 mobile home. As used in this subsection, the term "reasonable
 2058 care" means securing the mobile home by changing door locks, or
 2059 any similar methods for securing the mobile home, in place in
 2060 the mobile home park or in a separate storage area.

2061 (7)(a) A mobile home transport company that comes into
 2062 possession of a mobile home under subsection (2) and that
 2063 complies with subsection (3), if the mobile home is to be sold
 2064 for purposes of being dismantled, destroyed, or changed so that
 2065 it is not the mobile home described in the certificate of title,
 2066 must apply to the county tax collector for a certificate of
 2067 destruction. A certificate of destruction, which authorizes the
 2068 dismantling or destruction of the mobile home described in the
 2069 certificate, is reassignable no more than twice before
 2070 dismantling or destruction of the mobile home and the
 2071 certificate must accompany the mobile home for which it is
 2072 issued when the mobile home is sold for that purpose, in lieu of

2073 a certificate of title. The application for a certificate of
 2074 destruction must include an affidavit from the applicant that it
 2075 has complied with all applicable requirements of this section;
 2076 must, if the mobile home is not registered in this state,
 2077 include a statement from a law enforcement officer that the
 2078 mobile home is not reported stolen; and shall be accompanied by
 2079 any other documentation as may be required by the department.

2080 (b) The Department of Highway Safety and Motor Vehicles
 2081 shall charge a fee of \$3 for each certificate of destruction.
 2082 The tax collector who processes the application shall collect
 2083 and retain a service charge of \$4.25.

2084 (c) The Department of Highway Safety and Motor Vehicles
 2085 may adopt rules to administer this subsection.

2086 (d) Employees of the Department of Highway Safety and
 2087 Motor Vehicles and law enforcement officers may inspect the
 2088 records of each mobile home transport company in this state to
 2089 ensure compliance with this section.

2090 (8)(a) Upon receipt by the Department of Highway Safety
 2091 and Motor Vehicles of written notice from a mobile home
 2092 transport company that claims a lien under paragraph (2)(b) or
 2093 paragraph (2)(c) for recovery, towing, or storage of a mobile
 2094 home for which a certificate of destruction has been issued
 2095 under subsection (7), the department shall place the name of the
 2096 registered owner of that mobile home on the list of those
 2097 persons who may not be issued a revalidation sticker under s.
 2098 320.03. If the mobile home is owned jointly by more than one
 2099 person, the name of each registered owner must be placed on the
 2100 list. The notice of a mobile home transport company's lien must

2101 be submitted on forms provided by the department, which must
 2102 include:

2103 1. The name, address, and telephone number of the mobile
 2104 home transport company.

2105 2. The name of the registered owner of the mobile home and
 2106 the address to which the mobile home transport company provided
 2107 notice of the lien to the registered owner under subsection (3).

2108 3. A general description of the mobile home, including its
 2109 color, make, model, body style, and year.

2110 4. The mobile home sticker number, state, and year or
 2111 other identification number, as applicable.

2112 5. The name of the person or the corresponding law
 2113 enforcement agency that requested that the mobile home be
 2114 recovered, towed, or stored.

2115 6. The amount of the lien, not to exceed the amount
 2116 allowed by paragraph (b).

2117 (b) For purposes of this subsection, the amount of the
 2118 mobile home transport company's lien for which the department
 2119 will prevent issuance of a revalidation sticker may not exceed
 2120 the amount of the charges for recovery, towing, and storage of
 2121 the mobile home for 7 days. These charges may not exceed the
 2122 maximum rates imposed by the ordinances of the respective county
 2123 or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This
 2124 paragraph does not limit the amount of a mobile home transport
 2125 company's lien claimed under subsection (2) or prevent a mobile
 2126 home transport company from seeking civil remedies for
 2127 enforcement of the entire amount of the lien, but limits only
 2128 that portion of the lien for which the department will prevent

2129 issuance of a revalidation sticker
 2130 (c)1. The registered owner of the mobile home may dispute
 2131 the mobile home transport company's lien by notifying the
 2132 department of the dispute in writing on forms provided by the
 2133 department, if at least one of the following applies:
 2134 a. The registered owner presents a notarized bill of sale
 2135 proving that the mobile home was sold in a private or casual
 2136 sale before the mobile home was recovered, towed, or stored.
 2137 b. The registered owner presents proof that the Florida
 2138 certificate of title of the mobile home was sold to a licensed
 2139 dealer as defined in s. 319.001 before the mobile home was
 2140 recovered, towed, or stored.
 2141 c. The records of the department were marked to indicate
 2142 that the mobile home was sold before the issuance of the
 2143 certificate of destruction under subsection (7).
 2144
 2145 If the registered owner's dispute of a mobile home transport
 2146 company's lien complies with one of these criteria, the
 2147 department shall immediately remove the registered owner's name
 2148 from the list of those persons who may not be issued a
 2149 revalidation sticker under s. 320.03. If the mobile home is
 2150 owned jointly by more than one person, each registered owner
 2151 must dispute the mobile home transport company's lien in order
 2152 to be removed from the list. However, the department shall deny
 2153 any dispute and maintain the registered owner's name on the list
 2154 of those persons who may not be issued a revalidation sticker if
 2155 the mobile home transport company has provided the department
 2156 with a certified copy of the judgment of a court which orders

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2157 the registered owner to pay the mobile home transport company's
 2158 lien claimed under this section. In such a case, the amount of
 2159 the mobile home transport company's lien allowed by paragraph
 2160 (b) may be increased to include no more than \$500 of the
 2161 reasonable costs and attorney's fees incurred in obtaining the
 2162 judgment. The department's action under this subparagraph is
 2163 ministerial in nature, is not final agency action, and is
 2164 appealable only to the county court for the county in which the
 2165 mobile home was ordered removed.

2166 2. A person against whom a mobile home transport company's
 2167 lien has been imposed may alternatively obtain a discharge of
 2168 the lien by filing a complaint challenging the validity of the
 2169 lien or the amount thereof in the county court of the county in
 2170 which the mobile home was ordered removed. Upon filing of the
 2171 complaint, the person may have her or his name removed from the
 2172 list of those persons who may not be issued a revalidation
 2173 sticker for any mobile home under s. 320.03 upon posting with
 2174 the court a cash or surety bond or other adequate security equal
 2175 to the amount of the mobile home transport company's lien to
 2176 ensure the payment of the lien in the event she or he does not
 2177 prevail. Upon the posting of the bond and the payment of the
 2178 applicable fee set forth in s. 28.24, the clerk of the court
 2179 shall issue a certificate notifying the department of the
 2180 posting of the bond and directing the department to release the
 2181 mobile home transport company's lien. Upon determining the
 2182 respective rights of the parties, the court may award damages
 2183 and costs in favor of the prevailing party.

2184 3. If a person against whom a mobile home transport

2185 company's lien has been imposed does not object to the lien, but
 2186 cannot discharge the lien by payment because the mobile home
 2187 transport company has moved or gone out of business, the person
 2188 may have her or his name removed from the list of those persons
 2189 who may not be issued a revalidation sticker under s. 320.03
 2190 upon posting with the clerk of court in the county in which the
 2191 mobile home was ordered removed a cash or surety bond or other
 2192 adequate security equal to the amount of the mobile home
 2193 transport company's lien. Upon the posting of the bond and the
 2194 payment of the application fee set forth in s. 28.24, the clerk
 2195 of the court shall issue a certificate notifying the department
 2196 of the posting of the bond and directing the department to
 2197 release the mobile home transport company's lien. The department
 2198 shall mail to the mobile home transport company, at the address
 2199 upon the lien form, notice that the mobile home transport
 2200 company must claim the security within 60 days or the security
 2201 will be released to the person who posted it. At the conclusion
 2202 of the 60 days, the department shall direct the clerk as to
 2203 which party is entitled to payment of the security, less
 2204 applicable fees of the clerk.

2205 4. A mobile home transport company's lien expires 5 years
 2206 after filing.

2207 (d) Upon discharge of the amount of the mobile home
 2208 transport company's lien allowed under paragraph (b), the mobile
 2209 home transport company must issue a certificate of discharged
 2210 lien on a form provided by the department to each registered
 2211 owner of the mobile home attesting that the amount of the mobile
 2212 home transport company's lien allowed under paragraph (b) has

2213 been discharged. Upon presentation of the certificate of
 2214 discharged lien by the registered owner, the department shall
 2215 immediately remove the registered owner's name from the list of
 2216 those persons who may not be issued a revalidation sticker under
 2217 s. 320.03. Issuance of a certificate of discharged lien under
 2218 this paragraph does not discharge the entire amount of the
 2219 mobile home transport company's lien claimed under subsection
 2220 (2), but certifies to the department only that the amount of the
 2221 mobile home transport company's lien allowed by paragraph (b),
 2222 for which the department will prevent issuance of a revalidation
 2223 sticker, has been discharged.

2224 (e) When a mobile home transport company files a notice of
 2225 lien under this subsection, the department shall charge the
 2226 mobile home transport company a fee of \$2, which must be
 2227 deposited into the General Revenue Fund. The tax collector who
 2228 processes a notice of lien shall collect and retain a service
 2229 charge of \$2.50.

2230 (f) The Department of Highway Safety and Motor Vehicles
 2231 may adopt rules to administer this subsection.

2232 (9) Persons who provide services under this section shall
 2233 permit a mobile home owner or her or his agent, whose agency is
 2234 evidenced by a writing acknowledged by the owner before a notary
 2235 public or other person empowered by law to administer oaths, to
 2236 inspect the mobile home and shall release to the owner or agent
 2237 all personal property not affixed to the mobile home, provided
 2238 there exists no landlord's lien for rent under s. 713.691 or s.
 2239 713.77.

2240 (10) Any person who violates subsection (3), subsection

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2241 (5), subsection (6), subsection (7), or subsection (9) commits a
 2242 misdemeanor of the first degree, punishable as provided in s.
 2243 775.082 or s. 775.083.

2244 Section 20. Paragraph (a) of subsection (1) of section
 2245 319.30, Florida Statutes, is amended to read:

2246 319.30 Definitions; dismantling, destruction, change of
 2247 identity of motor vehicle or mobile home; salvage.--

2248 (1) As used in this section, the term:

2249 (a) "Certificate of destruction" means the certificate
 2250 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

2251 Section 21. Section 713.69, Florida Statutes, is amended
 2252 to read:

2253 713.69 Unlawful to remove property upon which lien has
 2254 accrued.--It is unlawful for any person to remove any property
 2255 upon which a lien has accrued under the provisions of s. 713.68,
 2256 s. 713.77, or s. 713.785 from any mobile home park, hotel,
 2257 apartment house, roominghouse, lodginghouse, boardinghouse or
 2258 tenement house without first making full payment to the person
 2259 operating or conducting the same of all sums due and payable for
 2260 such occupancy or without first having the written consent of
 2261 such person so conducting or operating such place to so remove
 2262 such property. Any person violating the provisions of this
 2263 section shall, if the property removed in violation hereof be of
 2264 the value of \$50 or less, be guilty of a misdemeanor of the
 2265 second degree, punishable as provided in s. 775.082 or s.
 2266 775.083; and if the property so removed should be of greater
 2267 value than \$50 then such person shall be guilty of a felony of
 2268 the third degree, punishable as provided in s. 775.082, s.

2269 775.083, or s. 775.084.

2270 Section 22. Effective January 1, 2006, section 715.07,
 2271 Florida Statutes, is amended to read:

2272 715.07 Vehicles and vessels parked on real private
 2273 property without permission; towing.--

2274 (1) As used in this section, the term:

2275 (a) "Property owner" means an owner or lessee of real
 2276 property, or a person authorized by the owner or lessee, which
 2277 person may be the designated representative of the condominium
 2278 association if the real property is a condominium.

2279 (b) "Vehicle" has the same meaning ascribed in s. 508.01
 2280 ~~means any mobile item which normally uses wheels, whether~~
 2281 ~~motorized or not.~~

2282 (c) "Vessel" has the same meaning ascribed in s. 508.01.

2283 (d) "Wrecker company" has the same meaning ascribed in s.
 2284 508.01.

2285 (e) "Wrecker operator" has the same meaning ascribed in s.
 2286 508.01.

2287 (2) A property owner ~~The owner or lessee of real property,~~
 2288 ~~or any person authorized by the owner or lessee, which person~~
 2289 ~~may be the designated representative of the condominium~~
 2290 ~~association if the real property is a condominium,~~ may cause a
 2291 any vehicle or vessel parked on her or his ~~such~~ property without
 2292 her or his permission to be removed by a wrecker company
 2293 registered under chapter 508 ~~person regularly engaged in the~~
 2294 ~~business of towing vehicles,~~ without liability for the costs of
 2295 removal, transportation, or storage or damages caused by the
 2296 ~~such~~ removal, transportation, or storage, under any of the

2297 following circumstances:

2298 (a) The towing or removal of any vehicle or vessel from
 2299 real private property without the consent of the registered
 2300 owner or other legally authorized person in control of that
 2301 vehicle or vessel is subject to strict compliance with the
 2302 following conditions and restrictions:

2303 1.a. Any towed or removed vehicle or vessel must be stored
 2304 at a storage facility site within a 10-mile radius ~~10 miles~~ of
 2305 the point of removal in any county of 500,000 population or
 2306 more, and within a 15-mile radius ~~15 miles~~ of the point of
 2307 removal in any county of less than 500,000 population. The
 2308 wrecker company's storage facility ~~That site~~ must be open for
 2309 the purpose of redemption of vehicles and vessels on any day
 2310 that the wrecker company ~~person or firm~~ towing the ~~such~~ vehicle
 2311 or vessel is open for towing purposes, from 8 ~~8:00~~ a.m. to 6
 2312 ~~6:00~~ p.m., and, when closed, must ~~shall~~ have prominently posted
 2313 a sign indicating a telephone number where the operator of the
 2314 storage facility site can be reached at all times. Upon receipt
 2315 of a telephoned request to open the storage facility site to
 2316 redeem a vehicle or vessel, the operator shall return to the
 2317 storage facility site ~~site~~ within 1 hour or she or he is ~~will be~~ in
 2318 violation of this section.

2319 b. If a wrecker company ~~no towing business providing such~~
 2320 ~~service~~ is not located within the area of towing limitations ~~set~~
 2321 ~~forth~~ in sub-subparagraph a., the following limitations apply:
 2322 any towed or removed vehicle or vessel must be stored at a
 2323 storage facility site within a 20-mile radius ~~20 miles~~ of the
 2324 point of removal in any county of 500,000 population or more,

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2325 and within a 30-mile radius ~~30 miles~~ of the point of removal in
 2326 any county of less than 500,000 population.

2327 2. The wrecker company ~~person or firm~~ towing or removing
 2328 the vehicle or vessel must ~~shall~~, within 30 minutes after ~~of~~
 2329 completion of that ~~such~~ towing or removal, notify the municipal
 2330 police department or, in an unincorporated area, the sheriff of
 2331 that ~~such~~ towing or removal; the location of the storage
 2332 facility; site, the time the vehicle or vessel was towed or
 2333 removed; and the make, model, color, and license plate number
 2334 of the vehicle or the make, model, color, and registration
 2335 number of the vessel. The wrecker company must also ~~and shall~~
 2336 obtain the name of the person at that department to whom this
 2337 ~~such~~ information is ~~was~~ reported and note that name on the trip
 2338 record.

2339 3. If the registered owner or other legally authorized
 2340 person in control of the vehicle or vessel arrives at the scene
 2341 before ~~prior to removal or towing of the vehicle or vessel is~~
 2342 towed or removed, the wrecker company must disconnect the
 2343 vehicle or vessel ~~shall be disconnected~~ from the wrecker towing
 2344 or removal apparatus, and must allow that person ~~shall be~~
 2345 ~~allowed~~ to remove the vehicle or vessel without interference
 2346 upon the payment of a reasonable service fee of not more than
 2347 one-half of the posted rate for those services ~~such towing~~
 2348 ~~service~~ as provided in subparagraph 6., for which a receipt
 2349 shall be given, unless that person refuses to remove the vehicle
 2350 or vessel that ~~which~~ is otherwise unlawfully parked or located.

2351 4. A wrecker company, a wrecker operator, or another
 2352 employee or agent of a wrecker company may not give a ~~The~~ rebate

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2353 or pay ~~payment of~~ money or ~~any~~ other valuable consideration ~~from~~
 2354 ~~the individual or firm towing or removing vehicles~~ to the
 2355 property owner ~~owners or operators~~ of the premises from which a
 2356 vehicle or vessel is ~~the vehicles are~~ towed or removed, for the
 2357 privilege of removing or towing the vehicle or vessel ~~those~~
 2358 ~~vehicles, is prohibited.~~ A property owner may not solicit a
 2359 wrecker company, a wrecker operator, or another employee or
 2360 agent of a wrecker company to give him or her a rebate or the
 2361 payment of money or other valuable consideration for the
 2362 privilege of removing or towing a vehicle from his or her
 2363 premises.

2364 5. Except for property appurtenant to and obviously a part
 2365 of a single-family residence, and except for instances when
 2366 notice is personally given to the owner or other legally
 2367 authorized person in control of the vehicle or vessel that the
 2368 area in which that vehicle or vessel is parked is reserved or
 2369 otherwise unavailable for unauthorized vehicles or vessels and
 2370 subject to being removed at the owner's or operator's expense,
 2371 any property owner ~~or lessee, or person authorized by the~~
 2372 ~~property owner or lessee,~~ before ~~prior to~~ towing or removing any
 2373 vehicle or vessel from real ~~private~~ property without the consent
 2374 of the owner or other legally authorized person in control of
 2375 that vehicle or vessel, must post a notice meeting the following
 2376 requirements:

2377 a. The notice must be prominently placed at each driveway
 2378 access or curb cut allowing vehicular access to the property,
 2379 within 5 feet from the public right-of-way line. If there are no
 2380 curbs or access barriers, the signs must be posted not less than

2381 one sign for each 25 feet of lot frontage.

2382 b. The notice must clearly indicate, in not less than 2-
 2383 inch high, light-reflective letters on a contrasting background,
 2384 that unauthorized vehicles will be towed away at the owner's
 2385 expense. The words "tow-away zone" must be included on the sign
 2386 in not less than 4-inch high letters.

2387 c. The notice must also provide the name and current
 2388 telephone number of the wrecker company ~~person or firm~~ towing or
 2389 removing the vehicles, if the property owner, ~~lessee, or person~~
 2390 ~~in control~~ of the real property has a written contract with the
 2391 wrecker towing company.

2392 d. The sign structure containing the required notices must
 2393 be permanently installed with the words "tow-away zone" not less
 2394 than 3 feet and not more than 6 feet above ground level and must
 2395 be continuously maintained on the property for not less than 24
 2396 hours prior to the towing or removal of any vehicles.

2397 e. The local government may require permitting and
 2398 inspection of these signs prior to any towing or removal of
 2399 vehicles being authorized.

2400 f. A business with 20 or fewer parking spaces satisfies
 2401 the notice requirements of this subparagraph by prominently
 2402 displaying a sign stating "Reserved Parking for Customers Only
 2403 Unauthorized Vehicles Will be Towed Away At the Owner's Expense"
 2404 in not less than 4-inch high, light-reflective letters on a
 2405 contrasting background.

2406 g. A property owner towing or removing vessels from real
 2407 property must post notice, consistent with the requirements in
 2408 sub-subparagraphs a.-f. which apply to vehicles, that

2409 unauthorized vehicles or vessels will be towed away at the
 2410 owner's expense.

2411
 2412 A business owner or lessee may authorize the removal of a
 2413 vehicle or vessel by a wrecker towing company registered under
 2414 chapter 508 when the vehicle or vessel is parked in ~~such~~ a
 2415 manner that restricts the normal operation of business; and, if
 2416 a vehicle or vessel parked on a public right-of-way obstructs
 2417 access to a private driveway, the owner, lessee, or agent may
 2418 have the vehicle or vessel removed by a wrecker towing company
 2419 registered under chapter 508 upon signing an order that the
 2420 vehicle or vessel be removed without a posted tow-away zone
 2421 sign.

2422 6. Each wrecker company ~~Any person or firm~~ that tows or
 2423 removes vehicles or vessels and proposes to require an owner,
 2424 operator, or person in control of a vehicle or vessel to pay the
 2425 costs of towing and storage prior to redemption of the vehicle
 2426 or vessel must file and keep on record with the local law
 2427 enforcement agency a complete copy of the current rates to be
 2428 charged for those ~~such~~ services and post at the wrecker
 2429 company's storage facility ~~site~~ an identical rate schedule and
 2430 any written contracts with property owners, lessees, or persons
 2431 in control of real property which authorize the wrecker company
 2432 ~~such person or firm~~ to remove vehicles or vessels as provided in
 2433 this section.

2434 7. Each wrecker company ~~Any person or firm~~ towing or
 2435 removing any vehicles or vessels from real ~~private~~ property
 2436 without the consent of the owner or other legally authorized

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2437 person in control of the vehicles or vessels must ~~shall~~, on each
 2438 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 s-
 2439 ~~713.78(1)(c), or other vehicles~~ used in the towing or removal,
 2440 have the name, address, and telephone number of the wrecker
 2441 company ~~performing such service~~ clearly printed in contrasting
 2442 colors on the driver and passenger sides of the wrecker vehicle.
 2443 The name must ~~shall~~ be in at least 3-inch permanently affixed
 2444 letters, and the address and telephone number must ~~shall~~ be in
 2445 at least 1-inch permanently affixed letters.

2446 8. Vehicle or vessel entry for the purpose of towing or
 2447 removing the vehicle or vessel is ~~shall be~~ allowed with
 2448 reasonable care by ~~on the part of~~ the wrecker company and the
 2449 wrecker operators ~~person or firm~~ towing the vehicle or vessel
 2450 for the wrecker company. A wrecker company, its wrecker
 2451 operators, and other employees or agents of the wrecker company
 2452 are not ~~Such person or firm shall be~~ liable for any damage
 2453 occasioned to the vehicle or vessel if ~~such~~ entry to the vehicle
 2454 or vessel is performed ~~not in accordance with the standard of~~
 2455 reasonable care.

2456 9. When a vehicle or vessel is ~~has been~~ towed or removed
 2457 under ~~pursuant to~~ this section, the wrecker company ~~it~~ must
 2458 release the vehicle or vessel ~~be released~~ to its owner or
 2459 custodian within one hour after requested. Any vehicle or vessel
 2460 owner, custodian, or agent has ~~shall have~~ the right to inspect
 2461 the vehicle or vessel before accepting its return. A wrecker
 2462 company may not require any vehicle or vessel owner, custodian,
 2463 or agent to, ~~and no~~ release the wrecker company ~~or waiver of any~~
 2464 ~~kind which would release the person or firm~~ towing the vehicle

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2465 or vessel from liability for damages noted by the owner or other
2466 legally authorized person at the time of the redemption ~~may be~~
2467 ~~required from any vehicle owner, custodian, or agent~~ as a
2468 condition of release of the vehicle or vessel to its owner. A
2469 wrecker company must give a person paying towing and storage
2470 charges under this section a detailed, signed receipt showing
2471 the legal name of the wrecker company ~~or person towing or~~
2472 ~~removing the vehicle must be given to the person paying towing~~
2473 ~~or storage charges~~ at the time of payment, whether requested or
2474 not.

2475 (b) These requirements are ~~shall be the~~ minimum standards
2476 and do ~~shall~~ not preclude enactment of additional regulations by
2477 any municipality or county, including the regulation of ~~right to~~
2478 ~~regulate~~ rates when vehicles or vessels are towed from real
2479 private property.

2480 (3) This section does not apply to vehicles or vessels
2481 that are reasonably identifiable from markings as law
2482 enforcement, firefighting, rescue squad, ambulance, or other
2483 emergency vehicles or vessels ~~which are marked as such~~ or to
2484 property owned by any governmental entity.

2485 (4) When a person improperly causes a vehicle or vessel to
2486 be removed, that ~~such~~ person is ~~shall be~~ liable to the owner or
2487 lessee of the vehicle or vessel for the cost of removal,
2488 transportation, and storage; any damages resulting from the
2489 removal, transportation, or storage of the vehicle or vessel;
2490 attorneys' fees; and court costs.

2491 (5) Failure to make good-faith efforts to comply with the
2492 notice requirements in subparagraph (2)(a)5. precludes the

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2493 imposition of any towing or storage charges against the vehicle
 2494 or vessel.

2495 (6)(5)(a) Any person who violates ~~the provisions of~~
 2496 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is guilty
 2497 of a misdemeanor of the first degree, punishable as provided in
 2498 s. 775.082 or s. 775.083.

2499 (b) Any person who violates ~~the provisions of~~ subparagraph
 2500 (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4.,
 2501 subparagraph (2)(a)7., or subparagraph (2)(a)9. commits is
 2502 guilty of a felony of the third degree, punishable as provided
 2503 in s. 775.082, s. 775.083, or s. 775.084.

2504 Section 23. Effective January 1, 2006, subsection (15) of
 2505 section 1.01, Florida Statutes, is repealed.

2506 Section 24. The sum of \$693,000 is appropriated from the
 2507 General Inspection Trust Fund to the Department of Agriculture
 2508 and Consumer Services, and 10 additional full-time-equivalent
 2509 positions are authorized, for the purpose of implementing this
 2510 act during the 2005-2006 fiscal year.

2511 Section 25. Except as otherwise expressly provided in this
 2512 act, this act shall take effect July 1, 2005.