

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to wrecker services; amending s. 120.80,
8 F.S.; exempting hearings of the Division of the Florida
9 Highway Patrol concerning the wrecker allocation system
10 from requirements of ch. 120, F.S.; creating s. 205.1975,
11 F.S.; prohibiting a county or municipality from issuing or
12 renewing a license for a wrecker company that is not in
13 compliance with the requirements of the act; amending s.
14 316.530, F.S., relating to traffic control; conforming
15 provisions to changes made by the act; reenacting s.
16 316.550(4), F.S., relating to special wrecker permits, to
17 incorporate the amendment to s. 320.01, F.S., in
18 references thereto; amending s. 316.605, F.S.; providing
19 requirements for licensing wreckers and other vehicles;
20 amending s. 320.01, F.S.; redefining the term "wrecker"
21 for purposes of the Florida Statutes; amending ss. 320.03
22 and 320.0706, F.S., relating to motor vehicle registration
23 and license plates; conforming provisions to changes made

24 | by the act; reenacting s. 320.08(5)(d) and (e), F.S.,
 25 | relating to license taxes, to incorporate the amendment to
 26 | s. 320.01, F.S., in references thereto; amending s.
 27 | 320.0821, F.S.; revising requirements for the issuance of
 28 | wrecker license plates; amending s. 320.13, F.S., relating
 29 | to dealer license plates; conforming provisions to changes
 30 | made by the act; amending s. 321.051, F.S.; providing
 31 | definitions; requiring the Division of the Florida Highway
 32 | Patrol within the Department of Highway Safety and Motor
 33 | Vehicles to establish a wrecker allocation system;
 34 | providing requirements for the system; authorizing the
 35 | division to set maximum rates for towing and storage of
 36 | vehicles; prohibiting an unauthorized wrecker company from
 37 | monitoring a police radio or engaging in other activities;
 38 | providing penalties; providing requirements for
 39 | dispatching wreckers; amending s. 323.001, F.S., relating
 40 | to wrecker company storage facilities; providing
 41 | definitions; providing procedures for a law enforcement
 42 | agency to place a hold on a stored vehicle; providing for
 43 | payment of towing and storage charges; amending s.
 44 | 323.002, F.S.; providing definitions; providing
 45 | requirements for a county or municipality that operates a
 46 | wrecker allocation system; providing requirements for the
 47 | system; prohibiting an unauthorized wrecker company from
 48 | monitoring a police radio or engaging in other activities;
 49 | providing penalties; providing requirements for
 50 | dispatching wreckers; creating ch. 508, F.S.; providing
 51 | definitions; creating the Wrecker Operator Advisory

HB 341 CS

2005
CS

52 Council within the Department of Agriculture and Consumer
53 Services; providing for membership and terms; providing
54 for reimbursement for travel and per diem expenses;
55 requiring the council to advise the department on matters
56 relating to standards and practices in the wrecker
57 industry; authorizing the department to adopt rules;
58 requiring wrecker companies to register with the
59 department; providing requirements for registration
60 renewal; providing requirements for advertisements;
61 requiring insurance coverage; requiring the department to
62 notify the Department of Highway Safety and Motor Vehicles
63 when a registration has been suspended or revoked;
64 authorizing the department to deny registration under
65 certain circumstances; specifying acceptable forms of
66 payment; establishing a certification program for wrecker
67 operators; requiring the department to approve courses and
68 organizations; providing requirements for examinations;
69 providing for certification in specialized wrecker
70 services; requiring the department to adopt rules;
71 providing for certification cards to be issued to wrecker
72 operators who complete the certification course and pass
73 the examination; prohibiting the performance of wrecker
74 services after a specified date unless the company is
75 registered and obtains certification as required;
76 authorizing the department to inspect employment records;
77 providing requirements for continuing education;
78 specifying prohibited acts; providing administrative,
79 civil, and criminal penalties; providing for registration

Page 3 of 91

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hb0341-02-c2

80 | fees; providing for deposit of fees, penalties, and other
81 | funds; providing that the chapter does not apply to
82 | recovery agents; authorizing counties and municipalities
83 | to enact ordinances governing wrecker operators; requiring
84 | that a wrecker company maintain records of its services
85 | for a specified time; requiring a wrecker company to keep
86 | records of its operators continuing education courses for
87 | a specified time; directing organizations that conduct
88 | continuing education courses to keep records for a
89 | specified time; amending s. 713.78, F.S., relating to
90 | liens for recovering, towing, or storing vehicles and
91 | vessels; providing definitions; conforming provisions to
92 | changes made by the act; providing for attorney's fees to
93 | be awarded to the prevailing party for a frivolous claim
94 | of wrongful taking or claim of lien; providing immunity
95 | from liability for a wrecker company, its operators, and
96 | other employees or agents if services are performed with
97 | reasonable care or for complying with the directions of a
98 | law enforcement officer; providing for the owner of a
99 | vehicle or vessel to dispute a claim of lien by a wrecker
100 | company based on a record of sale; clarifying that the
101 | amendments made by the act do not affect the validity of
102 | prior liens; creating s. 713.785, F.S.; authorizing the
103 | imposition of lien by a mobile home transport company for
104 | recovering, towing, or storing a mobile home; providing
105 | definitions; requiring a mobile home transport company to
106 | provide notice of recovery, towing, or storage services;
107 | providing for the filing of a complaint; providing

108 | procedures for the sale of an unclaimed mobile home;
 109 | specifying circumstances under which a mobile home
 110 | transport company must obtain a certificate of
 111 | destruction; providing for fees; authorizing the
 112 | department to adopt rules; providing for fees; providing
 113 | for issuing certificates of destruction and revalidation
 114 | stickers; providing procedures for disputing a lien and
 115 | for discharge of a lien; providing for the posting and
 116 | repayment of surety; providing for criminal penalties;
 117 | amending s. 319.30, F.S.; redefining the term "certificate
 118 | of destruction," to conform; amending s. 715.07, F.S.,
 119 | relating to the towing of vehicles and vessels parked on
 120 | real property without permission; providing definitions;
 121 | providing for the towing and removal of vehicles and
 122 | vessels under certain circumstances; conforming provisions
 123 | to changes made by the act; providing requirements for
 124 | towing and storage; prohibiting a property owner from
 125 | soliciting a wrecker company for a rebate for the
 126 | privilege of removing vehicles from the owner's property;
 127 | providing immunity from liability for a wrecker company,
 128 | its operators, and other employees or agents if services
 129 | are performed with reasonable care; providing that failure
 130 | to comply with notice requirements precludes a wrecker
 131 | company from imposing certain towing or storage charges;
 132 | providing penalties; repealing s. 1.01(15), F.S., relating
 133 | to the definition of the term "wrecker operator";
 134 | providing an appropriation and authorizing additional
 135 | positions; providing effective dates.

HB 341 CS

2005
CS

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

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

120.80 Exceptions and special requirements; agencies.--

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

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

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

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

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

316.530 Towing requirements.--

HB 341 CS

2005
CS

163 (3) Whenever a motor vehicle becomes disabled upon the
 164 highways of this state and a wrecker ~~or tow truck~~ is required to
 165 remove it to a repair shop or other appropriate location, if the
 166 combined weights of those two vehicles and the loads thereon
 167 exceed the maximum allowable weights as established by s.
 168 316.535, no penalty shall be assessed either vehicle or driver.
 169 However, this exception shall not apply to the load limits for
 170 bridges and culverts established by the department as provided
 171 in s. 316.555.

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

176 316.550 Operations not in conformity with law; special
 177 permits.--

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

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

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

190 316.605 Licensing of vehicles.--

HB 341 CS

2005
CS

191 (1) Every vehicle, at all times while driven, stopped, or
192 parked upon any highways, roads, or streets of this state, shall
193 be licensed in the name of the owner thereof in accordance with
194 the laws of this state unless such vehicle is not required by
195 the laws of this state to be licensed in this state and shall,
196 except as otherwise provided in s. 320.0706 for front-end
197 registration license plates on truck tractors or wreckers,
198 display the license plate or both of the license plates assigned
199 to it by the state, one on the rear and, if two, the other on
200 the front of the vehicle, each to be securely fastened to the
201 vehicle outside the main body of the vehicle in such manner as
202 to prevent the plates from swinging, with all letters, numerals,
203 printing, writing, and other identification marks upon the
204 plates clear and distinct and free from defacement, mutilation,
205 grease, and other obscuring matter, so that they will be plainly
206 visible and legible at all times 100 feet from the rear or
207 front. In addition, if only one registration plate is issued for
208 a motor vehicle that is equipped with a mechanical loading
209 device that may damage the plate, the plate may be attached to
210 the front of the vehicle. Nothing shall be placed upon the face
211 of a Florida plate except as permitted by law or by rule or
212 regulation of a governmental agency. No license plates other
213 than those furnished by the state shall be used. However, if
214 the vehicle is not required to be licensed in this state, the
215 license plates on such vehicle issued by another state, by a
216 territory, possession, or district of the United States, or by a
217 foreign country, substantially complying with the provisions
218 hereof, shall be considered as complying with this chapter. A

Page 8 of 91

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hb0341-02-c2

HB 341 CS

2005
CS

219 government license plate that is issued to a truck tractor or
 220 heavy truck having a gross vehicle weight of 26,001 pounds or
 221 more which is owned by a governmental entity may be placed on
 222 the front of the vehicle and is in compliance with this chapter.

223 A violation of this subsection is a noncriminal traffic
 224 infraction, punishable as a nonmoving violation as provided in
 225 chapter 318.

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

228 320.01 Definitions, general.--As used in the Florida
 229 Statutes, except as otherwise provided, the term:

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

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

237 320.03 Registration; duties of tax collectors;
 238 International Registration Plan.--

239 (8) If the applicant's name appears on the list referred
 240 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 241 license plate or revalidation sticker may not be issued until
 242 that person's name no longer appears on the list or until the
 243 person presents a receipt from the clerk showing that the fines
 244 outstanding have been paid. The tax collector and the clerk of
 245 the court are each entitled to receive monthly, as costs for
 246 implementing and administering this subsection, 10 percent of

HB 341 CS

2005
CS

247 the civil penalties and fines recovered from such persons. As
 248 used in this subsection, the term "civil penalties and fines"
 249 does not include a wrecker company's ~~operator's~~ lien as
 250 described in s. 713.78(13). If the tax collector has private tag
 251 agents, such tag agents are entitled to receive a pro rata share
 252 of the amount paid to the tax collector, based upon the
 253 percentage of license plates and revalidation stickers issued by
 254 the tag agent compared to the total issued within the county.
 255 The authority of any private agent to issue license plates shall
 256 be revoked, after notice and a hearing as provided in chapter
 257 120, if he or she issues any license plate or revalidation
 258 sticker contrary to the provisions of this subsection. This
 259 section applies only to the annual renewal in the owner's birth
 260 month of a motor vehicle registration and does not apply to the
 261 transfer of a registration of a motor vehicle sold by a motor
 262 vehicle dealer licensed under this chapter, except for the
 263 transfer of registrations which is inclusive of the annual
 264 renewals. This section does not affect the issuance of the title
 265 to a motor vehicle, notwithstanding s. 319.23(7)(b).

266 Section 8. Section 320.0706, Florida Statutes, is amended
 267 to read:

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

HB 341 CS

2005
CS

274 ~~shall be required to~~ display the registration license plate only
275 on the front of such vehicle.

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

280 320.08 License taxes.--Except as otherwise provided
281 herein, there are hereby levied and imposed annual license taxes
282 for the operation of motor vehicles, mopeds, motorized bicycles
283 as defined in s. 316.003(2), and mobile homes, as defined in s.
284 320.01, which shall be paid to and collected by the department
285 or its agent upon the registration or renewal of registration of
286 the following:

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

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

294 (e) A wrecker, as defined in s. 320.01(40), which is used
295 to tow any motor vehicle, regardless of whether or not such
296 motor vehicle is a disabled motor vehicle as defined in s.
297 320.01(38), a replacement motor vehicle as defined in s.
298 320.01(39), a vessel as defined in s. 327.02(36), or any other
299 cargo, as follows:

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

HB 341 CS

2005
CS

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

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

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

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

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

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

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

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

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

321 320.0821 Wrecker license plates.--

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

HB 341 CS

2005
CS

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

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

335 320.0821 Wrecker license plates.--

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

348 Section 12. Paragraph (a) of subsection (1) of section
349 320.13, Florida Statutes, is amended to read:

350 320.13 Dealer and manufacturer license plates and
351 alternative method of registration.--

352 (1)(a) Any licensed motor vehicle dealer and any licensed
353 mobile home dealer may, upon payment of the license tax imposed
354 by s. 320.08(12), secure one or more dealer license plates,
355 which are valid for use on motor vehicles or mobile homes owned
356 by the dealer to whom such plates are issued while the motor
357 vehicles are in inventory and for sale, or while being operated

HB 341 CS

2005
CS

358 | in connection with such dealer's business, but are not valid for
 359 | use for hire. Dealer license plates may not be used on any ~~tow~~
 360 | ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 361 | wrecker is being demonstrated for sale, and the dealer license
 362 | plates may not be used on a vehicle used to transport another
 363 | motor vehicle for the motor vehicle dealer.

364 | Section 13. Effective January 1, 2006, section 321.051,
 365 | Florida Statutes, is amended to read:

366 | (Substantial rewording of section. See
 367 | s. 321.051, F.S., for present text.)

368 | 321.051 Florida Highway Patrol wrecker allocation system;
 369 | penalties for operation outside of system.--

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

371 | (a) "Division" means the Division of the Florida Highway
 372 | Patrol within the Department of Highway Safety and Motor
 373 | Vehicles.

374 | (b) "Authorized wrecker company" means a wrecker company
 375 | designated by the division as part of its wrecker allocation
 376 | system.

377 | (c) "Unauthorized wrecker company" means a wrecker company
 378 | not designated by the division as part of its wrecker allocation
 379 | system.

380 | (d) "Wrecker company" has the same meaning ascribed in s.
 381 | 508.01.

382 | (e) "Wrecker operator" has the same meaning ascribed in s.
 383 | 508.01.

384 | (f) "Wrecker services" has the same meaning ascribed in s.
 385 | 508.01.

HB 341 CS

2005
CS

386 (2)(a) The division may establish within areas designated
387 by the division a wrecker allocation system, using qualified,
388 reputable wrecker companies, for the removal from crash scenes
389 and the storage of wrecked or disabled vehicles when the owner
390 or operator is incapacitated, unavailable, or leaves the
391 procurement of wrecker services to the officer at the scene and
392 for the removal and storage of abandoned vehicles.

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

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

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

414 primary place of business is located, as evidenced by the
415 wrecker company's registration under chapter 508.

416 (3)(a) An unauthorized wrecker company, its wrecker
417 operators, or its other employees or agents may not monitor a
418 police radio for communications between patrol field units and
419 the dispatcher in order to determine the location of a wrecked
420 or disabled vehicle for the purpose of dispatching its wrecker
421 operator to drive by the scene of the vehicle in a manner
422 described in paragraph (b) or paragraph (c). Any person who
423 violates this paragraph commits a noncriminal violation,
424 punishable as provided in s. 775.083.

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

433 (c) When a wrecker operator dispatched by an unauthorized
434 wrecker company drives by the scene of a wrecked or disabled
435 vehicle and the owner or operator initiates contact by signaling
436 the wrecker operator to stop and provide wrecker services, the
437 wrecker operator must disclose to the owner or operator of the
438 vehicle that he or she was not dispatched by the authorized
439 wrecker company designated as part of the wrecker allocation
440 system and must disclose, in writing, what charges for towing
441 and storage will apply before the vehicle is connected to the

442 towing apparatus. Any person who violates this paragraph commits
 443 a misdemeanor of the second degree, punishable as provided in s.
 444 775.082 or s. 775.083.

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

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

463 (5) A law enforcement officer may dispatch an authorized
 464 wrecker company out of rotation to the scene of a wrecked or
 465 disabled vehicle if the authorized wrecker company next on
 466 rotation is not equipped to provide the required wrecker
 467 services and the out-of-rotation authorized wrecker company is
 468 available with the required equipment. However, this subsection
 469 does not prohibit or prevent the owner or operator of a vehicle

HB 341 CS

2005
CS

470 involved in a crash or otherwise disabled from contacting any
 471 wrecker company who is properly equipped to provide the required
 472 wrecker services, regardless of whether the wrecker company is
 473 an authorized wrecker company or not, unless the law enforcement
 474 officer determines that the wrecked or disabled vehicle is a
 475 public safety hazard and the officer believes that the
 476 authorized wrecker company would arrive at the scene before the
 477 wrecker company requested by the owner or operator.

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

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

482 323.001 Wrecker company storage facilities; vehicle
 483 holds.--

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

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

487 (b) "Wrecker company" has the same meaning ascribed in s.
 488 508.01.

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

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

HB 341 CS

2005
CS

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

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

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

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

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

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

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

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

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

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

545 (f) The vehicle is impounded or immobilized under s.
 546 316.193 or s. 322.34; or

547 (g) The law enforcement officer is complying with a court
 548 order.

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

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

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

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

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

558 (e) The condition of the vehicle.

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

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

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

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

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

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

577 323.002 County and municipal wrecker allocation systems;
 578 penalties for operation outside of system.--

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

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

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

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

599 (d) "Wrecker company" has the same meaning ascribed in s.
 600 508.01.

601 (e) "Wrecker operator" has the same meaning ascribed in s.
 602 508.01.

603 (f) "Wrecker services" has the same meaning ascribed in s.
 604 508.01.

605 (2) In a county or municipality that operates a wrecker
 606 allocation system:

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

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

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

626 (d) When a wrecker operator dispatched by an unauthorized
627 wrecker company drives by the scene of a wrecked or disabled
628 vehicle and the owner or operator initiates contact by signaling
629 the wrecker operator to stop and provide wrecker services, the
630 wrecker operator must disclose to the owner or operator of the
631 vehicle that he or she was not dispatched by the authorized
632 wrecker company designated as part of the wrecker allocation
633 system and must disclose, in writing, what charges for towing
634 and storage will apply before the vehicle is connected to the

635 towing apparatus. Any person who violates this paragraph commits
 636 a misdemeanor of the second degree, punishable as provided in s.
 637 775.082 or s. 775.083.

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

644 (3) This section does not prohibit, or in any way prevent,
 645 the owner or operator of a vehicle involved in a crash or
 646 otherwise disabled from contacting any wrecker company for the
 647 provision of wrecker services, regardless of whether the wrecker
 648 company is an authorized wrecker company or not. However, if a
 649 law enforcement officer determines that the disabled vehicle or
 650 vehicle cargo is a public safety hazard, the officer may, in the
 651 interest of public safety, dispatch an authorized wrecker
 652 company if the officer believes that the authorized wrecker
 653 company would arrive at the scene before the wrecker company
 654 requested by the owner or operator of the disabled vehicle or
 655 vehicle cargo.

656 (4) A law enforcement officer may dispatch an authorized
 657 wrecker company out of rotation to the scene of a wrecked or
 658 disabled vehicle if the authorized wrecker company next on
 659 rotation is not equipped to provide the required wrecker
 660 services and the out-of-rotation authorized wrecker company is
 661 available with the required equipment. However, this subsection
 662 does not prohibit or prevent the owner or operator of a vehicle

663 involved in a crash or otherwise disabled from contacting any
 664 wrecker company that is properly equipped to provide the
 665 required wrecker services, regardless of whether the wrecker
 666 company is an authorized wrecker company or not, unless the law
 667 enforcement officer determines that the wrecked or disabled
 668 vehicle is a public safety hazard and the officer believes that
 669 the authorized wrecker company would arrive at the scene before
 670 the wrecker company requested by the owner or operator.

671 Section 16. Chapter 508, Florida Statutes, consisting of
 672 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06,
 673 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13,
 674 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20, is
 675 created to read:

676 CHAPTER 508

677 WRECKER SERVICES

678 508.01 Definitions.--As used in this chapter, the term:

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

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

684 (3) "Department" means the Department of Agriculture and
 685 Consumer Services.

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

689 (5) "Ultimate equitable owner" means a natural person who,
 690 directly or indirectly, owns or controls 10 percent or more of

691 an ownership interest in a wrecker company, regardless of
 692 whether the natural person owns or controls the ownership
 693 interest through one or more natural persons or one or more
 694 proxies, powers of attorney, nominees, business entities, or any
 695 combination thereof.

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

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

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

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

711 (10) "Wrecker operator" means a person who performs
 712 wrecker services.

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

717 (a) Driving a wrecker.

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

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

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

727 (e) Towing, transportation, or removal of a vehicle or
 728 vessel parked on real property without permission under s.
 729 715.07.

730 (f) Recovery of a vehicle or vessel.
 731 508.02 Wrecker Operator Advisory Council.--

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

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

740 (b) Three members of the council must each be an ultimate
 741 equitable owner of a wrecker company who has been an ultimate
 742 equitable owner of that company for at least 5 years before his
 743 or her appointment; one member must be a wrecker operator who is
 744 not an ultimate equitable owner of a wrecker company and who has
 745 been a wrecker operator for at least 5 years before his or her

746 appointment; and two members must be laypersons. Each member
 747 must be a resident of this state. This paragraph expires July 1,
 748 2011.

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

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

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

769 (b) In conducting its meetings, the council shall use
 770 accepted rules of procedure. The department shall keep a
 771 complete record of each meeting which must show the names of
 772 members present and the actions taken. These records and other

773 documents about matters within the jurisdiction of the council
774 must be kept on file with the department.

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

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

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

786 508.03 Rulemaking authority.--The department may adopt
787 rules under ss. 120.536(1) and 120.54 to administer this
788 chapter.

789 508.04 Wrecker companies; registration
790 required.--Effective January 1, 2006:

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

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

HB 341 CS

2005
CS

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

806 508.05 Registration requirements; renewal of
 807 registrations.--

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

815 (a) The name and federal employer identification number of
 816 the wrecker company.

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

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

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

827 entity and each officer, director, partner, manager, member, or
 828 managing member of the entity.

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

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

835 (2) Each initial and renewal application for registration
 836 must be accompanied by the registration fee prescribed in s.
 837 508.16.

838 (3) Each initial application for registration must be
 839 accompanied by a complete set of the applicant's fingerprints
 840 taken by a law enforcement agency. If the applicant is other
 841 than a natural person, a complete set of fingerprints must also
 842 be filed for each ultimate equitable owner of the business
 843 entity and each officer, director, partner, manager, member, or
 844 managing member of the entity. The department shall submit the
 845 fingerprints to the Department of Law Enforcement for state
 846 processing, and the Department of Law Enforcement shall forward
 847 the fingerprints to the Federal Bureau of Investigation for
 848 national processing. The applicant must also pay the Department
 849 of Law Enforcement a fingerprint processing fee for state
 850 processing, and an additional fee for federal processing, for
 851 each applicant's name submitted. Registration renewal
 852 applications need not be accompanied by a set of fingerprints
 853 for an individual who previously submitted a set of fingerprints

854 to the department as part of a prior year's registration
 855 application.

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

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

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

880 (7)(a) Each registration must be renewed annually on or
 881 before the expiration date of the current registration. A late

HB 341 CS

2005
CS

882 fee of \$25 must be paid, in addition to the registration fee or
 883 any other penalty, for a registration renewal application that
 884 is received by the department after the expiration date of the
 885 current registration. The department may not issue a
 886 registration until all fees are paid.

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

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

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

905 508.06 Denial of registration.--The department may deny,
 906 revoke, or refuse to renew the registration of a wrecker company
 907 based upon a determination that the applicant or, if the
 908 applicant is other than a natural person, the wrecker company or

909 any of its ultimate equitable owners, officers, directors,
 910 partners, managers, members, or managing members has:

911 (1) Not met the requirements for registration under this
 912 chapter;

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

916 (3) Been convicted of, found guilty of, or pled guilty or
 917 nolo contendere to, regardless of the adjudication of guilt, a
 918 crime within the last 10 years involving repossession of a motor
 919 vehicle under chapter 493; repair of a motor vehicle under ss.
 920 559.901-559.9221; theft of a motor vehicle under s. 812.014;
 921 carjacking under s. 812.133; operation of a chop shop under s.
 922 812.16; failure to maintain records of motor vehicle parts and
 923 accessories under s. 860.14; airbag theft or use of fake airbags
 924 under s. 860.145 or s. 860.146; overcharging for repairs and
 925 parts under s. 860.15; or a violation of towing or storage
 926 requirements for a motor vehicle under s. 321.051, chapter 323,
 927 s. 713.78, s. 715.07, or this chapter;

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

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

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

HB 341 CS

2005
CS

937 508.061 Acceptable forms of payment.--A wrecker company
 938 shall accept a minimum of two of the following forms of payment:

939 (1) Cash, cashier's check, money order, or traveler's
 940 check;

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

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

946 508.07 Wrecker operator certification program.--

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

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

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

969 508.08 Specialized wrecker services.--

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

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

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

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

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

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

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

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

994 (2) The department shall adopt rules prescribing specific
 995 standards to further define each of the specialized wrecker
 996 services described in subsection (1). The council must approve
 997 the instruction, training, and examination for a specialized
 998 wrecker service before the specialized wrecker service is
 999 accepted for endorsement of a wrecker operator's certification
 1000 under this chapter.

1001 (3) Each organization conducting an approved wrecker
 1002 operator certification course must issue on forms prescribed by
 1003 the department a certificate to each wrecker operator who
 1004 completes the approved instruction and training for a
 1005 specialized wrecker service or who passes the approved
 1006 endorsement examination for that specialized wrecker service.

1007 508.09 Certification cards.--

1008 (1) Each organization conducting an approved wrecker
 1009 operator certification course must issue a certification card to
 1010 each wrecker operator who completes the approved certification
 1011 course and passes the approved certification examination. The
 1012 department must approve the form of the certification cards
 1013 issued by each organization. Each certification card must
 1014 include the wrecker operator's name, a color photograph or
 1015 digital image of the wrecker operator, and the expiration date
 1016 of the certification card.

1017 (2) Each certification card must also include the wrecker
 1018 operator's applicable endorsements for specialized wrecker
 1019 services, for which the wrecker operator completed the approved

HB 341 CS

2005
CS

1020 instruction and training for the specialized wrecker service and
 1021 passed the approved endorsement examination for that specialized
 1022 wrecker service.

1023 (3) The department may adopt rules governing the issuance
 1024 of a certification card to a wrecker operator who:

1025 (a) Completes a certification course and passes a
 1026 certification examination in another state which are
 1027 substantially equivalent to the approved certification courses
 1028 and approved certification examinations in this state.

1029 (b) Completed a certification course and passed a
 1030 certification examination in this state between January 1, 2000,
 1031 and December 31, 2005, which are substantially equivalent to the
 1032 approved certification courses and the approved certification
 1033 examinations. This paragraph expires July 1, 2006.

1034 (c) Completed instruction and training for a specialized
 1035 wrecker service and passed an endorsement examination for that
 1036 specialized wrecker service between January 1, 2000, and
 1037 December 31, 2005, which are substantially equivalent to the
 1038 approved instruction and training and the approved endorsement
 1039 examinations. This paragraph expires July 1, 2006.

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

1048 endorsement examinations for a specialized wrecker service in
 1049 this state.

1050 (4) Each certification card expires 5 years after the date
 1051 of issuance.

1052 (5) Certification cards shall be issued by the
 1053 organizations conducting approved wrecker operator certification
 1054 courses. The department is not responsible for issuing
 1055 certification cards or for the costs associated with the
 1056 issuance of certification cards.

1057 508.10 Wrecker operators; certification required;
 1058 inspection of employment records.--Effective January 1, 2006:

1059 (1) A person may not perform wrecker services in this
 1060 state unless he or she is an employee or ultimate equitable
 1061 owner of a wrecker company that is registered with the
 1062 department under this chapter and those wrecker services are
 1063 performed on behalf of the wrecker company.

1064 (2)(a) A person may not perform wrecker services or
 1065 specialized wrecker services for a wrecker company for more than
 1066 6 months after first being employed by, or becoming an ultimate
 1067 equitable owner of, the wrecker company without being certified
 1068 as a wrecker operator under this chapter.

1069 (b) A wrecker operator certified under this chapter may
 1070 not perform a specialized wrecker service for a wrecker company
 1071 unless the wrecker operator's certification includes an
 1072 endorsement for that specialized wrecker service.

1073 (3)(a) Notwithstanding subsections (1) and (2), a person
 1074 may perform wrecker services or specialized wrecker services in
 1075 this state if he or she is an employee or ultimate equitable

1076 owner of a motor vehicle repair shop registered with the
 1077 department under s. 559.904 and those wrecker services or
 1078 specialized wrecker services are performed on behalf of the
 1079 motor vehicle repair shop.

1080 (b) Notwithstanding subsections (1) and (2), a person may
 1081 perform wrecker services or specialized wrecker services in this
 1082 state if those wrecker services or specialized wrecker services
 1083 are performed on behalf of a religious organization that holds a
 1084 current exemption from federal taxation, or that is not required
 1085 to apply for recognition of its exemption, under s. 501 of the
 1086 Internal Revenue Code.

1087 (4) The department may, at any time during business hours,
 1088 enter any business location of a wrecker company and examine the
 1089 company's books or records. If the department has reason to
 1090 believe that a violation of this chapter has occurred or is
 1091 occurring, the department may subpoena any necessary books or
 1092 records.

1093 508.11 Renewal of certification; continuing education
 1094 requirements.--

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

1104 proposes to offer, before the course is approved for
 1105 recertifying wrecker operators.

1106 (2) Each organization conducting an approved wrecker
 1107 operator continuing education course must issue, on forms
 1108 prescribed by the department, a certificate to each wrecker
 1109 operator who completes the approved course or who passes an
 1110 approved recertification examination.

1111 508.12 Prohibited acts.--It is a violation of this chapter
 1112 for a person to:

1113 (1) Charge rates that exceed the maximum rates imposed by
 1114 the ordinances of the respective county or municipality under
 1115 ss. 125.0103(1)(c) and 166.043(1)(c).

1116 (2) Violate s. 321.051, relating to the Florida Highway
 1117 Patrol wrecker allocation system.

1118 (3) Violate s. 323.002, relating to county and municipal
 1119 wrecker allocation systems.

1120 (4) Violate s. 713.78, relating to liens for recovering,
 1121 towing, or storing vehicles and vessels.

1122 (5) Violate s. 715.07, relating to towing or removing
 1123 vehicles and vessels parked on real property without permission.

1124 (6) Refuse to allow a law enforcement officer to inspect a
 1125 towing and storage facility, as required in s. 812.055.

1126 (7) Allow a person who is not certified as a wrecker
 1127 operator under this chapter to perform wrecker services or
 1128 specialized wrecker services for the wrecker company for more
 1129 than 6 months after first being employed by, or becoming an
 1130 ultimate equitable owner of, the wrecker company.

1131 (8) Allow a wrecker operator certified under this chapter
 1132 to perform a specialized wrecker service for the wrecker company
 1133 if the wrecker operator's certification does not include an
 1134 endorsement for that specialized wrecker service.

1135 (9) Perform an act otherwise prohibited by this chapter or
 1136 fail to perform an act otherwise required by this chapter.

1137 508.13 Administrative penalties; inspection of records.--

1138 (1) The department may order one or more of the following
 1139 if the department finds that a person has violated this chapter
 1140 or the rules or orders issued under this chapter:

1141 (a) Issue a notice of noncompliance under s. 120.695.

1142 (b) Impose an administrative fine not to exceed \$5,000 for
 1143 each act or omission.

1144 (c) Direct the person to cease and desist specified
 1145 activities.

1146 (d) Refuse to register the wrecker company or suspend or
 1147 revoke the wrecker company's registration.

1148 (e) Place the wrecker company on probation for a period of
 1149 time, subject to the conditions specified by the department.

1150 (2) Chapter 120 shall govern an administrative proceeding
 1151 resulting from an order imposing a penalty specified in
 1152 subsection (1).

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

1159 owner of a vehicle, vessel, or mobile home who is aggrieved or
 1160 injured by a violation of this chapter.

1161 508.15 Criminal penalties.--Effective July 1, 2006:

1162 (1) A person who violates s. 508.04(1) by operating a
 1163 wrecker company in this state without being registered with the
 1164 department under this chapter commits a felony of the third
 1165 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1166 775.084.

1167 (2) A person who violates s. 508.10(1) by performing
 1168 wrecker services in this state without being an employee or
 1169 ultimate equitable owner of a wrecker company that is registered
 1170 with the department under this chapter commits a felony of the
 1171 third degree, punishable as provided in s. 775.082, s. 775.083,
 1172 or s. 775.084.

1173 508.16 Fees.--The department shall adopt by rule a fee
 1174 schedule, not to exceed the following amounts:

1175 (1) Wrecker company registration fee: \$515.

1176 (2) Wrecker company registration renewal fee: \$515.

1177 508.17 General Inspection Trust Fund; payments.--All fees,
 1178 penalties, or other funds collected by the department under this
 1179 chapter must be deposited in the General Inspection Trust Fund
 1180 and may only be used for the purpose of administering this
 1181 chapter.

1182 508.18 Recovery agents; exemption.--This chapter does not
 1183 apply to a person licensed under chapter 493 performing
 1184 repossession services.

1185 508.19 County and municipal ordinances.--A county or
 1186 municipality may enact ordinances governing the business of

1187 transporting vehicles or vessels by wrecker which are more
 1188 restrictive than this chapter. This section does not limit the
 1189 authority of a political subdivision to impose regulatory fees
 1190 or charges or to levy occupational license taxes under chapter
 1191 205. The department may enter into a cooperative agreement with
 1192 any county or municipality that provides for the referral,
 1193 investigation, and prosecution of consumer complaints alleging
 1194 violations of this act. The department is authorized to delegate
 1195 enforcement of this act to any county or municipality entering
 1196 into a cooperative agreement.

1197 508.20 Records.--

1198 (1) Each wrecker company shall maintain records of its
 1199 wrecker services for at least 12 months. These records shall be
 1200 maintained at the wrecker company's principal place of business.

1201 (2) Each wrecker company shall maintain records on each of
 1202 its wrecker operators sufficient to demonstrate that the
 1203 operator has successfully completed an approved wrecker operator
 1204 certification course or an approved wrecker operator continuing
 1205 education course and is certified to perform wrecker services.
 1206 These records shall be maintained at the wrecker company's
 1207 principal place of business for as long as the operator is
 1208 employed by the wrecker company and for at least 6 months
 1209 thereafter.

1210 (3) Each organization approved to conduct a wrecker
 1211 operator certification course or approved to offer a wrecker
 1212 operator continuing education course shall maintain records on
 1213 each person who successfully completes one of the courses. The
 1214 records shall be maintained at the organization's principal

HB 341 CS

2005
CS

1215 | place of business for at least 5 years. The department may, at
 1216 | any time during normal business hours, enter the organization's
 1217 | principal place of business to examine the records.

1218 | Section 17. Subsection (13) of section 713.78, Florida
 1219 | Statutes, is amended to read:

1220 | 713.78 Liens for recovering, towing, or storing vehicles
 1221 | and vessels.--

1222 | (13)(a) Upon receipt by the Department of Highway Safety
 1223 | and Motor Vehicles of written notice from a wrecker operator who
 1224 | claims a wrecker operator's lien under paragraph (2)(c) or
 1225 | paragraph (2)(d) for recovery, towing, or storage of an
 1226 | abandoned vehicle, vessel, or mobile home upon instructions from
 1227 | any law enforcement agency, for which a certificate of
 1228 | destruction has been issued under subsection (11), the
 1229 | department shall place the name of the registered owner of that
 1230 | vehicle, vessel, or mobile home on the list of those persons who
 1231 | may not be issued a license plate or revalidation sticker for
 1232 | any motor vehicle under s. 320.03(8). If the vehicle, vessel, or
 1233 | mobile home is owned jointly by more than one person, the name
 1234 | of each registered owner shall be placed on the list. The notice
 1235 | of wrecker operator's lien shall be submitted on forms provided
 1236 | by the department, which must include:

1237 | 1. The name, address, and telephone number of the wrecker
 1238 | operator.

1239 | 2. The name of the registered owner of the vehicle,
 1240 | vessel, or mobile home and the address to which the wrecker
 1241 | operator provided notice of the lien to the registered owner
 1242 | under subsection (4).

HB 341 CS

2005
CS

1243 3. A general description of the vehicle, vessel, or mobile
1244 home, including its color, make, model, body style, and year.

1245 4. The vehicle identification number (VIN); registration
1246 license plate number, state, and year; validation decal number,
1247 state, and year; mobile home sticker number, state, and year;
1248 vessel registration number; hull identification number; or other
1249 identification number, as applicable.

1250 5. The name of the person or the corresponding law
1251 enforcement agency that requested that the vehicle, vessel, or
1252 mobile home be recovered, towed, or stored.

1253 6. The amount of the wrecker operator's lien, not to
1254 exceed the amount allowed by paragraph (b).

1255 (b) For purposes of this subsection only, the amount of
1256 the wrecker operator's lien for which the department will
1257 prevent issuance of a license plate or revalidation sticker may
1258 not exceed the amount of the charges for recovery, towing, and
1259 storage of the vehicle, vessel, or mobile home for 7 days. These
1260 charges may not exceed the maximum rates imposed by the
1261 ordinances of the respective county or municipality under ss.
1262 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit
1263 the amount of a wrecker operator's lien claimed under subsection
1264 (2) or prevent a wrecker operator from seeking civil remedies
1265 for enforcement of the entire amount of the lien, but limits
1266 only that portion of the lien for which the department will
1267 prevent issuance of a license plate or revalidation sticker.

1268 (c)1. The registered owner of a vehicle, vessel, or mobile
1269 home may dispute a wrecker operator's lien, by notifying the

HB 341 CS

2005
CS

1270 department of the dispute in writing on forms provided by the
1271 department, if at least one of the following applies:

1272 a. The registered owner presents a notarized bill of sale
1273 proving that the vehicle, vessel, or mobile home was sold in a
1274 private or casual sale before the vehicle, vessel, or mobile
1275 home was recovered, towed, or stored.

1276 b. The registered owner presents proof that the Florida
1277 certificate of title of the vehicle, vessel, or mobile home was
1278 sold to a licensed dealer as defined in s. 319.001 before the
1279 vehicle, vessel, or mobile home was recovered, towed, or stored.

1280 c. The records of the department were marked to indicate
1281 that the vehicle, vessel, or mobile home was sold before the
1282 issuance of the certificate of destruction under subsection
1283 (11).

1284
1285 If the registered owner's dispute of a wrecker operator's lien
1286 complies with one of these criteria, the department shall
1287 immediately remove the registered owner's name from the list of
1288 those persons who may not be issued a license plate or
1289 revalidation sticker for any motor vehicle under s. 320.03(8),
1290 thereby allowing issuance of a license plate or revalidation
1291 sticker. If the vehicle, vessel, or mobile home is owned jointly
1292 by more than one person, each registered owner must dispute the
1293 wrecker operator's lien in order to be removed from the list.
1294 However, the department shall deny any dispute and maintain the
1295 registered owner's name on the list of those persons who may not
1296 be issued a license plate or revalidation sticker for any motor
1297 vehicle under s. 320.03(8) if the wrecker operator has provided

HB 341 CS

2005
CS

1298 | the department with a certified copy of the judgment of a court
 1299 | which orders the registered owner to pay the wrecker operator's
 1300 | lien claimed under this section. In such a case, the amount of
 1301 | the wrecker operator's lien allowed by paragraph (b) may be
 1302 | increased to include no more than \$500 of the reasonable costs
 1303 | and attorney's fees incurred in obtaining the judgment. The
 1304 | department's action under this subparagraph is ministerial in
 1305 | nature, shall not be considered final agency action, and may be
 1306 | appealed ~~is appealable~~ only to the county court for the county
 1307 | in which the vehicle, vessel, or mobile home was ordered
 1308 | removed.

1309 | 2. A person against whom a wrecker operator's lien has
 1310 | been imposed may alternatively obtain a discharge of the lien by
 1311 | filing a complaint, challenging the validity of the lien or the
 1312 | amount thereof, in the county court of the county in which the
 1313 | vehicle, vessel, or mobile home was ordered removed. Upon filing
 1314 | of the complaint, the person may have her or his name removed
 1315 | from the list of those persons who may not be issued a license
 1316 | plate or revalidation sticker for any motor vehicle under s.
 1317 | 320.03(8), thereby allowing issuance of a license plate or
 1318 | revalidation sticker, upon posting with the court a cash or
 1319 | surety bond or other adequate security equal to the amount of
 1320 | the wrecker operator's lien to ensure the payment of such lien
 1321 | in the event she or he does not prevail. Upon the posting of the
 1322 | bond and the payment of the applicable fee set forth in s.
 1323 | 28.24, the clerk of the court shall issue a certificate
 1324 | notifying the department of the posting of the bond and
 1325 | directing the department to release the wrecker operator's lien.

HB 341 CS

2005
CS

1326 Upon determining the respective rights of the parties, the court
1327 may award damages and costs in favor of the prevailing party.

1328 3. If a person against whom a wrecker operator's lien has
1329 been imposed does not object to the lien, but cannot discharge
1330 the lien by payment because the wrecker operator has moved or
1331 gone out of business, the person may have her or his name
1332 removed from the list of those persons who may not be issued a
1333 license plate or revalidation sticker for any motor vehicle
1334 under s. 320.03(8), thereby allowing issuance of a license plate
1335 or revalidation sticker, upon posting with the clerk of court in
1336 the county in which the vehicle, vessel, or mobile home was
1337 ordered removed, a cash or surety bond or other adequate
1338 security equal to the amount of the wrecker operator's lien.
1339 Upon the posting of the bond and the payment of the application
1340 fee set forth in s. 28.24, the clerk of the court shall issue a
1341 certificate notifying the department of the posting of the bond
1342 and directing the department to release the wrecker operator's
1343 lien. The department shall mail to the wrecker operator, at the
1344 address upon the lien form, notice that the wrecker operator
1345 must claim the security within 60 days, or the security will be
1346 released back to the person who posted it. At the conclusion of
1347 the 60 days, the department shall direct the clerk as to which
1348 party is entitled to payment of the security, less applicable
1349 clerk's fees.

1350 4. A wrecker operator's lien expires 5 years after filing.

1351 (d) Upon discharge of the amount of the wrecker operator's
1352 lien allowed by paragraph (b), the wrecker operator must issue a
1353 certificate of discharged wrecker operator's lien on forms

1354 provided by the department to each registered owner of the
 1355 vehicle, vessel, or mobile home attesting that the amount of the
 1356 wrecker operator's lien allowed by paragraph (b) has been
 1357 discharged. Upon presentation of the certificate of discharged
 1358 wrecker operator's lien by the registered owner, the department
 1359 shall immediately remove the registered owner's name from the
 1360 list of those persons who may not be issued a license plate or
 1361 revalidation sticker for any motor vehicle under s. 320.03(8),
 1362 thereby allowing issuance of a license plate or revalidation
 1363 sticker. Issuance of a certificate of discharged wrecker
 1364 operator's lien under this paragraph does not discharge the
 1365 entire amount of the wrecker operator's lien claimed under
 1366 subsection (2), but only certifies to the department that the
 1367 amount of the wrecker operator's lien allowed by paragraph (b),
 1368 for which the department will prevent issuance of a license
 1369 plate or revalidation sticker, has been discharged.

1370 (e) When a wrecker operator files a notice of wrecker
 1371 operator's lien under this subsection, the department shall
 1372 charge the wrecker operator a fee of \$2, which must ~~shall~~ be
 1373 deposited into the General Revenue Fund ~~established under s.~~
 1374 ~~860.158~~. A service charge of \$2.50 shall be collected and
 1375 retained by the tax collector who processes a notice of wrecker
 1376 operator's lien.

1377 (f) This subsection applies only to the annual renewal in
 1378 the registered owner's birth month of a motor vehicle
 1379 registration and does not apply to the transfer of a
 1380 registration of a motor vehicle sold by a motor vehicle dealer
 1381 licensed under chapter 320, except for the transfer of

HB 341 CS

2005
CS

1382 | registrations which is inclusive of the annual renewals. This
 1383 | subsection does not apply to any vehicle registered in the name
 1384 | of a lessor. This subsection does not affect the issuance of the
 1385 | title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1386 | (g) The Department of Highway Safety and Motor Vehicles
 1387 | may adopt rules under ~~pursuant to~~ ss. 120.536(1) and 120.54 to
 1388 | implement this subsection.

1389 | Section 18. Effective January 1, 2006, section 713.78,
 1390 | Florida Statutes, as amended by this act, is amended to read:

1391 | 713.78 Liens for recovering, towing, or storing vehicles
 1392 | and vessels.--

1393 | (1) As used in ~~For the purposes of~~ this section, the term:

1394 | (a) "Business day" means a day other than a Saturday,
 1395 | Sunday, or federal or state legal holiday.

1396 | (b) "Property owner" has the same meaning ascribed in s.
 1397 | 715.07.

1398 | (c)~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1399 | 508.01 ~~means any mobile item, whether motorized or not, which is~~
 1400 | ~~mounted on wheels.~~

1401 | (d)~~(b)~~ "Vessel" has the same meaning ascribed in s. 508.01
 1402 | ~~means every description of watercraft, barge, and air boat used~~
 1403 | ~~or capable of being used as a means of transportation on water,~~
 1404 | ~~other than a seaplane or a "documented vessel" as defined in s.~~
 1405 | ~~327.02(8).~~

1406 | (e)~~(e)~~ "Wrecker" has the same meaning ascribed in s.
 1407 | 320.01 ~~means any truck or other vehicle which is used to tow,~~
 1408 | ~~carry, or otherwise transport motor vehicles or vessels upon the~~
 1409 | ~~streets and highways of this state and which is equipped for~~

HB 341 CS

2005
CS

1410 ~~that purpose with a boom, winch, car carrier, or other similar~~
1411 ~~equipment.~~

1412 (f) "Wrecker company" has the same meaning ascribed in s.
1413 508.01.

1414 (g) "Wrecker operator" has the same meaning ascribed in s.
1415 508.01.

1416 (2) Whenever a wrecker company registered under chapter
1417 508 ~~person regularly engaged in the business of transporting~~
1418 ~~vehicles or vessels by wrecker, tow truck, or car carrier~~
1419 ~~recovers, removes, or stores a vehicle~~ or, ~~vessel, or mobile~~
1420 ~~home~~ upon instructions from:

1421 (a) The owner of the vehicle or vessel thereof; ~~or~~

1422 (b) The property owner ~~or lessor, or a person authorized~~
1423 ~~by the owner or lessor,~~ of real property on which the such
1424 vehicle is wrongfully parked without permission, and the such
1425 removal is done in compliance with s. 715.07; or

1426 (c) A Any law enforcement agency, ~~or~~

1427 ~~(d) A mobile home park owner as defined in s. 723.003 who~~
1428 ~~has a current writ of possession for a mobile home lot pursuant~~
1429 ~~to s. 723.061,~~

1430
1431 the wrecker company has ~~she or he shall have~~ a lien on the such
1432 vehicle or vessel for a reasonable towing fee and for a
1433 reasonable storage fee; except that a no storage fee may not
1434 shall be charged if a such vehicle or vessel is stored for less
1435 than 6 hours.

1436 (3) This section does not authorize any person to claim a
1437 lien on a vehicle for fees or charges connected with the

HB 341 CS

2005
CS

1438 immobilization of a ~~such~~ vehicle using a vehicle boot or other
1439 similar device under ~~pursuant to~~ s. 715.07.

1440 (4)(a) Any wrecker company ~~that person~~ ~~regularly engaged~~
1441 ~~in the business of recovering, towing, or storing vehicles or~~
1442 ~~vessels who~~ comes into possession of a vehicle or vessel under
1443 ~~pursuant to~~ subsection (2), and who claims a lien for recovery,
1444 towing, or storage services, must ~~shall~~ give notice to the
1445 registered owner, to the insurance company insuring the vehicle
1446 notwithstanding ~~the provisions of~~ s. 627.736, and to all persons
1447 claiming a lien on the vehicle or vessel ~~thereon~~, as disclosed
1448 by the records in the Department of Highway Safety and Motor
1449 Vehicles or of a corresponding agency in any other state.

1450 (b) Whenever a ~~any~~ law enforcement agency authorizes the
1451 removal of a vehicle, or whenever a wrecker company ~~any towing~~
1452 ~~service, garage, repair shop, or automotive service, storage, or~~
1453 ~~parking place~~ notifies the law enforcement agency of possession
1454 of a vehicle under ~~pursuant to~~ s. 715.07(2)(a)2., the applicable
1455 law enforcement agency shall contact the Department of Highway
1456 Safety and Motor Vehicles, or the appropriate agency of the
1457 state of registration, if known, within 24 hours through the
1458 medium of electronic communications, giving the full description
1459 of the vehicle. Upon receipt of the full description of the
1460 vehicle, the department shall search its files to determine the
1461 owner's name, the insurance company insuring the vehicle, and
1462 whether any person has filed a lien upon the vehicle as provided
1463 in s. 319.27(2) and (3) and notify the applicable law
1464 enforcement agency within 72 hours. The wrecker company ~~person~~
1465 ~~in charge of the towing service, garage, repair shop, or~~

HB 341 CS

2005
CS

1466 ~~automotive service, storage, or parking place~~ shall obtain this
 1467 ~~such~~ information from the applicable law enforcement agency
 1468 within 5 days after ~~from~~ the date of storage and must ~~shall~~ give
 1469 notice under ~~pursuant to~~ paragraph (a). The department may
 1470 release the insurance company information to the requestor
 1471 notwithstanding ~~the provisions of~~ s. 627.736.

1472 (c) Notice by certified mail, return receipt requested,
 1473 must ~~shall~~ be sent within 7 business days after the date of
 1474 storage of the vehicle or vessel to the registered owner, the
 1475 insurance company insuring the vehicle notwithstanding ~~the~~
 1476 ~~provisions of~~ s. 627.736, and all persons of record claiming a
 1477 lien against the vehicle or vessel. The notice must ~~it shall~~
 1478 state the fact of possession of the vehicle or vessel, that a
 1479 lien as provided in subsection (2) is claimed, that charges have
 1480 accrued and the amount of the charges ~~thereof~~, that the lien is
 1481 subject to enforcement under ~~pursuant to~~ law, ~~and~~ that the owner
 1482 or lienholder, if any, has the right to a hearing as set forth
 1483 in subsection (5), and that any vehicle or vessel which remains
 1484 unclaimed, or for which the charges for recovery, towing, or
 1485 storage services remain unpaid, may be sold free of all prior
 1486 liens after 35 days if the vehicle or vessel is more than 3
 1487 years of age or after 50 days if the vehicle or vessel is 3
 1488 years of age or less.

1489 (d) If the wrecker company is unable ~~attempts~~ to identify
 1490 the name of ~~locate~~ the owner or lienholder ~~prove unsuccessful~~,
 1491 the wrecker company must ~~towing-storage operator shall~~, after 7
 1492 business working days following, ~~excluding Saturday and Sunday~~,
 1493 ~~of~~ the initial tow or storage, notify the public agency of

HB 341 CS

2005
CS

1494 jurisdiction in writing by certified mail or acknowledged hand
 1495 delivery that the wrecker ~~towing-storage~~ company has been unable
 1496 to identify the name of ~~locate~~ the owner or lienholder and a
 1497 physical search of the vehicle or vessel has disclosed no
 1498 ownership information and a good faith effort has been made. For
 1499 purposes of this paragraph and subsection (9), the term "good
 1500 faith effort" means that the following checks have been
 1501 performed by the wrecker company to establish prior state of
 1502 registration and for title:

- 1503 1. Check of vehicle or vessel for any type of tag, tag
 1504 record, temporary tag, or regular tag.
- 1505 2. Check of law enforcement report for tag number or other
 1506 information identifying the vehicle or vessel, if the vehicle or
 1507 vessel was towed at the request of a law enforcement officer.
- 1508 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~
 1509 ~~truck~~ operator to see if a tag was on vehicle at beginning of
 1510 tow, if private tow.
- 1511 4. If there is no address of the owner on the impound
 1512 report, check of law enforcement report to see if an out-of-
 1513 state address is indicated from driver license information.
- 1514 5. Check of vehicle or vessel for inspection sticker or
 1515 other stickers and decals that may indicate a state of possible
 1516 registration.
- 1517 6. Check of the interior of the vehicle or vessel for any
 1518 papers that may be in the glove box, trunk, or other areas for a
 1519 state of registration.
- 1520 7. Check of vehicle for vehicle identification number.
- 1521 8. Check of vessel for vessel registration number.

HB 341 CS

2005
CS

1522 9. Check of vessel hull for a hull identification number
1523 which should be carved, burned, stamped, embossed, or otherwise
1524 permanently affixed to the outboard side of the transom or, if
1525 there is no transom, to the outmost seaboard side at the end of
1526 the hull that bears the rudder or other steering mechanism.

1527 (5)(a) The owner of a vehicle or vessel removed under
1528 ~~pursuant to the provisions of~~ subsection (2), or any person
1529 claiming a lien, other than the wrecker company towing-storage
1530 ~~operator~~, within 10 days after the time she or he has knowledge
1531 of the location of the vehicle or vessel, may file a complaint
1532 in the county court of the county in which the vehicle or vessel
1533 is stored or in which the owner resides to determine if her or
1534 his property was wrongfully taken or withheld from her or him.

1535 (b) Upon filing of a complaint, an owner or lienholder may
1536 have her or his vehicle or vessel released upon posting with the
1537 court a cash or surety bond or other adequate security equal to
1538 the amount of the charges for towing or storage and lot rental
1539 amount to ensure the payment of the ~~such~~ charges in the event
1540 she or he does not prevail. Upon the posting of the bond and the
1541 payment of the applicable fee set forth in s. 28.24, the clerk
1542 of the court shall issue a certificate notifying the lienor of
1543 the posting of the bond and directing the lienor to release the
1544 vehicle or vessel. At the time of the ~~such~~ release, after
1545 reasonable inspection, she or he shall give a receipt to the
1546 wrecker towing-storage company reciting any claims she or he has
1547 for loss or damage to the vehicle or vessel or to the contents
1548 of the vehicle or vessel thereof.

HB 341 CS

2005
CS

1549 (c) Upon determining the respective rights of the parties,
 1550 the court shall ~~may~~ award damages, and costs, and reasonable
 1551 attorney's fees to in favor of the prevailing party. ~~In any~~
 1552 ~~event,~~ The final order must require ~~shall provide for~~ immediate
 1553 payment in full of the recovery, towing, and storage fees by the
 1554 vehicle or vessel owner or lienholder; by ~~or~~ the law enforcement
 1555 agency ordering the tow; or by the property owner, ~~lessee, or~~
 1556 ~~agent thereof~~ of the real property from which the vehicle or
 1557 vessel was towed or removed under s. 715.07.

1558 (6) Any vehicle or vessel that ~~which~~ is stored under
 1559 ~~pursuant to~~ subsection (2) and that ~~which~~ remains unclaimed, or
 1560 for which reasonable charges for recovery, towing, or storing
 1561 remain unpaid ~~or for which a lot rental amount is due and owing~~
 1562 ~~to the mobile home park owner, as evidenced by a judgment for~~
 1563 ~~unpaid rent, and any contents not released~~ under ~~pursuant to~~
 1564 subsection (10), may be sold by the wrecker company ~~owner or~~
 1565 ~~operator of the storage space~~ for the ~~such~~ towing or storage
 1566 charge or unpaid lot rental amount after 35 days after ~~from the~~
 1567 ~~time~~ the vehicle or vessel is stored in the wrecker company's
 1568 storage facility ~~therein~~ if the vehicle or vessel is more than 3
 1569 years of age or after 50 days after ~~following the time the~~
 1570 vehicle or vessel is stored in the wrecker company's storage
 1571 facility ~~therein~~ if the vehicle or vessel is 3 years of age or
 1572 less. The sale must ~~shall~~ be at public auction for cash. If the
 1573 date of the sale is ~~was~~ not included in the notice required in
 1574 subsection (4), notice of the sale must ~~shall~~ be given to the
 1575 person in whose name the vehicle or, vessel, ~~or mobile home~~ is
 1576 registered, ~~to the mobile home park owner,~~ and to all persons

HB 341 CS

2005
CS

1577 claiming a lien on the vehicle or vessel as shown on the records
 1578 of the Department of Highway Safety and Motor Vehicles or of the
 1579 corresponding agency in any other state. Notice must ~~shall~~ be
 1580 sent by certified mail, return receipt requested, to the owner
 1581 of the vehicle or vessel and the person having the recorded lien
 1582 on the vehicle or vessel at the address shown on the records of
 1583 the registering agency and must ~~shall~~ be mailed at least ~~not~~
 1584 ~~less than~~ 15 days before the date of the sale. After diligent
 1585 search and inquiry, if the name and address of the registered
 1586 owner or the owner of the recorded lien cannot be ascertained,
 1587 the requirements of notice by mail may be dispensed with. In
 1588 addition to the notice by mail, public notice of the time and
 1589 place of sale must ~~shall~~ be made by publishing a notice of the
 1590 sale thereof one time, at least 10 days before ~~prior to~~ the date
 1591 of the sale, in a newspaper of general circulation in the county
 1592 in which the sale is to be held. The proceeds of the sale, after
 1593 payment of reasonable towing and storage charges and, costs of
 1594 the sale, ~~and the unpaid lot rental amount~~, in that order of
 1595 priority, must ~~shall~~ be deposited with the clerk of the circuit
 1596 court for the county if the owner is absent, and the clerk shall
 1597 hold the such proceeds subject to the claim of the person
 1598 legally entitled to those proceeds thereto. The clerk is ~~shall~~
 1599 ~~be~~-entitled to receive 5 percent of the such proceeds for the
 1600 care and disbursement of the proceeds thereof. The certificate
 1601 of title issued under this section must ~~law shall~~ be discharged
 1602 of all liens unless otherwise provided by court order.

1603 (7)(a) A wrecker company, its wrecker operators, and other
 1604 employees or agents of the wrecker company ~~operator~~ recovering,

1605 towing, or storing vehicles or vessels are ~~is~~ not liable for
 1606 damages connected with those ~~such~~ services, theft of the ~~such~~
 1607 vehicles or vessels, or theft of personal property contained in
 1608 the ~~such~~ vehicles or vessels, if those ~~provided that such~~
 1609 services are ~~have been~~ performed with reasonable care and if
 1610 ~~provided, further, that,~~ in the case of removal of a vehicle or
 1611 vessel upon the request of a person purporting, and reasonably
 1612 appearing, to be the property owner ~~or lessee, or a person~~
 1613 ~~authorized by the owner or lessee,~~ of the real property from
 1614 which the ~~such~~ vehicle or vessel is removed, the ~~such~~ removal
 1615 has been done in compliance with s. 715.07. Further, a wrecker
 1616 company, its wrecker operators, and other employees or agents of
 1617 the wrecker company ~~operator~~ ~~is~~ not liable for damage
 1618 connected with those ~~such~~ services when complying with the
 1619 lawful directions of a law enforcement officer to remove a
 1620 vehicle stopped, standing, or parked upon a street or highway in
 1621 ~~such~~ a position that obstructs ~~as to obstruct~~ the normal
 1622 movement of traffic or that creates ~~in such a condition as to~~
 1623 ~~create~~ a hazard to other traffic upon the street or highway.

1624 (b) Employees or authorized agents of an authorized or
 1625 unauthorized wrecker company, as defined in s. 321.051 or s.
 1626 323.002, may remove a vehicle or vehicle cargo from a public
 1627 road without consent of the owner or operator of the vehicle or
 1628 vehicle cargo upon request of a law enforcement officer as
 1629 defined in s. 112.531, a sheriff or deputy sheriff as defined in
 1630 s. 30.072, or a firefighter as defined in s. 112.81. The
 1631 employee or authorized agent of the wrecker company, its wrecker
 1632 operators, and other employees or agents of the wrecker company,

HB 341 CS

2005
CS

1633 | the law enforcement officer, sheriff, or deputy sheriff, and the
 1634 | firefighters and emergency medical services providers are not
 1635 | liable for any property damages or claims of damage for the
 1636 | removal if the vehicle or vehicle cargo is removed because it
 1637 | presents an imminent public safety hazard.

1638 | (c)(b) For the purposes of this subsection, a wrecker
 1639 | company, its wrecker operators, and other employees or agents of
 1640 | the wrecker company are ~~operator is~~ presumed to use reasonable
 1641 | care to prevent the theft of a vehicle or vessel or of any
 1642 | personal property contained in the ~~such~~ vehicle stored in the
 1643 | wrecker company's ~~operator's~~ storage facility if all of the
 1644 | following apply:

1645 | 1. The wrecker company ~~operator~~ surrounds the storage
 1646 | facility with a chain-link or solid-wall type fence at least 6
 1647 | feet in height;

1648 | 2. The wrecker company illuminates ~~operator has~~
 1649 | ~~illuminated~~ the storage facility with lighting of sufficient
 1650 | intensity to reveal persons and vehicles at a distance of at
 1651 | least 150 feet during nighttime; and

1652 | 3. The wrecker company ~~operator~~ uses one or more of the
 1653 | following security methods to discourage theft of vehicles or
 1654 | vessels or of any personal property contained in such vehicles
 1655 | or vessels stored in the wrecker company's ~~operator's~~ storage
 1656 | facility:

1657 | a. A night dispatcher or watchman remains on duty at the
 1658 | storage facility from sunset to sunrise;

1659 | b. A security dog remains at the storage facility from
 1660 | sunset to sunrise;

1661 c. Security cameras or other similar surveillance devices
1662 monitor the storage facility; or

1663 d. A security guard service examines the storage facility
1664 at least once each hour from sunset to sunrise.

1665 (d)~~(e)~~ Any law enforcement agency requesting that a motor
1666 vehicle be removed from an accident scene, street, or highway
1667 must conduct an inventory and prepare a written record of all
1668 personal property found in the vehicle before the vehicle is
1669 removed by a wrecker operator. However, if the owner or driver
1670 of the motor vehicle is present and accompanies the vehicle, an
1671 ~~ne~~ inventory by law enforcement is not required. A wrecker
1672 company, its wrecker operators, and other employees or agents of
1673 the wrecker company are ~~operator is~~ not liable for the loss of
1674 personal property alleged to be contained in ~~such~~ a vehicle when
1675 the ~~such~~ personal property was not identified on the inventory
1676 record prepared by the law enforcement agency requesting the
1677 removal of the vehicle.

1678 (8) A wrecker company and its wrecker operators, excluding
1679 ~~person regularly engaged in the business of recovering, towing,~~
1680 ~~or storing vehicles or vessels, except~~ a person licensed under
1681 chapter 493 while engaged in "repossession" activities as
1682 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~
1683 ~~ear carrier~~ unless the name, address, and telephone number of
1684 the wrecker company performing the wrecker services ~~service~~ is
1685 clearly printed in contrasting colors on the driver and
1686 passenger sides of the wrecker ~~its vehicle~~. The name must be in
1687 at least 3-inch permanently affixed letters, and the address and

HB 341 CS

2005
CS

1688 | telephone number must be in at least 1-inch permanently affixed
1689 | letters.

1690 | (9) Failure to make good faith best efforts to comply with
1691 | the notice requirements of this section precludes ~~shall preclude~~
1692 | the imposition of any storage charges against the ~~such~~ vehicle
1693 | or vessel.

1694 | (10) Each wrecker company that provides ~~Persons who~~
1695 | ~~provide~~ services under ~~pursuant to~~ this section must ~~shall~~
1696 | permit vehicle or vessel owners or their agents, which agency is
1697 | evidenced by a writing acknowledged by the owner before a notary
1698 | public or other person empowered by law to administer oaths, to
1699 | inspect the towed vehicle or vessel and must ~~shall~~ release to
1700 | the owner or agent all personal property not affixed to the
1701 | vehicle or vessel which was in the vehicle or vessel at the time
1702 | the vehicle or vessel came into the custody of the wrecker
1703 | company ~~person~~ providing those ~~such~~ services.

1704 | (11)(a) A wrecker company that ~~Any person regularly~~
1705 | ~~engaged in the business of recovering, towing, or storing~~
1706 | ~~vehicles or vessels who~~ comes into possession of a vehicle or
1707 | vessel under ~~pursuant to~~ subsection (2) and that complies ~~who~~
1708 | ~~has complied~~ with the ~~provisions of~~ subsections (3) and (6),
1709 | when the ~~such~~ vehicle or vessel is to be sold for purposes of
1710 | being dismantled, destroyed, or changed in a such ~~such~~ manner that it
1711 | is not the motor vehicle or, vessel, ~~or mobile home~~ described in
1712 | the certificate of title, must ~~shall~~ apply to the county tax
1713 | collector for a certificate of destruction. A certificate of
1714 | destruction, which authorizes the dismantling or destruction of
1715 | the vehicle or vessel described on the certificate ~~therein~~, is

HB 341 CS

2005
CS

1716 ~~shall be~~ reassignable no more than twice ~~a maximum of two times~~
 1717 before dismantling or destruction of the vehicle is ~~shall be~~
 1718 required, and the certificate must ~~shall~~ accompany the vehicle
 1719 or vessel for which it is issued, when the ~~such~~ vehicle or
 1720 vessel is sold for that purpose ~~such purposes~~, in lieu of a
 1721 certificate of title. The application for a certificate of
 1722 destruction must include an affidavit from the applicant that it
 1723 has complied with all applicable requirements of this section
 1724 and, if the vehicle or vessel is not registered in this state,
 1725 by a statement from a law enforcement officer that the vehicle
 1726 or vessel is not reported stolen, and must also ~~shall~~ be
 1727 accompanied by any other ~~such~~ documentation ~~as may be~~ required
 1728 by the department.

1729 (b) The Department of Highway Safety and Motor Vehicles
 1730 shall charge a fee of \$3 for each certificate of destruction. A
 1731 service charge of \$4.25 shall be collected and retained by the
 1732 tax collector who processes the application.

1733 (c) The Department of Highway Safety and Motor Vehicles
 1734 may adopt ~~such~~ rules to administer ~~as it deems necessary or~~
 1735 ~~proper for the administration of~~ this subsection.

1736 (12)(a) Any person who violates ~~any provision of~~
 1737 subsection (1), subsection (2), subsection (4), subsection (5),
 1738 subsection (6), or subsection (7) commits ~~is guilty of~~ a
 1739 misdemeanor of the first degree, punishable as provided in s.
 1740 775.082 or s. 775.083.

1741 (b) Any person who violates ~~the provisions of~~ subsections
 1742 (8) through (11) commits ~~is guilty of~~ a felony of the third

HB 341 CS

2005
CS

1743 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1744 775.084.

1745 (c) Any person who uses a false or fictitious name, gives
1746 a false or fictitious address, or makes any false statement in
1747 any application or affidavit required under ~~the provisions of~~
1748 this section commits ~~is guilty of~~ a felony of the third degree,
1749 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1750 (d) Employees of the Department of Highway Safety and
1751 Motor Vehicles and law enforcement officers may ~~are authorized~~
1752 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
1753 ~~person regularly engaged in the business of recovering, towing,~~
1754 ~~or storing vehicles or vessels or transporting vehicles or~~
1755 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure
1756 compliance with the requirements of this section. Any person who
1757 fails to maintain records, or fails to produce records when
1758 required in a reasonable manner and at a reasonable time,
1759 commits a misdemeanor of the first degree, punishable as
1760 provided in s. 775.082 or s. 775.083.

1761 (13)(a) Upon receipt by the Department of Highway Safety
1762 and Motor Vehicles of written notice from a wrecker company
1763 ~~operator~~ who claims a wrecker company's ~~operator's~~ lien under
1764 paragraph (2)(c) ~~or paragraph (2)(d)~~ for recovery, towing, or
1765 storage of an abandoned vehicle or, vessel, ~~or mobile home~~ upon
1766 instructions from any law enforcement agency, for which a
1767 certificate of destruction has been issued under subsection
1768 (11), the department shall place the name of the registered
1769 owner of that vehicle or, vessel, ~~or mobile home~~ on the list of
1770 those persons who may not be issued a license plate or

HB 341 CS

2005
CS

1771 revalidation sticker for any motor vehicle under s. 320.03(8).
 1772 If the vehicle or vessel, ~~or mobile home~~ is owned jointly by
 1773 more than one person, the name of each registered owner shall be
 1774 placed on the list. The notice of wrecker company's ~~operator's~~
 1775 lien shall be submitted on forms provided by the department,
 1776 which must include:

1777 1. The name, address, and telephone number of the wrecker
 1778 company ~~operator~~.

1779 2. The name of the registered owner of the vehicle or
 1780 vessel, ~~or mobile home~~ and the address to which the wrecker
 1781 company ~~operator~~ provided notice of the lien to the registered
 1782 owner under subsection (4).

1783 3. A general description of the vehicle or vessel, ~~or~~
 1784 ~~mobile home~~, including its color, make, model, body style, and
 1785 year.

1786 4. The vehicle identification number (VIN); registration
 1787 license plate number, state, and year; validation decal number,
 1788 state, and year; ~~mobile home sticker number, state, and year;~~
 1789 ~~vessel registration number;~~ hull identification number; or other
 1790 identification number, as applicable.

1791 5. The name of the person or the corresponding law
 1792 enforcement agency that requested that the vehicle or vessel,
 1793 ~~or mobile home~~ be recovered, towed, or stored.

1794 6. The amount of the wrecker company's ~~operator's~~ lien,
 1795 not to exceed the amount allowed by paragraph (b).

1796 (b) For purposes of this subsection only, the amount of
 1797 the wrecker company's ~~operator's~~ lien for which the department
 1798 will prevent issuance of a license plate or revalidation sticker

HB 341 CS

2005
CS

1799 | may not exceed the amount of the charges for recovery, towing,
 1800 | and storage of the vehicle or, vessel, ~~or mobile home~~ for 7
 1801 | days. These charges may not exceed the maximum rates imposed by
 1802 | the ordinances of the respective county or municipality under
 1803 | ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not
 1804 | limit the amount of a wrecker company's ~~operator's~~ lien claimed
 1805 | under subsection (2) or prevent a wrecker company ~~operator~~ from
 1806 | seeking civil remedies for enforcement of the entire amount of
 1807 | the lien, but limits only that portion of the lien for which the
 1808 | department will prevent issuance of a license plate or
 1809 | revalidation sticker.

1810 | (c)1. The registered owner of a vehicle, vessel, or mobile
 1811 | home may dispute a wrecker company's ~~operator's~~ lien, by
 1812 | notifying the department of the dispute in writing on forms
 1813 | provided by the department, if at least one of the following
 1814 | applies:

1815 | a. The registered owner presents a notarized bill of sale
 1816 | proving that the vehicle or, vessel, ~~or mobile home~~ was sold in
 1817 | a private or casual sale before the vehicle or, vessel, ~~or~~
 1818 | ~~mobile home~~ was recovered, towed, or stored.

1819 | b. The registered owner presents proof that the Florida
 1820 | certificate of title of the vehicle or, vessel, ~~or mobile home~~
 1821 | was sold to a licensed dealer as defined in s. 319.001 before
 1822 | the vehicle or, vessel, ~~or mobile home~~ was recovered, towed, or
 1823 | stored.

1824 | c. The records of the department were marked to indicate
 1825 | that the vehicle or, vessel, ~~or mobile home~~ was sold before the

HB 341 CS

2005
CS

1826 issuance of the certificate of destruction under subsection
 1827 (11).
 1828
 1829 If the registered owner's dispute of a wrecker company's
 1830 ~~operator's~~ lien complies with one of these criteria, the
 1831 department shall immediately remove the registered owner's name
 1832 from the list of those persons who may not be issued a license
 1833 plate or revalidation sticker for any motor vehicle under s.
 1834 320.03(8), thereby allowing issuance of a license plate or
 1835 revalidation sticker. If the vehicle or, vessel, ~~or mobile home~~
 1836 is owned jointly by more than one person, each registered owner
 1837 must dispute the wrecker company's ~~operator's~~ lien in order to
 1838 be removed from the list. However, the department shall deny any
 1839 dispute and maintain the registered owner's name on the list of
 1840 those persons who may not be issued a license plate or
 1841 revalidation sticker for any motor vehicle under s. 320.03(8) if
 1842 the wrecker company ~~operator~~ has provided the department with a
 1843 certified copy of the judgment of a court which orders the
 1844 registered owner to pay the wrecker company's ~~operator's~~ lien
 1845 claimed under this section. In such a case, the amount of the
 1846 wrecker company's ~~operator's~~ lien allowed by paragraph (b) may
 1847 be increased to include no more than \$500 of the reasonable
 1848 costs and attorney's fees incurred in obtaining the judgment.
 1849 The department's action under this subparagraph is ministerial
 1850 in nature, shall not be considered final agency action, and may
 1851 be appealed only to the county court for the county in which the
 1852 vehicle or, vessel, ~~or mobile home~~ was ordered removed.

HB 341 CS

2005
CS

1853 2. A person against whom a wrecker company's ~~operator's~~
 1854 lien has been imposed may alternatively obtain a discharge of
 1855 the lien by filing a complaint, challenging the validity of the
 1856 lien or the amount thereof, in the county court of the county in
 1857 which the vehicle or, ~~vessel, or mobile home~~ was ordered
 1858 removed. Upon filing of the complaint, the person may have her
 1859 or his name removed from the list of those persons who may not
 1860 be issued a license plate or revalidation sticker for any motor
 1861 vehicle under s. 320.03(8), thereby allowing issuance of a
 1862 license plate or revalidation sticker, upon posting with the
 1863 court a cash or surety bond or other adequate security equal to
 1864 the amount of the wrecker company's ~~operator's~~ lien to ensure
 1865 the payment of such lien in the event she or he does not
 1866 prevail. Upon the posting of the bond and the payment of the
 1867 applicable fee set forth in s. 28.24, the clerk of the court
 1868 shall issue a certificate notifying the department of the
 1869 posting of the bond and directing the department to release the
 1870 wrecker company's ~~operator's~~ lien. Upon determining the
 1871 respective rights of the parties, the court may award damages
 1872 and costs in favor of the prevailing party.

1873 3. If a person against whom a wrecker company's ~~operator's~~
 1874 lien has been imposed does not object to the lien, but cannot
 1875 discharge the lien by payment because the wrecker company
 1876 ~~operator~~ has moved or gone out of business, the person may have
 1877 her or his name removed from the list of those persons who may
 1878 not be issued a license plate or revalidation sticker for any
 1879 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 1880 license plate or revalidation sticker, upon posting with the

HB 341 CS

2005
CS

1881 clerk of court in the county in which the vehicle or, vessel, ~~or~~
 1882 ~~mobile home~~ was ordered removed, a cash or surety bond or other
 1883 adequate security equal to the amount of the wrecker company's
 1884 ~~operator's~~ lien. Upon the posting of the bond and the payment of
 1885 the application fee set forth in s. 28.24, the clerk of the
 1886 court shall issue a certificate notifying the department of the
 1887 posting of the bond and directing the department to release the
 1888 wrecker company's ~~operator's~~ lien. The department shall mail to
 1889 the wrecker company ~~operator~~, at the address upon the lien form,
 1890 notice that the wrecker company ~~operator~~ must claim the security
 1891 within 60 days, or the security will be released back to the
 1892 person who posted it. At the conclusion of the 60 days, the
 1893 department shall direct the clerk as to which party is entitled
 1894 to payment of the security, less applicable clerk's fees.

1895 4. A wrecker company's ~~operator's~~ lien expires 5 years
 1896 after filing.

1897 (d) Upon discharge of the amount of the wrecker company's
 1898 ~~operator's~~ lien allowed by paragraph (b), the wrecker company
 1899 ~~operator~~ must issue a certificate of discharged wrecker
 1900 company's ~~operator's~~ lien on forms provided by the department to
 1901 each registered owner of the vehicle, vessel, or mobile home
 1902 attesting that the amount of the wrecker company's ~~operator's~~
 1903 lien allowed by paragraph (b) has been discharged. Upon
 1904 presentation of the certificate of discharged wrecker company's
 1905 ~~operator's~~ lien by the registered owner, the department shall
 1906 immediately remove the registered owner's name from the list of
 1907 those persons who may not be issued a license plate or
 1908 revalidation sticker for any motor vehicle under s. 320.03(8),

HB 341 CS

2005
CS

1909 | thereby allowing issuance of a license plate or revalidation
 1910 | sticker. Issuance of a certificate of discharged wrecker
 1911 | company's ~~operator's~~ lien under this paragraph does not
 1912 | discharge the entire amount of the wrecker company's ~~operator's~~
 1913 | lien claimed under subsection (2), but only certifies to the
 1914 | department that the amount of the wrecker company's ~~operator's~~
 1915 | lien allowed by paragraph (b), for which the department will
 1916 | prevent issuance of a license plate or revalidation sticker, has
 1917 | been discharged.

1918 | (e) When a wrecker company ~~operator~~ files a notice of
 1919 | wrecker company's ~~operator's~~ lien under this subsection, the
 1920 | department shall charge the wrecker company ~~operator~~ a fee of
 1921 | \$2, which must be deposited into the General Revenue Fund. A
 1922 | service charge of \$2.50 shall be collected and retained by the
 1923 | tax collector who processes a notice of wrecker company's
 1924 | ~~operator's~~ lien.

1925 | (f) This subsection applies only to the annual renewal in
 1926 | the registered owner's birth month of a motor vehicle
 1927 | registration and does not apply to the transfer of a
 1928 | registration of a motor vehicle sold by a motor vehicle dealer
 1929 | licensed under chapter 320, except for the transfer of
 1930 | registrations which is inclusive of the annual renewals. This
 1931 | subsection does not apply to any vehicle registered in the name
 1932 | of a lessor. This subsection does not affect the issuance of the
 1933 | title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1934 | (g) The Department of Highway Safety and Motor Vehicles
 1935 | may adopt rules under ss. 120.536(1) and 120.54 to implement
 1936 | this subsection.

1937 (14) The amendments to this section made by this act do
 1938 not affect the validity of liens established under this section
 1939 before January 1, 2006.

1940 Section 19. Effective January 1, 2006, section 713.785,
 1941 Florida Statutes, is created to read:

1942 713.785 Liens for recovering, towing, or storing mobile
 1943 homes.--

1944 (1) As used in this section, the term:

1945 (a) "Mobile home transport company" means a person
 1946 regularly engaged in the business of transporting mobile homes.

1947 (b) "Store" means a mobile home transport company has
 1948 legal possession of a mobile home either on the mobile home
 1949 transport company's property or on any other property.

1950 (c) "Unpaid lot rental amount" or "rent" means any unpaid
 1951 financial obligations of the mobile home owner or tenant to the
 1952 mobile home park owner defined as lot rental amount in s.
 1953 723.003 or rent in part II of chapter 83 and includes any
 1954 amounts defined as storage charges in s. 723.084.

1955 (2) If the mobile home transport company recovers,
 1956 removes, or stores a mobile home upon instructions from:

1957 (a) The owner of the mobile home;

1958 (b) Any law enforcement agency; or

1959 (c) A mobile home park owner as defined in s. 723.003 who
 1960 has a current writ of possession for a mobile home lot under s.
 1961 723.062 or s. 83.62,

1962
 1963 the mobile home transport company has a lien on the mobile home
 1964 for a reasonable towing fee and for a reasonable storage fee.

1965 (3)(a) A mobile home transport company that comes into
 1966 possession of a mobile home under subsection (2) and that claims
 1967 a lien for recovery, towing, or storage services must give
 1968 notice to the registered owner and to all persons claiming a
 1969 lien on the mobile home, as disclosed by the records in the
 1970 Department of Highway Safety and Motor Vehicles or of a
 1971 corresponding agency in any other state.

1972 (b) Notice by certified mail, return receipt requested,
 1973 shall be sent within 7 business days after the date of storage
 1974 of the mobile home to the registered owner at the owner's last
 1975 known address and all persons of record claiming a lien against
 1976 the mobile home. The notice shall state the fact of possession
 1977 of the mobile home, that a lien as provided in subsection (2) is
 1978 claimed, that charges have accrued and the amount thereof, that
 1979 the lien is subject to enforcement under law and that the owner
 1980 or lienholder, if any, has the right to a hearing as set forth
 1981 in subsection (4), and that any mobile home which remains
 1982 unclaimed, or for which charges remain unpaid, may be sold free
 1983 of all prior liens after 35 days.

1984 (4)(a) The owner of a mobile home stored under subsection
 1985 (2), or any person claiming a lien of record, other than the
 1986 mobile home transport company, within 10 days after the time she
 1987 or he has knowledge of the location of the mobile home, may file
 1988 a complaint in the court of the county in which the mobile home
 1989 is stored to determine if her or his property was wrongfully
 1990 taken or withheld from her or him.

1991 (b) Upon filing of a complaint, an owner or lienholder may
 1992 have the mobile home released upon posting with the court a cash

HB 341 CS

2005
CS

1993 | or surety bond or other adequate security equal to the amount of
 1994 | the charges for towing or storage and lot rental amount due and
 1995 | owing at that time to ensure the payment of the charges in the
 1996 | event she or he does not prevail. Upon the posting of the bond
 1997 | and the payment of the applicable fee set forth in s. 28.24, the
 1998 | clerk of the court shall issue a certificate notifying the
 1999 | mobile home transport company of the posting of the bond and
 2000 | directing the mobile home transport company to release the
 2001 | mobile home. At the time of the release, after reasonable
 2002 | inspection, she or he shall give a receipt to the mobile home
 2003 | transport company citing any claims she or he has for loss or
 2004 | damage to the mobile home or the contents thereof.

2005 | (c) Upon determining the respective rights of the parties,
 2006 | the court may award damages and costs in favor of the prevailing
 2007 | party. The final order shall provide for immediate payment in
 2008 | full of any lien for recovery, towing, and storage fees and any
 2009 | unpaid lot rental amount accruing until the time the home is
 2010 | removed from the property by the mobile home owner or lienholder
 2011 | or the owner, lessee, or agent thereof of the property from
 2012 | which the mobile home was removed.

2013 | (5) A mobile home that is stored under subsection (2) and
 2014 | which remains unclaimed, or for which reasonable charges for
 2015 | recovery, towing, or storing remain unpaid or for which a lot
 2016 | rental amount is due and owing to the mobile home park owner as
 2017 | evidenced by a judgment for unpaid rent and any contents of the
 2018 | mobile home not released under subsection (9), may be sold by
 2019 | the mobile home transport company for the towing or storage
 2020 | charge and any unpaid lot rental amount 35 days after the mobile

HB 341 CS

2005
CS

2021 home is stored by a mobile home transport company. The sale
 2022 shall be at public auction for cash. If the date of the sale was
 2023 not included in the notice required by subsection (3), notice of
 2024 the sale must be given to the person in whose name the mobile
 2025 home is registered at her or his last known address, to the
 2026 mobile home park owner, and to all persons claiming a lien on
 2027 the mobile home as shown on the records of the Department of
 2028 Highway Safety and Motor Vehicles or of the corresponding agency
 2029 in any other state. Notice must be sent by certified mail,
 2030 return receipt requested, at least 15 days before the date of
 2031 the sale. After diligent search and inquiry, if the name and
 2032 address of the registered owner or the owner of the recorded
 2033 lien cannot be ascertained, the requirements of notice by mail
 2034 may be dispensed with. In addition to the notice by mail, public
 2035 notice of the time and place of sale must be made by publishing
 2036 a notice of the sale one time, at least 10 days before the date
 2037 of the sale, in a newspaper of general circulation in the county
 2038 in which the sale is to be held. The proceeds of the sale, after
 2039 payment of reasonable towing and storage charges, costs of the
 2040 sale, and the unpaid lot rental amount, as evidenced by the
 2041 judgment for unpaid lot rental amount and an affidavit executed
 2042 by the mobile home park owner or the owner's agent establishing
 2043 the amount of unpaid lot rental amount through the date of the
 2044 sale, in that order of priority, must be deposited with the
 2045 clerk of the circuit court for the county if the owner is
 2046 absent, and the clerk shall hold the proceeds subject to the
 2047 claim of the person legally entitled to those proceeds. The
 2048 clerk is entitled to receive 5 percent of the proceeds for the

HB 341 CS

2005
CS

2049 care and disbursement of the proceeds. The certificate of title
 2050 issued under this section shall be discharged of all liens
 2051 unless otherwise provided by court order.

2052 (6) The mobile home transport company, the landlord or his
 2053 or her agent, or any subsequent purchaser for value are not
 2054 responsible to the tenant or any other party for loss,
 2055 destruction, or damage to the mobile home or other personal
 2056 property after coming into possession of the mobile home under
 2057 this section, provided the mobile home transport company, the
 2058 landlord, or their agents use reasonable care in storing the
 2059 mobile home. As used in this subsection, the term "reasonable
 2060 care" means securing the mobile home by changing door locks, or
 2061 any similar methods for securing the mobile home, in place in
 2062 the mobile home park or in a separate storage area.

2063 (7)(a) A mobile home transport company that comes into
 2064 possession of a mobile home under subsection (2) and that
 2065 complies with subsection (3), if the mobile home is to be sold
 2066 for purposes of being dismantled, destroyed, or changed so that
 2067 it is not the mobile home described in the certificate of title,
 2068 must apply to the county tax collector for a certificate of
 2069 destruction. A certificate of destruction, which authorizes the
 2070 dismantling or destruction of the mobile home described in the
 2071 certificate, is reassignable no more than twice before
 2072 dismantling or destruction of the mobile home and the
 2073 certificate must accompany the mobile home for which it is
 2074 issued when the mobile home is sold for that purpose, in lieu of
 2075 a certificate of title. The application for a certificate of
 2076 destruction must include an affidavit from the applicant that it

HB 341 CS

2005
CS

2077 has complied with all applicable requirements of this section;
 2078 must, if the mobile home is not registered in this state,
 2079 include a statement from a law enforcement officer that the
 2080 mobile home is not reported stolen; and shall be accompanied by
 2081 any other documentation as may be required by the department.

2082 (b) The Department of Highway Safety and Motor Vehicles
 2083 shall charge a fee of \$3 for each certificate of destruction.
 2084 The tax collector who processes the application shall collect
 2085 and retain a service charge of \$4.25.

2086 (c) The Department of Highway Safety and Motor Vehicles
 2087 may adopt rules to administer this subsection.

2088 (d) Employees of the Department of Highway Safety and
 2089 Motor Vehicles and law enforcement officers may inspect the
 2090 records of each mobile home transport company in this state to
 2091 ensure compliance with this section.

2092 (8)(a) Upon receipt by the Department of Highway Safety
 2093 and Motor Vehicles of written notice from a mobile home
 2094 transport company that claims a lien under paragraph (2)(b) or
 2095 paragraph (2)(c) for recovery, towing, or storage of a mobile
 2096 home for which a certificate of destruction has been issued
 2097 under subsection (7), the department shall place the name of the
 2098 registered owner of that mobile home on the list of those
 2099 persons who may not be issued a revalidation sticker under s.
 2100 320.03. If the mobile home is owned jointly by more than one
 2101 person, the name of each registered owner must be placed on the
 2102 list. The notice of a mobile home transport company's lien must
 2103 be submitted on forms provided by the department, which must
 2104 include:

- 2105 1. The name, address, and telephone number of the mobile
 2106 home transport company.
- 2107 2. The name of the registered owner of the mobile home and
 2108 the address to which the mobile home transport company provided
 2109 notice of the lien to the registered owner under subsection (3).
- 2110 3. A general description of the mobile home, including its
 2111 color, make, model, body style, and year.
- 2112 4. The mobile home sticker number, state, and year or
 2113 other identification number, as applicable.
- 2114 5. The name of the person or the corresponding law
 2115 enforcement agency that requested that the mobile home be
 2116 recovered, towed, or stored.
- 2117 6. The amount of the lien, not to exceed the amount
 2118 allowed by paragraph (b).
- 2119 (b) For purposes of this subsection, the amount of the
 2120 mobile home transport company's lien for which the department
 2121 will prevent issuance of a revalidation sticker may not exceed
 2122 the amount of the charges for recovery, towing, and storage of
 2123 the mobile home for 7 days. These charges may not exceed the
 2124 maximum rates imposed by the ordinances of the respective county
 2125 or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This
 2126 paragraph does not limit the amount of a mobile home transport
 2127 company's lien claimed under subsection (2) or prevent a mobile
 2128 home transport company from seeking civil remedies for
 2129 enforcement of the entire amount of the lien, but limits only
 2130 that portion of the lien for which the department will prevent
 2131 issuance of a revalidation sticker.

HB 341 CS

2005
CS

2132 (c)1. The registered owner of the mobile home may dispute
 2133 the mobile home transport company's lien by notifying the
 2134 department of the dispute in writing on forms provided by the
 2135 department, if at least one of the following applies:

2136 a. The registered owner presents a notarized bill of sale
 2137 proving that the mobile home was sold in a private or casual
 2138 sale before the mobile home was recovered, towed, or stored.

2139 b. The registered owner presents proof that the Florida
 2140 certificate of title of the mobile home was sold to a licensed
 2141 dealer as defined in s. 319.001 before the mobile home was
 2142 recovered, towed, or stored.

2143 c. The records of the department were marked to indicate
 2144 that the mobile home was sold before the issuance of the
 2145 certificate of destruction under subsection (7).

2146
 2147 If the registered owner's dispute of a mobile home transport
 2148 company's lien complies with one of these criteria, the
 2149 department shall immediately remove the registered owner's name
 2150 from the list of those persons who may not be issued a
 2151 revalidation sticker under s. 320.03. If the mobile home is
 2152 owned jointly by more than one person, each registered owner
 2153 must dispute the mobile home transport company's lien in order
 2154 to be removed from the list. However, the department shall deny
 2155 any dispute and maintain the registered owner's name on the list
 2156 of those persons who may not be issued a revalidation sticker if
 2157 the mobile home transport company has provided the department
 2158 with a certified copy of the judgment of a court which orders
 2159 the registered owner to pay the mobile home transport company's

2160 lien claimed under this section. In such a case, the amount of
 2161 the mobile home transport company's lien allowed by paragraph
 2162 (b) may be increased to include no more than \$500 of the
 2163 reasonable costs and attorney's fees incurred in obtaining the
 2164 judgment. The department's action under this subparagraph is
 2165 ministerial in nature, is not final agency action, and is
 2166 appealable only to the county court for the county in which the
 2167 mobile home was ordered removed.

2168 2. A person against whom a mobile home transport company's
 2169 lien has been imposed may alternatively obtain a discharge of
 2170 the lien by filing a complaint challenging the validity of the
 2171 lien or the amount thereof in the county court of the county in
 2172 which the mobile home was ordered removed. Upon filing of the
 2173 complaint, the person may have her or his name removed from the
 2174 list of those persons who may not be issued a revalidation
 2175 sticker for any mobile home under s. 320.03 upon posting with
 2176 the court a cash or surety bond or other adequate security equal
 2177 to the amount of the mobile home transport company's lien to
 2178 ensure the payment of the lien in the event she or he does not
 2179 prevail. Upon the posting of the bond and the payment of the
 2180 applicable fee set forth in s. 28.24, the clerk of the court
 2181 shall issue a certificate notifying the department of the
 2182 posting of the bond and directing the department to release the
 2183 mobile home transport company's lien. Upon determining the
 2184 respective rights of the parties, the court may award damages
 2185 and costs in favor of the prevailing party.

2186 3. If a person against whom a mobile home transport
 2187 company's lien has been imposed does not object to the lien, but

HB 341 CS

2005
CS

2188 cannot discharge the lien by payment because the mobile home
 2189 transport company has moved or gone out of business, the person
 2190 may have her or his name removed from the list of those persons
 2191 who may not be issued a revalidation sticker under s. 320.03
 2192 upon posting with the clerk of court in the county in which the
 2193 mobile home was ordered removed a cash or surety bond or other
 2194 adequate security equal to the amount of the mobile home
 2195 transport company's lien. Upon the posting of the bond and the
 2196 payment of the application fee set forth in s. 28.24, the clerk
 2197 of the court shall issue a certificate notifying the department
 2198 of the posting of the bond and directing the department to
 2199 release the mobile home transport company's lien. The department
 2200 shall mail to the mobile home transport company, at the address
 2201 upon the lien form, notice that the mobile home transport
 2202 company must claim the security within 60 days or the security
 2203 will be released to the person who posted it. At the conclusion
 2204 of the 60 days, the department shall direct the clerk as to
 2205 which party is entitled to payment of the security, less
 2206 applicable fees of the clerk.

2207 4. A mobile home transport company's lien expires 5 years
 2208 after filing.

2209 (d) Upon discharge of the amount of the mobile home
 2210 transport company's lien allowed under paragraph (b), the mobile
 2211 home transport company must issue a certificate of discharged
 2212 lien on a form provided by the department to each registered
 2213 owner of the mobile home attesting that the amount of the mobile
 2214 home transport company's lien allowed under paragraph (b) has
 2215 been discharged. Upon presentation of the certificate of

HB 341 CS

2005
CS

2216 discharged lien by the registered owner, the department shall
2217 immediately remove the registered owner's name from the list of
2218 those persons who may not be issued a revalidation sticker under
2219 s. 320.03. Issuance of a certificate of discharged lien under
2220 this paragraph does not discharge the entire amount of the
2221 mobile home transport company's lien claimed under subsection
2222 (2), but certifies to the department only that the amount of the
2223 mobile home transport company's lien allowed by paragraph (b),
2224 for which the department will prevent issuance of a revalidation
2225 sticker, has been discharged.

2226 (e) When a mobile home transport company files a notice of
2227 lien under this subsection, the department shall charge the
2228 mobile home transport company a fee of \$2, which must be
2229 deposited into the General Revenue Fund. The tax collector who
2230 processes a notice of lien shall collect and retain a service
2231 charge of \$2.50.

2232 (f) The Department of Highway Safety and Motor Vehicles
2233 may adopt rules to administer this subsection.

2234 (9) Persons who provide services under this section shall
2235 permit a mobile home owner or her or his agent, whose agency is
2236 evidenced by a writing acknowledged by the owner before a notary
2237 public or other person empowered by law to administer oaths, to
2238 inspect the mobile home and shall release to the owner or agent
2239 all personal property not affixed to the mobile home, provided
2240 there exists no landlord's lien for rent under s. 713.691 or s.
2241 713.77.

2242 (10) Any person who violates subsection (3), subsection
2243 (5), subsection (6), subsection (7), or subsection (9) commits a

HB 341 CS

2005
CS

2244 misdemeanor of the first degree, punishable as provided in s.
2245 775.082 or s. 775.083.

2246 Section 20. Paragraph (a) of subsection (1) of section
2247 319.30, Florida Statutes, is amended to read:

2248 319.30 Definitions; dismantling, destruction, change of
2249 identity of motor vehicle or mobile home; salvage.--

2250 (1) As used in this section, the term:

2251 (a) "Certificate of destruction" means the certificate
2252 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

2253 Section 21. Effective January 1, 2006, section 715.07,
2254 Florida Statutes, is amended to read:

2255 715.07 Vehicles and vessels parked on real ~~private~~
2256 property without permission; towing.--

2257 (1) As used in this section, the term:

2258 (a) "Property owner" means an owner or lessee of real
2259 property, or a person authorized by the owner or lessee, which
2260 person may be the designated representative of the condominium
2261 association if the real property is a condominium.

2262 (b) "Vehicle" has the same meaning ascribed in s. 508.01
2263 ~~means any mobile item which normally uses wheels, whether~~
2264 ~~motorized or not.~~

2265 (c) "Vessel" has the same meaning ascribed in s. 508.01.

2266 (d) "Wrecker company" has the same meaning ascribed in s.
2267 508.01.

2268 (e) "Wrecker operator" has the same meaning ascribed in s.
2269 508.01.

2270 (2) A property owner ~~The owner or lessee of real property,~~
2271 ~~or any person authorized by the owner or lessee, which person~~

HB 341 CS

2005
CS

2272 ~~may be the designated representative of the condominium~~
 2273 ~~association if the real property is a condominium,~~ may cause a
 2274 ~~any vehicle~~ or vessel parked on her or his ~~such~~ property without
 2275 her or his permission to be removed by a wrecker company
 2276 registered under chapter 508 ~~person regularly engaged in the~~
 2277 ~~business of towing vehicles,~~ without liability for the costs of
 2278 removal, transportation, or storage or damages caused by the
 2279 ~~such~~ removal, transportation, or storage, under any of the
 2280 following circumstances:

2281 (a) The towing or removal of any vehicle or vessel from
 2282 real ~~private~~ property without the consent of the registered
 2283 owner or other legally authorized person in control of that
 2284 vehicle or vessel is subject to strict compliance with the
 2285 following conditions and restrictions:

2286 1.a. Any towed or removed vehicle or vessel must be stored
 2287 at a storage facility ~~site~~ within a 10-mile radius ~~10 miles~~ of
 2288 the point of removal in any county of 500,000 population or
 2289 more, and within a 15-mile radius ~~15 miles~~ of the point of
 2290 removal in any county of less than 500,000 population. The
 2291 wrecker company's storage facility ~~That site~~ must be open for
 2292 the purpose of redemption of vehicles and vessels on any day
 2293 that the wrecker company ~~person or firm~~ towing the ~~such~~ vehicle
 2294 or vessel is open for towing purposes, from 8 ~~8:00~~ a.m. to 6
 2295 ~~6:00~~ p.m., and, when closed, must ~~shall~~ have prominently posted
 2296 a sign indicating a telephone number where the operator of the
 2297 storage facility ~~site~~ can be reached at all times. Upon receipt
 2298 of a telephoned request to open the storage facility ~~site~~ to
 2299 redeem a vehicle or vessel, the operator shall return to the

HB 341 CS

2005
CS

2300 storage facility site within 1 hour or she or he ~~is will be~~ in
2301 violation of this section.

2302 b. If a wrecker company ~~no towing business providing such~~
2303 ~~service~~ is not located within the area of towing limitations ~~set~~
2304 ~~forth~~ in sub-subparagraph a., the following limitations apply:
2305 any towed or removed vehicle or vessel must be stored at a
2306 storage facility site within a 20-mile radius ~~20 miles~~ of the
2307 point of removal in any county of 500,000 population or more,
2308 and within a 30-mile radius ~~30 miles~~ of the point of removal in
2309 any county of less than 500,000 population.

2310 2. The wrecker company ~~person or firm~~ towing or removing
2311 the vehicle or vessel must ~~shall~~, within 30 minutes after ~~of~~
2312 completion of that ~~such~~ towing or removal, notify the municipal
2313 police department or, in an unincorporated area, the sheriff of
2314 that ~~such~~ towing or removal; the location of the storage
2315 facility; site, the time the vehicle or vessel was towed or
2316 removed; and the make, model, color, and license plate number
2317 of the vehicle or the make, model, color, and registration
2318 number of the vessel. The wrecker company must also ~~and shall~~
2319 obtain the name of the person at that department to whom this
2320 ~~such~~ information is ~~was~~ reported and note that name on the trip
2321 record.

2322 3. If the registered owner or other legally authorized
2323 person in control of the vehicle or vessel arrives at the scene
2324 before ~~prior to removal or towing~~ of the vehicle or vessel is
2325 towed or removed, the wrecker company must disconnect the
2326 vehicle or vessel ~~shall be disconnected~~ from the wrecker towing
2327 ~~or removal apparatus~~, and must allow that person ~~shall be~~

HB 341 CS

2005
CS

2328 ~~allowed~~ to remove the vehicle or vessel without interference
 2329 upon the payment of a reasonable service fee of not more than
 2330 one-half of the posted rate for those services ~~such towing~~
 2331 ~~service~~ as provided in subparagraph 6., for which a receipt
 2332 shall be given, unless that person refuses to remove the vehicle
 2333 or vessel that ~~which~~ is otherwise unlawfully parked or located.

2334 4. A wrecker company, a wrecker operator, or another
 2335 employee or agent of a wrecker company may not give a ~~The~~ rebate
 2336 or pay ~~payment of~~ money or ~~any~~ other valuable consideration ~~from~~
 2337 ~~the individual or firm towing or removing vehicles to the~~
 2338 property owner ~~owners or operators~~ of the premises from which a
 2339 vehicle or vessel is ~~the vehicles are~~ towed or removed, for the
 2340 privilege of removing or towing the vehicle or vessel ~~those~~
 2341 ~~vehicles, is prohibited.~~ A property owner may not solicit a
 2342 wrecker company, a wrecker operator, or another employee or
 2343 agent of a wrecker company to give him or her a rebate or the
 2344 payment of money or other valuable consideration for the
 2345 privilege of removing or towing a vehicle from his or her
 2346 premises.

2347 5. Except for property appurtenant to and obviously a part
 2348 of a single-family residence, and except for instances when
 2349 notice is personally given to the owner or other legally
 2350 authorized person in control of the vehicle or vessel that the
 2351 area in which that vehicle or vessel is parked is reserved or
 2352 otherwise unavailable for unauthorized vehicles or vessels and
 2353 subject to being removed at the owner's or operator's expense,
 2354 any property owner ~~or lessee, or person authorized by the~~
 2355 ~~property owner or lessee,~~ before ~~prior to~~ towing or removing any

HB 341 CS

2005
CS

2356 | vehicle or vessel from real ~~private~~ property without the consent
 2357 | of the owner or other legally authorized person in control of
 2358 | that vehicle or vessel, must post a notice meeting the following
 2359 | requirements:

2360 | a. The notice must be prominently placed at each driveway
 2361 | access or curb cut allowing vehicular access to the property,
 2362 | within 5 feet from the public right-of-way line. If there are no
 2363 | curbs or access barriers, the signs must be posted not less than
 2364 | one sign for each 25 feet of lot frontage.

2365 | b. The notice must clearly indicate, in not less than 2-
 2366 | inch high, light-reflective letters on a contrasting background,
 2367 | that unauthorized vehicles will be towed away at the owner's
 2368 | expense. The words "tow-away zone" must be included on the sign
 2369 | in not less than 4-inch high letters.

2370 | c. The notice must also provide the name and current
 2371 | telephone number of the wrecker company ~~person or firm~~ towing or
 2372 | removing the vehicles, if the property owner, ~~lessee, or person~~
 2373 | ~~in control~~ of the real property has a written contract with the
 2374 | wrecker ~~towing~~ company.

2375 | d. The sign structure containing the required notices must
 2376 | be permanently installed with the words "tow-away zone" not less
 2377 | than 3 feet and not more than 6 feet above ground level and must
 2378 | be continuously maintained on the property for not less than 24
 2379 | hours prior to the towing or removal of any vehicles.

2380 | e. The local government may require permitting and
 2381 | inspection of these signs prior to any towing or removal of
 2382 | vehicles being authorized.

HB 341 CS

2005
CS

2383 f. A business with 20 or fewer parking spaces satisfies
 2384 the notice requirements of this subparagraph by prominently
 2385 displaying a sign stating "Reserved Parking for Customers Only
 2386 Unauthorized Vehicles Will be Towed Away At the Owner's Expense"
 2387 in not less than 4-inch high, light-reflective letters on a
 2388 contrasting background.

2389 g. A property owner towing or removing vessels from real
 2390 property must post notice, consistent with the requirements in
 2391 sub-subparagraphs a.-f. which apply to vehicles, that
 2392 unauthorized vehicles or vessels will be towed away at the
 2393 owner's expense.

2394
 2395 A business owner or lessee may authorize the removal of a
 2396 vehicle or vessel by a wrecker towing company registered under
 2397 chapter 508 when the vehicle or vessel is parked in ~~such~~ a
 2398 manner that restricts the normal operation of business; and, if
 2399 a vehicle or vessel parked on a public right-of-way obstructs
 2400 access to a private driveway, the owner, lessee, or agent may
 2401 have the vehicle or vessel removed by a wrecker towing company
 2402 registered under chapter 508 upon signing an order that the
 2403 vehicle or vessel be removed without a posted tow-away zone
 2404 sign.

2405 6. Each wrecker company ~~Any person or firm~~ that tows or
 2406 removes vehicles or vessels and proposes to require an owner,
 2407 operator, or person in control of a vehicle or vessel to pay the
 2408 costs of towing and storage prior to redemption of the vehicle
 2409 or vessel must file and keep on record with the local law
 2410 enforcement agency a complete copy of the current rates to be

HB 341 CS

2005
CS

2411 | charged for those ~~such~~ services and post at the wrecker
 2412 | company's storage facility ~~site~~ an identical rate schedule and
 2413 | any written contracts with property owners, lessees, or persons
 2414 | in control of real property which authorize the wrecker company
 2415 | ~~such person or firm~~ to remove vehicles or vessels as provided in
 2416 | this section.

2417 | 7. Each wrecker company ~~Any person or firm~~ towing or
 2418 | removing any vehicles or vessels from real ~~private~~ property
 2419 | without the consent of the owner or other legally authorized
 2420 | person in control of the vehicles or vessels ~~must~~ shall, on each
 2421 | wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 ~~s.~~
 2422 | ~~713.78(1)(c)~~, or other vehicles used in the towing or removal,
 2423 | have the name, address, and telephone number of the wrecker
 2424 | company ~~performing such service~~ clearly printed in contrasting
 2425 | colors on the driver and passenger sides of the wrecker ~~vehicle~~.
 2426 | The name must ~~shall~~ be in at least 3-inch permanently affixed
 2427 | letters, and the address and telephone number must ~~shall~~ be in
 2428 | at least 1-inch permanently affixed letters.

2429 | 8. Vehicle or vessel entry for the purpose of towing or
 2430 | removing the vehicle or vessel ~~is~~ shall be allowed with
 2431 | reasonable care ~~by on the part of~~ the wrecker company and the
 2432 | wrecker operators ~~person or firm~~ towing the vehicle or vessel
 2433 | for the wrecker company. A wrecker company, its wrecker
 2434 | operators, and other employees or agents of the wrecker company
 2435 | are not ~~Such person or firm~~ shall be liable for any damage
 2436 | occasioned to the vehicle or vessel if ~~such~~ entry to the vehicle
 2437 | or vessel is performed ~~not in accordance with the standard of~~
 2438 | reasonable care.

HB 341 CS

2005
CS

2439 9. When a vehicle or vessel is ~~has been~~ towed or removed
 2440 under pursuant to this section, the wrecker company ~~it~~ must
 2441 release the vehicle or vessel ~~be released~~ to its owner or
 2442 custodian within one hour after requested. Any vehicle or vessel
 2443 owner, custodian, or agent has ~~shall have~~ the right to inspect
 2444 the vehicle or vessel before accepting its return. A wrecker
 2445 company may not require any vehicle or vessel owner, custodian,
 2446 or agent to, ~~and no release the wrecker company or waiver of any~~
 2447 ~~kind which would release the person or firm~~ towing the vehicle
 2448 or vessel from liability for damages noted by the owner or other
 2449 legally authorized person at the time of the redemption ~~may be~~
 2450 ~~required from any vehicle owner, custodian, or agent~~ as a
 2451 condition of release of the vehicle or vessel to its owner. A
 2452 wrecker company must give a person paying towing and storage
 2453 charges under this section a detailed, signed receipt showing
 2454 the legal name of the wrecker company ~~or person towing or~~
 2455 ~~removing the vehicle must be given to the person paying towing~~
 2456 ~~or storage charges~~ at the time of payment, whether requested or
 2457 not.

2458 (b) These requirements are ~~shall be the~~ minimum standards
 2459 and do shall not preclude enactment of additional regulations by
 2460 any municipality or county, including the regulation of ~~right to~~
 2461 ~~regulate~~ rates when vehicles or vessels are towed from real
 2462 ~~private~~ property.

2463 (3) This section does not apply to vehicles or vessels
 2464 that are reasonably identifiable from markings as law
 2465 enforcement, firefighting, rescue squad, ambulance, or other

HB 341 CS

2005
CS

2466 emergency vehicles or vessels ~~which are marked as such~~ or to
2467 property owned by any governmental entity.

2468 (4) When a person improperly causes a vehicle or vessel to
2469 be removed, ~~that such person is~~ shall be liable to the owner or
2470 lessee of the vehicle or vessel for the cost of removal,
2471 transportation, and storage; any damages resulting from the
2472 removal, transportation, or storage of the vehicle or vessel;
2473 attorneys' fees; and court costs.

2474 (5) Failure to make good-faith efforts to comply with the
2475 notice requirements in subparagraph (2)(a)5. precludes the
2476 imposition of any towing or storage charges against the vehicle
2477 or vessel.

2478 (6)(5)(a) Any person who violates ~~the provisions of~~
2479 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is guilty
2480 ~~of~~ a misdemeanor of the first degree, punishable as provided in
2481 s. 775.082 or s. 775.083.

2482 (b) Any person who violates ~~the provisions of~~ subparagraph
2483 (2)(a)1., subparagraph (2)(a)3., subparagraph (2)(a)4.,
2484 subparagraph (2)(a)7., or subparagraph (2)(a)9. commits is
2485 ~~guilty of~~ a felony of the third degree, punishable as provided
2486 in s. 775.082, s. 775.083, or s. 775.084.

2487 Section 22. Effective January 1, 2006, subsection (15) of
2488 section 1.01, Florida Statutes, is repealed.

2489 Section 23. The sum of \$693,000 is appropriated from the
2490 General Inspection Trust Fund to the Department of Agriculture
2491 and Consumer Services, and 10 additional full-time-equivalent
2492 positions are authorized, for the purpose of implementing this
2493 act during the 2005-2006 fiscal year.

HB 341 CS

2005
CS

2494 | Section 24. Except as otherwise expressly provided in this
2495 | act, this act shall take effect July 1, 2005.