

1 A bill to be entitled

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

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

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

85 continuing education courses to keep records for a
86 specified time; amending s. 713.78, F.S.; removing mobile
87 homes from the application of a statutory lien for towing
88 and storage; conforming provisions related to recovering,
89 towing, or storing vessels; providing for attorney's fees;
90 creating s. 713.785, F.S.; authorizing the imposition of
91 lien by a mobile home transport company for recovering,
92 towing, or storing a mobile home; providing definitions;
93 requiring a mobile home transport company to provide
94 notice of recovery, towing, or storage services; providing
95 for the filing of a complaint; providing procedures for
96 the sale of an unclaimed mobile home; specifying
97 circumstances under which a mobile home transport company
98 must obtain a certificate of destruction; providing for
99 fees; authorizing the department to adopt rules; providing
100 for fees; providing for issuing certificates of
101 destruction and revalidation stickers; providing
102 procedures for disputing a lien and for discharge of a
103 lien; providing for the posting and repayment of surety;
104 providing for criminal penalties; amending s. 715.07,
105 F.S.; defining the term "vessel"; conforming provisions
106 related to towing vessels parked on private property;
107 imposing criminal penalties for failure to comply with
108 certain laws governing the towing of vehicles and vessels;
109 repealing s. 1.01(15), F.S., relating to the definition of
110 the term "wrecker operator"; providing an appropriation
111 and authorizing additional positions; providing effective
112 dates.

113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139

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.--

140 (3) Whenever a motor vehicle becomes disabled upon the
 141 highways of this state and a wrecker ~~or tow truck~~ is required to
 142 remove it to a repair shop or other appropriate location, if the
 143 combined weights of those two vehicles and the loads thereon
 144 exceed the maximum allowable weights as established by s.
 145 316.535, no penalty shall be assessed either vehicle or driver.
 146 However, this exception shall not apply to the load limits for
 147 bridges and culverts established by the department as provided
 148 in s. 316.555.

149 Section 4. For the purpose of incorporating the amendment
 150 made by this act to section 320.01, Florida Statutes, in
 151 references thereto, subsection (4) of section 316.550, Florida
 152 Statutes, is reenacted to read:

153 316.550 Operations not in conformity with law; special
 154 permits.--

155 (4) (a) The Department of Transportation may issue a
 156 wrecker special blanket permit to authorize a wrecker as defined
 157 in s. 320.01(40) to tow a disabled vehicle as defined in s.
 158 320.01(38) where the combination of the wrecker and the disabled
 159 vehicle being towed exceeds the maximum weight limits as
 160 established by s. 316.535.

161 (b) The Department of Transportation must supply the
 162 permitted wrecker with a map showing the routes on which the
 163 wrecker may safely tow disabled vehicles for all special permit
 164 classifications for which the wrecker applies.

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

167 316.605 Licensing of vehicles.--

168 (1) Every vehicle, at all times while driven, stopped, or
 169 parked upon any highways, roads, or streets of this state, shall
 170 be licensed in the name of the owner thereof in accordance with
 171 the laws of this state unless such vehicle is not required by
 172 the laws of this state to be licensed in this state and shall,
 173 except as otherwise provided in s. 320.0706 for front-end
 174 registration license plates on truck tractors or wreckers,
 175 display the license plate or both of the license plates assigned
 176 to it by the state, one on the rear and, if two, the other on
 177 the front of the vehicle, each to be securely fastened to the
 178 vehicle outside the main body of the vehicle in such manner as
 179 to prevent the plates from swinging, and ~~with~~ all letters,
 180 numerals, printing, writing, and other identification marks upon
 181 the plates regarding the word "Florida," the registration decal,
 182 and this alphanumeric designation shall be clear and distinct
 183 and free from defacement, mutilation, grease, and other
 184 obscuring matter, so that they will be plainly visible and
 185 legible at all times 100 feet from the rear or front. In
 186 addition, if only one registration plate is issued for a motor
 187 vehicle that is equipped with a mechanical loading device that
 188 may damage the plate, the plate may be attached to the front of
 189 the vehicle. Nothing shall be placed upon the face of a Florida
 190 plate except as permitted by law or by rule or regulation of a
 191 governmental agency. No license plates other than those
 192 furnished by the state shall be used. However, if the vehicle
 193 is not required to be licensed in this state, the license plates
 194 on such vehicle issued by another state, by a territory,
 195 possession, or district of the United States, or by a foreign

196 country, substantially complying with the provisions hereof,
197 shall be considered as complying with this chapter. A government
198 license plate that is issued to a truck tractor or heavy truck
199 having a gross vehicle weight of 26,001 pounds or more which is
200 owned by a governmental entity may be placed on the front of the
201 vehicle and is in compliance with this chapter. A violation of
202 this subsection is a noncriminal traffic infraction, punishable
203 as a nonmoving violation as provided in chapter 318.

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

206 320.01 Definitions, general.--As used in the Florida
207 Statutes, except as otherwise provided, the term:

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

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

215 320.03 Registration; duties of tax collectors;
216 International Registration Plan.--

217 (8) If the applicant's name appears on the list referred
218 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
219 license plate or revalidation sticker may not be issued until
220 that person's name no longer appears on the list or until the
221 person presents a receipt from the clerk showing that the fines
222 outstanding have been paid. The tax collector and the clerk of
223 the court are each entitled to receive monthly, as costs for

224 implementing and administering this subsection, 10 percent of
 225 the civil penalties and fines recovered from such persons. As
 226 used in this subsection, the term "civil penalties and fines"
 227 does not include a wrecker company's ~~operator's~~ lien as
 228 described in s. 713.78(13). If the tax collector has private tag
 229 agents, such tag agents are entitled to receive a pro rata share
 230 of the amount paid to the tax collector, based upon the
 231 percentage of license plates and revalidation stickers issued by
 232 the tag agent compared to the total issued within the county.
 233 The authority of any private agent to issue license plates shall
 234 be revoked, after notice and a hearing as provided in chapter
 235 120, if he or she issues any license plate or revalidation
 236 sticker contrary to the provisions of this subsection. This
 237 section applies only to the annual renewal in the owner's birth
 238 month of a motor vehicle registration and does not apply to the
 239 transfer of a registration of a motor vehicle sold by a motor
 240 vehicle dealer licensed under this chapter, except for the
 241 transfer of registrations which is inclusive of the annual
 242 renewals. This section does not affect the issuance of the title
 243 to a motor vehicle, notwithstanding s. 319.23(7)(b).

244 Section 8. Section 320.0706, Florida Statutes, is amended
 245 to read:

246 320.0706 Display of license plates on trucks.--The owner
 247 of any commercial truck of gross vehicle weight of 26,001 pounds
 248 or more shall display the registration license plate on both the
 249 front and rear of the truck in conformance with all the
 250 requirements of s. 316.605 that do not conflict with this
 251 section. However, the owner of a truck tractor or a wrecker

252 must ~~shall be required to~~ display the registration license plate
 253 only on the front of such vehicle.

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

258 320.08 License taxes.--Except as otherwise provided
 259 herein, there are hereby levied and imposed annual license taxes
 260 for the operation of motor vehicles, mopeds, motorized bicycles
 261 as defined in s. 316.003(2), and mobile homes, as defined in s.
 262 320.01, which shall be paid to and collected by the department
 263 or its agent upon the registration or renewal of registration of
 264 the following:

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

267 (d) A wrecker, as defined in s. 320.01(40), which is used
 268 to tow a vessel as defined in s. 327.02(36), a disabled,
 269 abandoned, stolen-recovered, or impounded motor vehicle as
 270 defined in s. 320.01(38), or a replacement motor vehicle as
 271 defined in s. 320.01(39): \$30 flat.

272 (e) A wrecker, as defined in s. 320.01(40), which is used
 273 to tow any motor vehicle, regardless of whether or not such
 274 motor vehicle is a disabled motor vehicle as defined in s.
 275 320.01(38), a replacement motor vehicle as defined in s.
 276 320.01(39), a vessel as defined in s. 327.02(36), or any other
 277 cargo, as follows:

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

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

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

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

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

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

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

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

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

296 Section 10. Subsection (1) of section 320.0821, Florida
297 Statutes, is amended, and subsection (5) is added to that
298 section, to read:

299 320.0821 Wrecker license plates.--

300 (1) The department shall issue one a wrecker license
301 plate, regardless of gross vehicle weight, to the owner of any
302 motor vehicle that is used to tow, carry, or otherwise transport
303 motor vehicles and that is equipped for that purpose with a
304 boom, winch, carrier, or other similar equipment, except a motor
305 vehicle registered under the International Registration Plan,
306 upon application and payment of the appropriate license tax and
307 fees in accordance with s. 320.08(5)(d) or (e).

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

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

313 320.0821 Wrecker license plates.--

314 (1) The department shall issue one wrecker license plate,
315 regardless of gross vehicle weight, to the owner of a wrecker
316 ~~any motor vehicle that is used to tow, carry, or otherwise~~
317 ~~transport motor vehicles and that is equipped for that purpose~~
318 ~~with a boom, winch, carrier, or other similar equipment, except~~
319 ~~a motor vehicle registered under the International Registration~~
320 ~~Plan,~~ upon application and payment of the appropriate license
321 tax and fees in accordance with s. 320.08(5)(d) or (e). However,
322 the department may issue or renew a wrecker license plate only
323 if the owner of the wrecker is a wrecker company registered
324 under chapter 508. This section does not apply to a motor
325 vehicle registered under the International Registration Plan.

326 Section 12. Paragraph (a) of subsection (1) of section
327 320.13, Florida Statutes, is amended to read:

328 320.13 Dealer and manufacturer license plates and
329 alternative method of registration.--

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

336 in connection with such dealer's business, but are not valid for
 337 use for hire. Dealer license plates may not be used on any ~~tow~~
 338 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 339 wrecker is being demonstrated for sale, and the dealer license
 340 plates may not be used on a vehicle used to transport another
 341 motor vehicle for the motor vehicle dealer.

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

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

346 321.051 Florida Highway Patrol wrecker allocation system;
 347 penalties for operation outside of system.--

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

349 (a) "Division" means the Division of the Florida Highway
 350 Patrol within the Department of Highway Safety and Motor
 351 Vehicles.

352 (b) "Authorized wrecker company" means a wrecker company
 353 designated by the division as part of its wrecker allocation
 354 system.

355 (c) "Unauthorized wrecker company" means a wrecker company
 356 not designated by the division as part of its wrecker allocation
 357 system.

358 (d) "Wrecker company" has the same meaning ascribed in s.
 359 508.01.

360 (e) "Wrecker operator" has the same meaning ascribed in s.
 361 508.01.

362 (f) "Wrecker services" has the same meaning ascribed in s.
 363 508.01.

364 (2) (a) The division may establish within areas designated
365 by the division a wrecker allocation system, using qualified,
366 reputable wrecker companies, for the removal from crash scenes
367 and the storage of wrecked or disabled vehicles when the owner
368 or operator is incapacitated, unavailable, or leaves the
369 procurement of wrecker services to the officer at the scene and
370 for the removal and storage of abandoned vehicles.

371 (b) The wrecker allocation system may use only wrecker
372 companies registered under chapter 508. Each reputable wrecker
373 company registered under chapter 508 is eligible for use in the
374 system if its equipment and wrecker operators meet the
375 recognized safety qualifications and mechanical standards set by
376 the division's rules for the size of vehicle they are designed
377 to handle. The division may limit the number of wrecker
378 companies participating in the wrecker allocation system.

379 (c) The division may establish maximum rates for the
380 towing and storage of vehicles removed at the division's request
381 if those rates are not established by a county or municipality
382 under s. 125.0103 or s. 166.043. These rates are not rules for
383 the purpose of chapter 120; however, the Department of Highway
384 Safety and Motor Vehicles shall adopt rules prescribing the
385 procedures for setting these rates.

386 (d) Notwithstanding chapter 120, a final order of the
387 department denying, suspending, or revoking a wrecker company's
388 participation in the wrecker allocation system may be appealed
389 only in the manner and within the time provided by the Florida
390 Rules of Appellate Procedure by a writ of certiorari issued by
391 the circuit court in the county in which the wrecker company's

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

394 (3) (a) An unauthorized wrecker company, its wrecker
 395 operators, or its other employees or agents may not monitor a
 396 police radio for communications between patrol field units and
 397 the dispatcher in order to determine the location of a wrecked
 398 or disabled vehicle for the purpose of dispatching its wrecker
 399 operator to drive by the scene of the vehicle in a manner
 400 described in paragraph (b) or paragraph (c). Any person who
 401 violates this paragraph commits a noncriminal violation,
 402 punishable as provided in s. 775.083.

403 (b) A wrecker operator dispatched by an unauthorized
 404 wrecker company may not drive by the scene of a wrecked or
 405 disabled vehicle before the arrival of the wrecker operator
 406 dispatched by the authorized wrecker company, initiate contact
 407 with the owner or operator of the vehicle by soliciting or
 408 offering wrecker services, or tow the vehicle. Any person who
 409 violates this paragraph commits a misdemeanor of the second
 410 degree, punishable as provided in s. 775.082 or s. 775.083.

411 (c) When a wrecker operator dispatched by an unauthorized
 412 wrecker company drives by the scene of a wrecked or disabled
 413 vehicle and the owner or operator initiates contact by signaling
 414 the wrecker operator to stop and provide wrecker services, the
 415 wrecker operator must disclose to the owner or operator of the
 416 vehicle that he or she was not dispatched by the authorized
 417 wrecker company designated as part of the wrecker allocation
 418 system and must disclose, in writing, what charges for towing
 419 and storage will apply before the vehicle is connected to the

420 towing apparatus. Any person who violates this paragraph commits
421 a misdemeanor of the second degree, punishable as provided in s.
422 775.082 or s. 775.083.

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

429 (4) This section does not prohibit, or in any way prevent,
430 the owner or operator of a vehicle involved in a crash or
431 otherwise disabled from contacting any wrecker company for the
432 provision of wrecker services, regardless of whether the wrecker
433 company is an authorized wrecker company or not. However, if a
434 law enforcement officer determines that the disabled vehicle or
435 vehicle cargo is a public safety hazard, the officer may, in the
436 interest of public safety, dispatch an authorized wrecker
437 company if the officer believes that the authorized wrecker
438 company would arrive at the scene before the wrecker company
439 requested by the owner or operator of the disabled vehicle or
440 vehicle cargo.

441 (5) A law enforcement officer may dispatch an authorized
442 wrecker company out of rotation to the scene of a wrecked or
443 disabled vehicle if the authorized wrecker company next on
444 rotation is not equipped to provide the required wrecker
445 services and the out-of-rotation authorized wrecker company is
446 available with the required equipment. However, this subsection
447 does not prohibit or prevent the owner or operator of a vehicle

448 involved in a crash or otherwise disabled from contacting any
449 wrecker company who is properly equipped to provide the required
450 wrecker services, regardless of whether the wrecker company is
451 an authorized wrecker company or not, unless the law enforcement
452 officer determines that the wrecked or disabled vehicle is a
453 public safety hazard and the officer believes that the
454 authorized wrecker company would arrive at the scene before the
455 wrecker company requested by the owner or operator.

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

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

460 323.001 Wrecker company storage facilities; vehicle
461 holds.--

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

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

465 (b) "Wrecker company" has the same meaning ascribed in s.
466 508.01.

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

471 (3) To extend a hold, the law enforcement agency must
472 notify the wrecker company in writing within the 5 business
473 days. If notification is not made within the 5 business days,
474 the wrecker company must release the vehicle to the designated
475 person under s. 713.78.

476 (a) If the hold is extended beyond the 5 business days,
477 the law enforcement agency may have the vehicle removed to a
478 designated impound lot, in which event the vehicle may not be
479 released by the law enforcement agency to the owner or
480 lienholder of the vehicle until proof of payment of the towing
481 and storage charges incurred by the wrecker company is presented
482 to the law enforcement agency.

483 (b) If the law enforcement agency chooses to have the
484 vehicle remain at the wrecker company's storage facility for
485 more than 5 business days under the written notification, the
486 law enforcement agency is responsible for paying the storage
487 charges incurred by the wrecker company for the requested
488 extended period. In such an event, the owner or lienholder is
489 responsible for paying the accrued towing and storage charges
490 for the first 5 business days, or any period less than the first
491 5 business days, if the law enforcement agency moves the vehicle
492 from the wrecker company's storage facility to a designated
493 impound lot or provides written notification to extend the hold
494 on the vehicle before the expiration of the 5 business days.

495 (c) The towing and storage rates for the owner or
496 lienholder of the held vehicle may not exceed the rates for the
497 law enforcement agency.

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

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

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

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

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

513 (d) The law enforcement officer has probable cause to
514 believe that the vehicle is itself evidence that tends to show
515 that a crime has been committed or that the vehicle contains
516 evidence, which cannot readily be removed, which tends to show
517 that a crime has been committed;

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

523 (f) The vehicle is impounded or immobilized under s.
524 316.193 or s. 322.34; or

525 (g) The law enforcement officer is complying with a court
526 order.

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

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

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

531 | (c) A general description of the vehicle, including its
 532 | color, make, model, body style, and year; VIN (Vehicle
 533 | Identification Number); registration license plate number,
 534 | state, and year; and validation sticker number, state, and year;

535 | (d) The specific reason for placing the hold;

536 | (e) The condition of the vehicle;

537 | (f) The location where the vehicle is being held; and

538 | (g) The name, address, and telephone number of the wrecker
 539 | company and the storage facility.

540 | (7) A wrecker company's storage facility must comply with
 541 | a hold placed by a law enforcement officer, including
 542 | instructions for inside or outside storage. A wrecker company's
 543 | storage facility may not release a motor vehicle subject to a
 544 | hold to any person except as directed by the law enforcement
 545 | agency placing the hold.

546 | (8) When a vehicle owner is found guilty of, or pleads
 547 | nolo contendere to, the offense that resulted in a hold being
 548 | placed on his or her vehicle, regardless of the adjudication of
 549 | guilt, the owner must pay the accrued towing and storage charges
 550 | assessed against the vehicle.

551 | Section 15. Effective January 1, 2006, section 323.002,
 552 | Florida Statutes, is amended to read:

553 | (Substantial rewording of section. See
 554 | s. 323.002, F.S., for present text.)

555 | 323.002 County and municipal wrecker allocation systems;
 556 | penalties for operation outside of system.--

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

558 (a) "Authorized wrecker company" means a wrecker company
 559 designated as part of the wrecker allocation system established
 560 by the governmental unit having jurisdiction over the scene of a
 561 wrecked or disabled vehicle.

562 (b) "Unauthorized wrecker company" means a wrecker company
 563 not designated as part of the wrecker allocation system
 564 established by the governmental unit having jurisdiction over
 565 the scene of a wrecked or disabled vehicle.

566 (c) "Wrecker allocation system" means a system for the
 567 towing or removal of wrecked, disabled, or abandoned vehicles,
 568 similar to the Florida Highway Patrol wrecker allocation system
 569 described in s. 321.051(2), under which a county or municipality
 570 contracts with one or more wrecker companies registered under
 571 chapter 508 for the towing or removal of wrecked, disabled, or
 572 abandoned vehicles from accident scenes, streets, or highways.
 573 Each wrecker allocation system must use a method for
 574 apportioning the towing assignments among the eligible wrecker
 575 companies through the creation of geographic zones, a rotation
 576 schedule, or a combination of these methods.

577 (d) "Wrecker company" has the same meaning ascribed in s.
 578 508.01.

579 (e) "Wrecker operator" has the same meaning ascribed in s.
 580 508.01.

581 (f) "Wrecker services" has the same meaning ascribed in s.
 582 508.01.

583 (2) In a county or municipality that operates a wrecker
 584 allocation system:

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

587 (b) An unauthorized wrecker company, its wrecker
588 operators, or its other employees or agents may not monitor a
589 police radio for communications between patrol field units and
590 the dispatcher in order to determine the location of a wrecked
591 or disabled vehicle for the purpose of dispatching its wrecker
592 operator to drive by the scene of the vehicle in a manner
593 described in paragraph (c) or paragraph (d). Any person who
594 violates this paragraph commits a noncriminal violation,
595 punishable as provided in s. 775.083.

596 (c) A wrecker operator dispatched by an unauthorized
597 wrecker company may not drive by the scene of a wrecked or
598 disabled vehicle before the arrival of the wrecker operator
599 dispatched by the authorized wrecker company, initiate contact
600 with the owner or operator of the vehicle by soliciting or
601 offering wrecker services, or tow the vehicle. Any person who
602 violates this paragraph commits a misdemeanor of the second
603 degree, punishable as provided in s. 775.082 or s. 775.083.

604 (d) When a wrecker operator dispatched by an unauthorized
605 wrecker company drives by the scene of a wrecked or disabled
606 vehicle and the owner or operator initiates contact by signaling
607 the wrecker operator to stop and provide wrecker services, the
608 wrecker operator must disclose to the owner or operator of the
609 vehicle that he or she was not dispatched by the authorized
610 wrecker company designated as part of the wrecker allocation
611 system and must disclose, in writing, what charges for towing
612 and storage will apply before the vehicle is connected to the

613 towing apparatus. Any person who violates this paragraph commits
614 a misdemeanor of the second degree, punishable as provided in s.
615 775.082 or s. 775.083.

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

622 (3) This section does not prohibit, or in any way prevent,
623 the owner or operator of a vehicle involved in a crash or
624 otherwise disabled from contacting any wrecker company for the
625 provision of wrecker services, regardless of whether the wrecker
626 company is an authorized wrecker company or not. However, if a
627 law enforcement officer determines that the disabled vehicle or
628 vehicle cargo is a public safety hazard, the officer may, in the
629 interest of public safety, dispatch an authorized wrecker
630 company if the officer believes that the authorized wrecker
631 company would arrive at the scene before the wrecker company
632 requested by the owner or operator of the disabled vehicle or
633 vehicle cargo.

634 (4) A law enforcement officer may dispatch an authorized
635 wrecker company out of rotation to the scene of a wrecked or
636 disabled vehicle if the authorized wrecker company next on
637 rotation is not equipped to provide the required wrecker
638 services and the out-of-rotation authorized wrecker company is
639 available with the required equipment. However, this subsection
640 does not prohibit or prevent the owner or operator of a vehicle

641 involved in a crash or otherwise disabled from contacting any
 642 wrecker company that is properly equipped to provide the
 643 required wrecker services, regardless of whether the wrecker
 644 company is an authorized wrecker company or not, unless the law
 645 enforcement officer determines that the wrecked or disabled
 646 vehicle is a public safety hazard and the officer believes that
 647 the authorized wrecker company would arrive at the scene before
 648 the wrecker company requested by the owner or operator.

649 Section 16. Chapter 508, Florida Statutes, consisting of
 650 sections 508.01, 508.02, 508.03, 508.04, 508.05, 508.06,
 651 508.061, 508.07, 508.08, 508.09, 508.10, 508.11, 508.12, 508.13,
 652 508.14, 508.15, 508.16, 508.17, 508.18, 508.19, and 508.20,
 653 Florida Statutes, is created to read:

654 CHAPTER 508

655 WRECKER SERVICES

656
 657 508.01 Definitions.--As used in this chapter, the term:

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

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

663 (3) "Department" means the Department of Agriculture and
 664 Consumer Services.

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

668 (5) "Ultimate equitable owner" means a natural person who,
 669 directly or indirectly, owns or controls 10 percent or more of
 670 an ownership interest in a wrecker company, regardless of
 671 whether the natural person owns or controls the ownership
 672 interest through one or more natural persons or one or more
 673 proxies, powers of attorney, nominees, business entities, or any
 674 combination thereof.

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

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

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

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

690 (10) "Wrecker operator" means a person who performs
 691 wrecker services.

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

- 696 (a) Driving a wrecker.
- 697 (b) Loading, securing, and unloading a vehicle or vessel
 698 on a wrecker using a boom, winch, car carrier, or other similar
 699 equipment.
- 700 (c) Towing or removal of a wrecked, disabled, or abandoned
 701 vehicle under the Florida Highway Patrol wrecker allocation
 702 system pursuant to s. 321.051 or under a county or municipal
 703 wrecker allocation system pursuant to s. 323.002.
- 704 (d) Towing, recovery, or removal of a vehicle or vessel
 705 under s. 713.78.
- 706 (e) Towing, transportation, or removal of a vehicle or
 707 vessel parked on real property without permission under s.
 708 715.07.
- 709 (f) Recovery of a vehicle or vessel.
- 710 508.02 Wrecker Operator Advisory Council.--
- 711 (1) The Wrecker Operator Advisory Council is created
 712 within the department. The council shall advise and assist the
 713 department in administering this chapter.
- 714 (2) (a) The council shall be composed of seven members
 715 appointed by the Commissioner of Agriculture. One member must be
 716 an officer of an organization whose members are engaged in
 717 towing or transporting vehicles, vessels, or mobile homes.
- 718 (b) Three members of the council must each be an ultimate
 719 equitable owner of a wrecker company who has been an ultimate
 720 equitable owner of that company for at least 5 years before his
 721 or her appointment; one member must be a wrecker operator who is
 722 not an ultimate equitable owner of a wrecker company and who has
 723 been a wrecker operator for at least 5 years before his or her

724 appointment; and two members must be laypersons. Each member
725 must be a resident of this state. This paragraph expires July 1,
726 2011.

727 (c) Effective July 1, 2011, three members of the council
728 must each be an ultimate equitable owner of a wrecker company
729 registered under this chapter who has been an ultimate equitable
730 owner of that company registered for at least 5 years before his
731 or her appointment; one member must be a wrecker operator
732 certified under this chapter who is not an ultimate equitable
733 owner of a wrecker company and who has been a wrecker operator
734 certified for at least 5 years before his or her appointment;
735 and two members must be laypersons. Each member must be a
736 resident of this state.

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

744 (4) (a) From among its members, the council shall annually
745 elect a chair, who shall preside over the meetings of the
746 council, and a vice chair.

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

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

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

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

758 (7) The council shall review the rules adopted by the
 759 department to administer this chapter and shall advise the
 760 department on matters relating to industry standards and
 761 practices and other issues that require technical expertise and
 762 consultation or that promote better consumer protection in the
 763 wrecker industry.

764 508.03 Rulemaking authority.--The department may adopt
 765 rules under ss. 120.536(1) and 120.54 to administer this
 766 chapter.

767 508.04 Wrecker companies; registration
 768 required.--Effective January 1, 2006:

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

773 (2) A person applying for or renewing a local occupational
 774 license to engage for hire in the business of a wrecker company
 775 must exhibit a current registration certificate from the
 776 department before the local occupational license may be issued
 777 or reissued under chapter 205.

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

784 508.05 Registration requirements; renewal of
785 registrations.--

786 (1) Each wrecker company engaged or attempting to engage
787 for hire in the business of towing, carrying, or transporting
788 vehicles, vessels, or mobile homes by wrecker upon the streets
789 and highways of this state must annually register with the
790 department on forms prescribed by the department. The
791 application for registration must include at least the following
792 information:

793 (a) The name and federal employer identification number of
794 the wrecker company.

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

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

799 (d) The full name, residence address, business address,
800 and telephone number of the applicant. If the applicant is other
801 than a natural person, the application must also contain the
802 full name, residence address, business address, telephone
803 number, and federal employer identification number, if
804 applicable, of each ultimate equitable owner of the business

805 entity and each officer, director, partner, manager, member, or
806 managing member of the entity.

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

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

813 (2) Each initial and renewal application for registration
814 must be accompanied by the registration fee prescribed in s.
815 508.16.

816 (3) Each initial application for registration must be
817 accompanied by a complete set of the applicant's fingerprints
818 taken by a law enforcement agency. If the applicant is other
819 than a natural person, a complete set of fingerprints must also
820 be filed for each ultimate equitable owner of the business
821 entity and each officer, director, partner, manager, member, or
822 managing member of the entity. The department shall submit the
823 fingerprints to the Department of Law Enforcement for state
824 processing, and the Department of Law Enforcement shall forward
825 the fingerprints to the Federal Bureau of Investigation for
826 national processing. The Department of Agriculture and Consumer
827 Services shall collect from each applicant the fingerprint
828 processing fee of \$23 for state processing and an additional fee
829 for federal processing for each applicant's name submitted. The
830 Department of Agriculture and Consumer Services shall screen
831 background results to determine if the applicant meets the
832 requirements for issuance of a registration certificate.

833 Registration renewal applications need not be accompanied by a
834 set of fingerprints for an individual who previously submitted a
835 set of fingerprints to the department as part of a prior year's
836 registration application.

837 (4) The department shall review each application in
838 accordance with s. 120.60 and shall issue a registration
839 certificate, in the form and size prescribed by the department,
840 to each wrecker company whose application is approved. The
841 certificate must show at least the name and address of the
842 wrecker company and the registration number. The registration
843 certificate must be prominently displayed in the wrecker
844 company's primary place of business.

845 (5) Each advertisement of a wrecker company must include
846 the phrase "Fla. Wrecker Co. Reg. No. _____." For the purpose of
847 this subsection, the term "advertisement" means a printed or
848 graphic statement made in a newspaper or other publication or
849 contained in any notice, handbill, or sign, including signage on
850 a vehicle, flyer, catalog, or letter.

851 (6) A registration is invalid for a wrecker company
852 transacting business at a place other than the location
853 designated in the registration application unless the department
854 is first notified in writing before the change of location. A
855 registration issued under this chapter is not transferable or
856 assignable, and a wrecker company may not conduct business under
857 a name other than as registered. A wrecker company desiring to
858 change its registered name, location, or registered agent for
859 service of process at a time other than upon renewal of
860 registration must notify the department of the change.

861 (7) (a) Each registration must be renewed annually on or
862 before the expiration date of the current registration. A late
863 fee of \$25 must be paid, in addition to the registration fee or
864 any other penalty, for a registration renewal application that
865 is received by the department after the expiration date of the
866 current registration. The department may not issue a
867 registration until all fees are paid.

868 (b) A wrecker company whose primary place of business is
869 located within a county or municipality that requires, by local
870 ordinance, a local occupational license under chapter 205 may
871 not renew a license under this chapter unless the wrecker
872 company obtains the occupational license from the county or
873 municipality.

874 (8) Each wrecker company must provide the department with
875 a certificate of insurance for the required insurance coverage
876 under s. 627.7415 before the department may issue the
877 registration certificate for an initial or renewal registration.
878 The department must be named as a certificateholder on the
879 insurance certificate and must be notified at least 30 days
880 before any change in insurance coverage.

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

886 508.06 Denial of registration.--The department may deny,
887 revoke, or refuse to renew the registration of a wrecker company
888 based upon a determination that the applicant or, if the

889 applicant is other than a natural person, the wrecker company or
 890 any of its ultimate equitable owners, officers, directors,
 891 partners, managers, members, or managing members has:

892 (1) Not met the requirements for registration under this
 893 chapter;

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

897 (3) Been convicted of, found guilty of, or pled guilty or
 898 nolo contendere to, regardless of the adjudication of guilt, a
 899 crime within the last 7 years involving repossession of a motor
 900 vehicle under chapter 493; repair of a motor vehicle under ss.
 901 559.901-559.9221; theft of a motor vehicle under s. 812.014;
 902 carjacking under s. 812.133; operation of a chop shop under s.
 903 812.16; failure to maintain records of motor vehicle parts and
 904 accessories under s. 860.14; airbag theft or use of fake airbags
 905 under s. 860.145 or s. 860.146; overcharging for repairs and
 906 parts under s. 860.15; or a violation of towing or storage
 907 requirements for a motor vehicle under s. 321.051, chapter 323,
 908 s. 713.78, s. 715.07, or this chapter;

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

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

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

918 508.061 Acceptable forms of payment.--A wrecker company
 919 shall accept a minimum of two of the following forms of payment:

920 (1) Cash, cashier's check, money order, or traveler's
 921 check;

922 (2) Valid personal check, showing upon its face the name
 923 and address of the vehicle or vessel owner or authorized
 924 representative; or

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

927 508.07 Wrecker operator certification program.--

928 (1) The department, in consultation with the council,
 929 shall establish a wrecker operator certification program by
 930 December 31, 2005. Under this program, the council shall approve
 931 certification courses for wrecker operators conducted by
 932 approved organizations. The council shall prescribe the minimum
 933 curricula for these courses, which must comprise at least 16
 934 hours, equally apportioned between theoretical instruction and
 935 practical training. The council must approve each organization
 936 and its certification course before the course is accepted for
 937 certification of wrecker operators under this chapter.

938 (2) Each approved wrecker operator certification course
 939 must include a certification examination demonstrating a wrecker
 940 operator's knowledge, skills, and abilities in performing
 941 wrecker services and in the instruction and training of the
 942 certification course. The council must approve each

943 certification examination before the examination is accepted for
944 certification of wrecker operators under this chapter.

945 (3) Each organization conducting an approved wrecker
946 operator certification course must issue on forms prescribed by
947 the department a certificate to each wrecker operator who
948 completes the approved certification course or who passes the
949 approved certification examination.

950 508.08 Specialized wrecker services.--

951 (1) In addition to the minimum curricula for certification
952 of wrecker operators, each approved certification course must
953 offer optional instruction, training, and examination of wrecker
954 operators for each of the following specialized wrecker
955 services:

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

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

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

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

967 (e) Rollback wrecker.--Proper loading, securing,
968 transporting, and unloading of a vehicle on a flatbed-rollback
969 wrecker.

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

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

975 (2) The department shall adopt rules prescribing specific
976 standards to further define each of the specialized wrecker
977 services described in subsection (1). The council must approve
978 the instruction, training, and examination for a specialized
979 wrecker service before the specialized wrecker service is
980 accepted for endorsement of a wrecker operator's certification
981 under this chapter.

982 (3) Each organization conducting an approved wrecker
983 operator certification course must issue on forms prescribed by
984 the department a certificate to each wrecker operator who
985 completes the approved instruction and training for a
986 specialized wrecker service or who passes the approved
987 endorsement examination for that specialized wrecker service.

988 508.09 Certification cards.--

989 (1) Each organization conducting an approved wrecker
990 operator certification course must issue a certification card to
991 each wrecker operator who completes the approved certification
992 course and passes the approved certification examination. The
993 department must approve the form of the certification cards
994 issued by each organization. Each certification card must
995 include the wrecker operator's name, a color photograph or
996 digital image of the wrecker operator, and the expiration date
997 of the certification card.

998 (2) Each certification card must also include the wrecker
 999 operator's applicable endorsements for specialized wrecker
 1000 services, for which the wrecker operator completed the approved
 1001 instruction and training for the specialized wrecker service and
 1002 passed the approved endorsement examination for that specialized
 1003 wrecker service.

1004 (3) The department may adopt rules governing the issuance
 1005 of a certification card to a wrecker operator who:

1006 (a) Completes a certification course and passes a
 1007 certification examination in another state which are
 1008 substantially equivalent to the approved certification courses
 1009 and approved certification examinations in this state.

1010 (b) Completed a certification course and passed a
 1011 certification examination in this state between January 1, 2000,
 1012 and December 31, 2005, which are substantially equivalent to the
 1013 approved certification courses and the approved certification
 1014 examinations. This paragraph expires July 1, 2006.

1015 (c) Completed instruction and training for a specialized
 1016 wrecker service and passed an endorsement examination for that
 1017 specialized wrecker service between January 1, 2000, and
 1018 December 31, 2005, which are substantially equivalent to the
 1019 approved instruction and training and the approved endorsement
 1020 examinations. This paragraph expires July 1, 2006.

1021
 1022 For the purposes of this subsection, the council shall approve
 1023 each certification examination in another state, and shall
 1024 approve the instruction, training, and examination for each
 1025 specialized wrecker service in another state, which the council

1026 determines are substantially equivalent to the approved
 1027 certification courses and approved certification examinations in
 1028 this state or to the approved instruction, training, and
 1029 endorsement examinations for a specialized wrecker service in
 1030 this state.

1031 (4) Each certification card expires 5 years after the date
 1032 of issuance.

1033 (5) Certification cards shall be issued by the
 1034 organizations conducting approved wrecker operator certification
 1035 courses. The department is not responsible for issuing
 1036 certification cards or for the costs associated with the
 1037 issuance of certification cards.

1038 508.10 Wrecker operators; certification required;
 1039 inspection of employment records.--Effective January 1, 2006:

1040 (1) A person may not perform wrecker services in this
 1041 state unless he or she is an employee or ultimate equitable
 1042 owner of a wrecker company that is registered with the
 1043 department under this chapter and those wrecker services are
 1044 performed on behalf of the wrecker company.

1045 (2) (a) A person may not perform wrecker services or
 1046 specialized wrecker services for a wrecker company for more than
 1047 6 months after first being employed by, or becoming an ultimate
 1048 equitable owner of, the wrecker company without being certified
 1049 as a wrecker operator under this chapter.

1050 (b) A wrecker operator certified under this chapter may
 1051 not perform a specialized wrecker service for a wrecker company
 1052 unless the wrecker operator's certification includes an
 1053 endorsement for that specialized wrecker service.

1054 (3) (a) Notwithstanding subsections (1) and (2), a person
 1055 may perform wrecker services or specialized wrecker services in
 1056 this state if he or she is an employee or ultimate equitable
 1057 owner of a motor vehicle repair shop registered with the
 1058 department under s. 559.904 and those wrecker services or
 1059 specialized wrecker services are performed on behalf of the
 1060 motor vehicle repair shop.

1061 (b) Notwithstanding subsections (1) and (2), a person may
 1062 perform wrecker services or specialized wrecker services in this
 1063 state if those wrecker services or specialized wrecker services
 1064 are performed on behalf of a religious organization that holds a
 1065 current exemption from federal taxation or that is not required
 1066 to apply for recognition of its exemption, under s. 501 of the
 1067 Internal Revenue Code.

1068 (4) The department may, at any time during business hours,
 1069 enter any business location of a wrecker company and examine the
 1070 company's books or records. If the department has reason to
 1071 believe that a violation of this chapter has occurred or is
 1072 occurring, the department may subpoena any necessary books or
 1073 records.

1074 508.11 Renewal of certification; continuing education
 1075 requirements.--

1076 (1) The department, in consultation with the council,
 1077 shall establish a continuing education program for the
 1078 recertification of wrecker operators by December 31, 2007. In
 1079 order to renew a wrecker operator's certification card, an
 1080 operator must complete a continuing education course. The
 1081 council must prescribe the minimum curricula and proper

1082 examination for each continuing education course, each of which
 1083 must be at least 8 hours in length. The council shall approve
 1084 each organization, and the continuing education course it
 1085 proposes to offer, before the course is approved for
 1086 recertifying wrecker operators.

1087 (2) Each organization conducting an approved wrecker
 1088 operator continuing education course must issue, on forms
 1089 prescribed by the department, a certificate to each wrecker
 1090 operator who completes the approved course or who passes an
 1091 approved recertification examination.

1092 508.12 Prohibited acts.--It is a violation of this chapter
 1093 for a person to:

1094 (1) Charge rates that exceed the maximum rates imposed by
 1095 the ordinances of the respective county or municipality under
 1096 ss. 125.0103(1)(c) and 166.043(1)(c).

1097 (2) Violate s. 321.051, relating to the Florida Highway
 1098 Patrol wrecker allocation system.

1099 (3) Violate s. 323.002, relating to county and municipal
 1100 wrecker allocation systems.

1101 (4) Violate s. 713.78, relating to liens for recovering,
 1102 towing, or storing vehicles and vessels.

1103 (5) Violate s. 715.07, relating to towing or removing
 1104 vehicles and vessels parked on real property without permission.

1105 (6) Refuse to allow a law enforcement officer to inspect a
 1106 towing and storage facility, as required in s. 812.055.

1107 (7) Allow a person who is not certified as a wrecker
 1108 operator under this chapter to perform wrecker services or
 1109 specialized wrecker services for the wrecker company for more

1110 than 6 months after first being employed by, or becoming an
 1111 ultimate equitable owner of, the wrecker company.

1112 (8) Allow a wrecker operator certified under this chapter
 1113 to perform a specialized wrecker service for the wrecker company
 1114 if the wrecker operator's certification does not include an
 1115 endorsement for that specialized wrecker service.

1116 (9) Perform an act otherwise prohibited by this chapter or
 1117 fail to perform an act otherwise required by this chapter.

1118 508.13 Administrative penalties; inspection of records.--

1119 (1) The department may order one or more of the following
 1120 if the department finds that a person has violated this chapter
 1121 or the rules or orders issued under this chapter:

1122 (a) Issue a notice of noncompliance under s. 120.695.

1123 (b) Impose an administrative fine not to exceed \$5,000 for
 1124 each act or omission.

1125 (c) Direct the person to cease and desist specified
 1126 activities.

1127 (d) Refuse to register the wrecker company or suspend or
 1128 revoke the wrecker company's registration.

1129 (e) Place the wrecker company on probation for a period of
 1130 time, subject to the conditions specified by the department.

1131 (2) Chapter 120 shall govern an administrative proceeding
 1132 resulting from an order imposing a penalty specified in
 1133 subsection (1).

1134 508.14 Civil penalties.--The department may bring a civil
 1135 action in a court of competent jurisdiction to recover any
 1136 penalties or damages allowed in this chapter and for injunctive
 1137 relief to enforce compliance with this chapter. The department

1138 may seek a civil penalty of up to \$5,000 for each violation of
 1139 this chapter and may seek restitution for and on behalf of any
 1140 owner of a vehicle, vessel, or mobile home who is aggrieved or
 1141 injured by a violation of this chapter.

1142 508.15 Criminal penalties.--Effective July 1, 2006:

1143 (1) A person who violates s. 508.04(1) by operating a
 1144 wrecker company in this state without being registered with the
 1145 department under this chapter commits a felony of the third
 1146 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1147 775.084.

1148 (2) A person who violates s. 508.10(1) by performing
 1149 wrecker services in this state without being an employee or
 1150 ultimate equitable owner of a wrecker company that is registered
 1151 with the department under this chapter commits a felony of the
 1152 third degree, punishable as provided in s. 775.082, s. 775.083,
 1153 or s. 775.084.

1154 508.16 Fees.--The department shall adopt by rule a fee
 1155 schedule, not to exceed the following amounts:

1156 (1) Wrecker company registration fee: \$515.

1157 (2) Wrecker company registration renewal fee: \$515.

1158 508.17 General Inspection Trust Fund; payments.--All fees,
 1159 penalties, or other funds collected by the department under this
 1160 chapter must be deposited in the General Inspection Trust Fund
 1161 and may only be used for the purpose of administering this
 1162 chapter.

1163 508.18 Recovery agents; exemption.--This chapter does not
 1164 apply to a person licensed under chapter 493 performing
 1165 repossession services.

1166 508.19 County and municipal ordinances.--A county or
 1167 municipality may enact ordinances governing the business of
 1168 transporting vehicles or vessels by wrecker which are more
 1169 restrictive than this chapter. This section does not limit the
 1170 authority of a political subdivision to impose regulatory fees
 1171 or charges or to levy occupational license taxes under chapter
 1172 205. The department may enter into a cooperative agreement with
 1173 any county or municipality that provides for the referral,
 1174 investigation, and prosecution of consumer complaints alleging
 1175 violations of this act. The department is authorized to
 1176 delegate enforcement of this act to any county or municipality
 1177 entering into a cooperative agreement.

1178 508.20 Records.--

1179 (1) Each wrecker company shall maintain records of its
 1180 wrecker services for at least 12 months. These records shall be
 1181 maintained at the wrecker company's principal place of business.

1182 (2) Each wrecker company shall maintain records on each of
 1183 its wrecker operators sufficient to demonstrate that the
 1184 operator has successfully completed an approved wrecker operator
 1185 certification course or an approved wrecker operator continuing
 1186 education course and is certified to perform wrecker services.
 1187 These records shall be maintained at the wrecker company's
 1188 principal place of business for as long as the operator is
 1189 employed by the wrecker company and for at least 6 months
 1190 thereafter.

1191 (3) Each organization approved to conduct a wrecker
 1192 operator certification course or approved to offer a wrecker
 1193 operator continuing education course shall maintain records on

1194 each person who successfully completes one of the courses. The
 1195 records shall be maintained at the organization's principal
 1196 place of business for at least 5 years. The department may, at
 1197 any time during normal business hours, enter the organization's
 1198 principal place of business to examine the records.

1199 Section 17. Subsections (2), (4), (5), (6), (7), (10),
 1200 (11), and (13) of section 713.78, Florida Statutes, are amended
 1201 to read:

1202 713.78 Liens for recovering, towing, or storing vehicles
 1203 and vessels.--

1204 (2) Whenever a person regularly engaged in the business of
 1205 transporting vehicles or vessels by wrecker, tow truck, or car
 1206 carrier recovers, removes, or stores a vehicle or, vessel, ~~or~~
 1207 ~~mobile home~~ upon instructions from:

1208 (a) The owner thereof; ~~or~~

1209 (b) The owner or lessor, or a person authorized by the
 1210 owner or lessor, of property on which such vehicle or vessel is
 1211 wrongfully parked, and the ~~such~~ removal is done in compliance
 1212 with s. 715.07; or

1213 (c) Any law enforcement agency; ~~or~~

1214 ~~(d) A mobile home park owner as defined in s. 723.003 who~~
 1215 ~~has a current writ of possession for a mobile home lot pursuant~~
 1216 ~~to s. 723.061,~~

1217
 1218 she or he shall have a lien on the ~~such~~ vehicle or vessel for a
 1219 reasonable towing fee and for a reasonable storage fee; except
 1220 that no storage fee shall be charged if the ~~such~~ vehicle is
 1221 stored for less than 6 hours.

1222 (4) (a) Any person regularly engaged in the business of
 1223 recovering, towing, or storing vehicles or vessels who comes
 1224 into possession of a vehicle or vessel pursuant to subsection
 1225 (2), and who claims a lien for recovery, towing, or storage
 1226 services, shall give notice to the registered owner, the
 1227 insurance company insuring the vehicle notwithstanding the
 1228 provisions of s. 627.736, and to all persons claiming a lien
 1229 thereon, as disclosed by the records in the Department of
 1230 Highway Safety and Motor Vehicles or of a corresponding agency
 1231 in any other state.

1232 (b) Whenever any law enforcement agency authorizes the
 1233 removal of a vehicle or vessel or whenever any towing service,
 1234 garage, repair shop, or automotive service, storage, or parking
 1235 place notifies the law enforcement agency of possession of a
 1236 vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable
 1237 law enforcement agency shall contact the Department of Highway
 1238 Safety and Motor Vehicles, or the appropriate agency of the
 1239 state of registration, if known, within 24 hours through the
 1240 medium of electronic communications, giving the full description
 1241 of the vehicle or vessel. Upon receipt of the full description
 1242 of the vehicle or vessel, the department shall search its files
 1243 to determine the owner's name, the insurance company insuring
 1244 the vehicle or vessel, and whether any person has filed a lien
 1245 upon the vehicle or vessel as provided in s. 319.27(2) and (3)
 1246 and notify the applicable law enforcement agency within 72
 1247 hours. The person in charge of the towing service, garage,
 1248 repair shop, or automotive service, storage, or parking place
 1249 shall obtain such information from the applicable law

1250 enforcement agency within 5 days after ~~from~~ the date of storage
 1251 and shall give notice pursuant to paragraph (a). The department
 1252 may release the insurance company information to the requestor
 1253 notwithstanding the provisions of s. 627.736.

1254 (c) Notice by certified mail, return receipt requested,
 1255 shall be sent within 7 business days after the date of storage
 1256 of the vehicle or vessel to the registered owner, the insurance
 1257 company insuring the vehicle notwithstanding the provisions of
 1258 s. 627.736, and all persons of record claiming a lien against
 1259 the vehicle or vessel. It shall state the fact of possession of
 1260 the vehicle or vessel, that a lien as provided in subsection (2)
 1261 is claimed, that charges have accrued and the amount thereof,
 1262 that the lien is subject to enforcement pursuant to law, and
 1263 that the owner or lienholder, if any, has the right to a hearing
 1264 as set forth in subsection (5), and that any vehicle or vessel
 1265 which remains unclaimed, or for which the charges for recovery,
 1266 towing, or storage services remain unpaid, may be sold free of
 1267 all prior liens after 35 days if the vehicle or vessel is more
 1268 than 3 years of age or after 50 days if the vehicle or vessel is
 1269 3 years of age or less.

1270 (d) If attempts to locate the name and address of the
 1271 owner or lienholder prove unsuccessful, the towing-storage
 1272 operator shall, after 7 working days, excluding Saturday and
 1273 Sunday, of the initial tow or storage, notify the public agency
 1274 of jurisdiction in writing by certified mail or acknowledged
 1275 hand delivery that the towing-storage company has been unable to
 1276 locate the name and address of the owner or lienholder and a
 1277 physical search of the vehicle or vessel has disclosed no

1278 ownership information and a good faith effort has been made. For
 1279 purposes of this paragraph and subsection (9), "good faith
 1280 effort" means that the following checks have been performed by
 1281 the company to establish prior state of registration and for
 1282 title:

1283 1. Check of vehicle or vessel for any type of tag, tag
 1284 record, temporary tag, or regular tag.

1285 2. Check of law enforcement report for tag number or other
 1286 information identifying the vehicle or vessel, if the vehicle or
 1287 vessel was towed at the request of a law enforcement officer.

1288 3. Check of trip sheet or tow ticket of tow truck operator
 1289 to see if a tag was on vehicle or vessel at beginning of tow, if
 1290 private tow.

1291 4. If there is no address of the owner on the impound
 1292 report, check of law enforcement report to see if an out-of-
 1293 state address is indicated from driver license information.

1294 5. Check of vehicle or vessel for inspection sticker or
 1295 other stickers and decals that may indicate a state of possible
 1296 registration.

1297 6. Check of the interior of the vehicle or vessel for any
 1298 papers that may be in the glove box, trunk, or other areas for a
 1299 state of registration.

1300 7. Check of vehicle for vehicle identification number.

1301 8. Check of vessel for vessel registration number.

1302 9. Check of vessel hull for a hull identification number
 1303 which should be carved, burned, stamped, embossed, or otherwise
 1304 permanently affixed to the outboard side of the transom or, if

1305 | there is no transom, to the outmost seaboard side at the end of
1306 | the hull that bears the rudder or other steering mechanism.

1307 | (5) (a) The owner of a vehicle or vessel removed pursuant
1308 | to the provisions of subsection (2), or any person claiming a
1309 | lien, other than the towing-storage operator, within 10 days
1310 | after the time she or he has knowledge of the location of the
1311 | vehicle or vessel, may file a complaint in the county court of
1312 | the county in which the vehicle or vessel is stored or in which
1313 | the owner resides to determine if her or his property was
1314 | wrongfully taken or withheld from her or him.

1315 | (b) Upon filing of a complaint, an owner or lienholder may
1316 | have her or his vehicle or vessel released upon posting with the
1317 | court a cash or surety bond or other adequate security equal to
1318 | the amount of the charges for towing or storage and lot rental
1319 | amount to ensure the payment of such charges in the event she or
1320 | he does not prevail. Upon the posting of the bond and the
1321 | payment of the applicable fee set forth in s. 28.24, the clerk
1322 | of the court shall issue a certificate notifying the lienor of
1323 | the posting of the bond and directing the lienor to release the
1324 | vehicle or vessel. At the time of such release, after reasonable
1325 | inspection, she or he shall give a receipt to the towing-storage
1326 | company reciting any claims she or he has for loss or damage to
1327 | the vehicle or vessel or the contents thereof.

1328 | (c) Upon determining the respective rights of the parties,
1329 | the court may award damages, attorney's fees, and costs in favor
1330 | of the prevailing party. In any event, the final order shall
1331 | provide for immediate payment in full of recovery, towing, and
1332 | storage fees by the vehicle or vessel owner or lienholder; or

1333 | the agency ordering the tow; or the owner, lessee, or agent
 1334 | thereof of the property from which the vehicle or vessel was
 1335 | removed.

1336 | (6) Any vehicle or vessel which is stored pursuant to
 1337 | subsection (2) and which remains unclaimed, or for which
 1338 | reasonable charges for recovery, towing, or storing remain
 1339 | ~~unpaid or for which a lot rental amount is due and owing to the~~
 1340 | ~~mobile home park owner, as evidenced by a judgment for unpaid~~
 1341 | ~~rent~~, and any contents not released pursuant to subsection (10),
 1342 | may be sold by the owner or operator of the storage space for
 1343 | such towing or storage charge ~~or unpaid lot rental amount~~ after
 1344 | 35 days from the time the vehicle or vessel is stored therein if
 1345 | the vehicle or vessel is more than 3 years of age or after 50
 1346 | days following the time the vehicle or vessel is stored therein
 1347 | if the vehicle or vessel is 3 years of age or less. The sale
 1348 | shall be at public auction for cash. If the date of the sale was
 1349 | not included in the notice required in subsection (4), notice of
 1350 | the sale shall be given to the person in whose name the vehicle
 1351 | or, vessel, ~~or mobile home~~ is registered, ~~to the mobile home~~
 1352 | ~~park owner~~, and to all persons claiming a lien on the vehicle or
 1353 | vessel as shown on the records of the Department of Highway
 1354 | Safety and Motor Vehicles or of the corresponding agency in any
 1355 | other state. Notice shall be sent by certified mail, return
 1356 | receipt requested, to the owner of the vehicle or vessel and the
 1357 | person having the recorded lien on the vehicle or vessel at the
 1358 | address shown on the records of the registering agency and shall
 1359 | be mailed not less than 15 days before the date of the sale.
 1360 | After diligent search and inquiry, if the name and address of

1361 the registered owner or the owner of the recorded lien cannot be
1362 ascertained, the requirements of notice by mail may be dispensed
1363 with. In addition to the notice by mail, public notice of the
1364 time and place of sale shall be made by publishing a notice
1365 thereof one time, at least 10 days prior to the date of the
1366 sale, in a newspaper of general circulation in the county in
1367 which the sale is to be held. The proceeds of the sale, after
1368 payment of reasonable towing and storage charges, and costs of
1369 the sale, ~~and the unpaid lot rental amount,~~ in that order of
1370 priority, shall be deposited with the clerk of the circuit court
1371 for the county if the owner is absent, and the clerk shall hold
1372 such proceeds subject to the claim of the person legally
1373 entitled thereto. The clerk shall be entitled to receive 5
1374 percent of such proceeds for the care and disbursement thereof.
1375 The certificate of title issued under this law shall be
1376 discharged of all liens unless otherwise provided by court
1377 order.

1378 (7) (a) A wrecker operator recovering, towing, or storing
1379 vehicles or vessels is not liable for damages connected with
1380 such services, theft of such vehicles or vessels, or theft of
1381 personal property contained in such vehicles or vessels,
1382 provided that such services have been performed with reasonable
1383 care and provided, further, that, in the case of removal of a
1384 vehicle or vessel upon the request of a person purporting, and
1385 reasonably appearing, to be the owner or lessee, or a person
1386 authorized by the owner or lessee, of the property from which
1387 such vehicle or vessel is removed, such removal has been done in
1388 compliance with s. 715.07. Further, a wrecker operator is not

1389 liable for damage to a vehicle, vessel, or cargo that obstructs
 1390 the normal movement of traffic or creates a hazard to traffic
 1391 and is removed in compliance with the request of a law
 1392 enforcement officer. ~~connected with such services when complying~~
 1393 ~~with the lawful directions of a law enforcement officer to~~
 1394 ~~remove a vehicle stopped, standing, or parked upon a street or~~
 1395 ~~highway in such a position as to obstruct the normal movement of~~
 1396 ~~traffic or in such a condition as to create a hazard to other~~
 1397 ~~traffic upon the street or highway.~~

1398 (b) For the purposes of this subsection, a wrecker
 1399 operator is presumed to use reasonable care to prevent the theft
 1400 of a vehicle or vessel or of any personal property contained in
 1401 such vehicle stored in the wrecker operator's storage facility
 1402 if all of the following apply:

1403 1. The wrecker operator surrounds the storage facility
 1404 with a chain-link or solid-wall type fence at least 6 feet in
 1405 height;

1406 2. The wrecker operator has illuminated the storage
 1407 facility with lighting of sufficient intensity to reveal persons
 1408 and vehicles at a distance of at least 150 feet during
 1409 nighttime; and

1410 3. The wrecker operator uses one or more of the following
 1411 security methods to discourage theft of vehicles or vessels or
 1412 of any personal property contained in such vehicles or vessels
 1413 stored in the wrecker operator's storage facility:

1414 a. A night dispatcher or watchman remains on duty at the
 1415 storage facility from sunset to sunrise;

1416 b. A security dog remains at the storage facility from
1417 sunset to sunrise;

1418 c. Security cameras or other similar surveillance devices
1419 monitor the storage facility; or

1420 d. A security guard service examines the storage facility
1421 at least once each hour from sunset to sunrise.

1422 (c) Any law enforcement agency requesting that a motor
1423 vehicle be removed from an accident scene, street, or highway
1424 must conduct an inventory and prepare a written record of all
1425 personal property found in the vehicle before the vehicle is
1426 removed by a wrecker operator. However, if the owner or driver
1427 of the motor vehicle is present and accompanies the vehicle, no
1428 inventory by law enforcement is required. A wrecker operator is
1429 not liable for the loss of personal property alleged to be
1430 contained in such a vehicle when such personal property was not
1431 identified on the inventory record prepared by the law
1432 enforcement agency requesting the removal of the vehicle.

1433 (10) Persons who provide services pursuant to this section
1434 shall permit vehicle or vessel owners or their agents, which
1435 agency is evidenced by an original a writing acknowledged by the
1436 owner before a notary public or other person empowered by law to
1437 administer oaths, to inspect the towed vehicle or vessel and
1438 shall release to the owner or agent the vehicle, vessel, or all
1439 personal property not affixed to the vehicle or vessel which was
1440 in the vehicle or vessel at the time the vehicle or vessel came
1441 into the custody of the person providing such services.

1442 (11) (a) Any person regularly engaged in the business of
1443 recovering, towing, or storing vehicles or vessels who comes

1444 into possession of a vehicle or vessel pursuant to subsection
 1445 (2) and who has complied with the provisions of subsections (3)
 1446 and (6), when such vehicle or vessel is to be sold for purposes
 1447 of being dismantled, destroyed, or changed in such manner that
 1448 it is not the motor vehicle or, vessel, ~~or mobile home~~ described
 1449 in the certificate of title, shall apply to the county tax
 1450 collector for a certificate of destruction. A certificate of
 1451 destruction, which authorizes the dismantling or destruction of
 1452 the vehicle or vessel described therein, shall be reassignable a
 1453 maximum of two times before dismantling or destruction of the
 1454 vehicle shall be required, and shall accompany the vehicle or
 1455 vessel for which it is issued, when such vehicle or vessel is
 1456 sold for such purposes, in lieu of a certificate of title. The
 1457 application for a certificate of destruction must include an
 1458 affidavit from the applicant that it has complied with all
 1459 applicable requirements of this section and, if the vehicle or
 1460 vessel is not registered in this state, by a statement from a
 1461 law enforcement officer that the vehicle or vessel is not
 1462 reported stolen, and shall be accompanied by such documentation
 1463 as may be required by the department.

1464 (b) The Department of Highway Safety and Motor Vehicles
 1465 shall charge a fee of \$3 for each certificate of destruction. A
 1466 service charge of \$4.25 shall be collected and retained by the
 1467 tax collector who processes the application.

1468 (c) The Department of Highway Safety and Motor Vehicles
 1469 may adopt such rules as it deems necessary or proper for the
 1470 administration of this subsection.

1471 (13) (a) Upon receipt by the Department of Highway Safety
 1472 and Motor Vehicles of written notice from a wrecker operator who
 1473 claims a wrecker operator's lien under paragraph (2) (c) or
 1474 paragraph (2) (d) for recovery, towing, or storage of an
 1475 abandoned vehicle or, vessel ~~or mobile home~~ upon instructions
 1476 from any law enforcement agency, for which a certificate of
 1477 destruction has been issued under subsection (11), the
 1478 department shall place the name of the registered owner of that
 1479 vehicle or, vessel, ~~or mobile home~~ on the list of those persons
 1480 who may not be issued a license plate or revalidation sticker
 1481 for any motor vehicle under s. 320.03(8). If the vehicle or,
 1482 vessel, ~~or mobile home~~ is owned jointly by more than one person,
 1483 the name of each registered owner shall be placed on the list.
 1484 The notice of wrecker operator's lien shall be submitted on
 1485 forms provided by the department, which must include:

1486 1. The name, address, and telephone number of the wrecker
 1487 operator.

1488 2. The name of the registered owner of the vehicle or,
 1489 vessel, ~~or mobile home~~ and the address to which the wrecker
 1490 operator provided notice of the lien to the registered owner
 1491 under subsection (4).

1492 3. A general description of the vehicle or, vessel, ~~or~~
 1493 ~~mobile home~~, including its color, make, model, body style, and
 1494 year.

1495 4. The vehicle identification number (VIN); registration
 1496 license plate number, state, and year; validation decal number,
 1497 state, and year; ~~mobile home sticker number, state, and year;~~

1498 vessel registration number; hull identification number; or other
 1499 identification number, as applicable.

1500 5. The name of the person or the corresponding law
 1501 enforcement agency that requested that the vehicle or vessel,
 1502 ~~or mobile home~~ be recovered, towed, or stored.

1503 6. The amount of the wrecker operator's lien, not to
 1504 exceed the amount allowed by paragraph (b).

1505 (b) For purposes of this subsection only, the amount of
 1506 the wrecker operator's lien for which the department will
 1507 prevent issuance of a license plate or revalidation sticker may
 1508 not exceed the amount of the charges for recovery, towing, and
 1509 storage of the vehicle or vessel, ~~or mobile home~~ for 7 days.
 1510 These charges may not exceed the maximum rates imposed by the
 1511 ordinances of the respective county or municipality under ss.
 1512 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit
 1513 the amount of a wrecker operator's lien claimed under subsection
 1514 (2) or prevent a wrecker operator from seeking civil remedies
 1515 for enforcement of the entire amount of the lien, but limits
 1516 only that portion of the lien for which the department will
 1517 prevent issuance of a license plate or revalidation sticker.

1518 (c)1. The registered owner of a vehicle or vessel, ~~or~~
 1519 ~~mobile home~~ may dispute a wrecker operator's lien, by notifying
 1520 the department of the dispute in writing on forms provided by
 1521 the department, if at least one of the following applies:

1522 a. The registered owner presents a notarized bill of sale
 1523 proving that the vehicle or vessel, ~~or mobile home~~ was sold in
 1524 a private or casual sale before the vehicle or vessel, ~~or~~
 1525 ~~mobile home~~ was recovered, towed, or stored.

1526 b. The registered owner presents proof that the Florida
1527 certificate of title of the vehicle or, vessel, ~~or mobile home~~
1528 was sold to a licensed dealer as defined in s. 319.001 before
1529 the vehicle or, vessel, ~~or mobile home~~ was recovered, towed, or
1530 stored.

1531
1532 If the registered owner's dispute of a wrecker operator's lien
1533 complies with one of these criteria, the department shall
1534 immediately remove the registered owner's name from the list of
1535 those persons who may not be issued a license plate or
1536 revalidation sticker for any motor vehicle under s. 320.03(8),
1537 thereby allowing issuance of a license plate or revalidation
1538 sticker. If the vehicle or, vessel, ~~or mobile home~~ is owned
1539 jointly by more than one person, each registered owner must
1540 dispute the wrecker operator's lien in order to be removed from
1541 the list. However, the department shall deny any dispute and
1542 maintain the registered owner's name on the list of those
1543 persons who may not be issued a license plate or revalidation
1544 sticker for any motor vehicle under s. 320.03(8) if the wrecker
1545 operator has provided the department with a certified copy of
1546 the judgment of a court which orders the registered owner to pay
1547 the wrecker operator's lien claimed under this section. In such
1548 a case, the amount of the wrecker operator's lien allowed by
1549 paragraph (b) may be increased to include no more than \$500 of
1550 the reasonable costs and attorney's fees incurred in obtaining
1551 the judgment. The department's action under this subparagraph is
1552 ministerial in nature, shall not be considered final agency
1553 action, and is appealable only to the county court for the

1554 county in which the vehicle or, vessel, ~~or mobile home~~ was
 1555 ordered removed.

1556 2. A person against whom a wrecker operator's lien has
 1557 been imposed may alternatively obtain a discharge of the lien by
 1558 filing a complaint, challenging the validity of the lien or the
 1559 amount thereof, in the county court of the county in which the
 1560 vehicle or, vessel, ~~or mobile home~~ was ordered removed. Upon
 1561 filing of the complaint, the person may have her or his name
 1562 removed from the list of those persons who may not be issued a
 1563 license plate or revalidation sticker for any motor vehicle
 1564 under s. 320.03(8), thereby allowing issuance of a license plate
 1565 or revalidation sticker, upon posting with the court a cash or
 1566 surety bond or other adequate security equal to the amount of
 1567 the wrecker operator's lien to ensure the payment of such lien
 1568 in the event she or he does not prevail. Upon the posting of the
 1569 bond and the payment of the applicable fee set forth in s.
 1570 28.24, the clerk of the court shall issue a certificate
 1571 notifying the department of the posting of the bond and
 1572 directing the department to release the wrecker operator's lien.
 1573 Upon determining the respective rights of the parties, the court
 1574 may award damages and costs in favor of the prevailing party.

1575 3. If a person against whom a wrecker operator's lien has
 1576 been imposed does not object to the lien, but cannot discharge
 1577 the lien by payment because the wrecker operator has moved or
 1578 gone out of business, the person may have her or his name
 1579 removed from the list of those persons who may not be issued a
 1580 license plate or revalidation sticker for any motor vehicle
 1581 under s. 320.03(8), thereby allowing issuance of a license plate

1582 or revalidation sticker, upon posting with the clerk of court in
 1583 the county in which the vehicle or, vessel, ~~or mobile home~~ was
 1584 ordered removed, a cash or surety bond or other adequate
 1585 security equal to the amount of the wrecker operator's lien.
 1586 Upon the posting of the bond and the payment of the application
 1587 fee set forth in s. 28.24, the clerk of the court shall issue a
 1588 certificate notifying the department of the posting of the bond
 1589 and directing the department to release the wrecker operator's
 1590 lien. The department shall mail to the wrecker operator, at the
 1591 address upon the lien form, notice that the wrecker operator
 1592 must claim the security within 60 days, or the security will be
 1593 released back to the person who posted it. At the conclusion of
 1594 the 60 days, the department shall direct the clerk as to which
 1595 party is entitled to payment of the security, less applicable
 1596 clerk's fees.

1597 4. A wrecker operator's lien expires 5 years after filing.

1598 (d) Upon discharge of the amount of the wrecker operator's
 1599 lien allowed by paragraph (b), the wrecker operator must issue a
 1600 certificate of discharged wrecker operator's lien on forms
 1601 provided by the department to each registered owner of the
 1602 vehicle or, vessel, ~~or mobile home~~ attesting that the amount of
 1603 the wrecker operator's lien allowed by paragraph (b) has been
 1604 discharged. Upon presentation of the certificate of discharged
 1605 wrecker operator's lien by the registered owner, the department
 1606 shall immediately remove the registered owner's name from the
 1607 list of those persons who may not be issued a license plate or
 1608 revalidation sticker for any motor vehicle under s. 320.03(8),
 1609 thereby allowing issuance of a license plate or revalidation

1610 sticker. Issuance of a certificate of discharged wrecker
1611 operator's lien under this paragraph does not discharge the
1612 entire amount of the wrecker operator's lien claimed under
1613 subsection (2), but only certifies to the department that the
1614 amount of the wrecker operator's lien allowed by paragraph (b),
1615 for which the department will prevent issuance of a license
1616 plate or revalidation sticker, has been discharged.

1617 (e) When a wrecker operator files a notice of wrecker
1618 operator's lien under this subsection, the department shall
1619 charge the wrecker operator a fee of \$2, which shall be
1620 deposited into the General Revenue Fund established under s.
1621 860.158. A service charge of \$2.50 shall be collected and
1622 retained by the tax collector who processes a notice of wrecker
1623 operator's lien.

1624 (f) This subsection applies only to the annual renewal in
1625 the registered owner's birth month of a motor vehicle
1626 registration and does not apply to the transfer of a
1627 registration of a motor vehicle sold by a motor vehicle dealer
1628 licensed under chapter 320, except for the transfer of
1629 registrations which is inclusive of the annual renewals. This
1630 subsection does not affect the issuance of the title to a motor
1631 vehicle, notwithstanding s. 319.23(7)(b).

1632 (g) The Department of Highway Safety and Motor Vehicles
1633 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
1634 implement this subsection.

1635 Section 18. Effective January 1, 2006, section 713.785,
1636 Florida Statutes, is created to read:

1637 713.785 Liens for recovering, towing, or storing mobile
 1638 homes.--

1639 (1) As used in this section, the term:

1640 (a) "Mobile home transport company" means a person
 1641 regularly engaged in the business of transporting mobile homes.

1642 (b) "Store" means a mobile home transport company has
 1643 legal possession of a mobile home either on the mobile home
 1644 transport company's property or on any other property.

1645 (c) "Unpaid lot rental amount" or "rent" means any unpaid
 1646 financial obligations of the mobile home owner or tenant to the
 1647 mobile home park owner defined as "lot rental amount" in s.
 1648 723.003 or "rent" in part II of chapter 83 and includes any
 1649 amounts defined as storage charges in s. 723.084.

1650 (2) If the mobile home transport company recovers,
 1651 removes, or stores a mobile home upon instructions from:

1652 (a) The owner of the mobile home;

1653 (b) Any law enforcement agency; or

1654 (c) A mobile home park owner as defined in s. 723.003 who
 1655 has a current writ of possession for a mobile home lot under s.
 1656 723.062 or s. 83.62,

1657
 1658 the mobile home transport company has a lien on the mobile home
 1659 for a reasonable towing fee and for a reasonable storage fee.

1660 (3) (a) A mobile home transport company that comes into
 1661 possession of a mobile home under subsection (2) and that claims
 1662 a lien for recovery, towing, or storage services must give
 1663 notice to the registered owner and to all persons claiming a
 1664 lien on the mobile home, as disclosed by the records in the

1665 Department of Highway Safety and Motor Vehicles or of a
 1666 corresponding agency in any other state.

1667 (b) Notice by certified mail, return receipt requested,
 1668 shall be sent within 7 business days after the date of storage
 1669 of the mobile home to the registered owner at the owner's last
 1670 known address, and all persons of record claiming a lien against
 1671 the mobile home. The notice shall state the fact of possession
 1672 of the mobile home, that a lien as provided in subsection (2) is
 1673 claimed, that charges have accrued and the amount thereof, that
 1674 the lien is subject to enforcement under law and that the owner
 1675 or lienholder, if any, has the right to a hearing as set forth
 1676 in subsection (4), and that any mobile home which remains
 1677 unclaimed, or for which charges remain unpaid, may be sold free
 1678 of all prior liens after 35 days following the eviction
 1679 proceeding that resulted in the issuance of the writ of
 1680 possession, provided that any lienholder entitled to notice
 1681 pursuant to s. 723.084 has received such notice and has failed
 1682 to act pursuant to s. 723.084 to pay storage charges, take
 1683 possession of the home, or take legal action to foreclose its
 1684 interest prior to issuance of the writ of possession.

1685 (4) (a) The owner of a mobile home stored under subsection
 1686 (2), or any person claiming a lien of record, other than the
 1687 mobile home transport company, within 10 days after the time she
 1688 or he has knowledge of the location of the mobile home, may file
 1689 a complaint in the court of the county in which the mobile home
 1690 is stored, to determine if her or his property was wrongfully
 1691 taken or withheld from her or him.

1692 (b) Upon filing of a complaint, an owner or lienholder may
1693 have the mobile home released upon posting with the court a cash
1694 or surety bond or other adequate security equal to the amount of
1695 the charges for towing or storage and lot rental amount due and
1696 owing at that time to ensure the payment of the charges in the
1697 event she or he does not prevail. Upon the posting of the bond
1698 and the payment of the applicable fee set forth in s. 28.24, the
1699 clerk of the court shall issue a certificate notifying the
1700 mobile home transport company of the posting of the bond and
1701 directing the mobile home transport company to release the
1702 mobile home. At the time of the release, after reasonable
1703 inspection, she or he shall give a receipt to the mobile home
1704 transport company citing any claims she or he has for loss or
1705 damage to the mobile home or the contents thereof.

1706 (c) Upon determining the respective rights of the parties,
1707 the court may award damages and costs in favor of the prevailing
1708 party. The final order shall provide for immediate payment in
1709 full of any lien for recovery, towing, and storage fees and any
1710 unpaid lot rental amount accruing until the time the home is
1711 removed from the property, by the mobile home owner or
1712 lienholder, or the owner, lessee, or agent thereof of the
1713 property from which the mobile home was removed.

1714 (5) A mobile home that is stored under subsection (2) and
1715 which remains unclaimed, or for which reasonable charges for
1716 recovery, towing, or storing remain unpaid or for which a lot
1717 rental amount is due and owing to the mobile home park owner as
1718 evidenced by a judgment for unpaid rent and any contents of the
1719 mobile home not released under subsection (9), may be sold by

1720 the mobile home transport company for the towing or storage
1721 charge and any unpaid lot rental amount 35 days after the mobile
1722 home is stored by a mobile home transport company. The sale
1723 shall be at public auction for cash. If the date of the sale was
1724 not included in the notice required by subsection (3), notice of
1725 the sale must be given to the person in whose name the mobile
1726 home is registered at her or his last known address, to the
1727 mobile home park owner, and to all persons claiming a lien on
1728 the mobile home as shown on the records of the Department of
1729 Highway Safety and Motor Vehicles or of the corresponding agency
1730 in any other state. Notice must be sent by certified mail,
1731 return receipt requested, at least 15 days before the date of
1732 the sale. After diligent search and inquiry, if the name and
1733 address of the registered owner or the owner of the recorded
1734 lien cannot be ascertained, the requirements of notice by mail
1735 may be dispensed with. In addition to the notice by mail, public
1736 notice of the time and place of sale must be made by publishing
1737 a notice of the sale one time, at least 10 days before the date
1738 of the sale, in a newspaper of general circulation in the county
1739 in which the sale is to be held. The proceeds of the sale, after
1740 payment of reasonable towing and storage charges, costs of the
1741 sale, and the unpaid lot rental amount as evidenced by the
1742 judgment for unpaid lot rental and an affidavit executed by the
1743 mobile home park owner or the owner's agent establishing the
1744 amount of unpaid lot rental amount through the date of the sale,
1745 in that order of priority, must be deposited with the clerk of
1746 the circuit court for the county if the owner is absent, and the
1747 clerk shall hold the proceeds subject to the claim of the person

1748 legally entitled to those proceeds. The clerk is entitled to
1749 receive 5 percent of the proceeds for the care and disbursement
1750 of the proceeds. The certificate of title issued under this
1751 section shall be discharged of all liens unless otherwise
1752 provided by court order.

1753 (6) The mobile home transport company, the landlord or his
1754 or her agent, or any subsequent purchaser for value are not
1755 responsible to the tenant or any other party for loss,
1756 destruction, or damage to the mobile home or other personal
1757 property after coming into possession of the mobile home under
1758 this section, provided the mobile home transport company, the
1759 landlord, or their agents use reasonable care in storing the
1760 mobile home. As used in this subsection, the term "reasonable
1761 care" means securing the mobile home by changing door locks, or
1762 any similar methods for securing the mobile home, in place in
1763 the mobile home park or in a separate storage area.

1764 (7) (a) A mobile home transport company that comes into
1765 possession of a mobile home under subsection (2) and that
1766 complies with subsection (3), if the mobile home is to be sold
1767 for purposes of being dismantled, destroyed, or changed so that
1768 it is not the mobile home described in the certificate of title,
1769 must apply to the county tax collector for a certificate of
1770 destruction. A certificate of destruction, which authorizes the
1771 dismantling or destruction of the mobile home described in the
1772 certificate, is reassignable no more than twice before
1773 dismantling or destruction of the mobile home and the
1774 certificate must accompany the mobile home for which it is
1775 issued when the mobile home is sold for that purpose, in lieu of

1776 a certificate of title. The application for a certificate of
1777 destruction must include an affidavit from the applicant that it
1778 has complied with all applicable requirements of this section;
1779 must, if the mobile home is not registered in this state,
1780 include a statement from a law enforcement officer that the
1781 mobile home is not reported stolen; and shall be accompanied by
1782 any other documentation as may be required by the department.

1783 (b) The Department of Highway Safety and Motor Vehicles
1784 shall charge a fee of \$3 for each certificate of destruction.
1785 The tax collector who processes the application shall collect
1786 and retain a service charge of \$4.25.

1787 (c) The Department of Highway Safety and Motor Vehicles
1788 may adopt rules to administer this subsection.

1789 (d) Employees of the Department of Highway Safety and
1790 Motor Vehicles and law enforcement officers may inspect the
1791 records of each mobile home transport company in this state to
1792 ensure compliance with this section.

1793 (8) (a) Upon receipt by the Department of Highway Safety
1794 and Motor Vehicles of written notice from a mobile home
1795 transport company that claims a lien under paragraph (2) (b) or
1796 paragraph (2) (c) for recovery, towing, or storage of a mobile
1797 home for which a certificate of destruction has been issued
1798 under subsection (7), the department shall place the name of the
1799 registered owner of that mobile home on the list of those
1800 persons who may not be issued a revalidation sticker under s.
1801 320.03. If the mobile home is owned jointly by more than one
1802 person, the name of each registered owner must be placed on the
1803 list. The notice of a mobile home transport company's lien must

1804 be submitted on forms provided by the department, which must
 1805 include:

1806 1. The name, address, and telephone number of the mobile
 1807 home transport company.

1808 2. The name of the registered owner of the mobile home and
 1809 the address to which the mobile home transport company provided
 1810 notice of the lien to the registered owner under subsection (3).

1811 3. A general description of the mobile home, including its
 1812 color, make, model, body style, and year.

1813 4. The mobile home sticker number, state, and year or
 1814 other identification number, as applicable.

1815 5. The name of the person or the corresponding law
 1816 enforcement agency that requested that the mobile home be
 1817 recovered, towed, or stored.

1818 6. The amount of the lien, not to exceed the amount
 1819 allowed by paragraph (b).

1820 (b) For purposes of this subsection, the amount of the
 1821 mobile home transport company's lien for which the department
 1822 will prevent issuance of a revalidation sticker may not exceed
 1823 the amount of the charges for recovery, towing, and storage of
 1824 the mobile home for 7 days. These charges may not exceed the
 1825 maximum rates imposed by the ordinances of the respective county
 1826 or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This
 1827 paragraph does not limit the amount of a mobile home transport
 1828 company's lien claimed under subsection (2) or prevent a mobile
 1829 home transport company from seeking civil remedies for
 1830 enforcement of the entire amount of the lien, but limits only

1831 that portion of the lien for which the department will prevent
1832 issuance of a revalidation sticker.

1833 (c)1. The registered owner of the mobile home may dispute
1834 the mobile home transport company's lien by notifying the
1835 department of the dispute in writing on forms provided by the
1836 department, if at least one of the following applies:

1837 a. The registered owner presents a notarized bill of sale
1838 proving that the mobile home was sold in a private or casual
1839 sale before the mobile home was recovered, towed, or stored.

1840 b. The registered owner presents proof that the Florida
1841 certificate of title of the mobile home was sold to a licensed
1842 dealer as defined in s. 319.001 before the mobile home was
1843 recovered, towed, or stored.

1844 c. The records of the department were marked to indicate
1845 that the mobile home was sold before the issuance of the
1846 certificate of destruction under subsection (7).

1847
1848 If the registered owner's dispute of a mobile home transport
1849 company's lien complies with one of these criteria, the
1850 department shall immediately remove the registered owner's name
1851 from the list of those persons who may not be issued a
1852 revalidation sticker under s. 320.03. If the mobile home is
1853 owned jointly by more than one person, each registered owner
1854 must dispute the mobile home transport company's lien in order
1855 to be removed from the list. However, the department shall deny
1856 any dispute and maintain the registered owner's name on the list
1857 of those persons who may not be issued a revalidation sticker if
1858 the mobile home transport company has provided the department

1859 with a certified copy of the judgment of a court which orders
1860 the registered owner to pay the mobile home transport company's
1861 lien claimed under this section. In such a case, the amount of
1862 the mobile home transport company's lien allowed by paragraph
1863 (b) may be increased to include no more than \$500 of the
1864 reasonable costs and attorney's fees incurred in obtaining the
1865 judgment. The department's action under this subparagraph is
1866 ministerial in nature, is not final agency action, and is
1867 appealable only to the county court for the county in which the
1868 mobile home was ordered removed.

1869 2. A person against whom a mobile home transport company's
1870 lien has been imposed may alternatively obtain a discharge of
1871 the lien by filing a complaint, challenging the validity of the
1872 lien or the amount thereof, in the county court of the county in
1873 which the mobile home was ordered removed. Upon filing of the
1874 complaint, the person may have her or his name removed from the
1875 list of those persons who may not be issued a revalidation
1876 sticker for any mobile home under s. 320.03 upon posting with
1877 the court a cash or surety bond or other adequate security equal
1878 to the amount of the mobile home transport company's lien to
1879 ensure the payment of the lien in the event she or he does not
1880 prevail. Upon the posting of the bond and the payment of the
1881 applicable fee set forth in s. 28.24, the clerk of the court
1882 shall issue a certificate notifying the department of the
1883 posting of the bond and directing the department to release the
1884 mobile home transport company's lien. Upon determining the
1885 respective rights of the parties, the court may award damages
1886 and costs in favor of the prevailing party.

1887 3. If a person against whom a mobile home transport
 1888 company's lien has been imposed does not object to the lien, but
 1889 cannot discharge the lien by payment because the mobile home
 1890 transport company has moved or gone out of business, the person
 1891 may have her or his name removed from the list of those persons
 1892 who may not be issued a revalidation sticker under s. 320.03,
 1893 upon posting with the clerk of court in the county in which the
 1894 mobile home was ordered removed a cash or surety bond or other
 1895 adequate security equal to the amount of the mobile home
 1896 transport company's lien. Upon the posting of the bond and the
 1897 payment of the application fee set forth in s. 28.24, the clerk
 1898 of the court shall issue a certificate notifying the department
 1899 of the posting of the bond and directing the department to
 1900 release the mobile home transport company's lien. The department
 1901 shall mail to the mobile home transport company, at the address
 1902 upon the lien form, notice that the mobile home transport
 1903 company must claim the security within 60 days or the security
 1904 will be released to the person who posted it. At the conclusion
 1905 of the 60 days, the department shall direct the clerk as to
 1906 which party is entitled to payment of the security, less
 1907 applicable fees of the clerk.

1908 4. A mobile home transport company's lien expires 5 years
 1909 after filing.

1910 (d) Upon discharge of the amount of the mobile home
 1911 transport company's lien allowed under paragraph (b), the mobile
 1912 home transport company must issue a certificate of discharged
 1913 lien on a form provided by the department to each registered
 1914 owner of the mobile home attesting that the amount of the mobile

1915 home transport company's lien allowed under paragraph (b) has
1916 been discharged. Upon presentation of the certificate of
1917 discharged lien by the registered owner, the department shall
1918 immediately remove the registered owner's name from the list of
1919 those persons who may not be issued a revalidation sticker under
1920 s. 320.03. Issuance of a certificate of discharged lien under
1921 this paragraph does not discharge the entire amount of the
1922 mobile home transport company's lien claimed under subsection
1923 (2), but certifies to the department only that the amount of the
1924 mobile home transport company's lien allowed by paragraph (b),
1925 for which the department will prevent issuance of a revalidation
1926 sticker, has been discharged.

1927 (e) When a mobile home transport company files a notice of
1928 lien under this subsection, the department shall charge the
1929 mobile home transport company a fee of \$2, which must be
1930 deposited into the General Revenue Fund. The tax collector who
1931 processes a notice of lien shall collect and retain a service
1932 charge of \$2.50.

1933 (f) The Department of Highway Safety and Motor Vehicles
1934 may adopt rules to administer this subsection.

1935 (9) Persons who provide services under this section shall
1936 permit a mobile home owner or her or his agent, whose agency is
1937 evidenced by a writing acknowledged by the owner before a notary
1938 public or other person empowered by law to administer oaths, to
1939 inspect the mobile home and shall release to the owner or agent
1940 all personal property not affixed to the mobile home, provided
1941 there exists no landlord's lien for rent under s. 713.691 or s.
1942 713.77.

1943 (10) Any person who violates subsection (3), subsection
 1944 (5), subsection (6), subsection (7), or subsection (9) commits a
 1945 misdemeanor of the first degree, punishable as provided in s.
 1946 775.082 or s. 775.083.

1947 Section 19. Section 715.07, Florida Statutes, is amended
 1948 to read:

1949 715.07 Vehicles or vessels parked on private property;
 1950 towing.--

1951 (1) As used in this section, the term:

1952 (a) "Vehicle" means any mobile item which normally uses
 1953 wheels, whether motorized or not.

1954 (b) "Vessel" means every description of watercraft, barge,
 1955 and air boat used or capable of being used as a means of
 1956 transportation on water, other than a seaplane or a "documented
 1957 vessel" as defined in s. 327.02(8).

1958 (2) The owner or lessee of real property, or any person
 1959 authorized by the owner or lessee, which person may be the
 1960 designated representative of the condominium association if the
 1961 real property is a condominium, may cause any vehicle or vessel
 1962 parked on such property without her or his permission to be
 1963 removed by a person regularly engaged in the business of towing
 1964 vehicles or vessels, without liability for the costs of removal,
 1965 transportation, or storage or damages caused by such removal,
 1966 transportation, or storage, under any of the following
 1967 circumstances:

1968 (a) The towing or removal of any vehicle or vessel from
 1969 private property without the consent of the registered owner or
 1970 other legally authorized person in control of that vehicle or

1971 | vessel is subject to strict compliance with the following
 1972 | conditions and restrictions:

1973 | 1.a. Any towed or removed vehicle or vessel must be stored
 1974 | at a site within a 10-mile radius ~~10 miles~~ of the point of
 1975 | removal in any county of 500,000 population or more, and within
 1976 | a 15-mile radius ~~15 miles~~ of the point of removal in any county
 1977 | of less than 500,000 population. That site must be open for the
 1978 | purpose of redemption of vehicles on any day that the person or
 1979 | firm towing such vehicle or vessel is open for towing purposes,
 1980 | from 8:00 a.m. to 6:00 p.m., and, when closed, shall have
 1981 | prominently posted a sign indicating a telephone number where
 1982 | the operator of the site can be reached at all times. Upon
 1983 | receipt of a telephoned request to open the site to redeem a
 1984 | vehicle or vessel, the operator shall return to the site within
 1985 | 1 hour or she or he will be in violation of this section.

1986 | b. If no towing business providing such service is located
 1987 | within the area of towing limitations set forth in sub-
 1988 | subparagraph a., the following limitations apply: any towed or
 1989 | removed vehicle or vessel must be stored at a site within a 20-
 1990 | mile radius ~~20 miles~~ of the point of removal in any county of
 1991 | 500,000 population or more, and within a 30-mile radius ~~30 miles~~
 1992 | of the point of removal in any county of less than 500,000
 1993 | population.

1994 | 2. The person or firm towing or removing the vehicle or
 1995 | vessel shall, within 30 minutes after ~~of~~ completion of such
 1996 | towing or removal, notify the municipal police department or, in
 1997 | an unincorporated area, the sheriff, of such towing or removal,
 1998 | the storage site, the time the vehicle or vessel was towed or

1999 removed, and the make, model, color, and license plate number of
 2000 the vehicle or description and registration number of the vessel
 2001 and shall obtain the name of the person at that department to
 2002 whom such information was reported and note that name on the
 2003 trip record.

2004 3. A person in the process of towing or removing a vehicle
 2005 or vessel from the premises or parking lot in which the vehicle
 2006 or vessel is not lawfully parked must stop when a person seeks
 2007 the return of the vehicle or vessel. The vehicle or vessel must
 2008 be returned upon the payment of a reasonable service fee of not
 2009 more than one-half of the posted rate for the towing or removal
 2010 service as provided in subparagraph 6. The vehicle or vessel may
 2011 be towed or removed if, after a reasonable opportunity, the
 2012 owner or legally authorized person in control of the vehicle or
 2013 vessel is unable to pay the service fee. If the vehicle or
 2014 vessel is redeemed, a detailed signed receipt must be given to
 2015 the person redeeming the vehicle or vessel. ~~If the registered~~
 2016 ~~owner or other legally authorized person in control of the~~
 2017 ~~vehicle arrives at the scene prior to removal or towing of the~~
 2018 ~~vehicle, the vehicle shall be disconnected from the towing or~~
 2019 ~~removal apparatus, and that person shall be allowed to remove~~
 2020 ~~the vehicle without interference upon the payment of a~~
 2021 ~~reasonable service fee of not more than one half of the posted~~
 2022 ~~rate for such towing service as provided in subparagraph 6., for~~
 2023 ~~which a receipt shall be given, unless that person refuses to~~
 2024 ~~remove the vehicle which is otherwise unlawfully parked.~~

2025 4. A person may not pay or accept money or other valuable
 2026 consideration for the privilege of towing or removing vehicles

2027 ~~or vessels from a particular location. The rebate or payment of~~
 2028 ~~money or any other valuable consideration from the individual or~~
 2029 ~~firm towing or removing vehicles to the owners or operators of~~
 2030 ~~the premises from which the vehicles are towed or removed, for~~
 2031 ~~the privilege of removing or towing those vehicles, is~~
 2032 ~~prohibited.~~

2033 5. Except for property appurtenant to and obviously a part
 2034 of a single-family residence, and except for instances when
 2035 notice is personally given to the owner or other legally
 2036 authorized person in control of the vehicle or vessel that the
 2037 area in which that vehicle or vessel is parked is reserved or
 2038 otherwise unavailable for unauthorized vehicles or vessels and
 2039 that the vehicle or vessel is subject to being removed at the
 2040 owner's or operator's expense, any property owner or lessee, or
 2041 person authorized by the property owner or lessee, prior to
 2042 towing or removing any vehicle or vessel from private property
 2043 without the consent of the owner or other legally authorized
 2044 person in control of that vehicle or vessel, must post a notice
 2045 meeting the following requirements:

2046 a. The notice must be prominently placed at each driveway
 2047 access or curb cut allowing vehicular access to the property,
 2048 within 5 feet from the public right-of-way line. If there are
 2049 no curbs or access barriers, the signs must be posted not less
 2050 than one sign for each 25 feet of lot frontage.

2051 b. The notice must clearly indicate, in not less than 2-
 2052 inch high, light-reflective letters on a contrasting background,
 2053 that unauthorized vehicles will be towed away at the owner's

2054 expense. The words "tow-away zone" must be included on the sign
 2055 in not less than 4-inch high letters.

2056 c. The notice must also provide the name and current
 2057 telephone number of the person or firm towing or removing the
 2058 vehicles or vessels, ~~if the property owner, lessee, or person in~~
 2059 ~~control of the property has a written contract with the towing~~
 2060 ~~company.~~

2061 d. The sign structure containing the required notices must
 2062 be permanently installed with the words "tow-away zone" not less
 2063 than 3 feet and not more than 6 feet above ground level and must
 2064 be continuously maintained on the property for not less than 24
 2065 hours prior to the towing or removal of any vehicles or vessels.

2066 e. The local government may require permitting and
 2067 inspection of these signs prior to any towing or removal of
 2068 vehicles or vessels being authorized.

2069 f. A business with 20 or fewer parking spaces satisfies
 2070 the notice requirements of this subparagraph by prominently
 2071 displaying a sign stating "Reserved Parking for Customers Only
 2072 Unauthorized Vehicles or Vessels Will be Towed Away At the
 2073 Owner's Expense" in not less than 4-inch high, light-reflective
 2074 letters on a contrasting background.

2075 g. A property owner towing or removing vessels from real
 2076 property must post notice, consistent with the requirements in
 2077 sub-subparagraphs a.-f., which apply to vehicles, that
 2078 unauthorized vehicles or vessels will be towed away at the
 2079 owner's expense.

2080

2081 A business owner or lessee may authorize the removal of a
2082 vehicle or vessel by a towing company when the vehicle or vessel
2083 is parked in such a manner that restricts the normal operation
2084 of business; and if a vehicle or vessel parked on a public
2085 right-of-way obstructs access to a private driveway the owner,
2086 lessee, or agent may have the vehicle or vessel removed by a
2087 towing company upon signing an order that the vehicle or vessel
2088 be removed without a posted tow-away zone sign.

2089 6. Any person or firm that tows or removes vehicles or
2090 vessels and proposes to require an owner, operator, or person in
2091 control of a vehicle or vessel to pay the costs of towing and
2092 storage prior to redemption of the vehicle or vessel must file
2093 and keep on record with the local law enforcement agency a
2094 complete copy of the current rates to be charged for such
2095 services and post at the storage site an identical rate schedule
2096 and any written contracts with property owners, lessees, or
2097 persons in control of property which authorize such person or
2098 firm to remove vehicles or vessels as provided in this section.

2099 7. Any person or firm towing or removing any vehicles or
2100 vessels from private property without the consent of the owner
2101 or other legally authorized person in control of the vehicles or
2102 vessels shall, on any trucks, wreckers as defined in s.
2103 713.78(1)(c), or other vehicles used in the towing or removal,
2104 have the name, address, and telephone number of the company
2105 performing such service clearly printed in contrasting colors on
2106 the driver and passenger sides of the vehicle. The name shall
2107 be in at least 3-inch permanently affixed letters, and the

2108 address and telephone number shall be in at least 1-inch
 2109 permanently affixed letters.

2110 8. Vehicle entry for the purpose of removing the vehicle
 2111 or vessel shall be allowed with reasonable care on the part of
 2112 the person or firm towing the vehicle or vessel. Such person or
 2113 firm shall be liable for any damage occasioned to the vehicle or
 2114 vessel if such entry is not in accordance with the standard of
 2115 reasonable care.

2116 9. When a vehicle or vessel has been towed or removed
 2117 pursuant to this section, it must be released to its owner or
 2118 custodian within one hour after requested. Any vehicle or vessel
 2119 owner, ~~custodian~~, or agent shall have the right to inspect the
 2120 vehicle or vessel before accepting its return, and no release or
 2121 waiver of any kind which would release the person or firm towing
 2122 the vehicle or vessel from liability for damages noted by the
 2123 owner or other legally authorized person at the time of the
 2124 redemption may be required from any vehicle or vessel owner,
 2125 custodian, or agent as a condition of release of the vehicle or
 2126 vessel to its owner. A detailed, signed receipt showing the
 2127 legal name of the company or person towing or removing the
 2128 vehicle or vessel must be given to the person paying towing or
 2129 storage charges at the time of payment, whether requested or
 2130 not.

2131 (b) These requirements are ~~shall be the~~ minimum standards
 2132 and do ~~shall~~ not preclude enactment of additional regulations by
 2133 any municipality or county including the right to regulate rates
 2134 when vehicles or vessels are towed from private property.

2135 (3) This section does not apply to law enforcement,
 2136 firefighting, rescue squad, ambulance, or other emergency
 2137 vehicles or vessels that ~~which~~ are marked as such or to property
 2138 owned by any governmental entity.

2139 (4) When a person improperly causes a vehicle or vessel to
 2140 be removed, such person shall be liable to the owner or lessee
 2141 of the vehicle or vessel for the cost of removal,
 2142 transportation, and storage; any damages resulting from the
 2143 removal, transportation, or storage of the vehicle or vessel;
 2144 attorney's attorneys' fees; and court costs.

2145 (5) (a) Any person who violates ~~the provisions of~~
 2146 subparagraph (2) (a) 2. or subparagraph (2) (a) 6. commits is guilty
 2147 ~~of~~ a misdemeanor of the first degree, punishable as provided in
 2148 s. 775.082 or s. 775.083.

2149 (b) Any person who violates subparagraph (2) (a) 1.,
 2150 subparagraph (2) (a) 3., subparagraph (2) (a) 4., ~~the provisions of~~
 2151 subparagraph (2) (a) 7., or subparagraph (2) (a) 9. commits is
 2152 ~~guilty of~~ a felony of the third degree, punishable as provided
 2153 in s. 775.082, s. 775.083, or s. 775.084.

2154 Section 20. Paragraph (a) of subsection (1) of section
 2155 319.30, Florida Statutes, is amended to read:

2156 319.30 Definitions; dismantling, destruction, change of
 2157 identity of motor vehicle or mobile home; salvage.--

2158 (1) As used in this section, the term:

2159 (a) "Certificate of destruction" means the certificate
 2160 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

2161 Section 21. Section 713.69, Florida Statutes, is amended
 2162 to read:

2163 713.69 Unlawful to remove property upon which lien has
 2164 accrued.--It is unlawful for any person to remove any property
 2165 upon which a lien has accrued under the provisions of s. 713.68,
 2166 s. 713.77, or s. 713.785 from any mobile home park, hotel,
 2167 apartment house, roominghouse, lodginghouse, boardinghouse or
 2168 tenement house without first making full payment to the person
 2169 operating or conducting the same of all sums due and payable for
 2170 such occupancy or without first having the written consent of
 2171 such person so conducting or operating such place to so remove
 2172 such property. Any person violating the provisions of this
 2173 section shall, if the property removed in violation hereof be of
 2174 the value of \$50 or less, be guilty of a misdemeanor of the
 2175 second degree, punishable as provided in s. 775.082 or s.
 2176 775.083; and if the property so removed should be of greater
 2177 value than \$50 then such person shall be guilty of a felony of
 2178 the third degree, punishable as provided in s. 775.082, s.
 2179 775.083, or s. 775.084.

2180 Section 22. Effective January 1, 2006, subsection (15) of
 2181 section 1.01, Florida Statutes, is repealed.

2182 Section 23. The sum of \$693,000 is appropriated from the
 2183 General Inspection Trust Fund to the Department of Agriculture
 2184 and Consumer Services, and 10 additional full-time-equivalent
 2185 positions are authorized, for the purpose of implementing this
 2186 act during the 2005-2006 fiscal year.

2187 Section 24. Except as otherwise expressly provided in this
 2188 act, this act shall take effect July 1, 2005.

2189