

Bill No. CS for SB 612

Barcode 352792

CHAMBER ACTION

Senate

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The Committee on General Government Appropriations (Bennett)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Chapter 508, Florida Statutes, consisting  
of sections 508.101, 508.102, 508.103, 508.105, 508.106,  
508.1061, 508.107, 508.108, 508.109, 508.110, 508.111,  
508.112, 508.113, and 508.114, is created to read:

CHAPTER 508

WRECKER SERVICES

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

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

(2) "Council" means the Wrecker Operator Advisory

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1 Council.

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

4       (4) "Ultimate equitable owner" means a natural person  
5 who, directly or indirectly, owns or controls 10 percent or  
6 more of an ownership interest in a wrecker company, regardless  
7 of whether the natural person owns or controls the ownership  
8 interest through one or more natural persons or one or more  
9 proxies, powers of attorney, nominees, business entities, or  
10 any combination thereof.

11       (5) "Vehicle" means any vehicle of a type that may be  
12 registered under chapter 320 for operation on the roads of  
13 this state, regardless of whether the vehicle is actually  
14 registered. The term does not include a mobile home or  
15 manufactured home as defined in s. 320.01.

16       (6) "Vessel" means any type of watercraft, barge, or  
17 airboat, however described, used or capable of being used as a  
18 means of transportation on water, other than a seaplane or a  
19 documented vessel as defined in s. 327.02.

20       (7) "Wrecker" has the same meaning ascribed in s.  
21 320.01.

22       (8) "Wrecker company" means a business entity engaged  
23 for hire in the business of towing, carrying, or transporting  
24 vehicles or vessels by wrecker upon the streets and highways  
25 of this state. The term does not include a person regularly  
26 engaged in the business of transporting mobile homes.

27       (9) "Wrecker operator" means a person who performs  
28 wrecker services.

29       (10) "Wrecker services" means towing, carrying, or  
30 otherwise transporting vehicles or vessels by wrecker upon the  
31 streets and highways of this state for hire. The term

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1 includes, but is not limited to, each of the following:

2 (a) Driving a wrecker.

3 (b) Loading, securing, and unloading a vehicle or  
4 vessel on a wrecker using a boom, winch, car carrier, or other  
5 similar equipment.

6 (c) Towing or removal of a wrecked, disabled, or  
7 abandoned vehicle under the Florida Highway Patrol wrecker  
8 allocation system pursuant to s. 321.051 or under a county or  
9 municipal wrecker allocation system pursuant to s. 323.002.

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

12 (e) Towing, transportation, or removal of a vehicle or  
13 vessel parked on real property without permission under s.  
14 715.07.

15 (f) Recovery of a vehicle or vessel.

16 508.102 Wrecker Operator Advisory Council.--

17 (1) The Wrecker Operator Advisory Council is created  
18 within the department. The council shall advise and assist the  
19 department in administering this chapter.

20 (2) The council shall prepare recommendations  
21 regarding the need for a wrecker operator certification  
22 program and establishment of educational and training  
23 requirements for wrecker operators should such a certification  
24 program be deemed necessary. The council shall present its  
25 recommendations to the President of the Senate, the Speaker of  
26 the House of Representatives, and the Commissioner of  
27 Agriculture by January 31, 2008.

28 (3)(a) The council shall be composed of five members  
29 appointed by the Commissioner of Agriculture.

30 (b) One member of the council must be a wrecker  
31 company owner-operator, one member must be a consumer, one

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1 member must be an owner of a wrecker company with 10 or more  
2 employees, one member must be an owner of a wrecker company  
3 with fewer than 10 employees, and one member must be a  
4 community college staff person with expertise in and  
5 responsibility for establishing and implementing continuing  
6 education programs. Each member must be a resident of this  
7 state.

8 (c) The term of each member of the council is 4 years,  
9 except, to establish staggered terms, the owner-operator  
10 member, the consumer member, and the community college staff  
11 member shall be appointed initially for terms of 2 years each.  
12 Members may be reappointed for additional terms not to exceed  
13 8 years of consecutive service. A vacancy shall be filled for  
14 the remainder of the unexpired term in the same manner as the  
15 original appointment.

16 (4)(a) From among its members, the council shall  
17 annually elect a chair, who shall preside over the meetings of  
18 the council, and a vice chair.

19 (b) In conducting its meetings, the council shall use  
20 accepted rules of procedure. The department shall keep a  
21 complete record of each meeting showing the names of members  
22 present and the actions taken. These records and other  
23 documents regarding matters within the jurisdiction of the  
24 council must be kept on file with the department.

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

28 (6) The department shall provide administrative and  
29 staff support services relating to the functions of the  
30 council.

31 (7) The council shall review the rules adopted by the

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1 department to administer this chapter and shall advise the  
2 department on matters relating to industry standards and  
3 practices and other issues that require technical expertise  
4 and consultation or that promote better consumer protection in  
5 the wrecker industry.

6 508.103 Rulemaking authority.--The department may  
7 adopt rules under ss. 120.536(1) and 120.54 to administer this  
8 chapter.

9 508.105 Registration requirements; renewal of  
10 registrations.--

11 (1) Each wrecker company engaged or attempting to  
12 engage for hire in the business of towing, carrying, or  
13 transporting vehicles or vessels by wrecker upon the streets  
14 and highways of this state must annually register with the  
15 department on forms prescribed by the department. The  
16 application for registration must include at least the  
17 following information:

18 (a) The name and federal employer identification  
19 number of the wrecker company.

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

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

25 (d) The full name, residence address, business  
26 address, and telephone number of the applicant. If the  
27 applicant is other than a natural person, the application must  
28 also contain the full name, residence address, business  
29 address, telephone number, and federal employer identification  
30 number, if applicable, of each ultimate equitable owner of the  
31 business entity and each officer, director, partner, manager,

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1 member, or managing member of the entity.

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

5 (f) The physical address and telephone number of each  
6 business location and each storage facility where the wrecker  
7 company stores towed vehicles or vessels.

8 (2) Each initial and renewal application for  
9 registration must be accompanied by the registration fee  
10 prescribed in s. 508.110.

11 (3) Each initial application for registration must be  
12 accompanied by a complete set of the applicant's fingerprints  
13 taken by a law enforcement agency. If the applicant is other  
14 than a natural person, a complete set of fingerprints must be  
15 filed for each ultimate equitable owner of the business entity  
16 and each officer, director, partner, manager, member, or  
17 managing member of the entity. The department shall submit the  
18 fingerprints to the Department of Law Enforcement for state  
19 processing, and the Department of Law Enforcement shall  
20 forward the fingerprints to the Federal Bureau of  
21 Investigation for national processing. The Department of  
22 Agriculture and Consumer Services shall collect from each  
23 applicant the fingerprint processing fee of \$23 for state  
24 processing and an additional fee for national processing for  
25 each applicant submitted. The department shall screen  
26 background results to determine whether the applicant meets  
27 the requirements for issuance of a registration certificate.  
28 Registration renewal applications need not be accompanied by a  
29 set of fingerprints for an individual who previously submitted  
30 a set of fingerprints to the department as part of a prior  
31 year's registration application.

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1       (4) The department shall review each application in  
2 accordance with s. 120.60 and shall issue a registration  
3 certificate, in the form and size prescribed by the  
4 department, to each wrecker company whose application is  
5 approved. The certificate must show at least the name and  
6 address of the wrecker company and the registration number.  
7 The registration certificate must be prominently displayed in  
8 the wrecker company's primary place of business.

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

15       (6) A registration is invalid for a wrecker company  
16 transacting business at a place other than the location  
17 specified in the registration application unless the  
18 department is first notified in writing before the change of  
19 location. A registration issued under this chapter is not  
20 transferable or assignable, and a wrecker company may not  
21 conduct business under a name other than the name registered.  
22 A wrecker company desiring to change its registered name,  
23 location, or registered agent for service of process at a time  
24 other than upon renewal of registration must notify the  
25 department of the change.

26       (7)(a) Each registration must be renewed annually on  
27 or before the expiration date of the current registration. A  
28 late fee of \$25 must be paid, in addition to the registration  
29 fee or any other penalty, for a registration renewal  
30 application that is received by the department after the  
31 expiration date of the current registration. The department

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1 may not issue a registration until all fees are paid.

2 (b) A wrecker company whose primary place of business  
3 is located within a county or municipality that requires, by  
4 local ordinance, a local business tax receipt under chapter  
5 205 may not renew a registration under this chapter unless the  
6 wrecker company obtains the business tax receipt from the  
7 county or municipality.

8 (8) Each wrecker company must provide the department  
9 with a certificate of insurance for the insurance coverage  
10 required under s. 627.7415 before the department may issue the  
11 certificate for an initial or renewal registration. The  
12 department must be named as a certificateholder on the  
13 insurance certificate and must be notified at least 30 days  
14 before any change in insurance coverage.

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

20 508.106 Denial of registration.--The department may  
21 deny, revoke, or refuse to renew the registration of a wrecker  
22 company based upon a determination that the applicant or, if  
23 the applicant is other than a natural person, the wrecker  
24 company or any of its ultimate equitable owners, officers,  
25 directors, partners, managers, members, or managing members  
26 has:

27 (1) Not met the requirements for registration under  
28 this chapter;

29 (2) Been convicted or found guilty of, regardless of  
30 adjudication, or pled guilty or nolo contendere to, a felony  
31 within the last 10 years;



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1           (3) Been convicted or found guilty of, regardless of  
2 adjudication, or pled guilty or nolo contendere to, a crime  
3 within the last 10 years involving repossession of a motor  
4 vehicle under chapter 493, repair of a motor vehicle under ss.  
5 559.901-559.9221, theft of a motor vehicle under s. 812.014,  
6 carjacking under s. 812.133, operation of a chop shop under s.  
7 812.16, failure to maintain records of motor vehicle parts and  
8 accessories under s. 860.14, violations relating to airbags  
9 under s. 860.145 or use of fake airbags under s. 860.146,  
10 overcharging for repairs and parts under s. 860.15, or a  
11 violation of towing or storage requirements for a motor  
12 vehicle under this chapter, s. 321.051, chapter 323, s.  
13 713.78, or s. 715.07;

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

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

21           (6) Had a judgment entered against him or her in an  
22 action brought by the department under this chapter.

23           508.1061 Acceptable forms of payment.--A wrecker  
24 company shall accept a minimum of two of the three following  
25 forms of payment:

26           (1) Cash, cashier's check, money order, or traveler's  
27 check.

28           (2) Valid personal check, showing upon its face the  
29 name and address of the vehicle or vessel owner or authorized  
30 representative.

31           (3) Valid credit card, including, but not limited to,

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1 Visa or MasterCard.

2 508.107 Prohibited acts.--It is a violation of this  
3 chapter for a person to:

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

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

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

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

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

16 (6) Refuse to allow a law enforcement officer to  
17 inspect a towing and storage facility as required in s.  
18 812.055.

19 (7) Perform an act otherwise prohibited by this  
20 chapter or fail to perform an act otherwise required by this  
21 chapter.

22 508.108 Administrative penalties; inspection of  
23 records.--

24 (1) The department may take one or more of the  
25 following actions if the department finds that a business is  
26 operating without being registered under this chapter or has  
27 violated this chapter or the rules or orders issued under this  
28 chapter:

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

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

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1 (c) Direct the person to cease and desist specified  
2 activities.

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

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

8 (2) Chapter 120 shall govern an administrative  
9 proceeding resulting from an order imposing a penalty  
10 specified in subsection (1).

11 508.109 Civil penalties.--The department may bring a  
12 civil action in a court of competent jurisdiction to recover  
13 any penalties or damages allowed in this chapter and for  
14 injunctive relief to enforce compliance with this chapter. The  
15 department may seek a civil penalty of up to \$5,000 for each  
16 violation of this chapter and may seek restitution for and on  
17 behalf of any owner of a vehicle or vessel who is aggrieved or  
18 injured by a violation of this chapter.

19 508.110 Fees.--The department shall adopt by rule a  
20 fee schedule not to exceed the following amounts:

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

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

23 508.111 General Inspection Trust Fund; payments.--All  
24 fees, penalties, or other funds collected by the department  
25 under this chapter must be deposited in the General Inspection  
26 Trust Fund and may only be used for the purpose of  
27 administering this chapter.

28 508.112 Recovery agents; exemption.--This chapter does  
29 not apply to a person licensed under chapter 493 performing  
30 repossession services.

31 508.113 County and municipal ordinances.--A county or

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1 municipality may enact ordinances governing the business of  
 2 transporting vehicles or vessels by wrecker that are more  
 3 restrictive than this chapter. This section does not limit the  
 4 authority of a political subdivision to impose regulatory fees  
 5 or charges or to levy local business taxes under chapter 205.  
 6 The department may enter into a cooperative agreement with any  
 7 county or municipality that provides for the referral,  
 8 investigation, and prosecution of consumer complaints alleging  
 9 violations of this chapter. The department is authorized to  
 10 delegate enforcement of this chapter to any county or  
 11 municipality entering into a cooperative agreement.

12 508.114 Records.--Each wrecker company shall maintain  
 13 records of its wrecker services for at least 12 months. These  
 14 records shall be maintained at the wrecker company's principal  
 15 place of business.

16 Section 2. Effective January 1, 2008, section 508.104,  
 17 Florida Statutes, is created to read:

18 508.104 Wrecker companies; registration required.--

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

23 (2) A person applying for or renewing a local business  
 24 tax receipt to engage for hire in the business of a wrecker  
 25 company must exhibit a current registration certificate from  
 26 the department before the local business tax receipt may be  
 27 issued or reissued under chapter 205.

28 (3) This section does not apply to a motor vehicle  
 29 repair shop registered with the department under s. 559.904  
 30 that derives at least 80 percent of its gross sales from motor  
 31 vehicle repairs or to any franchised motor vehicle dealer

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1 licensed pursuant to s. 320.27 when wrecker services are  
2 incidental to the operation of the franchise.

3 (4) This section does not apply to a wrecker used  
4 solely for a repossession or recovery business or used by an  
5 independent automobile dealer solely for the purpose of towing  
6 vehicles owned by the dealer or transported to new owners. The  
7 words "NOT FOR HIRE" shall be prominently displayed on the  
8 door of such wrecker.

9 Section 3. Effective July 1, 2008, section 508.116,  
10 Florida Statutes, is created to read:

11 508.116 Criminal penalties.--A person who violates s.  
12 508.104(1) by operating a wrecker company in this state  
13 without being registered with the department under this  
14 chapter commits a felony of the third degree, punishable as  
15 provided in s. 775.082, s. 775.083, or s. 775.084.

16 Section 4. Effective January 1, 2008, paragraph (b) of  
17 subsection (8) of section 120.80, Florida Statutes, is amended  
18 to read:

19 120.80 Exceptions and special requirements;  
20 agencies.--

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

22 (b) Wrecker ~~companies~~ ~~operators~~.--Notwithstanding s.  
23 120.57(1)(a), hearings held by the Division of the Florida  
24 Highway Patrol of the Department of Highway Safety and Motor  
25 Vehicles to deny, suspend, or remove a wrecker company  
26 ~~operator~~ from participating in the wrecker allocation ~~rotation~~  
27 system established under ~~by~~ s. 321.051 need not be conducted  
28 by an administrative law judge assigned by the division. These  
29 hearings shall be held by a hearing officer appointed by the  
30 director of the Division of the Florida Highway Patrol.

31 Section 5. Effective January 1, 2008, section

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1 205.1977, Florida Statutes, is created to read:

2           205.1977 Wrecker companies; consumer protection.--A  
3 county or municipality may not issue or renew a business tax  
4 receipt for the operation of a wrecker company under chapter  
5 508 unless the wrecker company exhibits a current registration  
6 from the Department of Agriculture and Consumer Services.

7           Section 6. Subsection (3) of section 316.530, Florida  
8 Statutes, is amended to read:

9           316.530 Towing requirements.--

10           (3) Whenever a motor vehicle becomes disabled upon the  
11 highways of this state and a wrecker ~~or tow truck~~ is required  
12 to remove it to a repair shop or other appropriate location,  
13 if the combined weights of those two vehicles and the loads  
14 thereon exceed the maximum allowable weights as established by  
15 s. 316.535, no penalty shall be assessed either vehicle or  
16 driver. However, this exception shall not apply to the load  
17 limits for bridges and culverts established by the department  
18 as provided in s. 316.555.

19           Section 7. Subsection (40) of section 320.01, Florida  
20 Statutes, is amended to read:

21           320.01 Definitions, general.--As used in the Florida  
22 Statutes, except as otherwise provided, the term:

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

28           Section 8. Effective January 1, 2008, subsection (8)  
29 of section 320.03, Florida Statutes, is amended to read:

30           320.03 Registration; duties of tax collectors;  
31 International Registration Plan.--

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1           (8) If the applicant's name appears on the list  
2 referred to in s. 316.1001(4), s. 316.1967(6), or s.  
3 713.78(13), a license plate or revalidation sticker may not be  
4 issued until that person's name no longer appears on the list  
5 or until the person presents a receipt from the clerk showing  
6 that the fines outstanding have been paid. This subsection  
7 does not apply to the owner of a leased vehicle if the vehicle  
8 is registered in the name of the lessee of the vehicle. The  
9 tax collector and the clerk of the court are each entitled to  
10 receive monthly, as costs for implementing and administering  
11 this subsection, 10 percent of the civil penalties and fines  
12 recovered from such persons. As used in this subsection, the  
13 term "civil penalties and fines" does not include a wrecker  
14 company's ~~operator's~~ lien as described in s. 713.78(13). If  
15 the tax collector has private tag agents, such tag agents are  
16 entitled to receive a pro rata share of the amount paid to the  
17 tax collector, based upon the percentage of license plates and  
18 revalidation stickers issued by the tag agent compared to the  
19 total issued within the county. The authority of any private  
20 agent to issue license plates shall be revoked, after notice  
21 and a hearing as provided in chapter 120, if he or she issues  
22 any license plate or revalidation sticker contrary to the  
23 provisions of this subsection. This section applies only to  
24 the annual renewal in the owner's birth month of a motor  
25 vehicle registration and does not apply to the transfer of a  
26 registration of a motor vehicle sold by a motor vehicle dealer  
27 licensed under this chapter, except for the transfer of  
28 registrations which is inclusive of the annual renewals. This  
29 section does not affect the issuance of the title to a motor  
30 vehicle, notwithstanding s. 319.23(7)(b).

31           Section 9. Section 320.0706, Florida Statutes, is

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1 amended to read:

2           320.0706 Display of license plates on trucks.--The  
3 owner of any commercial truck of gross vehicle weight of  
4 26,001 pounds or more shall display the registration license  
5 plate on both the front and rear of the truck in conformance  
6 with all the requirements of s. 316.605 that do not conflict  
7 with this section. The owner of a dump truck may place the  
8 rear license plate on the gate no higher than 60 inches to  
9 allow for better visibility. However, the owner of a truck  
10 tractor or a wrecker must ~~shall be required to~~ display the  
11 registration license plate only on the front of such vehicle.

12           Section 10. Subsection (1) of section 320.0821,  
13 Florida Statutes, is amended, and subsection (5) is added to  
14 that section, to read:

15           320.0821 Wrecker license plates.--

16           (1) The department shall issue one ~~a~~ wrecker license  
17 plate, regardless of gross vehicle weight, to the owner of any  
18 motor vehicle that is used to tow, carry, or otherwise  
19 transport ~~motor~~ vehicles or vessels upon the streets and  
20 highways of this state and that is equipped for that purpose  
21 with a boom, winch, carrier, or other similar equipment,  
22 except a motor vehicle registered under the International  
23 Registration Plan, upon application and payment of the  
24 appropriate license tax and fees in accordance with s.  
25 320.08(5)(d) or (e).

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

28           Section 11. Effective January 1, 2008, subsection (1)  
29 of section 320.0821, Florida Statutes, as amended by this act,  
30 is amended to read:

31           320.0821 Wrecker license plates.--



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1           (1) The department shall issue one wrecker license  
2 plate, regardless of gross vehicle weight, to the owner of a  
3 ~~wrecker any motor vehicle that is used to tow, carry, or~~  
4 ~~otherwise transport vehicles or vessels upon the streets and~~  
5 ~~highways of this state and that is equipped for that purpose~~  
6 ~~with a boom, winch, carrier, or other similar equipment,~~  
7 ~~except a motor vehicle registered under the International~~  
8 ~~Registration Plan,~~ upon application and payment of the  
9 appropriate license tax and fees in accordance with s.  
10 320.08(5)(d) or (e).

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

13           320.13 Dealer and manufacturer license plates and  
14 alternative method of registration.--

15           (1)(a) Any licensed motor vehicle dealer and any  
16 licensed mobile home dealer may, upon payment of the license  
17 tax imposed by s. 320.08(12), secure one or more dealer  
18 license plates, which are valid for use on motor vehicles or  
19 mobile homes owned by the dealer to whom such plates are  
20 issued while the motor vehicles are in inventory and for sale,  
21 or while being operated in connection with such dealer's  
22 business, but are not valid for use for hire. Dealer license  
23 plates may not be used on any ~~tow truck or wrecker~~ as defined  
24 in s. 320.01 unless the ~~tow truck or wrecker~~ is being  
25 demonstrated for sale, and the dealer license plates may not  
26 be used on a vehicle used to transport another motor vehicle  
27 for the motor vehicle dealer.

28           Section 13. For the purpose of incorporating the  
29 amendment made by this act to section 320.01, Florida  
30 Statutes, in references thereto, paragraph (a) of subsection  
31 (4) and subsection (9) of section 316.550, Florida Statutes,

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1 are reenacted to read:

2           316.550 Operations not in conformity with law; special  
3 permits.--

4           (4)(a) The Department of Transportation may issue a  
5 wrecker special blanket permit to authorize a wrecker as  
6 defined in s. 320.01(40) to tow a disabled vehicle as defined  
7 in s. 320.01(38) where the combination of the wrecker and the  
8 disabled vehicle being towed exceeds the maximum weight limits  
9 as established by s. 316.535.

10           (9) Whenever any motor vehicle, or the combination of  
11 a wrecker as defined in s. 320.01(40) and a towed motor  
12 vehicle, exceeds any weight or dimensional criteria or special  
13 operational or safety stipulation contained in a special  
14 permit issued under the provisions of this section, the  
15 penalty assessed to the owner or operator shall be as follows:

16           (a) For violation of weight criteria contained in a  
17 special permit, the penalty per pound or portion thereof  
18 exceeding the permitted weight shall be as provided in s.  
19 316.545.

20           (b) For each violation of dimensional criteria in a  
21 special permit, the penalty shall be as provided in s. 316.516  
22 and penalties for multiple violations of dimensional criteria  
23 shall be cumulative except that the total penalty for the  
24 vehicle shall not exceed \$1,000.

25           (c) For each violation of an operational or safety  
26 stipulation in a special permit, the penalty shall be an  
27 amount not to exceed \$1,000 per violation and penalties for  
28 multiple violations of operational or safety stipulations  
29 shall be cumulative except that the total penalty for the  
30 vehicle shall not exceed \$1,000.

31           (d) For violation of any special condition that has

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1 | been prescribed in the rules of the Department of  
 2 | Transportation and declared on the permit, the vehicle shall  
 3 | be determined to be out of conformance with the permit and the  
 4 | permit shall be declared null and void for the vehicle, and  
 5 | weight and dimensional limits for the vehicle shall be as  
 6 | established in s. 316.515 or s. 316.535, whichever is  
 7 | applicable, and:

8 |         1. For weight violations, a penalty as provided in s.  
 9 | 316.545 shall be assessed for those weights which exceed the  
 10 | limits thus established for the vehicle; and

11 |         2. For dimensional, operational, or safety violations,  
 12 | a penalty as established in paragraph (c) or s. 316.516,  
 13 | whichever is applicable, shall be assessed for each  
 14 | nonconforming dimensional, operational, or safety violation  
 15 | and the penalties for multiple violations shall be cumulative  
 16 | for the vehicle.

17 |         Section 14. For the purpose of incorporating the  
 18 | amendment made by this act to section 320.01, Florida  
 19 | Statutes, in references thereto, paragraphs (d) and (e) of  
 20 | subsection (5) of section 320.08, Florida Statutes, are  
 21 | reenacted to read:

22 |         320.08 License taxes.--Except as otherwise provided  
 23 | herein, there are hereby levied and imposed annual license  
 24 | taxes for the operation of motor vehicles, mopeds, motorized  
 25 | bicycles as defined in s. 316.003(2), and mobile homes, as  
 26 | defined in s. 320.01, which shall be paid to and collected by  
 27 | the department or its agent upon the registration or renewal  
 28 | of registration of the following:

29 |         (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE  
 30 | WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

31 |         (d) A wrecker, as defined in s. 320.01(40), which is

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1 used to tow a vessel as defined in s. 327.02(39), a disabled,  
2 abandoned, stolen-recovered, or impounded motor vehicle as  
3 defined in s. 320.01(38), or a replacement motor vehicle as  
4 defined in s. 320.01(39): \$30 flat.

5 (e) A wrecker, as defined in s. 320.01(40), which is  
6 used to tow any motor vehicle, regardless of whether or not  
7 such motor vehicle is a disabled motor vehicle as defined in  
8 s. 320.01(38), a replacement motor vehicle as defined in s.  
9 320.01(39), a vessel as defined in s. 327.02(39), or any other  
10 cargo, as follows:

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

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

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

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

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

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

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

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

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

29 Section 15. Effective January 1, 2008, section  
30 321.051, Florida Statutes, is amended to read:

31 (Substantial rewording of section. See

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1 s. 321.051, F.S., for present text.)

2 321.051 Florida Highway Patrol wrecker allocation  
3 system; penalties for operation outside of system.--

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

5 (a) "Authorized wrecker company" means a wrecker  
6 company designated by the division as part of its wrecker  
7 allocation system.

8 (b) "Division" means the Division of the Florida  
9 Highway Patrol within the Department of Highway Safety and  
10 Motor Vehicles.

11 (c) "Unauthorized wrecker company" means a wrecker  
12 company not designated by the division as part of its wrecker  
13 allocation system.

14 (d) "Wrecker company" has the same meaning ascribed in  
15 s. 508.101.

16 (e) "Wrecker operator" has the same meaning ascribed  
17 in s. 508.101.

18 (f) "Wrecker services" has the same meaning ascribed  
19 in s. 508.101.

20 (2)(a) The division may establish within areas  
21 designated by the division a wrecker allocation system, using  
22 qualified, reputable wrecker companies, for the removal from  
23 crash scenes and the storage of wrecked or disabled vehicles  
24 when the owner or operator is incapacitated or unavailable or  
25 leaves the procurement of wrecker services to the officer at  
26 the scene and for the removal and storage of abandoned  
27 vehicles.

28 (b) The wrecker allocation system may use only wrecker  
29 companies registered under chapter 508. Each reputable wrecker  
30 company registered under chapter 508 is eligible for use in  
31 the system if its equipment and wrecker operators meet the

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1 recognized safety qualifications and mechanical standards set  
2 by the division's rules for the size of vehicle they are  
3 designed to handle. The division may limit the number of  
4 wrecker companies participating in the wrecker allocation  
5 system.

6 (c) The division may establish maximum rates for the  
7 towing and storage of vehicles removed at the division's  
8 request if those rates are not established by a county or  
9 municipality under s. 125.0103 or s. 166.043. These rates are  
10 not rules for the purpose of chapter 120; however, the  
11 Department of Highway Safety and Motor Vehicles shall adopt  
12 rules prescribing the procedures for setting these rates.

13 (d) Notwithstanding chapter 120, a final order of the  
14 Department of Highway Safety and Motor Vehicles denying,  
15 suspending, or revoking a wrecker company's participation in  
16 the wrecker allocation system may be appealed only in the  
17 manner and within the time provided by the Florida Rules of  
18 Appellate Procedure by a writ of certiorari issued by the  
19 circuit court in the county in which the wrecker company's  
20 primary place of business is located, as evidenced by the  
21 wrecker company's registration under chapter 508.

22 (3)(a) An unauthorized wrecker company, its wrecker  
23 operators, or its other employees or agents may not monitor a  
24 police radio for communications between patrol field units and  
25 the dispatcher in order to determine the location of a wrecked  
26 or disabled vehicle for the purpose of dispatching its wrecker  
27 operator to drive by the scene of the vehicle in a manner  
28 described in paragraph (b) or paragraph (c). Any person who  
29 violates this paragraph commits a noncriminal violation,  
30 punishable as provided in s. 775.083.

31 (b) Except as provided in paragraph (c), a wrecker

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1 operator dispatched by an unauthorized wrecker company who  
2 drives by the scene of a wrecked or disabled vehicle before  
3 the arrival of the wrecker operator dispatched by the  
4 authorized wrecker company may not initiate contact with the  
5 owner or operator of the vehicle by soliciting or offering  
6 wrecker services or tow the vehicle. Any person who violates  
7 this paragraph commits a misdemeanor of the second degree,  
8 punishable as provided in s. 775.082 or s. 775.083.

9       (c) When a wrecker operator dispatched by an  
10 unauthorized wrecker company drives by the scene of a wrecked  
11 or disabled vehicle and the owner or operator initiates  
12 contact by signaling the wrecker operator to stop and provide  
13 wrecker services, the wrecker operator must disclose to the  
14 owner or operator of the vehicle that he or she was not  
15 dispatched by the authorized wrecker company designated as  
16 part of the wrecker allocation system and must disclose, in  
17 writing, what charges for towing and storage will apply before  
18 the vehicle is connected to the towing apparatus. Any person  
19 who violates this paragraph commits a misdemeanor of the  
20 second degree, punishable as provided in s. 775.082 or s.  
21 775.083.

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

28       (4) This section does not prohibit or in any way  
29 prevent the owner or operator of a vehicle involved in a crash  
30 or otherwise disabled from contacting any wrecker company for  
31 the provision of wrecker services, regardless of whether the

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1 wrecker company is an authorized wrecker company. However, if  
 2 a law enforcement officer determines that the disabled vehicle  
 3 or vehicle cargo is a public safety hazard, the officer may,  
 4 in the interest of public safety, dispatch an authorized  
 5 wrecker company if the officer believes that the authorized  
 6 wrecker company would arrive at the scene before the wrecker  
 7 company requested by the owner or operator of the disabled  
 8 vehicle or vehicle cargo.

9       (5) A law enforcement officer may dispatch an  
 10 authorized wrecker company out of rotation to the scene of a  
 11 wrecked or disabled vehicle if the authorized wrecker company  
 12 next on rotation is not equipped to provide the required  
 13 wrecker services and the out-of-rotation authorized wrecker  
 14 company is available with the required equipment. However,  
 15 this subsection does not prohibit or prevent the owner or  
 16 operator of a vehicle involved in a crash or otherwise  
 17 disabled from contacting any wrecker company that is properly  
 18 equipped to provide the required wrecker services, regardless  
 19 of whether the wrecker company is an authorized wrecker  
 20 company, unless the law enforcement officer determines that  
 21 the wrecked or disabled vehicle or vehicle cargo is a public  
 22 safety hazard and the officer believes that the authorized  
 23 wrecker company would arrive at the scene before the wrecker  
 24 company requested by the owner or operator.

25       Section 16. Effective January 1, 2008, section  
 26 323.001, Florida Statutes, is amended to read:

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

29       323.001 Wrecker company storage facilities; vehicle  
 30 holds.--

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



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

3       (b) "Wrecker company" has the same meaning ascribed in  
4 s. 508.101.

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

9       (3) To extend a hold beyond 5 business days, the law  
10 enforcement agency must notify the wrecker company in writing  
11 before the expiration of the 5 business days. If notification  
12 is not made within the 5 business days, the wrecker company  
13 must release the vehicle to the designated person under s.  
14 713.78.

15       (a) If the hold is extended beyond the 5 business  
16 days, the law enforcement agency may have the vehicle removed  
17 to a designated impound lot and the vehicle may not be  
18 released by the law enforcement agency to the owner or  
19 lienholder of the vehicle until proof of payment of the towing  
20 and storage charges incurred by the wrecker company is  
21 presented to the law enforcement agency.

22       (b) If the law enforcement agency chooses to have the  
23 vehicle remain at the wrecker company's storage facility for  
24 more than 5 business days under the written notification, the  
25 law enforcement agency is responsible for paying the storage  
26 charges incurred by the wrecker company for the requested  
27 extended period. The owner or lienholder is responsible for  
28 paying the accrued towing and storage charges for the first 5  
29 business days, or any period less than the first 5 business  
30 days, if the law enforcement agency moves the vehicle from the  
31 wrecker company's storage facility to a designated impound lot

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1 or provides written notification to extend the hold on the  
2 vehicle before the expiration of the 5 business days.

3 (c) The towing and storage rates for the owner or  
4 lienholder of the held vehicle may not exceed the rates for  
5 the law enforcement agency.

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

10 (5) The requirements for a written hold apply when:

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

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

17 (c) The law enforcement officer has probable cause to  
18 believe that the vehicle was used as a means to commit a  
19 crime;

20 (d) The law enforcement officer has probable cause to  
21 believe that the vehicle is itself evidence that a crime has  
22 been committed or that the vehicle contains evidence, which  
23 cannot readily be removed, that a crime has been committed;

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

29 (f) The vehicle is impounded or immobilized under s.  
30 316.193 or s. 322.34; or

31 (g) The law enforcement officer is complying with a

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1 court order.

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

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

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

7 (c) A general description of the vehicle, including  
8 its color, make, model, body style, and year; vehicle  
9 identification number; registration license plate number,  
10 state, and year; and validation sticker number, state, and  
11 year.

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

13 (e) The condition of the vehicle.

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

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

17 (7) A wrecker company's storage facility must comply  
18 with a hold placed by a law enforcement officer, including  
19 instructions for inside or outside storage. A wrecker  
20 company's storage facility may not release a motor vehicle  
21 subject to a hold to any person except as directed by the law  
22 enforcement agency placing the hold.

23 (8) When a vehicle owner is found guilty of,  
24 regardless of adjudication, or pleads nolo contendere to, the  
25 offense that resulted in a hold being placed on his or her  
26 vehicle, the owner must pay the accrued towing and storage  
27 charges assessed against the vehicle.

28 Section 17. Effective January 1, 2008, section  
29 323.002, Florida Statutes, is amended to read:

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

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1           323.002 County and municipal wrecker allocation  
2 systems; penalties for operation outside of system.--

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

4           (a) "Authorized wrecker company" means a wrecker  
5 company designated as part of the wrecker allocation system  
6 established by the governmental unit having jurisdiction over  
7 the scene of a wrecked, disabled, or abandoned vehicle.

8           (b) "Unauthorized wrecker company" means a wrecker  
9 company not designated as part of the wrecker allocation  
10 system established by the governmental unit having  
11 jurisdiction over the scene of a wrecked, disabled, or  
12 abandoned vehicle.

13           (c) "Wrecker allocation system" means a system for the  
14 towing or removal of wrecked, disabled, or abandoned vehicles,  
15 similar to the Florida Highway Patrol wrecker allocation  
16 system described in s. 321.051(2), under which a county or  
17 municipality contracts with one or more wrecker companies  
18 registered under chapter 508 for the towing or removal of  
19 wrecked, disabled, or abandoned vehicles from accident scenes,  
20 streets, or highways. Each wrecker allocation system must use  
21 a method for apportioning the towing assignments among the  
22 eligible wrecker companies through the creation of geographic  
23 zones or a rotation schedule or a combination of geographic  
24 zones and a rotation schedule.

25           (d) "Wrecker company" has the same meaning ascribed in  
26 s. 508.101.

27           (e) "Wrecker operator" has the same meaning ascribed  
28 in s. 508.101.

29           (f) "Wrecker services" has the same meaning ascribed  
30 in s. 508.101.

31           (2) In a county or municipality that operates a

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1 wrecker allocation system:

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

4       (b) An unauthorized wrecker company, its wrecker  
5 operators, or its other employees or agents may not monitor a  
6 police radio for communications between patrol field units and  
7 the dispatcher in order to determine the location of a wrecked  
8 or disabled vehicle for the purpose of dispatching its wrecker  
9 operator to drive by the scene of the vehicle in a manner  
10 described in paragraph (c) or paragraph (d). Any person who  
11 violates this paragraph commits a noncriminal violation,  
12 punishable as provided in s. 775.083.

13       (c) Except as provided in paragraph (d), a wrecker  
14 operator dispatched by an unauthorized wrecker company who  
15 drives by the scene of a wrecked or disabled vehicle before  
16 the arrival of the wrecker operator dispatched by the  
17 authorized wrecker company may not initiate contact with the  
18 owner or operator of the vehicle by soliciting or offering  
19 wrecker services or tow the vehicle. Any person who violates  
20 this paragraph commits a misdemeanor of the second degree,  
21 punishable as provided in s. 775.082 or s. 775.083.

22       (d) When a wrecker operator dispatched by an  
23 unauthorized wrecker company drives by the scene of a wrecked  
24 or disabled vehicle and the owner or operator initiates  
25 contact by signaling the wrecker operator to stop and provide  
26 wrecker services, the wrecker operator must disclose to the  
27 owner or operator of the vehicle that he or she was not  
28 dispatched by the authorized wrecker company designated as  
29 part of the wrecker allocation system and must disclose, in  
30 writing, what charges for towing and storage will apply before  
31 the vehicle is connected to the towing apparatus. Any person

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1 who violates this paragraph commits a misdemeanor of the  
2 second degree, punishable as provided in s. 775.082 or s.  
3 775.083.

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

10 (3) This section does not prohibit or in any way  
11 prevent the owner or operator of a vehicle involved in a crash  
12 or otherwise disabled from contacting any wrecker company for  
13 the provision of wrecker services, regardless of whether the  
14 wrecker company is an authorized wrecker company. If a law  
15 enforcement officer determines that the disabled vehicle or  
16 vehicle cargo is a public safety hazard, the officer may, in  
17 the interest of public safety, dispatch an authorized wrecker  
18 company if the officer believes that the authorized wrecker  
19 company would arrive at the scene before the wrecker company  
20 requested by the owner or operator of the disabled vehicle or  
21 vehicle cargo.

22 (4) A law enforcement officer may dispatch an  
23 authorized wrecker company out of rotation to the scene of a  
24 wrecked or disabled vehicle if the authorized wrecker company  
25 next on rotation is not equipped to provide the required  
26 wrecker services and the out-of-rotation authorized wrecker  
27 company is available with the required equipment. However,  
28 this subsection does not prohibit or prevent the owner or  
29 operator of a vehicle involved in a crash or otherwise  
30 disabled from contacting any wrecker company that is properly  
31 equipped to provide the required wrecker services, regardless

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1 of whether the wrecker company is an authorized wrecker  
 2 company, unless the law enforcement officer determines that  
 3 the wrecked or disabled vehicle or vehicle cargo is a public  
 4 safety hazard and the officer believes that the authorized  
 5 wrecker company would arrive at the scene before the wrecker  
 6 company requested by the owner or operator.

7 Section 18. Effective January 1, 2008, section 713.78,  
 8 Florida Statutes, is amended to read:

9 713.78 Liens for recovering, towing, or storing  
 10 vehicles and vessels.--

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

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

15 (b) "Property owner" has the same meaning ascribed in  
 16 s. 715.07.

17 (c)~~(a)~~ "Vehicle" has the same meaning ascribed in s.  
 18 508.101 means any mobile item, whether motorized or not, which  
 19 is mounted on wheels.

20 (d)~~(b)~~ "Vessel" has the same meaning ascribed in s.  
 21 508.101 means every description of watercraft, barge, and  
 22 airboat used or capable of being used as a means of  
 23 transportation on water, other than a seaplane or a  
 24 "documented vessel" as defined in s. 327.02(9).

25 (e)~~(c)~~ "Wrecker" has the same meaning ascribed in s.  
 26 320.01 means any truck or other vehicle which is used to tow,  
 27 carry, or otherwise transport motor vehicles or vessels upon  
 28 the streets and highways of this state and which is equipped  
 29 for that purpose with a boom, winch, car carrier, or other  
 30 similar equipment.

31 (f) "Wrecker company" has the same meaning ascribed in

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1 s. 508.101.

2 (g) "Wrecker operator" has the same meaning ascribed  
3 in s. 508.101.

4 (2) Whenever a wrecker company registered under  
5 chapter 508 ~~person regularly engaged in the business of~~  
6 ~~transporting vehicles or vessels by wrecker, tow truck, or car~~  
7 ~~carrier~~ recovers, removes, or stores a vehicle or vessel upon  
8 instructions from:

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

10 (b) The property owner ~~or lessor, or a person~~  
11 ~~authorized by the owner or lessor, of~~ real property on which  
12 the ~~such~~ vehicle or vessel is ~~wrongfully~~ parked without  
13 permission, and the removal is done in compliance with s.  
14 715.07; or

15 (c) Any law enforcement agency,  
16  
17 the wrecker company has ~~she or he shall have~~ a lien on the  
18 vehicle or vessel for a reasonable towing fee and for a  
19 reasonable storage fee, ~~+~~ except that no storage fee shall be  
20 charged if the vehicle or vessel is stored ~~for~~ less than 6  
21 hours.

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

26 (4)(a) Any wrecker company that ~~person regularly~~  
27 ~~engaged in the business of recovering, towing, or storing~~  
28 ~~vehicles or vessels who~~ comes into possession of a vehicle or  
29 vessel under ~~pursuant to~~ subsection (2), ~~and who~~ claims a lien  
30 for recovery, towing, or storage services, shall give notice  
31 to the registered owner, the insurance company insuring the



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1 vehicle notwithstanding ~~the provisions of~~ s. 627.736, and to  
 2 all persons claiming a lien on the vehicle or vessel ~~thereon,~~  
 3 as disclosed by the records in the Department of Highway  
 4 Safety and Motor Vehicles or of a corresponding agency in any  
 5 other state.

6 (b) Whenever a ~~any~~ law enforcement agency authorizes  
 7 the removal of a vehicle or vessel or whenever a wrecker  
 8 company ~~any towing service, garage, repair shop, or automotive~~  
 9 ~~service, storage, or parking place~~ notifies the law  
 10 enforcement agency of possession of a vehicle or vessel under  
 11 ~~pursuant to~~ s. 715.07(2)(a)2., the applicable law enforcement  
 12 agency shall contact the Department of Highway Safety and  
 13 Motor Vehicles, or the appropriate agency of the state of  
 14 registration, if known, within 24 hours through the medium of  
 15 electronic communications, giving the full description of the  
 16 vehicle or vessel. Upon receipt of the full description of the  
 17 vehicle or vessel, the department shall search its files to  
 18 determine the owner's name, the insurance company insuring the  
 19 vehicle or vessel, and whether any person has filed a lien  
 20 upon the vehicle or vessel as provided in s. 319.27(2) and (3)  
 21 and notify the applicable law enforcement agency within 72  
 22 hours. The wrecker company ~~person in charge of the towing~~  
 23 ~~service, garage, repair shop, or automotive service, storage,~~  
 24 ~~or parking place~~ shall obtain that ~~such~~ information from the  
 25 applicable law enforcement agency within 5 days after the date  
 26 of storage and shall give notice under ~~pursuant to~~ paragraph  
 27 (a). The department may release the insurance company  
 28 information to the requestor notwithstanding ~~the provisions of~~  
 29 s. 627.736.

30 (c) Notice by certified mail, ~~return receipt~~  
 31 ~~requested,~~ shall be sent within 7 business days after the date

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1 of storage of the vehicle or vessel to the registered owner,  
 2 the insurance company insuring the vehicle notwithstanding ~~the~~  
 3 ~~provisions of s. 627.736~~, and all persons of record claiming a  
 4 lien against the vehicle or vessel. The notice ~~it~~ shall state  
 5 the fact of possession of the vehicle or vessel and, that a  
 6 lien as provided in subsection (2) is claimed, that charges  
 7 have accrued and the amount of the charges ~~thereof~~, that the  
 8 lien is subject to enforcement under ~~pursuant to~~ law, ~~and that~~  
 9 the owner or lienholder, if any, has the right to a hearing as  
 10 set forth in subsection (5), and that any vehicle or vessel  
 11 that ~~which~~ remains unclaimed, or for which the charges for  
 12 recovery, towing, or storage services remain unpaid, may be  
 13 sold free of all prior liens after 35 days if the vehicle or  
 14 vessel is more than 3 years of age or after 50 days if the  
 15 vehicle or vessel is 3 years of age or less.

16 (d) If the wrecker company is unable ~~attempts~~ to  
 17 identify ~~locate~~ the name and address of the owner or  
 18 lienholder ~~prove unsuccessful~~, the wrecker company  
 19 ~~towing-storage operator~~ shall, after 7 business ~~working~~ days  
 20 following, ~~excluding Saturday and Sunday~~, of the initial tow  
 21 or storage, notify the public agency of jurisdiction in  
 22 writing by certified mail or acknowledged hand delivery that  
 23 the wrecker ~~towing-storage~~ company has been unable to identify  
 24 ~~locate~~ the name and address of the owner or lienholder, ~~and~~ a  
 25 physical search of the vehicle or vessel has disclosed no  
 26 ownership information, and a good faith effort has been made.  
 27 For purposes of this paragraph and subsection (9), the term  
 28 "good faith effort" means that the following checks have been  
 29 performed by the wrecker company to establish prior state of  
 30 registration and for title:

- 31 1. Check of vehicle or vessel for any type of tag, tag

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1 record, temporary tag, or regular tag.

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

6           3. Check of trip sheet or tow ticket of the wrecker  
7 ~~tow truck~~ operator to see if a tag was on vehicle or vessel at  
8 beginning of tow, if private tow.

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

13           5. Check of vehicle or vessel for inspection sticker  
14 or other stickers and decals that may indicate a state of  
15 possible registration.

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

19           7. Check of vehicle for vehicle identification number.

20           8. Check of vessel for vessel registration number.

21           9. Check of vessel hull for a hull identification  
22 number, which should be carved, burned, stamped, embossed, or  
23 otherwise permanently affixed to the outboard side of the  
24 transom or, if there is no transom, to the outmost seaboard  
25 side at the end of the hull that bears the rudder or other  
26 steering mechanism.

27           (5)(a) The owner of a vehicle or vessel removed under  
28 ~~pursuant to the provisions of~~ subsection (2), or any person  
29 claiming a lien, other than the wrecker company ~~towing storage~~  
30 ~~operator~~, within 10 days after the time she or he has  
31 knowledge of the location of the vehicle or vessel, may file a

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1 complaint in the county court of the county in which the  
 2 vehicle or vessel is stored or in which the owner resides to  
 3 determine if her or his property was wrongfully taken or  
 4 withheld from her or him.

5 (b) Upon filing of a complaint, an owner or lienholder  
 6 may have her or his vehicle or vessel released upon posting  
 7 with the court a cash or surety bond or other adequate  
 8 security equal to the amount of the charges for towing or  
 9 storage and lot rental amount to ensure the payment of the  
 10 ~~such~~ charges in the event she or he does not prevail. Upon the  
 11 posting of the bond and the payment of the applicable fee set  
 12 forth in s. 28.24, the clerk of the court shall issue a  
 13 certificate notifying the lienor of the posting of the bond  
 14 and directing the lienor to release the vehicle or vessel. At  
 15 the time of the ~~such~~ release, after reasonable inspection, she  
 16 or he shall give a receipt to the wrecker ~~towing-storage~~  
 17 company reciting any claims she or he has for loss or damage  
 18 to the vehicle or vessel or to the contents of the vehicle or  
 19 vessel thereof.

20 (c) Upon determining the respective rights of the  
 21 parties, the court shall ~~may~~ award damages, reasonable  
 22 attorney's fees, and costs to ~~in favor of~~ the prevailing  
 23 party. ~~In any event,~~ The final order shall require ~~provide for~~  
 24 immediate payment in full of the recovery, towing, and storage  
 25 fees by the vehicle or vessel owner or lienholder, ~~+~~ by ~~or~~ the  
 26 law enforcement agency ordering the tow, ~~+~~ or by the property  
 27 owner, ~~lessee, or agent thereof~~ of the real property from  
 28 which the vehicle or vessel was towed or removed under s.  
 29 715.07.

30 (6) Any vehicle or vessel that ~~which~~ is stored under  
 31 ~~pursuant to~~ subsection (2) and ~~which~~ remains unclaimed, or for

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1 which reasonable charges for recovery, towing, or storing  
2 remain unpaid, and any contents not released under ~~pursuant to~~  
3 subsection (10); may be sold by the wrecker company ~~owner or~~  
4 ~~operator of the storage space~~ for the ~~such~~ towing or storage  
5 charge ~~after~~ 35 days after ~~from the time~~ the vehicle or vessel  
6 is stored in the wrecker company's storage facility ~~therein~~ if  
7 the vehicle or vessel is more than 3 years of age or ~~after~~ 50  
8 days after ~~following the time~~ the vehicle or vessel is stored  
9 in the wrecker company's storage facility ~~therein~~ if the  
10 vehicle or vessel is 3 years of age or less. The sale shall be  
11 at public auction for cash. If the date of the sale is ~~was~~ not  
12 included in the notice required in subsection (4), notice of  
13 the sale shall be given to the person in whose name the  
14 vehicle or vessel is registered and to all persons claiming a  
15 lien on the vehicle or vessel as shown on the records of the  
16 Department of Highway Safety and Motor Vehicles or of the  
17 corresponding agency in any other state. Notice shall be sent  
18 by certified mail, ~~return receipt requested,~~ to the owner of  
19 the vehicle or vessel and the person having the recorded lien  
20 on the vehicle or vessel at the address shown on the records  
21 of the registering agency and shall be mailed at least ~~not~~  
22 ~~less than~~ 15 days before the date of the sale. After diligent  
23 search and inquiry, if the name and address of the registered  
24 owner or the owner of the recorded lien cannot be ascertained,  
25 the requirements of notice by mail may be dispensed with. In  
26 addition to the notice by mail, public notice of the time and  
27 place of sale shall be made by publishing a notice of the sale  
28 ~~thereof~~ one time, at least 10 days prior to the date of the  
29 sale, in a newspaper of general circulation in the county in  
30 which the sale is to be held. The proceeds of the sale, after  
31 payment of reasonable towing and storage charges, and costs of

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1 the sale, in that order of priority, shall be deposited with  
 2 the clerk of the circuit court for the county if the owner is  
 3 absent, and the clerk shall hold the ~~such~~ proceeds subject to  
 4 the claim of the person legally entitled to those proceeds  
 5 ~~thereto~~. The clerk shall be entitled to receive 5 percent of  
 6 the ~~such~~ proceeds for the care and disbursement of the  
 7 proceeds ~~thereof~~. The certificate of title issued under this  
 8 section ~~law~~ shall be discharged of all liens unless otherwise  
 9 provided by court order.

10 (7)(a) A wrecker company, its wrecker operators, and  
 11 other employees or agents of the wrecker company ~~operator~~  
 12 recovering, towing, or storing vehicles or vessels are ~~is~~ not  
 13 liable for damages connected with those ~~such~~ services, theft  
 14 of the ~~such~~ vehicles or vessels, or theft of personal property  
 15 contained in the ~~such~~ vehicles or vessels if those, ~~provided~~  
 16 ~~that such~~ services are ~~have been~~ performed with reasonable  
 17 care and ~~provided, further, that,~~ in the case of removal of a  
 18 vehicle or vessel upon the request of a person purporting, and  
 19 reasonably appearing, to be the property owner ~~or lessee, or a~~  
 20 ~~person authorized by the owner or lessee,~~ of the real property  
 21 from which the ~~such~~ vehicle or vessel is removed, the ~~such~~  
 22 removal is ~~has been~~ done in compliance with s. 715.07.  
 23 Further, a wrecker company, its wrecker operators, and other  
 24 employees or agents of the wrecker company ~~are~~ ~~operator is~~ not  
 25 liable for damage to a vehicle, a vessel, or cargo that  
 26 obstructs the normal movement of traffic or creates a hazard  
 27 to traffic and is removed in compliance with the request of a  
 28 law enforcement officer.

29 (b) For the purposes of this subsection, a wrecker  
 30 company, its wrecker operators, and other employees or agents  
 31 of the wrecker company ~~are~~ ~~operator is~~ presumed to use

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1 reasonable care to prevent the theft of a vehicle or vessel or  
2 of any personal property contained in the ~~such~~ vehicle or  
3 vessel stored in the wrecker company's ~~operator's~~ storage  
4 facility if all of the following apply:

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

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

12       3. The wrecker company ~~operator~~ uses one or more of  
13 the following security methods to discourage theft of vehicles  
14 or vessels or of any personal property contained in such  
15 vehicles or vessels stored in the wrecker company's ~~operator's~~  
16 storage facility:

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

19           b. A security dog remains at the storage facility from  
20 sunset to sunrise;

21           c. Security cameras or other similar surveillance  
22 devices monitor the storage facility; or

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

25       (c) Any law enforcement agency requesting that a motor  
26 vehicle be removed from an accident scene, street, or highway  
27 must conduct an inventory and prepare a written record of all  
28 personal property found in the vehicle before the vehicle is  
29 removed by a wrecker operator. However, if the owner or driver  
30 of the motor vehicle is present and accompanies the vehicle,  
31 an ~~no~~ inventory by law enforcement is not required. A wrecker

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1 company, its wrecker operators, and other employees or agents  
 2 of the wrecker company are ~~operator is~~ not liable for the loss  
 3 of personal property alleged to be contained in ~~such~~ a vehicle  
 4 when the ~~such~~ personal property was not identified on the  
 5 inventory record prepared by the law enforcement agency  
 6 requesting the removal of the vehicle.

7 (8) A wrecker company and its wrecker operators,  
 8 excluding ~~person regularly engaged in the business of~~  
 9 ~~recovering, towing, or storing vehicles or vessels, except a~~  
 10 person licensed under chapter 493 while engaged in  
 11 "repossession" activities as defined in s. 493.6101, may not  
 12 operate a wrecker, ~~tow truck, or car carrier~~ unless the name,  
 13 address, and telephone number of the wrecker company  
 14 performing the wrecker services ~~service~~ is clearly printed in  
 15 contrasting colors on the driver and passenger sides of the  
 16 wrecker ~~its vehicle~~. The name must be in at least 3-inch  
 17 permanently affixed letters, and the address and telephone  
 18 number must be in at least 1-inch permanently affixed letters.

19 (9) Failure to make good faith, best efforts to comply  
 20 with the notice requirements of this section precludes ~~shall~~  
 21 ~~preclude~~ the imposition of any storage charges against the  
 22 ~~such~~ vehicle or vessel.

23 (10) Each wrecker company that provides ~~Persons who~~  
 24 ~~provide~~ services under ~~pursuant to~~ this section shall permit  
 25 vehicle or vessel owners or their agents, which agency is  
 26 evidenced by an original writing acknowledged by the owner  
 27 before a notary public or other person empowered by law to  
 28 administer oaths, to inspect the towed vehicle or vessel and  
 29 shall release to the owner or agent the vehicle, vessel, or  
 30 all personal property not affixed to the vehicle or vessel  
 31 that ~~which~~ was in the vehicle or vessel at the time the



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1 vehicle or vessel came into the custody of the wrecker company  
2 ~~person~~ providing those ~~such~~ services.

3           (11)(a) A wrecker company that ~~Any person regularly~~  
4 ~~engaged in the business of recovering, towing, or storing~~  
5 ~~vehicles or vessels who~~ comes into possession of a vehicle or  
6 vessel pursuant to subsection (2) and complies ~~who has~~  
7 ~~complied with the provisions of~~ subsections (3) and (6), when  
8 the ~~such~~ vehicle or vessel is to be sold for purposes of being  
9 dismantled, destroyed, or changed in such a manner that it is  
10 not the motor vehicle or vessel described in the certificate  
11 of title, must ~~shall~~ apply to the county tax collector for a  
12 certificate of destruction. A certificate of destruction,  
13 which authorizes the dismantling or destruction of the vehicle  
14 or vessel described on the certificate ~~therein, is~~ ~~shall be~~  
15 reassignable no more than twice ~~a maximum of two times~~ before  
16 dismantling or destruction of the vehicle or vessel is ~~shall~~  
17 ~~be~~ required, and, in lieu of a certificate of title, the  
18 certificate of destruction shall accompany the vehicle or  
19 vessel for which it is issued, when the ~~such~~ vehicle or vessel  
20 is sold for that purpose ~~such purposes, in lieu of a~~  
21 ~~certificate of title~~. The application for a certificate of  
22 destruction must include an affidavit from the applicant that  
23 it has complied with all applicable requirements of this  
24 section and, if the vehicle or vessel is not registered in  
25 this state, by a statement from a law enforcement officer that  
26 the vehicle or vessel is not reported stolen, and must also  
27 ~~shall be~~ accompanied by any other ~~such~~ documentation ~~as may be~~  
28 required by the department.

29           (b) The Department of Highway Safety and Motor  
30 Vehicles shall charge a fee of \$3 for each certificate of  
31 destruction. A service charge of \$4.25 shall be collected and

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1 retained by the tax collector who processes the application.

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

5 (12)(a) Any person who violates ~~any provision of~~  
6 subsection (1), subsection (2), subsection (4), subsection  
7 (5), subsection (6), or subsection (7) commits ~~is guilty of a~~  
8 misdemeanor of the first degree, punishable as provided in s.  
9 775.082 or s. 775.083.

10 (b) Any person who violates subsection (8), subsection  
11 (9), subsection (10), or subsection (11) commits ~~the~~  
12 ~~provisions of subsections (8) through (11) is guilty of a~~  
13 felony of the third degree, punishable as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15 (c) Any person who uses a false or fictitious name,  
16 gives a false or fictitious address, or makes any false  
17 statement in any application or affidavit required under ~~the~~  
18 ~~provisions of this section~~ commits ~~is guilty of a~~ felony of  
19 the third degree, punishable as provided in s. 775.082, s.  
20 775.083, or s. 775.084.

21 (d) Employees of the Department of Highway Safety and  
22 Motor Vehicles and law enforcement officers may ~~are authorized~~  
23 ~~to~~ inspect the records of each wrecker company in this state  
24 ~~any person regularly engaged in the business of recovering,~~  
25 ~~towing, or storing vehicles or vessels or transporting~~  
26 ~~vehicles or vessels by wrecker, tow truck, or car carrier, to~~  
27 ensure compliance with the requirements of this section. Any  
28 person who fails to maintain records, or fails to produce  
29 records when required in a reasonable manner and at a  
30 reasonable time, commits a misdemeanor of the first degree,  
31 punishable as provided in s. 775.082 or s. 775.083.

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1           (13)(a) Upon receipt by the Department of Highway  
2 Safety and Motor Vehicles of written notice from a wrecker  
3 company that ~~operator who~~ claims a wrecker company's  
4 ~~operator's~~ lien under paragraph (2)(c) ~~or paragraph (2)(d)~~ for  
5 recovery, towing, or storage of an abandoned vehicle or vessel  
6 upon instructions from any law enforcement agency, for which a  
7 certificate of destruction has been issued under subsection  
8 (11), the department shall place the name of the registered  
9 owner of that vehicle or vessel on the list of those persons  
10 who may not be issued a license plate or revalidation sticker  
11 for any motor vehicle under s. 320.03(8). If the vehicle or  
12 vessel is owned jointly by more than one person, the name of  
13 each registered owner shall be placed on the list. The notice  
14 of wrecker company's ~~operator's~~ lien shall be submitted on  
15 forms provided by the department, which must include:

16           1. The name, address, and telephone number of the  
17 wrecker company ~~operator~~.

18           2. The name of the registered owner of the vehicle or  
19 vessel and the address to which the wrecker company ~~operator~~  
20 provided notice of the lien to the registered owner under  
21 subsection (4).

22           3. A general description of the vehicle or vessel,  
23 including its color, make, model, body style, and year.

24           4. The vehicle identification number (VIN);  
25 registration license plate number, state, and year; validation  
26 decal number, state, and year; vessel registration number;  
27 hull identification number; or other identification number, as  
28 applicable.

29           5. The name of the person or the corresponding law  
30 enforcement agency that requested that the vehicle or vessel  
31 be recovered, towed, or stored.

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

3           (b) For purposes of this subsection only, the amount  
4 of the wrecker company's ~~operator's~~ lien for which the  
5 department will prevent issuance of a license plate or  
6 revalidation sticker may not exceed the amount of the charges  
7 for recovery, towing, and storage of the vehicle or vessel for  
8 7 days. These charges may not exceed the maximum rates imposed  
9 by the ordinances of the respective county or municipality  
10 under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph  
11 does not limit the amount of a wrecker company's ~~operator's~~  
12 lien claimed under subsection (2) or prevent a wrecker company  
13 ~~operator~~ from seeking civil remedies for enforcement of the  
14 entire amount of the lien, but limits only that portion of the  
15 lien for which the department will prevent issuance of a  
16 license plate or revalidation sticker.

17           (c)1. The registered owner of a vehicle or vessel may  
18 dispute a wrecker company's ~~operator's~~ lien, by notifying the  
19 department of the dispute in writing on forms provided by the  
20 department, if at least one of the following applies:

21           a. The registered owner presents a notarized bill of  
22 sale proving that the vehicle or vessel was sold in a private  
23 or casual sale before the vehicle or vessel was recovered,  
24 towed, or stored.

25           b. The registered owner presents proof that the  
26 Florida certificate of title of the vehicle or vessel was sold  
27 to a licensed dealer as defined in s. 319.001 before the  
28 vehicle or vessel was recovered, towed, or stored.

29           c. The records of the department were marked "sold"  
30 prior to the date of the tow.

31

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1 If the registered owner's dispute of a wrecker company's  
 2 ~~operator's~~ lien complies with one of these criteria, the  
 3 department shall immediately remove the registered owner's  
 4 name from the list of those persons who may not be issued a  
 5 license plate or revalidation sticker for any motor vehicle  
 6 under s. 320.03(8), thereby allowing issuance of a license  
 7 plate or revalidation sticker. If the vehicle or vessel is  
 8 owned jointly by more than one person, each registered owner  
 9 must dispute the wrecker company's ~~operator's~~ lien in order to  
 10 be removed from the list. However, the department shall deny  
 11 any dispute and maintain the registered owner's name on the  
 12 list of those persons who may not be issued a license plate or  
 13 revalidation sticker for any motor vehicle under s. 320.03(8)  
 14 if the wrecker company ~~operator~~ has provided the department  
 15 with a certified copy of the judgment of a court that ~~which~~  
 16 orders the registered owner to pay the wrecker company's  
 17 ~~operator's~~ lien claimed under this section. In such a case,  
 18 the amount of the wrecker company's ~~operator's~~ lien allowed by  
 19 paragraph (b) may be increased to include no more than \$500 of  
 20 the reasonable costs and attorney's fees incurred in obtaining  
 21 the judgment. The department's action under this subparagraph  
 22 is ministerial in nature, shall not be considered final agency  
 23 action, and is appealable only to the county court for the  
 24 county in which the vehicle or vessel was ordered removed.

25         2. A person against whom a wrecker company's  
 26 ~~operator's~~ lien has been imposed may alternatively obtain a  
 27 discharge of the lien by filing a complaint, challenging the  
 28 validity ~~of the lien~~ or the amount of the lien ~~thereof~~, in the  
 29 county court of the county in which the vehicle or vessel was  
 30 ordered removed. Upon filing of the complaint, the person may  
 31 have her or his name removed from the list of those persons

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1 who may not be issued a license plate or revalidation sticker  
 2 for any motor vehicle under s. 320.03(8), thereby allowing  
 3 issuance of a license plate or revalidation sticker, upon  
 4 posting with the court a cash or surety bond or other adequate  
 5 security equal to the amount of the wrecker company's  
 6 ~~operator's~~ lien to ensure the payment of such lien in the  
 7 event she or he does not prevail. Upon the posting of the bond  
 8 and the payment of the applicable fee set forth in s. 28.24,  
 9 the clerk of the court shall issue a certificate notifying the  
 10 department of the posting of the bond and directing the  
 11 department to release the wrecker company's ~~operator's~~ lien.  
 12 Upon determining the respective rights of the parties, the  
 13 court may award damages and costs in favor of the prevailing  
 14 party.

15           3. If a person against whom a wrecker company's  
 16 ~~operator's~~ lien has been imposed does not object to the lien,  
 17 but cannot discharge the lien by payment because the wrecker  
 18 company ~~operator~~ has moved or gone out of business, the person  
 19 may have her or his name removed from the list of those  
 20 persons who may not be issued a license plate or revalidation  
 21 sticker for any motor vehicle under s. 320.03(8), thereby  
 22 allowing issuance of a license plate or revalidation sticker,  
 23 upon posting with the clerk of court in the county in which  
 24 the vehicle or vessel was ordered removed, a cash or surety  
 25 bond or other adequate security equal to the amount of the  
 26 wrecker company's ~~operator's~~ lien. Upon the posting of the  
 27 bond and the payment of the application fee set forth in s.  
 28 28.24, the clerk of the court shall issue a certificate  
 29 notifying the department of the posting of the bond and  
 30 directing the department to release the wrecker company's  
 31 ~~operator's~~ lien. The department shall mail to the wrecker

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1 company operator, at the address upon the lien form, notice  
2 that the wrecker company operator must claim the security  
3 within 60 days, or the security will be released back to the  
4 person who posted it. At the conclusion of the 60 days, the  
5 department shall direct the clerk as to which party is  
6 entitled to payment of the security, less applicable clerk's  
7 fees.

8 4. A wrecker company's operator's lien expires 5 years  
9 after filing.

10 (d) Upon discharge of the amount of the wrecker  
11 company's operator's lien allowed by paragraph (b), the  
12 wrecker company operator must issue a certificate of  
13 discharged wrecker company's operator's lien on forms provided  
14 by the department to each registered owner of the vehicle or  
15 vessel attesting that the amount of the wrecker company's  
16 operator's lien allowed by paragraph (b) has been discharged.  
17 Upon presentation of the certificate of discharged wrecker  
18 company's operator's lien by the registered owner, the  
19 department shall immediately remove the registered owner's  
20 name from the list of those persons who may not be issued a  
21 license plate or revalidation sticker for any motor vehicle  
22 under s. 320.03(8), thereby allowing issuance of a license  
23 plate or revalidation sticker. Issuance of a certificate of  
24 discharged wrecker company's operator's lien under this  
25 paragraph does not discharge the entire amount of the wrecker  
26 company's operator's lien claimed under subsection (2), but  
27 only certifies to the department that the amount of the  
28 wrecker company's operator's lien allowed by paragraph (b),  
29 for which the department will prevent issuance of a license  
30 plate or revalidation sticker, has been discharged.

31 (e) When a wrecker company operator files a notice of

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1 wrecker company's ~~operator's~~ lien under this subsection, the  
 2 department shall charge the wrecker company ~~operator~~ a fee of  
 3 \$2, which shall be deposited into the General Revenue Fund  
 4 established under s. 860.158. A service charge of \$2.50 shall  
 5 be collected and retained by the tax collector who processes a  
 6 notice of wrecker company's ~~operator's~~ lien.

7 (f) This subsection applies only to the annual renewal  
 8 in the registered owner's birth month of a motor vehicle  
 9 registration and does not apply to the transfer of a  
 10 registration of a motor vehicle sold by a motor vehicle dealer  
 11 licensed under chapter 320, except for the transfer of  
 12 registrations which is inclusive of the annual renewals. This  
 13 subsection does not apply to any vehicle registered in the  
 14 name of the lessor. This subsection does not affect the  
 15 issuance of the title to a motor vehicle, notwithstanding s.  
 16 319.23(7)(b).

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

20 Section 19. The amendments to section 713.78, Florida  
 21 Statutes, made by this act do not affect the validity of liens  
 22 established under section 713.78, Florida Statutes, before  
 23 January 1, 2008.

24 Section 20. Effective January 1, 2008, section 715.07,  
 25 Florida Statutes, is amended to read:

26 715.07 Vehicles or vessels parked on real ~~private~~  
 27 property without permission; towing.--

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

29 (a) "Property owner" means an owner or lessee of real  
 30 property, or a person authorized by the owner or lessee, which  
 31 person may be the designated representative of the condominium



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1 association if the real property is a condominium.

2 (b)(a) "Vehicle" has the same meaning ascribed in s.  
3 508.101 means any mobile item which normally uses wheels,  
4 whether motorized or not.

5 (c)(b) "Vessel" has the same meaning ascribed in s.  
6 508.101 means every description of watercraft, barge, and  
7 airboat used or capable of being used as a means of  
8 transportation on water, other than a seaplane or a  
9 "documented vessel" as defined in s. 327.02(9).

10 (d) "Wrecker company" has the same meaning ascribed in  
11 s. 508.101.

12 (e) "Wrecker operator" has the same meaning ascribed  
13 in s. 508.101.

14 (2) A property owner ~~The owner or lessee of real~~  
15 ~~property, or any person authorized by the owner or lessee,~~  
16 ~~which person may be the designated representative of the~~  
17 ~~condominium association if the real property is a condominium,~~  
18 may cause a any vehicle or vessel parked on her or his ~~such~~  
19 property without her or his permission to be removed by a  
20 wrecker company registered under chapter 508 ~~person regularly~~  
21 ~~engaged in the business of towing vehicles or vessels,~~ without  
22 liability for the costs of removal, transportation, or storage  
23 or damages caused by the ~~such~~ removal, transportation, or  
24 storage, under any of the following circumstances:

25 (a) The towing or removal of any vehicle or vessel  
26 from real ~~private~~ property without the consent of the  
27 registered owner or other legally authorized person in control  
28 of that vehicle or vessel is subject to strict compliance with  
29 the following conditions and restrictions:

30 1.a. Any towed or removed vehicle or vessel must be  
31 stored at a storage facility ~~site~~ within a 10-mile radius of

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1 the point of removal in any county with a population of  
 2 500,000 ~~population~~ or more, and within a 15-mile radius of the  
 3 point of removal in any county with a population of fewer less  
 4 than 500,000 ~~population~~. The wrecker company's storage  
 5 facility ~~That site~~ must be open for the purpose of redemption  
 6 of vehicles and vessels on any day that the wrecker company  
 7 ~~person or firm~~ towing the ~~such~~ vehicle or vessel is open for  
 8 towing purposes, from 8 ~~8:00~~ a.m. to 6 ~~6:00~~ p.m., and, when  
 9 closed, must ~~shall~~ have prominently posted a sign indicating a  
 10 telephone number where the operator of the storage facility  
 11 ~~site~~ can be reached at all times. Upon receipt of a telephoned  
 12 request to open the storage facility ~~site~~ to redeem a vehicle  
 13 or vessel, the operator shall return to the storage facility  
 14 ~~site~~ within 1 hour or she or he is ~~will be~~ in violation of  
 15 this section.

16         b. If no wrecker company ~~towing business providing~~  
 17 ~~such service~~ is located within the area of towing limitations  
 18 ~~set forth~~ in sub-subparagraph a., the following limitations  
 19 apply: any towed or removed vehicle or vessel must be stored  
 20 at a storage facility ~~site~~ within a 20-mile radius of the  
 21 point of removal in any county with a population of 500,000  
 22 ~~population~~ or more, and within a 30-mile radius of the point  
 23 of removal in any county with a population of fewer less than  
 24 500,000 ~~population~~.

25         2. The wrecker company ~~person or firm~~ towing or  
 26 removing the vehicle or vessel shall, within 30 minutes after  
 27 completion of the ~~such~~ towing or removal, notify the municipal  
 28 police department or, in an unincorporated area, the sheriff,  
 29 of the ~~such~~ towing or removal, the location of the storage  
 30 facility ~~site~~, the time the vehicle or vessel was towed or  
 31 removed, and the make, model, color, and license plate number

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1 of the vehicle or the make, model, color, and registration  
 2 number of the vessel. The wrecker company or description and  
 3 registration number of the vessel and shall also obtain the  
 4 name of the person at the police that department or sheriff's  
 5 office to whom such information is ~~was~~ reported and note that  
 6 name on the trip record.

7           3. A wrecker operator ~~person~~ in the process of towing  
 8 or removing a vehicle or vessel from the premises or parking  
 9 lot in which the vehicle or vessel is ~~not lawfully~~ parked  
 10 without permission must stop when a person seeks the return of  
 11 the vehicle or vessel. The vehicle or vessel must be returned  
 12 upon the payment of a reasonable service fee of not more than  
 13 one-half of the posted rate for the towing or removal service  
 14 as provided in subparagraph 6. The vehicle or vessel may be  
 15 towed or removed if, after a reasonable opportunity, the owner  
 16 or legally authorized person in control of the vehicle or  
 17 vessel is unable to pay the service fee or refuses to remove  
 18 the vehicle or vessel that is parked without permission. If  
 19 the vehicle or vessel is redeemed, a detailed signed receipt  
 20 must be given to the person redeeming the vehicle or vessel.

21           4. A wrecker company, a wrecker operator, or another  
 22 employee or agent of a wrecker company ~~person~~ may not pay or  
 23 accept money or other valuable consideration for the privilege  
 24 of towing or removing vehicles or vessels from a particular  
 25 location.

26           5. Except for property appurtenant to and obviously a  
 27 part of a single-family residence, and except for instances  
 28 when notice is personally given to the owner or other legally  
 29 authorized person in control of the vehicle or vessel that the  
 30 area in which that vehicle or vessel is parked is reserved or  
 31 otherwise unavailable for unauthorized vehicles or vessels and

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1 that the vehicle or vessel is subject to being removed at the  
 2 owner's or operator's expense, any property owner ~~or lessee,~~  
 3 ~~or person authorized by the property owner or lessee,~~ before  
 4 ~~prior to~~ towing or removing any vehicle or vessel from real  
 5 ~~private~~ property without the consent of the owner or other  
 6 legally authorized person in control of that vehicle or  
 7 vessel, must post a notice meeting the following requirements:

8         a. The notice must be prominently placed at each  
 9 driveway access or curb cut allowing vehicular access to the  
 10 property, within 5 feet from the public right-of-way line. If  
 11 there are no curbs or access barriers, at least one sign ~~the~~  
 12 ~~signs~~ must be posted ~~not less than one sign~~ for each 25 feet  
 13 of lot frontage.

14         b. The notice must clearly indicate, in at least ~~not~~  
 15 ~~less than~~ 2-inch high, light-reflective letters on a  
 16 contrasting background, that unauthorized vehicles will be  
 17 towed away at the owner's expense. The words "tow-away zone"  
 18 must be included on the sign in at least ~~not less than~~ 4-inch  
 19 high letters.

20         c. The notice must also provide the name and current  
 21 telephone number of the wrecker company ~~person or firm~~ towing  
 22 or removing the vehicles or vessels.

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

29         e. The local government may require permitting and  
 30 inspection of these signs prior to any towing or removal of  
 31 vehicles or vessels being authorized.

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

7 ~~g. A property owner towing or removing vessels from  
 8 real property must post notice, consistent with the  
 9 requirements in sub-subparagraphs a.-f., which apply to  
 10 vehicles, that unauthorized vehicles or vessels will be towed  
 11 away at the owner's expense.~~

12  
 13 A business owner or lessee may authorize the removal of a  
 14 vehicle or vessel by a wrecker towing company registered under  
 15 chapter 508 when no tow-away sign is posted if the vehicle or  
 16 vessel is parked in ~~such~~ a manner that restricts the normal  
 17 operation of business. ~~and~~ If a vehicle or vessel parked on a  
 18 public right-of-way obstructs access to a private driveway  
 19 when no tow-away sign is posted, the owner or, lessee of the  
 20 driveway, or the owner's or lessee's agent may have the  
 21 vehicle or vessel removed by a wrecker towing company  
 22 registered under chapter 508 upon signing an order that the  
 23 vehicle or vessel be removed ~~without a posted tow-away zone~~  
 24 ~~sign.~~

25 6. Each wrecker company ~~Any person or firm~~ that tows  
 26 or removes vehicles or vessels and proposes to require an  
 27 owner, operator, or person in control of a vehicle or vessel  
 28 to pay the costs of towing and storage prior to redemption of  
 29 the vehicle or vessel must file and keep on record with the  
 30 local law enforcement agency a complete copy of the current  
 31 rates to be charged for the ~~such~~ services and post at the

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1 wrecker company's storage facility ~~site~~ an identical rate  
 2 schedule and any written contracts with property owners,  
 3 ~~lessees~~, or persons in control of real property ~~that~~ which  
 4 authorize the wrecker company ~~such person or firm~~ to remove  
 5 vehicles or vessels as provided in this section.

6       7. Each wrecker company ~~Any person or firm~~ towing or  
 7 removing any vehicles or vessels from real ~~private~~ property  
 8 without the consent of the owner or other legally authorized  
 9 person in control of the vehicles or vessels shall, on each  
 10 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 ~~s.~~  
 11 713.78(1)(c), or ~~other vehicles~~ used in the towing or removal,  
 12 have the name, address, and telephone number of the wrecker  
 13 company ~~performing such service~~ clearly printed in contrasting  
 14 colors on the driver and passenger sides of the wrecker  
 15 ~~vehicle~~. The name must ~~shall~~ be in at least 3-inch permanently  
 16 affixed letters, and the address and telephone number must  
 17 ~~shall~~ be in at least 1-inch permanently affixed letters.

18       8. Vehicle or vessel entry for the purpose of towing  
 19 or removing the vehicle or vessel is ~~shall be~~ allowed with  
 20 reasonable care on the part of the wrecker company and the  
 21 wrecker operators ~~person or firm~~ towing the vehicle or vessel.  
 22 A wrecker company, its wrecker operators, and other employees  
 23 or agents of the wrecker company are not ~~Such person or firm~~  
 24 ~~shall be~~ liable for any damage occasioned to the vehicle or  
 25 vessel if ~~such~~ entry into the vehicle or vessel is performed  
 26 ~~not in accordance with the standard of~~ reasonable care.

27       9. When a vehicle or vessel is ~~has been~~ towed or  
 28 removed under ~~pursuant to~~ this section, the wrecker company ~~it~~  
 29 must release the vehicle or vessel ~~be released~~ to its owner or  
 30 an agent of the owner ~~custodian~~ within one hour after  
 31 requested. Any vehicle or vessel owner or the owner's agent

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1 has ~~shall have~~ the right to inspect the vehicle or vessel  
2 before accepting its return. A wrecker company may not require  
3 any vehicle or vessel owner, custodian, or agent to, and no  
4 release the wrecker company ~~or waiver of any kind which would~~  
5 ~~release the person or firm~~ towing the vehicle or vessel from  
6 liability for damages noted by the owner or other legally  
7 authorized person at the time of the redemption ~~may be~~  
8 ~~required from any vehicle or vessel owner, custodian, or agent~~  
9 as a condition of release of the vehicle or vessel to its  
10 owner. A wrecker company must give a person paying towing and  
11 storage charges under this section a detailed, signed receipt  
12 showing the legal name of the wrecker company ~~or person towing~~  
13 ~~or removing the vehicle or vessel must be given to the person~~  
14 ~~paying towing or storage charges~~ at the time of payment,  
15 whether requested or not.

16 (b) The ~~These~~ requirements of this subsection are  
17 minimum standards and do not preclude enactment of additional  
18 regulations by any municipality or county, including the  
19 regulation of ~~right to regulate~~ rates when vehicles or vessels  
20 are towed from real ~~private~~ property.

21 (3) This section does not apply to vehicles or vessels  
22 that are reasonably identifiable from markings as law  
23 enforcement, firefighting, rescue squad, ambulance, or other  
24 emergency vehicles or vessels ~~that are marked as such~~ or to  
25 property owned by any governmental entity.

26 (4) When a person improperly causes a vehicle or  
27 vessel to be removed, that ~~such person is~~ shall be liable to  
28 the owner or lessee of the vehicle or vessel for the cost of  
29 removal, transportation, and storage; any damages resulting  
30 from the removal, transportation, or storage of the vehicle or  
31 vessel; attorney's fees; and court costs.

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1           (5) Failure to make good faith efforts to comply with  
 2 the notice requirements in subparagraph (2)(a)5. precludes the  
 3 imposition of any towing or storage charges against the  
 4 vehicle or vessel.

5           ~~(6)(5)~~(a) Any person who violates subparagraph  
 6 (2)(a)2. or subparagraph (2)(a)6. commits a misdemeanor of the  
 7 first degree, punishable as provided in s. 775.082 or s.  
 8 775.083.

9           (b) Any person who violates subparagraph (2)(a)1.,  
 10 subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph  
 11 (2)(a)7., or subparagraph (2)(a)9. commits a felony of the  
 12 third degree, punishable as provided in s. 775.082, s.  
 13 775.083, or s. 775.084.

14           Section 21. Effective January 1, 2008, subsection (15)  
 15 of section 1.01, Florida Statutes, is repealed.

16           Section 22. The sum of \$693,000 is appropriated from  
 17 the General Inspection Trust Fund to the Department of  
 18 Agriculture and Consumer Services, and nine additional  
 19 full-time-equivalent positions and associated salary rate of  
 20 304,446 are authorized, for the purpose of implementing this  
 21 act during the 2007-2008 fiscal year.

22           Section 23. Except as otherwise expressly provided in  
 23 this act, this act shall take effect July 1, 2007.

24  
 25

26 ===== T I T L E   A M E N D M E N T =====

27 And the title is amended as follows:

28           Delete everything before the enacting clause

29

30 and insert:

31   A bill to be entitled



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1 An act relating to wrecker services; creating  
2 chapter 508, F.S.; providing for regulatory  
3 oversight of wrecker services by the Department  
4 of Agriculture and Consumer Services; creating  
5 s. 508.101, F.S.; providing definitions;  
6 creating s. 508.102, F.S.; creating the Wrecker  
7 Operator Advisory Council within the Department  
8 of Agriculture and Consumer Services; directing  
9 the council to prepare recommendations relating  
10 to education and training and present the  
11 recommendations to the Legislature and the  
12 Commissioner of Agriculture; providing for  
13 membership, terms, and organization; providing  
14 for meeting procedures and recordkeeping;  
15 providing for reimbursement for travel and per  
16 diem expenses; directing the department to  
17 provide support services for the council;  
18 directing the council to review rules adopted  
19 by the department and to advise the department  
20 on certain matters relating to the wrecker  
21 industry; creating s. 508.103, F.S.;

22 authorizing the department to adopt rules;  
23 creating s. 508.105, F.S.; requiring wrecker  
24 companies to register annually with the  
25 department; providing for the registration  
26 application; providing for processing of  
27 fingerprints by the Department of Law  
28 Enforcement; requiring fees for processing;  
29 providing for issuance of registration  
30 certificate; requiring display of the  
31 certificate; providing requirements for

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1 advertisements; requiring notification of  
2 changes in registration information; requiring  
3 certain fees to be paid; requiring certain  
4 companies to obtain a local business tax  
5 receipt prior to registration renewal;  
6 requiring insurance coverage; requiring the  
7 department to notify the Department of Highway  
8 Safety and Motor Vehicles when a registration  
9 has been suspended or revoked; creating s.  
10 508.106, F.S.; authorizing the Department of  
11 Agriculture and Consumer Services to deny,  
12 revoke, or refuse to renew the registration of  
13 a wrecker company under certain circumstances;  
14 creating s. 508.1061, F.S.; requiring a wrecker  
15 company to accept certain forms of payment;  
16 creating s. 508.107, F.S.; prohibiting certain  
17 acts; creating ss. 508.108 and 508.109, F.S.;  
18 providing administrative and civil penalties;  
19 creating s. 508.110, F.S.; providing for  
20 registration and renewal fees; creating s.  
21 508.111, F.S.; providing for deposit and use of  
22 fees, penalties, and other funds; creating s.  
23 508.112, F.S.; providing that the chapter does  
24 not apply to recovery agents; creating s.  
25 508.113, F.S.; authorizing counties and  
26 municipalities to enact ordinances governing  
27 wrecker operators; providing for the department  
28 to enter into a cooperative agreement with a  
29 county or municipality for the referral,  
30 investigation, and prosecution of consumer  
31 complaints or enforcement of specified wrecker

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1 services provisions; creating s. 508.114, F.S.;

2 requiring that a wrecker company maintain

3 records of its services; creating s. 508.104,

4 F.S.; prohibiting a person from owning,

5 operating, or otherwise engaging in the

6 business of a wrecker company without first

7 registering with the department; requiring

8 registration prior to issuance or renewal of

9 local business tax receipt; excluding certain

10 motor vehicle repair shops and dealers;

11 creating s. 508.116, F.S.; providing criminal

12 penalties; amending s. 120.80, F.S.; providing

13 for appointment of a hearing officer by the

14 director of the Division of the Florida Highway

15 Patrol when a hearing is held to deny, suspend,

16 or remove a wrecker company from participating

17 in the wrecker allocation system; creating s.

18 205.1977, F.S.; prohibiting a county or

19 municipality from issuing or renewing a

20 business tax receipt for a wrecker company that

21 is not registered with the Department of

22 Agriculture and Consumer Services; amending s.

23 316.530, F.S., relating to towing requirements;

24 conforming terminology; amending s. 320.01,

25 F.S.; redefining the term "wrecker" for

26 purposes of the Florida Statutes; amending s.

27 320.03, F.S., relating to withholding the motor

28 vehicle registration plate or revalidation

29 sticker; providing for application of

30 provisions to wrecker companies rather than

31 wrecker operators; amending s. 320.0706, F.S.;

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1 requiring a wrecker to display the registration  
2 license plate only on its front; amending s.  
3 320.0821, F.S.; revising requirements for the  
4 issuance of wrecker license plates; requiring  
5 the license plate to be displayed on the front  
6 of the wrecker; amending s. 320.13, F.S.,  
7 relating to dealer license plates; conforming  
8 terminology; reenacting ss. 316.550(4)(a) and  
9 (9) and 320.08(5)(d) and (e), F.S., relating to  
10 special wrecker permits and license taxes, to  
11 incorporate the amendment to s. 320.01, F.S.,  
12 in references thereto; amending s. 321.051,  
13 F.S.; revising provisions for the Florida  
14 Highway Patrol wrecker operator system;  
15 changing the designation to "wrecker allocation  
16 system"; providing definitions; revising  
17 provisions that authorize the Division of the  
18 Florida Highway Patrol within the Department of  
19 Highway Safety and Motor Vehicles to establish  
20 the system; revising requirements for the  
21 system; limiting the system to using certain  
22 registered wrecker companies; revising wrecker  
23 eligibility requirements; revising provisions  
24 for procedures for appeal of final orders by  
25 the department denying, suspending, or revoking  
26 eligibility to participate; prohibiting an  
27 unauthorized wrecker company and wrecker  
28 operators dispatched by an unauthorized company  
29 from engaging in certain activities; requiring  
30 those operators to disclose certain information  
31 to the owner or operator of a wrecked or

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1 disabled vehicle prior to towing; providing  
2 penalties; providing for a law enforcement  
3 officer to dispatch an authorized wrecker  
4 company other than a company requested by the  
5 vehicle owner or operator or to dispatch a  
6 company out of rotation; amending s. 323.001,  
7 F.S.; revising procedures for placement of a  
8 hold on a vehicle at a storage facility;  
9 providing for placement of a hold by a law  
10 enforcement agency; providing definitions;  
11 revising provisions for payment of towing and  
12 storage charges; revising rate limitation  
13 provisions; amending s. 323.002, F.S.; revising  
14 provisions for county and municipal wrecker  
15 operator systems; changing the designation to  
16 "wrecker allocation systems"; providing  
17 definitions; limiting the systems to using  
18 certain registered wrecker companies;  
19 prohibiting an unauthorized wrecker company and  
20 wrecker operators dispatched by an unauthorized  
21 company from engaging in certain activities;  
22 requiring those operators to disclose certain  
23 information to the owner or operator of a  
24 wrecked or disabled vehicle prior to towing;  
25 providing penalties; providing for a law  
26 enforcement officer to dispatch an authorized  
27 wrecker company other than a company requested  
28 by the vehicle owner or operator or to dispatch  
29 a company out of rotation; amending s. 713.78,  
30 F.S.; providing for claim of lien by a wrecker  
31 company for recovering, removing, or storing a

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1 vehicle or vessel; conforming provisions to  
2 changes made by the act; providing definitions;  
3 requiring notification to the vehicle or vessel  
4 owners, insurers, and lienholders; providing  
5 for a law enforcement agency to obtain  
6 information from the Department of Highway  
7 Safety and Motor Vehicles and provide the  
8 information to the wrecker company; providing  
9 notice procedures; providing for content of the  
10 notice; providing for notice to the agency of  
11 jurisdiction if the vehicle or vessel owner or  
12 lienholder cannot be identified; revising  
13 procedures for complaint by the vehicle or  
14 vessel owner; providing for release of the  
15 vehicle or vessel; requiring damages,  
16 attorney's fees, and costs to be awarded by the  
17 court; requiring immediate payment of recovery,  
18 towing, and storage fees to be ordered by the  
19 court; providing for notice and sale of the  
20 vehicle or vessel by the wrecker company;  
21 providing for distribution of proceeds;  
22 providing for discharge of liens and issuance  
23 of certificate of title; providing immunity  
24 from liability for a wrecker company, its  
25 operators, and other employees or agents under  
26 certain conditions; providing for a presumption  
27 of the use of reasonable care; requiring  
28 wrecker company information to be printed on  
29 the wrecker; specifying that failure to make  
30 good faith, best efforts to comply with notice  
31 requirements precludes imposition of storage

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1 charges; requiring a wrecker company to provide  
2 access to the vehicle or vessel; requiring  
3 release of the vehicle, vessel, or personal  
4 property to the owner or agent of the owner;  
5 requiring the wrecker company to obtain a  
6 certificate of destruction in lieu of a  
7 certificate of title when the vehicle or vessel  
8 is to be dismantled, destroyed, or changed in  
9 such a manner that it is not the motor vehicle  
10 or vessel described in the certificate of  
11 title; providing for issuance of the  
12 certificate of destruction by the county tax  
13 collector; providing requirements for  
14 application for the certificate of destruction;  
15 providing for reassignment of the certificate  
16 of destruction; authorizing the Department of  
17 Highway Safety and Motor Vehicles to adopt  
18 rules; providing penalties for specified  
19 violations; authorizing the Department of  
20 Highway Safety and Motor Vehicles to inspect  
21 wrecker company records; directing the  
22 Department of Highway Safety and Motor  
23 Vehicles, upon notice of lien from a wrecker  
24 company, to place the name of the owner of the  
25 vehicle or vessel on the list of those persons  
26 who may not be issued a license plate or  
27 revalidation sticker for a motor vehicle;  
28 providing for forms for the notice of lien;  
29 providing for dispute by the owner; providing  
30 for the owner's name to be removed from the  
31 list of those persons who may not be issued a

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1 license plate or revalidation sticker for a  
2 motor vehicle; providing for lien expiration;  
3 requiring a certificate of discharge to be  
4 issued by the wrecker company; providing for  
5 certain fees and charges; providing for  
6 application and exceptions; clarifying that the  
7 amendments made by the act do not affect the  
8 validity of prior liens; amending s. 715.07,  
9 F.S., revising provisions for the towing and  
10 storage of vehicles and vessels parked on real  
11 property without permission; providing  
12 definitions; providing requirements for storage  
13 facility operation; providing requirements for  
14 a wrecker company, its operators, and other  
15 employees or agents; prohibiting a wrecker  
16 company, a wrecker operator, or another  
17 employee or agent of a wrecker company from  
18 paying or accepting payment for the privilege  
19 of removing vehicles or vessels from a  
20 particular location; revising requirements for  
21 tow-away signs to be posted by property owners;  
22 requiring a wrecker company to maintain rate  
23 schedules with the local law enforcement agency  
24 and to post rates and contracts at its storage  
25 facility; revising requirements for certain  
26 signage on a wrecker; providing immunity from  
27 liability for a wrecker company, its operators,  
28 and other employees or agents if entry into the  
29 vehicle or vessel is performed with reasonable  
30 care; revising provisions for release of the  
31 vehicle or vessel; providing that failure to



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1           comply with notice requirements precludes a  
2           wrecker company from imposing certain towing or  
3           storage charges; providing penalties; repealing  
4           s. 1.01(15), F.S., relating to the definition  
5           of the term "wrecker operator"; providing an  
6           appropriation and authorizing additional  
7           positions; providing effective dates.

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