

Bill No. SB 612

Barcode 681736

CHAMBER ACTION

Senate

House

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The Committee on Commerce (Crist) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 13, line 16, through  
page 30, line 16, delete those lines

and insert:

508.102 Wrecker Operator Advisory Council.--

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

(2)(a) The council shall be composed of seven members appointed by the Commissioner of Agriculture.

(b) Four members, two of whom operate three trucks or fewer, of the council must each be an ultimate equitable owner of a wrecker company who has been an ultimate equitable owner of that company for at least 5 years before his or her appointment; one member must be a wrecker operator who is not an ultimate equitable owner of a wrecker company and who has been a wrecker operator for at least 5 years before his or her

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1 appointment; and two members must be laypersons. Each member  
2 must be a resident of this state. This paragraph expires July  
3 1, 2013.

4 (c) Effective July 1, 2013, four members, two of whom  
5 operate three trucks or fewer, of the council must each be an  
6 ultimate equitable owner of a wrecker company registered under  
7 this chapter who has been an ultimate equitable owner of that  
8 company registered for at least 5 years before his or her  
9 appointment; one member must be a wrecker operator certified  
10 under this chapter who is not an ultimate equitable owner of a  
11 wrecker company and who has been a certified wrecker operator  
12 for at least 5 years before his or her appointment; and two  
13 members must be laypersons. Each member must be a resident of  
14 this state.

15 (3) The term of each member of the council is 4 years,  
16 except, in order to establish staggered terms, two members who  
17 are owners of wrecker companies and one layperson shall be  
18 appointed initially for a 2-year term. Members may be  
19 reappointed for additional terms that may not exceed 8 years  
20 of consecutive service. A vacancy shall be filled for the  
21 remainder of the unexpired term in the same manner as the  
22 original appointment.

23 (4)(a) From among its members, the council shall  
24 annually elect a chair, who shall preside over the meetings of  
25 the council, and a vice chair.

26 (b) In conducting its meetings, the council shall use  
27 accepted rules of procedure. The department shall keep a  
28 complete record of each meeting showing the names of members  
29 present and the actions taken. These records and other  
30 documents regarding matters within the jurisdiction of the  
31 council must be kept on file with the department.

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1       (5) The members of the council shall serve without  
2 compensation, but are entitled to reimbursement of travel and  
3 per diem expenses under s. 112.061.

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

7       (7) The council shall review the rules adopted by the  
8 department to administer this chapter and shall advise the  
9 department on matters relating to industry standards and  
10 practices and other issues that require technical expertise  
11 and consultation or that promote better consumer protection in  
12 the wrecker industry.

13       508.103 Rulemaking authority.--The department may  
14 adopt rules under ss. 120.536(1) and 120.54 to administer this  
15 chapter.

16       508.105 Registration requirements; renewal of  
17 registrations.--

18       (1) Each wrecker company engaged or attempting to  
19 engage for hire in the business of towing, carrying, or  
20 transporting vehicles or vessels by wrecker upon the streets  
21 and highways of this state must annually register with the  
22 department on forms prescribed by the department. The  
23 application for registration must include at least the  
24 following information:

25       (a) The name and federal employer identification  
26 number of the wrecker company.

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

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

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1       (d) The full name, residence address, business  
2 address, and telephone number of the applicant. If the  
3 applicant is other than a natural person, the application must  
4 also contain the full name, residence address, business  
5 address, telephone number, and federal employer identification  
6 number, if applicable, of each ultimate equitable owner of the  
7 business entity and each officer, director, partner, manager,  
8 member, or managing member of the entity.

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

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

15       (2) Each initial and renewal application for  
16 registration must be accompanied by the registration fee  
17 prescribed in s. 508.116.

18       (3) Each initial application for registration must be  
19 accompanied by a complete set of the applicant's fingerprints  
20 taken by a law enforcement agency. If the applicant is other  
21 than a natural person, a complete set of fingerprints must be  
22 filed for each ultimate equitable owner of the business entity  
23 and each officer, director, partner, manager, member, or  
24 managing member of the entity. The department shall submit the  
25 fingerprints to the Department of Law Enforcement for state  
26 processing, and the Department of Law Enforcement shall  
27 forward the fingerprints to the Federal Bureau of  
28 Investigation for national processing. The Department of  
29 Agriculture and Consumer Services shall collect from each  
30 applicant the fingerprint processing fee of \$23 for state  
31 processing and an additional fee, not to exceed the current

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1 cost, for national processing for each application submitted.  
 2 The department shall screen background results to determine if  
 3 the applicant meets the requirements for issuance of a  
 4 registration certificate. Registration renewal applications  
 5 need not be accompanied by a set of fingerprints for an  
 6 individual who previously submitted a set of fingerprints to  
 7 the department as part of a prior year's registration  
 8 application.

9       (4) The department shall review each application in  
 10 accordance with s. 120.60 and shall issue a registration  
 11 certificate, in the form and size prescribed by the  
 12 department, to each wrecker company whose application is  
 13 approved. The certificate must show at least the name and  
 14 address of the wrecker company and the registration number.  
 15 The registration certificate must be prominently displayed in  
 16 the wrecker company's primary place of business.

17       (5) Each advertisement of a wrecker company must  
 18 include the phrase "Fla. Wrecker Co. Req. No. \_\_\_\_\_." For the  
 19 purpose of this subsection, the term "advertisement" means a  
 20 printed or graphic statement made in a newspaper or other  
 21 publication or contained in any notice, handbill, or sign,  
 22 including signage on a vehicle, flyer, catalog, or letter.

23       (6) A registration is invalid for a wrecker company  
 24 transacting business at a place other than the location  
 25 specified in the registration application unless the  
 26 department is first notified in writing before the change of  
 27 location. A registration issued under this chapter is not  
 28 transferable or assignable, and a wrecker company may not  
 29 conduct business under a name other than the name registered.  
 30 A wrecker company desiring to change its registered name,  
 31 location, or registered agent for service of process at a time

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1 other than upon renewal of registration must notify the  
2 department of the change.

3 (7)(a) Each registration must be renewed annually on  
4 or before the expiration date of the current registration. A  
5 late fee of \$25 must be paid, in addition to the registration  
6 fee or any other penalty, for a registration renewal  
7 application that is received by the department after the  
8 expiration date of the current registration. The department  
9 may not issue a registration until all fees are paid.

10 (b) A wrecker company whose primary place of business  
11 is located within a county or municipality that requires, by  
12 local ordinance, a local business tax receipt under chapter  
13 205 may not renew a registration under this chapter unless the  
14 wrecker company obtains the business tax receipt from the  
15 county or municipality.

16 (8) Each wrecker company must provide the department  
17 with a certificate of insurance for the insurance coverage  
18 required under s. 627.7415 before the department may issue the  
19 certificate for an initial or renewal registration. The  
20 department must be named as a certificateholder on the  
21 insurance certificate and must be notified at least 30 days  
22 before any change in insurance coverage.

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

28 508.106 Denial of registration.--The department may  
29 deny, revoke, or refuse to renew the registration of a wrecker  
30 company based upon a determination that the applicant or, if  
31 the applicant is other than a natural person, the wrecker

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1 company or any of its ultimate equitable owners, officers,  
2 directors, partners, managers, members, or managing members  
3 has:

4 (1) Not met the requirements for registration under  
5 this chapter;

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

9 (3) Been convicted or found guilty of, regardless of  
10 adjudication, or pled guilty or nolo contendere to, a crime  
11 within the last 10 years involving repossession of a motor  
12 vehicle under chapter 493, repair of a motor vehicle under ss.  
13 559.901-559.9221, theft of a motor vehicle under s. 812.014,  
14 carjacking under s. 812.133, operation of a chop shop under s.  
15 812.16, failure to maintain records of motor vehicle parts and  
16 accessories under s. 860.14, violations relating to airbags  
17 under s. 860.145 or use of fake airbags under s. 860.146,  
18 overcharging for repairs and parts under s. 860.15, or a  
19 violation of towing or storage requirements for a motor  
20 vehicle under this chapter, s. 321.051, chapter 323, s.  
21 713.78, or s. 715.07;

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

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

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

31 508.1061 Acceptable forms of payment.--A wrecker

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1 company shall accept a minimum of two of the three following  
2 forms of payment:

3 (1) Cash, cashier's check, money order, or traveler's  
4 check.

5 (2) Valid personal check, showing upon its face the  
6 name and address of the vehicle or vessel owner or authorized  
7 representative.

8 (3) Valid credit card, including, but not limited to,  
9 Visa or MasterCard.

10 508.107 Wrecker operator certification program.--

11 (1) The department, in consultation with the council,  
12 shall establish a wrecker operator certification program by  
13 December 31, 2007. Under this program, the department shall  
14 approve certification courses for wrecker operators conducted  
15 by approved organizations. The department shall prescribe the  
16 minimum curricula for these courses, including instruction for  
17 operators of light duty, medium duty, and rollback trucks,  
18 which must be at least a 16-hour course for light duty, medium  
19 duty, and rollback wreckers. Included in the course must be  
20 instruction in towing and winching a passenger vehicle and  
21 uprighting an overturned passenger vehicle, including the  
22 proper use of chains, wire rope, and straps; towing and  
23 winching a medium-sized commercial vehicle and uprighting an  
24 overturned medium-sized commercial vehicle; and proper  
25 loading, securing, transporting, and unloading of a vehicle on  
26 a flatbed-rollback wrecker. Such instruction must be equally  
27 apportioned between theoretical instruction and practical  
28 training. This class shall be 16 hours and should be taken  
29 within the first 6 months after employment. The department  
30 must approve each organization and its certification course  
31 before the course is accepted for certification of wrecker



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1 operators under this chapter.

2       (2) Each approved wrecker operator certification  
3 course must include a certification examination demonstrating  
4 a wrecker operator's knowledge, skills, and abilities in  
5 performing wrecker services and proficiency in the subject  
6 matter of the certification course. The department must  
7 approve each certification examination before the examination  
8 is accepted for certification of wrecker operators under this  
9 chapter.

10       (3) Each organization conducting an approved wrecker  
11 operator certification course must issue on forms prescribed  
12 by the department a certificate to each wrecker operator who  
13 completes the approved certification course and passes the  
14 approved certification examination.

15       508.108 Specialized wrecker services.--

16       (1) In addition to the minimum curricula for  
17 certification of wrecker operators, approved certification  
18 courses may offer optional instruction, training, and  
19 examination of wrecker operators for each of the following  
20 specialized wrecker services:

21       (a) Heavy and ultra-heavy duty.--Towing and winching a  
22 standard large-sized commercial vehicle and uprighting an  
23 overturned standard large-sized commercial vehicle; towing and  
24 winching a specialty large-sized commercial vehicle or another  
25 complex vehicle and uprighting an overturned specialty  
26 large-sized commercial vehicle or another complex vehicle.  
27 This class shall be 16 hours and should be taken within the  
28 first year of employment.

29       (b) Hazardous materials.--Awareness of hazardous  
30 materials. Instruction and training for this wrecker service  
31 must comprise at least 8 hours in order to be approved.

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1       (c) Air cushions.--Proper use of air cushions in the  
2 recovery of a heavy-duty vehicle.

3       (2) The department shall adopt rules prescribing  
4 specific standards to further define each of the specialized  
5 wrecker services described in subsection (1). The department,  
6 in consultation with the council, must approve the  
7 instruction, training, and examination for a specialized  
8 wrecker service before the specialized wrecker service is  
9 accepted for endorsement of a wrecker operator's certification  
10 under this chapter.

11       (3) Each organization conducting an approved wrecker  
12 operator certification course must issue on forms prescribed  
13 by the department a certificate to each wrecker operator who  
14 completes the approved instruction and training for a  
15 specialized wrecker service and passes the approved  
16 endorsement examination for that specialized wrecker service.

17       508.109 Certification cards.--

18       (1) Each organization conducting an approved wrecker  
19 operator certification course must issue a certification card  
20 to each wrecker operator who completes the approved  
21 certification course and passes the approved certification  
22 examination. The department must approve the form of the  
23 certification cards issued by each organization. Each  
24 certification card must include the wrecker operator's name, a  
25 color photograph or digital image of the wrecker operator, and  
26 the expiration date of the certification card.

27       (2) Each certification card must also include the  
28 wrecker operator's applicable endorsements for those  
29 specialized wrecker services for which the wrecker operator  
30 has completed the approved instruction and training and passed  
31 the approved endorsement examination.

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

3           1. Completes a certification course and passes a  
4 certification examination in another state, which course and  
5 examination are substantially equivalent to the approved  
6 certification courses and approved certification examinations  
7 in this state.

8           2. Completed a certification course and passed a  
9 certification examination in this state between January 1,  
10 2003, and December 31, 2007, which course and examination are  
11 substantially equivalent to the approved certification courses  
12 and the approved certification examinations. This subparagraph  
13 expires July 1, 2008.

14           3. Completed instruction and training for a  
15 specialized wrecker service and passed an endorsement  
16 examination for that specialized wrecker service between  
17 January 1, 2003, and December 31, 2007, which instruction,  
18 training, and examination are substantially equivalent to the  
19 approved instruction and training and the approved endorsement  
20 examinations. This subparagraph expires July 1, 2008.

21           (b) For the purposes of this subsection, the  
22 department shall approve each certification examination in  
23 another state, and shall approve the instruction, training,  
24 and examination for each specialized wrecker service in  
25 another state, which the department determines are  
26 substantially equivalent to the approved certification courses  
27 and approved certification examinations in this state or to  
28 the approved instruction, training, and endorsement  
29 examinations for a specialized wrecker service in this state.

30           (4) Each certification card expires 5 years after the  
31 date of issuance.

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1       (5) Certification cards shall be issued by the  
 2 organizations conducting approved wrecker operator  
 3 certification courses. The department is not responsible for  
 4 issuing certification cards or for the costs associated with  
 5 the issuance of certification cards.

6           508.111 Renewal of certification; continuing education  
 7 requirements.--

8           (1) The department, in consultation with the council,  
 9 shall establish a continuing education program for the  
 10 recertification of wrecker operators by December 31, 2008. In  
 11 order to renew a wrecker operator's certification card, an  
 12 operator must complete 4 hours of continuing education every 5  
 13 years. The department must prescribe the minimum curricula and  
 14 proper examination for each continuing education course, each  
 15 of which must be at least 4 hours in length. The department  
 16 shall approve each organization, and the continuing education  
 17 course it proposes to offer, before the course is approved for  
 18 recertifying wrecker operators. Coursework may be completed in  
 19 a classroom setting or, if available, online.

20           (2) Each organization conducting an approved wrecker  
 21 operator continuing education course must issue, on forms  
 22 prescribed by the department, a certificate to each wrecker  
 23 operator who completes the approved course and passes an  
 24 approved recertification examination.

25           508.112 Prohibited acts.--It is a violation of this  
 26 chapter for a person to:

27           (1) Charge rates that exceed the maximum rates imposed  
 28 by the ordinances of the respective county or municipality  
 29 under s. 125.0103(1)(c) or s. 166.043(1)(c).

30           (2) Violate s. 321.051, relating to the Florida  
 31 Highway Patrol wrecker-allocation system.

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

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

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

8       (6) Refuse to allow a law enforcement officer to  
9 inspect a towing and storage facility as required in s.  
10 812.055.

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

16       (8) Allow a wrecker operator certified under this  
17 chapter to perform a specialized wrecker service for the  
18 wrecker company if the wrecker operator's certification does  
19 not include an endorsement for that specialized wrecker  
20 service.

21       (9) Perform an act otherwise prohibited by this  
22 chapter or fail to perform an act otherwise required by this  
23 chapter.

24       508.113 Administrative penalties; inspection of  
25 records.--

26       (1) The department may take one or more of the  
27 following actions if the department finds that a person has  
28 violated this chapter or the rules or orders issued under this  
29 chapter:

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

31       (b) Impose an administrative fine not to exceed \$5,000

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1 for each act or omission.

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

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

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

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

12 508.114 Civil penalties.--The department may bring a  
13 civil action in a court of competent jurisdiction to recover  
14 any penalties or damages allowed in this chapter and for  
15 injunctive relief to enforce compliance with this chapter. The  
16 department may seek a civil penalty of up to \$5,000 for each  
17 violation of this chapter and may seek restitution for and on  
18 behalf of any owner of a vehicle or vessel who is aggrieved or  
19 injured by a violation of this chapter.

20 508.116 Fees.--The department shall adopt by rule a  
21 fee schedule not to exceed the following amounts:

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

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

24  
25 The department shall collect and maintain data relating to the  
26 registration fees and shall review the fee amounts after the  
27 first 2 years of the registration program's existence.

28 508.117 General Inspection Trust Fund; payments.--All  
29 fees, penalties, or other funds collected by the department  
30 under this chapter must be deposited in the General Inspection  
31 Trust Fund and may be used only for the purpose of

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1 administering this chapter.

2           508.118 County and municipal ordinances.--A county or  
3 municipality may enact ordinances governing the business of  
4 transporting vehicles or vessels by wrecker which are more  
5 restrictive than this chapter. This section does not limit the  
6 authority of a political subdivision to impose regulatory fees  
7 or charges or to levy local business taxes under chapter 205.  
8 The department may enter into a cooperative agreement with any  
9 county or municipality that provides for the referral,  
10 investigation, and prosecution of consumer complaints alleging  
11 violations of this chapter. The department may delegate  
12 enforcement of this chapter to any county or municipality  
13 entering into a cooperative agreement.

14           508.119 Records.--

15           (1) Each wrecker company shall maintain records of its  
16 wrecker services for at least 12 months. These records shall  
17 be maintained at the wrecker company's principal place of  
18 business.

19           (2) Each wrecker company shall maintain records on  
20 each of its wrecker operators which are sufficient to  
21 demonstrate that the operator has successfully completed an  
22 approved wrecker operator certification course or an approved  
23 wrecker operator continuing education course and is certified  
24 to perform wrecker services. These records shall be maintained  
25 at the wrecker company's principal place of business for as  
26 long as the operator is employed by the wrecker company and  
27 for at least 6 months thereafter.

28           (3) Each organization approved to conduct a wrecker  
29 operator certification course or approved to offer a wrecker  
30 operator continuing education course shall maintain records of  
31 each person who successfully completes one of the courses. The

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1 records shall be maintained at the organization's principal  
 2 place of business for at least 5 years. The department may, at  
 3 any time during normal business hours, enter the  
 4 organization's principal place of business to examine the  
 5 records.

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

8 508.104 Wrecker companies; registration required.--

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

13 (2) A person applying for or renewing a local business  
 14 tax receipt to engage for hire in the business of a wrecker  
 15 company must exhibit a current registration certificate from  
 16 the department before the local business tax receipt may be  
 17 issued or reissued under chapter 205.

18 (3) This section does not apply to a motor vehicle  
 19 repair shop registered with the department under s. 559.904  
 20 which meets all of the following requirements:

21 (a) The motor vehicle repair shop derives at least 80  
 22 percent of its gross sales from motor vehicle repairs;

23 (b) Each wrecker used to perform wrecker services on  
 24 behalf of the motor vehicle repair shop is registered with the  
 25 Department of Highway Safety and Motor Vehicles under the  
 26 legal name of the owner of the motor vehicle repair shop;

27 (c) Any wrecker services must be performed by an  
 28 employee of the motor vehicle repair shop;

29 (d) Each wrecker operator performing wrecker services  
 30 on behalf of the motor vehicle repair shop is certified  
 31 pursuant to ss. 508.107, 508.108, 508.109, and 508.110.



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1       (4) This section does not apply to any franchised  
 2 motor vehicle dealer licensed pursuant to s. 320.27 when  
 3 wrecker services are incidental to the operation of the  
 4 franchise.

5           Section 3. Effective January 1, 2008, section 508.110,  
 6 Florida Statutes, is created to read:

7           508.110 Wrecker operators; certification required;  
 8 inspection of employment records.--

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

14           (2) Notwithstanding subsection (1), a person may  
 15 perform wrecker services or specialized wrecker services in  
 16 this state if he or she is an employee or ultimate equitable  
 17 owner of a motor vehicle repair shop registered with the  
 18 department under s. 559.904 and those wrecker services or  
 19 specialized wrecker services are performed on behalf of the  
 20 motor vehicle repair shop.

21           (3)(a) A person may not perform wrecker services or  
 22 specialized wrecker services for:

23           1. A wrecker company for more than 6 months after  
 24 first being employed by, or becoming an ultimate equitable  
 25 owner of, the wrecker company;

26           2. A motor vehicle repair shop for more than 6 months  
 27 after first being employed by the motor vehicle repair shop;  
 28 or

29           3. A franchised motor vehicle dealer for more than 6  
 30 months after first being employed by the franchised motor  
 31 vehicle dealer

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without being certified as a wrecker operator under this chapter.

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

(4) The department may, at any time during business hours, enter any business location of a wrecker company and examine the company's books or records. If the department reasonably believes a violation of this chapter has occurred or is occurring, the department may subpoena any necessary books or records.

Section 4. Effective July 1, 2008, section 508.115, Florida Statutes, is created to read:

508.115 Criminal penalties.--

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

(2) A person who violates s. 508.110(1) by performing wrecker services in this state without being an employee or ultimate equitable owner of a wrecker company that is registered with the department under this chapter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3           On page 2, line 13, through  
4           page 5, line 3, delete those lines

5

6 and insert:

7           creating s. 508.107, F.S.; requiring the  
8           department to establish a certification program  
9           for wrecker operators; providing for the  
10          department to approve certification courses and  
11          the organizations conducting the courses;  
12          providing for the department to prescribe  
13          course curricula; providing requirements for  
14          courses; requiring that each course include an  
15          examination approved by the department;  
16          providing criteria for the examination;  
17          requiring the organization conducting the  
18          course to issue the certificate to the wrecker  
19          operator; creating s. 508.108, F.S.; requiring  
20          each certification course to offer optional  
21          specialized wrecker services instruction,  
22          training, and examinations; describing  
23          specialized wrecker services; directing the  
24          department to adopt rules prescribing specific  
25          standards to further define each specialized  
26          wrecker service; requiring council approval of  
27          the instruction, training, and examination;  
28          requiring the organization conducting the  
29          course to issue the certificate to the wrecker  
30          operator; creating s. 508.109, F.S.; providing  
31          for form and content of certification cards;

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1 authorizing the department to adopt rules for  
2 issuance of certification cards to an operator  
3 who completes a certification course and passes  
4 a certification examination in another state or  
5 completed a certification course and passed a  
6 certification examination in this state during  
7 a certain time period; authorizing the  
8 department to adopt rules for issuance of  
9 endorsements for specialized services to a  
10 wrecker operator who completed instruction and  
11 training for a specialized wrecker service and  
12 passed an endorsement examination for that  
13 specialized wrecker service during a certain  
14 time period; providing for approval by the  
15 council of out-of-state certification  
16 instructions, training, and examinations;  
17 providing for expiration of certification;  
18 requiring that certification cards be issued by  
19 the organizations conducting the courses;  
20 creating s. 508.111, F.S.; providing  
21 requirements for recertification; providing for  
22 a continuing education program to be  
23 established by the department; providing for  
24 curricula and examinations to be prescribed by  
25 the council; requiring course approval by the  
26 council; providing for a certificate to be  
27 issued by the training organization to the  
28 wrecker operator; creating s. 508.112, F.S.;

29 prohibiting certain acts; creating ss. 508.113  
30 and 508.114, F.S.; providing administrative and  
31 civil penalties; creating s. 508.116, F.S.;

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1 providing for registration and renewal fees;  
2 creating s. 508.117, F.S.; providing for  
3 deposit and use of fees, penalties, and other  
4 funds; creating s. 508.118, F.S.; authorizing  
5 counties and municipalities to enact ordinances  
6 governing wrecker operators; providing for the  
7 department to enter into a cooperative  
8 agreement with a county or municipality for the  
9 referral, investigation, and prosecution of  
10 consumer complaints or enforcement of specified  
11 wrecker services provisions; creating s.  
12 508.119, F.S.; requiring that a wrecker company  
13 maintain records of its services and operators;  
14 requiring organizations that conduct operator  
15 certification or continuing education courses  
16 to maintain records on each person who  
17 successfully completes one of the courses;  
18 authorizing inspection of records by the  
19 department; creating s. 508.104, F.S. ;  
20 prohibiting persons from owning, operating, or  
21 being issued a local business tax receipt on  
22 behalf of a wrecker company without first  
23 registering with the department; requiring  
24 registration prior to issuance or renewal of  
25 local business tax receipt; excluding certain  
26 motor vehicle repair shops; creating s.  
27 508.115, F.S.; providing criminal penalties;

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