

1 companies to obtain a local business tax
2 receipt prior to registration renewal;
3 requiring insurance coverage; requiring the
4 department to notify the Department of Highway
5 Safety and Motor Vehicles when a registration
6 has been suspended or revoked; creating s.
7 508.106, F.S.; authorizing the Department of
8 Agriculture and Consumer Services to deny,
9 revoke, or refuse to renew the registration of
10 a wrecker company under certain circumstances;
11 creating s. 508.1061, F.S.; requiring a wrecker
12 company to accept certain forms of payment;
13 creating s. 508.107, F.S.; requiring the
14 department to establish a certification program
15 for wrecker operators; providing for the
16 department to approve certification courses and
17 the organizations conducting the courses;
18 providing for the department to prescribe
19 course curricula; providing requirements for
20 courses; requiring that each course include an
21 examination approved by the department;
22 providing criteria for the examination;
23 requiring the organization conducting the
24 course to issue the certificate to the wrecker
25 operator; creating s. 508.108, F.S.; requiring
26 each certification course to offer optional
27 specialized wrecker services instruction,
28 training, and examinations; describing
29 specialized wrecker services; directing the
30 department to adopt rules prescribing specific
31 standards to further define each specialized

1 wrecker service; requiring council approval of
2 the instruction, training, and examination;
3 requiring the organization conducting the
4 course to issue the certificate to the wrecker
5 operator; creating s. 508.109, F.S.; providing
6 for form and content of certification cards;
7 authorizing the department to adopt rules for
8 issuance of certification cards to an operator
9 who completes a certification course and passes
10 a certification examination in another state or
11 completed a certification course and passed a
12 certification examination in this state during
13 a certain time period; authorizing the
14 department to adopt rules for issuance of
15 endorsements for specialized services to a
16 wrecker operator who completed instruction and
17 training for a specialized wrecker service and
18 passed an endorsement examination for that
19 specialized wrecker service during a certain
20 time period; providing for approval by the
21 council of out-of-state certification
22 instructions, training, and examinations;
23 providing for expiration of certification;
24 requiring that certification cards be issued by
25 the organizations conducting the courses;
26 creating s. 508.111, F.S.; providing
27 requirements for recertification; providing for
28 a continuing education program to be
29 established by the department; providing for
30 curricula and examinations to be prescribed by
31 the council; requiring course approval by the

1 council; providing for a certificate to be
2 issued by the training organization to the
3 wrecker operator; creating s. 508.112, F.S.;
4 prohibiting certain acts; creating ss. 508.113
5 and 508.114, F.S.; providing administrative and
6 civil penalties; creating s. 508.116, F.S.;
7 providing for registration and renewal fees;
8 creating s. 508.117, F.S.; providing for
9 deposit and use of fees, penalties, and other
10 funds; creating s. 508.118, F.S.; authorizing
11 counties and municipalities to enact ordinances
12 governing wrecker operators; providing for the
13 department to enter into a cooperative
14 agreement with a county or municipality for the
15 referral, investigation, and prosecution of
16 consumer complaints or enforcement of specified
17 wrecker services provisions; creating s.
18 508.119, F.S.; requiring that a wrecker company
19 maintain records of its services and operators;
20 requiring organizations that conduct operator
21 certification or continuing education courses
22 to maintain records on each person who
23 successfully completes one of the courses;
24 authorizing inspection of records by the
25 department; creating s. 508.104, F.S.;
26 prohibiting persons from owning, operating, or
27 being issued a local business tax receipt on
28 behalf of a wrecker company without first
29 registering with the department; requiring
30 registration prior to issuance or renewal of
31 local business tax receipt; excluding certain

1 motor vehicle repair shops; creating s.
2 508.115, F.S.; providing criminal penalties;
3 creating s. 508.110, F.S.; prohibiting the
4 performance of wrecker services after a certain
5 date unless the operator is in the employ of a
6 company that is registered; requiring wrecker
7 operators to be certified; providing exceptions
8 for certain shops and organizations;
9 authorizing the department to inspect company
10 records; creating s. 508.115, F.S.; providing
11 criminal penalties; amending s. 120.80, F.S.;
12 providing for appointment of a hearing officer
13 by the director of the Division of the Florida
14 Highway Patrol when a hearing is held to deny,
15 suspend, or remove a wrecker company from
16 participating in the wrecker-allocation system;
17 creating s. 205.1977, F.S.; prohibiting a
18 county or municipality from issuing or renewing
19 a business tax receipt for a wrecker company
20 that is not registered with the Department of
21 Agriculture and Consumer Services; amending s.
22 316.530, F.S., relating to towing requirements;
23 conforming terminology; amending s. 320.01,
24 F.S.; redefining the term "wrecker" for
25 purposes of the Florida Statutes; amending s.
26 320.03, F.S., relating to withholding the motor
27 vehicle registration plate or revalidation
28 sticker; providing for application of
29 provisions to wrecker companies rather than
30 wrecker operators; amending s. 320.0706, F.S.;
31 requiring a wrecker to display the registration

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

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

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

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

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

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

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Chapter 508, Florida Statutes, consisting
11 of sections 508.101, 508.102, 508.103, 508.105, 508.106,
12 508.1061, 508.107, 508.108, 508.109, 508.111, 508.112,
13 508.113, 508.114, 508.116, 508.117, 508.118, 508.119, and
14 508.120, is created to read:

15 CHAPTER 508

16 WRECKER SERVICES

17 508.101 Definitions.--As used in this chapter, the
18 term:

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

24 (2) "Council" means the Wrecker Operator Advisory
25 Council.

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

28 (4) "Specialized wrecker service" means a wrecker
29 service described in s. 508.108. A wrecker operator is
30 required to obtain the applicable certification endorsement
31 before performing a specialized wrecker service.

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

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

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

17 (8) "Wrecker" has the same meaning ascribed in s.
18 320.01.

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

24 (10) "Wrecker operator" means a person who performs
25 wrecker services.

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

30 (a) Driving a wrecker.
31

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

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

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

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

14 (f) Recovery of a vehicle or vessel.

15 508.102 Wrecker Operator Advisory Council.--

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

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

21 (b) Four members, two of whom operate three trucks or
22 fewer, of the council must each be an ultimate equitable owner
23 of a wrecker company who has been an ultimate equitable owner
24 of that company for at least 5 years before his or her
25 appointment; one member must be a wrecker operator who is not
26 an ultimate equitable owner of a wrecker company and who has
27 been a wrecker operator for at least 5 years before his or her
28 appointment; and two members must be laypersons. Each member
29 must be a resident of this state. This paragraph expires July
30 1, 2013.

31

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

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

20 (4)(a) From among its members, the council shall
21 annually elect a chair, who shall preside over the meetings of
22 the council, and a vice chair.

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

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

1 (6) The department shall provide administrative and
2 staff support services relating to the functions of the
3 council.

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

10 508.103 Rulemaking authority.--The department may
11 adopt rules under ss. 120.536(1) and 120.54 to administer this
12 chapter.

13 508.105 Registration requirements; renewal of
14 registrations.--

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

22 (a) The name and federal employer identification
23 number of the wrecker company.

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

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

29 (d) The full name, residence address, business
30 address, and telephone number of the applicant. If the
31 applicant is other than a natural person, the application must

1 also contain the full name, residence address, business
2 address, telephone number, and federal employer identification
3 number, if applicable, of each ultimate equitable owner of the
4 business entity and each officer, director, partner, manager,
5 member, or managing member of the entity.

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

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

12 (2) Each initial and renewal application for
13 registration must be accompanied by the registration fee
14 prescribed in s. 508.116.

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

1 registration certificate. Registration renewal applications
2 need not be accompanied by a set of fingerprints for an
3 individual who previously submitted a set of fingerprints to
4 the department as part of a prior year's registration
5 application.

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

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

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

31

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

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

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

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

26 508.106 Denial of registration.--The department may
27 deny, revoke, or refuse to renew the registration of a wrecker
28 company based upon a determination that the applicant or, if
29 the applicant is other than a natural person, the wrecker
30 company or any of its ultimate equitable owners, officers,

31

1 directors, partners, managers, members, or managing members
2 has:
3 (1) Not met the requirements for registration under
4 this chapter;
5 (2) Been convicted or found guilty of, regardless of
6 adjudication, or pled guilty or nolo contendere to, a felony
7 within the last 10 years;
8 (3) Been convicted or found guilty of, regardless of
9 adjudication, or pled guilty or nolo contendere to, a crime
10 within the last 10 years involving repossession of a motor
11 vehicle under chapter 493, repair of a motor vehicle under ss.
12 559.901-559.9221, theft of a motor vehicle under s. 812.014,
13 carjacking under s. 812.133, operation of a chop shop under s.
14 812.16, failure to maintain records of motor vehicle parts and
15 accessories under s. 860.14, violations relating to airbags
16 under s. 860.145 or use of fake airbags under s. 860.146,
17 overcharging for repairs and parts under s. 860.15, or a
18 violation of towing or storage requirements for a motor
19 vehicle under this chapter, s. 321.051, chapter 323, s.
20 713.78, or s. 715.07;
21 (4) Not satisfied a civil fine or penalty arising out
22 of an administrative or enforcement action brought by the
23 department, another governmental agency, or a private person
24 based upon conduct involving a violation of this chapter;
25 (5) Pending against him or her a criminal,
26 administrative, or enforcement proceeding in any jurisdiction
27 based upon conduct involving a violation of this chapter; or
28 (6) Had a judgment entered against him or her in an
29 action brought by the department under this chapter.
30
31

1 508.1061 Acceptable forms of payment.--A wrecker
2 company shall accept a minimum of two of the three following
3 forms of payment:

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

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

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

11 508.107 Wrecker operator certification program.--

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

1 before the course is accepted for certification of wrecker
2 operators under this chapter.

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

16 508.108 Specialized wrecker services.--

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

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

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

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

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

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

20 508.109 Certification cards.--

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

30 (2) Each certification card must also include the
31 wrecker operator's applicable endorsements for those

1 specialized wrecker services for which the wrecker operator
2 has completed the approved instruction and training and passed
3 the approved endorsement examination.

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

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

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

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

24 (b) For the purposes of this subsection, the
25 department shall approve each certification examination in
26 another state, and shall approve the instruction, training,
27 and examination for each specialized wrecker service in
28 another state, which the department determines are
29 substantially equivalent to the approved certification courses
30 and approved certification examinations in this state or to
31

1 the approved instruction, training, and endorsement
2 examinations for a specialized wrecker service in this state.

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

5 (5) Certification cards shall be issued by the
6 organizations conducting approved wrecker operator
7 certification courses. The department is not responsible for
8 issuing certification cards or for the costs associated with
9 the issuance of certification cards.

10 508.111 Renewal of certification; continuing education
11 requirements.--

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

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

29 508.112 Prohibited acts.--It is a violation of this
30 chapter for a person to:

31

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

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

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

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

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

13 (6) Refuse to allow a law enforcement officer to
14 inspect a towing and storage facility as required in s.
15 812.055.

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

21 (8) Allow a wrecker operator certified under this
22 chapter to perform a specialized wrecker service for the
23 wrecker company if the wrecker operator's certification does
24 not include an endorsement for that specialized wrecker
25 service.

26 (9) Perform an act otherwise prohibited by this
27 chapter or fail to perform an act otherwise required by this
28 chapter.

29 508.113 Administrative penalties; inspection of
30 records.--

31

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

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

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

8 (c) Direct the person to cease and desist specified
9 activities.

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

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

15 (2) Chapter 120 shall govern an administrative
16 proceeding resulting from an order imposing a penalty
17 specified in subsection (1).

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

26 508.116 Fees.--The department shall adopt by rule a
27 fee schedule not to exceed the following amounts:

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

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

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

4 508.117 General Inspection Trust Fund; payments.--All
5 fees, penalties, or other funds collected by the department
6 under this chapter must be deposited in the General Inspection
7 Trust Fund and may be used only for the purpose of
8 administering this chapter.

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

21 508.119 Records.--

22 (1) Each wrecker company shall maintain records of its
23 wrecker services for at least 12 months. These records shall
24 be maintained at the wrecker company's principal place of
25 business.

26 (2) Each wrecker company shall maintain records on
27 each of its wrecker operators which are sufficient to
28 demonstrate that the operator has successfully completed an
29 approved wrecker operator certification course or an approved
30 wrecker operator continuing education course and is certified
31 to perform wrecker services. These records shall be maintained

1 at the wrecker company's principal place of business for as
2 long as the operator is employed by the wrecker company and
3 for at least 6 months thereafter.

4 (3) Each organization approved to conduct a wrecker
5 operator certification course or approved to offer a wrecker
6 operator continuing education course shall maintain records of
7 each person who successfully completes one of the courses. The
8 records shall be maintained at the organization's principal
9 place of business for at least 5 years. The department may, at
10 any time during normal business hours, enter the
11 organization's principal place of business to examine the
12 records.

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

15 508.104 Wrecker companies; registration required.--

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

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

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

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

30 (b) Each wrecker used to perform wrecker services on
31 behalf of the motor vehicle repair shop is registered with the

1 Department of Highway Safety and Motor Vehicles under the
2 legal name of the owner of the motor vehicle repair shop;

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

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

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

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

14 508.110 Wrecker operators; certification required;
15 inspection of employment records.--

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

21 (2) Notwithstanding subsection (1), a person may
22 perform wrecker services or specialized wrecker services in
23 this state if he or she is an employee or ultimate equitable
24 owner of a motor vehicle repair shop registered with the
25 department under s. 559.904 and those wrecker services or
26 specialized wrecker services are performed on behalf of the
27 motor vehicle repair shop.

28 (3)(a) A person may not perform wrecker services or
29 specialized wrecker services for:

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

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

7 3. A franchised motor vehicle dealer for more than 6
8 months after first being employed by the franchised motor
9 vehicle dealer

10
11 without being certified as a wrecker operator under this
12 chapter.

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

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

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

25 508.115 Criminal penalties.--

26 (1) A person who violates s. 508.104(1) by operating a
27 wrecker company in this state without being registered with
28 the department under this chapter commits a felony of the
29 third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

1 (2) A person who violates s. 508.110(1) by performing
2 wrecker services in this state without being an employee or
3 ultimate equitable owner of a wrecker company that is
4 registered with the department under this chapter commits a
5 felony of the third degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084.

7 Section 5. Effective January 1, 2008, paragraph (b) of
8 subsection (8) of section 120.80, Florida Statutes, is amended
9 to read:

10 120.80 Exceptions and special requirements;
11 agencies.--

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

13 (b) Wrecker companies ~~operators~~.--Notwithstanding s.
14 120.57(1)(a), hearings held by the Division of the Florida
15 Highway Patrol of the Department of Highway Safety and Motor
16 Vehicles to deny, suspend, or remove a wrecker company
17 ~~operator~~ from participating in the wrecker allocation ~~rotation~~
18 system established under ~~by~~ s. 321.051 need not be conducted
19 by an administrative law judge assigned by the division. These
20 hearings shall be held by a hearing officer appointed by the
21 director of the Division of the Florida Highway Patrol.

22 Section 6. Effective January 1, 2008, section
23 205.1977, Florida Statutes, is created to read:

24 205.1977 Wrecker companies; consumer protection.--A
25 county or municipality may not issue or renew a business tax
26 receipt for the operation of a wrecker company under chapter
27 508 unless the wrecker company exhibits a current registration
28 from the Department of Agriculture and Consumer Services.

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

31 316.530 Towing requirements.--

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

10 Section 8. Subsection (40) of section 320.01, Florida
11 Statutes, is amended to read:

12 320.01 Definitions, general.--As used in the Florida
13 Statutes, except as otherwise provided, the term:

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

19 Section 9. Effective January 1, 2008, subsection (8)
20 of section 320.03, Florida Statutes, is amended to read:

21 320.03 Registration; duties of tax collectors;
22 International Registration Plan.--

23 (8) If the applicant's name appears on the list
24 referred to in s. 316.1001(4), s. 316.1967(6), or s.
25 713.78(13), a license plate or revalidation sticker may not be
26 issued until that person's name no longer appears on the list
27 or until the person presents a receipt from the clerk showing
28 that the fines outstanding have been paid. This subsection
29 does not apply to the owner of a leased vehicle if the vehicle
30 is registered in the name of the lessee of the vehicle. The
31 tax collector and the clerk of the court are each entitled to

1 receive monthly, as costs for implementing and administering
2 this subsection, 10 percent of the civil penalties and fines
3 recovered from such persons. As used in this subsection, the
4 term "civil penalties and fines" does not include a wrecker
5 company's ~~operator's~~ lien as described in s. 713.78(13). If
6 the tax collector has private tag agents, such tag agents are
7 entitled to receive a pro rata share of the amount paid to the
8 tax collector, based upon the percentage of license plates and
9 revalidation stickers issued by the tag agent compared to the
10 total issued within the county. The authority of any private
11 agent to issue license plates shall be revoked, after notice
12 and a hearing as provided in chapter 120, if he or she issues
13 any license plate or revalidation sticker contrary to the
14 provisions of this subsection. This section applies only to
15 the annual renewal in the owner's birth month of a motor
16 vehicle registration and does not apply to the transfer of a
17 registration of a motor vehicle sold by a motor vehicle dealer
18 licensed under this chapter, except for the transfer of
19 registrations which is inclusive of the annual renewals. This
20 section does not affect the issuance of the title to a motor
21 vehicle, notwithstanding s. 319.23(7)(b).

22 Section 10. Section 320.0706, Florida Statutes, is
23 amended to read:

24 320.0706 Display of license plates on trucks.--The
25 owner of any commercial truck of gross vehicle weight of
26 26,001 pounds or more shall display the registration license
27 plate on both the front and rear of the truck in conformance
28 with all the requirements of s. 316.605 that do not conflict
29 with this section. The owner of a dump truck may place the
30 rear license plate on the gate no higher than 60 inches to
31 allow for better visibility. However, the owner of a truck

1 | tractor or a wrecker must ~~shall be required to~~ display the
2 | registration license plate only on the front of such vehicle.

3 | Section 11. Subsection (1) of section 320.0821,
4 | Florida Statutes, is amended, and subsection (5) is added to
5 | that section, to read:

6 | 320.0821 Wrecker license plates.--

7 | (1) The department shall issue one ~~a~~ wrecker license
8 | plate, regardless of gross vehicle weight, to the owner of any
9 | motor vehicle that is used to tow, carry, or otherwise
10 | transport ~~motor~~ vehicles or vessels upon the streets and
11 | highways of this state and that is equipped for that purpose
12 | with a boom, winch, carrier, or other similar equipment,
13 | except a motor vehicle registered under the International
14 | Registration Plan, upon application and payment of the
15 | appropriate license tax and fees in accordance with s.
16 | 320.08(5)(d) or (e).

17 | (5) A wrecker license plate must be displayed on the
18 | front of such vehicle.

19 | Section 12. Effective January 1, 2008, subsection (1)
20 | of section 320.0821, Florida Statutes, as amended by this act,
21 | is amended to read:

22 | 320.0821 Wrecker license plates.--

23 | (1) The department shall issue one wrecker license
24 | plate, regardless of gross vehicle weight, to the owner of a
25 | wrecker ~~any motor vehicle that is used to tow, carry, or~~
26 | ~~otherwise transport vehicles or vessels upon the streets and~~
27 | ~~highways of this state and that is equipped for that purpose~~
28 | ~~with a boom, winch, carrier, or other similar equipment,~~
29 | ~~except a motor vehicle registered under the International~~
30 | ~~Registration Plan,~~ upon application and payment of the
31 |

1 appropriate license tax and fees in accordance with s.
2 320.08(5)(d) or (e).

3 Section 13. Paragraph (a) of subsection (1) of section
4 320.13, Florida Statutes, is amended to read:

5 320.13 Dealer and manufacturer license plates and
6 alternative method of registration.--

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

20 Section 14. For the purpose of incorporating the
21 amendment made by this act to section 320.01, Florida
22 Statutes, in references thereto, paragraph (a) of subsection
23 (4) and subsection (9) of section 316.550, Florida Statutes,
24 are reenacted to read:

25 316.550 Operations not in conformity with law; special
26 permits.--

27 (4)(a) The Department of Transportation may issue a
28 wrecker special blanket permit to authorize a wrecker as
29 defined in s. 320.01(40) to tow a disabled vehicle as defined
30 in s. 320.01(38) where the combination of the wrecker and the
31

1 disabled vehicle being towed exceeds the maximum weight limits
2 as established by s. 316.535.

3 (9) Whenever any motor vehicle, or the combination of
4 a wrecker as defined in s. 320.01(40) and a towed motor
5 vehicle, exceeds any weight or dimensional criteria or special
6 operational or safety stipulation contained in a special
7 permit issued under the provisions of this section, the
8 penalty assessed to the owner or operator shall be as follows:

9 (a) For violation of weight criteria contained in a
10 special permit, the penalty per pound or portion thereof
11 exceeding the permitted weight shall be as provided in s.
12 316.545.

13 (b) For each violation of dimensional criteria in a
14 special permit, the penalty shall be as provided in s. 316.516
15 and penalties for multiple violations of dimensional criteria
16 shall be cumulative except that the total penalty for the
17 vehicle shall not exceed \$1,000.

18 (c) For each violation of an operational or safety
19 stipulation in a special permit, the penalty shall be an
20 amount not to exceed \$1,000 per violation and penalties for
21 multiple violations of operational or safety stipulations
22 shall be cumulative except that the total penalty for the
23 vehicle shall not exceed \$1,000.

24 (d) For violation of any special condition that has
25 been prescribed in the rules of the Department of
26 Transportation and declared on the permit, the vehicle shall
27 be determined to be out of conformance with the permit and the
28 permit shall be declared null and void for the vehicle, and
29 weight and dimensional limits for the vehicle shall be as
30 established in s. 316.515 or s. 316.535, whichever is
31 applicable, and:

1 1. For weight violations, a penalty as provided in s.
2 316.545 shall be assessed for those weights which exceed the
3 limits thus established for the vehicle; and

4 2. For dimensional, operational, or safety violations,
5 a penalty as established in paragraph (c) or s. 316.516,
6 whichever is applicable, shall be assessed for each
7 nonconforming dimensional, operational, or safety violation
8 and the penalties for multiple violations shall be cumulative
9 for the vehicle.

10 Section 15. For the purpose of incorporating the
11 amendment made by this act to section 320.01, Florida
12 Statutes, in references thereto, paragraphs (d) and (e) of
13 subsection (5) of section 320.08, Florida Statutes, are
14 reenacted to read:

15 320.08 License taxes.--Except as otherwise provided
16 herein, there are hereby levied and imposed annual license
17 taxes for the operation of motor vehicles, mopeds, motorized
18 bicycles as defined in s. 316.003(2), and mobile homes, as
19 defined in s. 320.01, which shall be paid to and collected by
20 the department or its agent upon the registration or renewal
21 of registration of the following:

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

24 (d) A wrecker, as defined in s. 320.01(40), which is
25 used to tow a vessel as defined in s. 327.02(39), a disabled,
26 abandoned, stolen-recovered, or impounded motor vehicle as
27 defined in s. 320.01(38), or a replacement motor vehicle as
28 defined in s. 320.01(39): \$30 flat.

29 (e) A wrecker, as defined in s. 320.01(40), which is
30 used to tow any motor vehicle, regardless of whether or not
31 such motor vehicle is a disabled motor vehicle as defined in

1 s. 320.01(38), a replacement motor vehicle as defined in s.
2 320.01(39), a vessel as defined in s. 327.02(39), or any other
3 cargo, as follows:

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

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

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

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

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

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

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

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

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

22 Section 16. Effective January 1, 2008, section
23 321.051, Florida Statutes, is amended to read:

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

26 321.051 Florida Highway Patrol wrecker-allocation
27 system; penalties for operation outside of system.--

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

29 (a) "Authorized wrecker company" means a wrecker
30 company designated by the division as part of its
31 wrecker-allocation system.

1 **(b) "Division" means the Division of the Florida**
2 **Highway Patrol within the Department of Highway Safety and**
3 **Motor Vehicles.**

4 **(c) "Unauthorized wrecker company" means a wrecker**
5 **company not designated by the division as part of its**
6 **wrecker-allocation system.**

7 **(d) "Wrecker company" has the same meaning ascribed in**
8 **s. 508.101.**

9 **(e) "Wrecker operator" has the same meaning ascribed**
10 **in s. 508.101.**

11 **(f) "Wrecker services" has the same meaning ascribed**
12 **in s. 508.101.**

13 **(2)(a) The division may establish within areas**
14 **designated by the division a wrecker-allocation system, using**
15 **qualified, reputable wrecker companies, for the removal from**
16 **crash scenes and the storage of wrecked or disabled vehicles**
17 **when the owner or operator is incapacitated or unavailable or**
18 **leaves the procurement of wrecker services to the officer at**
19 **the scene and for the removal and storage of abandoned**
20 **vehicles.**

21 **(b) The wrecker-allocation system may use only wrecker**
22 **companies registered under chapter 508. Each reputable wrecker**
23 **company registered under chapter 508 is eligible for use in**
24 **the system if its equipment and wrecker operators meet the**
25 **recognized safety qualifications and mechanical standards set**
26 **by the division's rules for the size of vehicle they are**
27 **designed to handle. The division may limit the number of**
28 **wrecker companies participating in the wrecker-allocation**
29 **system.**

30 **(c) The division may establish maximum rates for the**
31 **towing and storage of vehicles removed at the division's**

1 request if those rates are not established by a county or
2 municipality under s. 125.0103 or s. 166.043. These rates are
3 not rules for the purpose of chapter 120; however, the
4 Department of Highway Safety and Motor Vehicles shall adopt
5 rules prescribing the procedures for setting these rates.

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

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

24 (b) Except as provided in paragraph (c), a wrecker
25 operator dispatched by an unauthorized wrecker company who
26 drives by the scene of a wrecked or disabled vehicle before
27 the arrival of the wrecker operator dispatched by the
28 authorized wrecker company may not initiate contact with the
29 owner or operator of the vehicle by soliciting or offering
30 wrecker services or tow the vehicle. Any person who violates
31

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

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

16 (d) A wrecker operator may not falsely identify
17 himself or herself as being part of, or as being employed by a
18 wrecker company that is part of, the wrecker-allocation system
19 at the scene of a wrecked or disabled vehicle. Any person who
20 violates this paragraph commits a misdemeanor of the first
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (4) This section does not prohibit or in any way
23 prevent the owner or operator of a vehicle involved in a crash
24 or otherwise disabled from contacting any wrecker company for
25 the provision of wrecker services, regardless of whether the
26 wrecker company is an authorized wrecker company. However, if
27 a law enforcement officer determines that the disabled vehicle
28 or vehicle cargo is a public safety hazard, the officer may,
29 in the interest of public safety, dispatch an authorized
30 wrecker company if the officer believes that the authorized
31 wrecker company would arrive at the scene before the wrecker

1 company requested by the owner or operator of the disabled
2 vehicle or vehicle cargo.

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

19 Section 17. Effective January 1, 2008, section
20 323.001, Florida Statutes, is amended to read:

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

23 323.001 Wrecker company storage facilities; vehicle
24 holds.--

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

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

28 (b) "Wrecker company" has the same meaning ascribed in
29 s. 508.101.

30 (2) A law enforcement agency may place a hold on a
31 motor vehicle stored within a wrecker company's storage

1 facility for 5 business days, thereby preventing a motor
2 vehicle from being released to its owner.

3 (3) To extend a hold beyond 5 business days, the law
4 enforcement agency must notify the wrecker company in writing
5 before the expiration of the 5 business days. If notification
6 is not made within the 5 business days, the wrecker company
7 must release the vehicle to the designated person under s.
8 713.78.

9 (a) If the hold is extended beyond the 5 business
10 days, the law enforcement agency may have the vehicle removed
11 to a designated impound lot and the vehicle may not be
12 released by the law enforcement agency to the owner or
13 lienholder of the vehicle until proof of payment of the towing
14 and storage charges incurred by the wrecker company is
15 presented to the law enforcement agency.

16 (b) If the law enforcement agency chooses to have the
17 vehicle remain at the wrecker company's storage facility for
18 more than 5 business days under the written notification, the
19 law enforcement agency is responsible for paying the storage
20 charges incurred by the wrecker company for the requested
21 extended period. The owner or lienholder is responsible for
22 paying the accrued towing and storage charges for the first 5
23 business days, or any period less than the first 5 business
24 days, if the law enforcement agency moves the vehicle from the
25 wrecker company's storage facility to a designated impound lot
26 or provides written notification to extend the hold on the
27 vehicle before the expiration of the 5 business days.

28 (c) The towing and storage rates for the owner or
29 lienholder of the held vehicle may not exceed the rates for
30 the law enforcement agency.

31

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

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

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

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

12 (c) The law enforcement officer has probable cause to
13 believe that the vehicle was used as a means to commit a
14 crime;

15 (d) The law enforcement officer has probable cause to
16 believe that the vehicle is itself evidence that a crime has
17 been committed or that the vehicle contains evidence, which
18 cannot readily be removed, that a crime has been committed;

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

24 (f) The vehicle is impounded or immobilized under s.
25 316.193 or s. 322.34; or

26 (g) The law enforcement officer is complying with a
27 court order.

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

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

31

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

3 (c) A general description of the vehicle, including
4 its color, make, model, body style, and year; vehicle
5 identification number; registration license plate number,
6 state, and year; and validation sticker number, state, and
7 year.

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

9 (e) The condition of the vehicle.

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

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

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

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

24 Section 18. Effective January 1, 2008, section
25 323.002, Florida Statutes, is amended to read:

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

28 323.002 County and municipal wrecker-allocation
29 systems; penalties for operation outside of system.--

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

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

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

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

22 (d) "Wrecker company" has the same meaning ascribed in
23 s. 508.101.

24 (e) "Wrecker operator" has the same meaning ascribed
25 in s. 508.101.

26 (f) "Wrecker services" has the same meaning ascribed
27 in s. 508.101.

28 (2) In a county or municipality that operates a
29 wrecker-allocation system:

30 (a) The wrecker-allocation system may only use wrecker
31 companies registered under chapter 508.

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

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

19 (d) When a wrecker operator dispatched by an
20 unauthorized wrecker company drives by the scene of a wrecked
21 or disabled vehicle and the owner or operator initiates
22 contact by signaling the wrecker operator to stop and provide
23 wrecker services, the wrecker operator must disclose to the
24 owner or operator of the vehicle that he or she was not
25 dispatched by the authorized wrecker company designated as
26 part of the wrecker-allocation system and must disclose, in
27 writing, what charges for towing and storage will apply before
28 the vehicle is connected to the towing apparatus. Any person
29 who violates this paragraph commits a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083.

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

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

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

1 safety hazard and the officer believes that the authorized
2 wrecker company would arrive at the scene before the wrecker
3 company requested by the owner or operator.

4 Section 19. Effective January 1, 2008, section 713.78,
5 Florida Statutes, is amended to read:

6 713.78 Liens for recovering, towing, or storing
7 vehicles and vessels.--

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

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

12 (b) "Property owner" has the same meaning ascribed in
13 s. 715.07.

14 (c)(a) "Vehicle" has the same meaning ascribed in s.
15 508.101 ~~means any mobile item, whether motorized or not, which~~
16 ~~is mounted on wheels.~~

17 (d)(b) "Vessel" has the same meaning ascribed in s.
18 508.101 ~~means every description of watercraft, barge, and~~
19 ~~airboat used or capable of being used as a means of~~
20 ~~transportation on water, other than a seaplane or a~~
21 ~~"documented vessel" as defined in s. 327.02(9).~~

22 (e)(c) "Wrecker" has the same meaning ascribed in s.
23 320.01 ~~means any truck or other vehicle which is used to tow,~~
24 ~~carry, or otherwise transport motor vehicles or vessels upon~~
25 ~~the streets and highways of this state and which is equipped~~
26 ~~for that purpose with a boom, winch, car carrier, or other~~
27 ~~similar equipment.~~

28 (f) "Wrecker company" has the same meaning ascribed in
29 s. 508.101.

30 (g) "Wrecker operator" has the same meaning ascribed
31 in s. 508.101.

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

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

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

12 (c) Any law enforcement agency,

13
14 the wrecker company has ~~she or he shall have~~ a lien on the
15 vehicle or vessel for a reasonable towing fee and for a
16 reasonable storage fee, ~~+~~ except that no storage fee shall be
17 charged if the vehicle or vessel is stored ~~for~~ less than 6
18 hours.

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

23 (4)(a) Any wrecker company that ~~person regularly~~
24 ~~engaged in the business of recovering, towing, or storing~~
25 ~~vehicles or vessels who~~ comes into possession of a vehicle or
26 vessel under ~~pursuant to~~ subsection (2), ~~and who~~ claims a lien
27 for recovery, towing, or storage services, ~~shall~~ give notice
28 to the registered owner, the insurance company insuring the
29 vehicle notwithstanding ~~the provisions of~~ s. 627.736, and ~~to~~
30 all persons claiming a lien on the vehicle or vessel ~~thereon,~~
31 as disclosed by the records in the Department of Highway

1 Safety and Motor Vehicles or of a corresponding agency in any
2 other state.

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

27 (c) Notice by certified mail, ~~return receipt~~
28 ~~requested,~~ shall be sent within 7 business days after the date
29 of storage of the vehicle or vessel to the registered owner,
30 the insurance company insuring the vehicle notwithstanding ~~the~~
31 ~~provisions of~~ s. 627.736, and all persons of record claiming a

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

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

- 28 | 1. Check of vehicle or vessel for any type of tag, tag
29 | record, temporary tag, or regular tag.
- 30 | 2. Check of law enforcement report for tag number or
31 | other information identifying the vehicle or vessel, if the

1 vehicle or vessel was towed at the request of a law
2 enforcement officer.

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

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

10 5. Check of vehicle or vessel for inspection sticker
11 or other stickers and decals that may indicate a state of
12 possible registration.

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

16 7. Check of vehicle for vehicle identification number.

17 8. Check of vessel for vessel registration number.

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

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

1 determine if her or his property was wrongfully taken or
2 withheld from her or him.

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

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

28 (6) Any vehicle or vessel that ~~which~~ is stored under
29 ~~pursuant to~~ subsection (2) and ~~which~~ remains unclaimed, or for
30 which reasonable charges for recovery, towing, or storing
31 remain unpaid, and any contents not released under ~~pursuant to~~

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

1 absent, and the clerk shall hold the such proceeds subject to
2 the claim of the person legally entitled to those proceeds
3 ~~thereto~~. The clerk shall be entitled to receive 5 percent of
4 the such proceeds for the care and disbursement of the
5 proceeds thereof. The certificate of title issued under this
6 section law shall be discharged of all liens unless otherwise
7 provided by court order.

8 (7)(a) A wrecker company, its wrecker operators, and
9 other employees or agents of the wrecker company operator
10 recovering, towing, or storing vehicles or vessels are is not
11 liable for damages connected with those such services, theft
12 of the such vehicles or vessels, or theft of personal property
13 contained in the such vehicles or vessels if those, provided
14 ~~that such services are have been~~ performed with reasonable
15 care and ~~provided, further, that,~~ in the case of removal of a
16 vehicle or vessel upon the request of a person purporting, and
17 reasonably appearing, to be the property owner or lessee, or a
18 ~~person authorized by the owner or lessee,~~ of the real property
19 from which the such vehicle or vessel is removed, the such
20 removal is has been done in compliance with s. 715.07.

21 Further, a wrecker company, its wrecker operators, and other
22 employees or agents of the wrecker company are operator is not
23 liable for damage to a vehicle, a vessel, or cargo that
24 obstructs the normal movement of traffic or creates a hazard
25 to traffic and is removed in compliance with the request of a
26 law enforcement officer.

27 (b) For the purposes of this subsection, a wrecker
28 company, its wrecker operators, and other employees or agents
29 of the wrecker company are operator is presumed to use
30 reasonable care to prevent the theft of a vehicle or vessel or
31 of any personal property contained in the such vehicle or

1 vessel stored in the wrecker company's ~~operator's~~ storage
2 facility if all of the following apply:

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

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

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

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

17 b. A security dog remains at the storage facility from
18 sunset to sunrise;

19 c. Security cameras or other similar surveillance
20 devices monitor the storage facility; or

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

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

1 of personal property alleged to be contained in ~~such~~ a vehicle
2 when the ~~such~~ personal property was not identified on the
3 inventory record prepared by the law enforcement agency
4 requesting the removal of the vehicle.

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

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

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

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

27 (b) The Department of Highway Safety and Motor
28 Vehicles shall charge a fee of \$3 for each certificate of
29 destruction. A service charge of \$4.25 shall be collected and
30 retained by the tax collector who processes the application.
31

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

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

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

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

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

31

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.

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

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

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

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~~7~~, 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)~~7~~ 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

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

8 (f) This subsection applies only to the annual renewal
9 in the registered owner's birth month of a motor vehicle
10 registration and does not apply to the transfer of a
11 registration of a motor vehicle sold by a motor vehicle dealer
12 licensed under chapter 320, except for the transfer of
13 registrations which is inclusive of the annual renewals. This
14 subsection does not apply to any vehicle registered in the
15 name of the lessor. This subsection does not affect the
16 issuance of the title to a motor vehicle, notwithstanding s.
17 319.23(7)(b).

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

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

25 Section 21. Effective January 1, 2008, section 715.07,
26 Florida Statutes, is amended to read:

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

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

30 (a) "Property owner" means an owner or lessee of real
31 property, or a person authorized by the owner or lessee, which

1 person may be the designated representative of the condominium
2 association if the real property is a condominium.

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

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

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

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

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

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

31

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

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

27 2. The wrecker company ~~person or firm~~ towing or
28 removing the vehicle or vessel shall, within 30 minutes after
29 completion of the such towing or removal, notify the municipal
30 police department or, in an unincorporated area, the sheriff,
31 of the such towing or removal, the location of the storage

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

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

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

28 5. Except for property appurtenant to and obviously a
29 part of a single-family residence, and except for instances
30 when notice is personally given to the owner or other legally
31 authorized person in control of the vehicle or vessel that the

1 area in which that vehicle or vessel is parked is reserved or
2 otherwise unavailable for unauthorized vehicles or vessels and
3 that the vehicle or vessel is subject to being removed at the
4 owner's or operator's expense, any property owner ~~or lessee,~~
5 ~~or person authorized by the property owner or lessee,~~ before
6 ~~prior to~~ towing or removing any vehicle or vessel from real
7 ~~private~~ property without the consent of the owner or other
8 legally authorized person in control of that vehicle or
9 vessel, must post a notice meeting the following requirements:
10 a. The notice must be prominently placed at each
11 driveway access or curb cut allowing vehicular access to the
12 property, within 5 feet from the public right-of-way line. If
13 there are no curbs or access barriers, at least one sign ~~the~~
14 ~~signs~~ must be posted ~~not less than one sign~~ for each 25 feet
15 of lot frontage.
16 b. The notice must clearly indicate, in at least ~~not~~
17 ~~less than~~ 2-inch high, light-reflective letters on a
18 contrasting background, that unauthorized vehicles will be
19 towed away at the owner's expense. The words "tow-away zone"
20 must be included on the sign in at least ~~not less than~~ 4-inch
21 high letters.
22 c. The notice must also provide the name and current
23 telephone number of the wrecker company ~~person or firm~~ towing
24 or removing the vehicles or vessels.
25 d. The sign structure containing the required notices
26 must be permanently installed with the words "tow-away zone"
27 not less than 3 feet and not more than 6 feet above ground
28 level and must be continuously maintained on the property for
29 not less than 24 hours prior to the towing or removal of any
30 vehicles or vessels.
31

1 e. The local government may require permitting and
2 inspection of these signs prior to any towing or removal of
3 vehicles or vessels being authorized.

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

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

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

28 6. Each wrecker company ~~Any person or firm~~ that tows
29 or removes vehicles or vessels and proposes to require an
30 owner, operator, or person in control of a vehicle or vessel
31 to pay the costs of towing and storage prior to redemption of

1 | the vehicle or vessel must file and keep on record with the
2 | local law enforcement agency a complete copy of the current
3 | rates to be charged for the ~~such~~ services and post at the
4 | wrecker company's storage facility ~~site~~ an identical rate
5 | schedule and any written contracts with property owners,
6 | ~~lessees~~, or persons in control of real property that ~~which~~
7 | authorize the wrecker company ~~such person or firm~~ to remove
8 | vehicles or vessels as provided in this section.

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

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

30 | 9. When a vehicle or vessel is ~~has been~~ towed or
31 | removed under ~~pursuant to~~ this section, the wrecker company ~~it~~

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

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

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

29 (4) When a person improperly causes a vehicle or
30 vessel to be removed, that ~~such~~ person is ~~shall be~~ liable to
31 the owner or lessee of the vehicle or vessel for the cost of

1 removal, transportation, and storage; any damages resulting
2 from the removal, transportation, or storage of the vehicle or
3 vessel; attorney's fees; and court costs.

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

8 ~~(6)(5)~~(a) Any person who violates subparagraph
9 (2)(a)2. or subparagraph (2)(a)6. commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083.

12 (b) Any person who violates subparagraph (2)(a)1.,
13 subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph
14 (2)(a)7., or subparagraph (2)(a)9. commits a felony of the
15 third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 Section 22. Effective January 1, 2008, subsection (15)
18 of section 1.01, Florida Statutes, is repealed.

19 Section 23. The sum of \$693,000 is appropriated from
20 the General Inspection Trust Fund to the Department of
21 Agriculture and Consumer Services, and nine additional
22 full-time-equivalent positions are authorized, for the purpose
23 of implementing this act during the 2007-2008 fiscal year.

24 Section 24. Except as otherwise expressly provided in
25 this act, this act shall take effect July 1, 2007.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 612

4 The Committee Substitute differs from the bill as filed in the
5 following ways:

- 6 - Removes the requirement for the executive director of the
7 Professional Wrecker Operators of Florida, Inc., to be a
8 member of the Wrecker Operating Advisory Council.
- 9 - Increases the membership, from 6 to 7, of the Wrecker
10 Operation Advisory Council.
- 11 - Revises the council's future membership by requiring two
12 members to be owners of wrecker companies operating no
13 more than three trucks.
- 14 - Requires that instruction in the operation of light duty,
15 medium duty, and rollback trucks be a mandatory component
16 of the wrecker operator certification program.
- 17 - Requires the certification training to be completed
18 within 6 months of employment.
- 19 - Removes the exemption of recovery (repossession) agents
20 from the provisions of ch. 508, F.S.
- 21 - Removes the exemption for certain religious organizations
22 from the registration requirement.
- 23 - Reduces the continuing education requirement to 4 hours
24 every 5 years.
- 25 - Transfers the responsibility to approve certification
26 courses, examinations for certification, which
27 certification examinations from other states are
28 substantially equivalent to Florida's examination, and
29 continuing education courses for wrecker operators, from
30 the Wrecker Operator Advisory Council to the Department
31 of Agriculture and Consumer Services.
- Directs the Department of Agriculture and Consumer
Services to collect the fingerprint processing and
national processing fee and screen background results of
applicants.