

1 A bill to be entitled

2 An act relating to wrecker services; creating chapter 508,
3 F.S.; providing for regulatory oversight of wrecker
4 services by the Department of Agriculture and Consumer
5 Services; creating s. 508.101, F.S.; providing
6 definitions; creating s. 508.102, F.S.; creating the
7 Wrecker Operator Advisory Council within the Department of
8 Agriculture and Consumer Services; providing for
9 membership, terms, and organization; providing for meeting
10 procedures and recordkeeping; providing for reimbursement
11 for travel and per diem expenses; directing the department
12 to provide support services for the council; directing the
13 council to review rules adopted by the department and to
14 advise the department on matters relating to standards and
15 practices in the wrecker industry; creating s. 508.103,
16 F.S.; authorizing the department to adopt rules; creating
17 s. 508.105, F.S.; requiring wrecker companies to register
18 annually with the department; providing for the
19 registration application; providing for processing of
20 fingerprints by the Department of Law Enforcement;
21 requiring fees for processing; providing for issuance of
22 registration certificate; requiring display of the
23 certificate; providing requirements for advertisements;
24 requiring notification of changes in registration
25 information; requiring certain fees to be paid; requiring
26 certain companies to obtain a local business tax receipt
27 prior to registration renewal; requiring insurance
28 coverage; requiring the department to notify the

29 Department of Highway Safety and Motor Vehicles when a
30 registration has been suspended or revoked; creating s.
31 508.106, F.S.; authorizing the Department of Agriculture
32 and Consumer Services to deny, revoke, or refuse to renew
33 the registration of a wrecker company under certain
34 circumstances; creating s. 508.1061, F.S.; requiring a
35 wrecker company to accept certain forms of payment;
36 creating s. 508.107, F.S.; requiring the department to
37 establish a certification program for wrecker operators;
38 providing for the council to approve certification courses
39 and the organizations conducting the courses; providing
40 for the council to prescribe course curricula; providing
41 requirements for courses; requiring each course to include
42 an examination approved by the council; providing criteria
43 for the examination; requiring the organization conducting
44 the course to issue the certificate to the wrecker
45 operator; creating s. 508.108, F.S.; requiring each
46 certification course to offer optional specialized wrecker
47 services instruction, training, and examinations;
48 describing specialized wrecker services; directing the
49 department to adopt rules prescribing specific standards
50 to further define each specialized wrecker service;
51 requiring council approval of the instruction, training,
52 and examination; requiring the organization conducting the
53 course to issue the certificate to the wrecker operator;
54 creating s. 508.109, F.S.; providing for form and content
55 of certification cards; authorizing the department to
56 adopt rules for issuance of certification cards to an

57 operator who completes a certification course and passes a
58 certification examination in another state or completed a
59 certification course and passed a certification
60 examination in this state during a certain time period;
61 authorizing the department to adopt rules for issuance of
62 endorsements for specialized services to a wrecker
63 operator who completed instruction and training for a
64 specialized wrecker service and passed an endorsement
65 examination for that specialized wrecker service during a
66 certain time period; providing for approval by the council
67 of out-of-state certification instructions, training, and
68 examinations; providing for expiration of certification;
69 requiring certification cards to be issued by the
70 organizations conducting the courses; creating s. 508.111,
71 F.S.; providing requirements for recertification;
72 providing for a continuing education program to be
73 established by the department; providing for curricula and
74 examinations to be prescribed by the council; requiring
75 course approval by the council; providing for a
76 certificate to be issued by the training organization to
77 the wrecker operator; creating s. 508.112, F.S.;

78 prohibiting certain acts; creating ss. 508.113 and
79 508.114, F.S.; providing administrative and civil
80 penalties; creating s. 508.116, F.S.; providing for
81 registration and renewal fees; creating s. 508.117, F.S.;

82 providing for deposit and use of fees, penalties, and
83 other funds; creating s. 508.118, F.S.; providing that the
84 chapter does not apply to recovery agents; creating s.

85 508.119, F.S.; authorizing counties and municipalities to
86 enact ordinances governing wrecker operators; providing
87 for the department to enter into a cooperative agreement
88 with a county or municipality for the referral,
89 investigation, and prosecution of consumer complaints or
90 enforcement of specified wrecker services provisions;
91 creating s. 508.120, F.S.; requiring that a wrecker
92 company maintain records of its services and operators;
93 requiring organizations that conduct operator
94 certification or continuing education courses to maintain
95 records on each person who successfully completes one of
96 the courses; authorizing inspection of records by the
97 department; creating s. 508.104, F.S.; prohibiting persons
98 from owning, operating, or being issued a local business
99 tax receipt on behalf of a wrecker company without first
100 registering with the department; requiring registration
101 prior to issuance or renewal of local business tax
102 receipt; excluding certain motor vehicle repair shops and
103 dealers; creating s. 508.110, F.S.; prohibiting the
104 performance of wrecker services after a certain date
105 unless the operator is in the employ of a company that is
106 registered; requiring wrecker operators to be certified;
107 providing exceptions for certain shops and organizations;
108 authorizing the department to inspect company records;
109 creating s. 508.115, F.S.; providing criminal penalties;
110 amending s. 120.80, F.S.; providing for appointment of a
111 hearing officer by the director of the Division of the
112 Florida Highway Patrol when a hearing is held to deny,

113 suspend, or remove a wrecker company from participating in
114 the wrecker allocation system; creating s. 205.1977, F.S.;
115 prohibiting a county or municipality from issuing or
116 renewing a business tax receipt for a wrecker company that
117 is not registered with the Department of Agriculture and
118 Consumer Services; amending s. 316.530, F.S., relating to
119 towing requirements; conforming terminology; amending s.
120 320.01, F.S.; redefining the term "wrecker" for purposes
121 of the Florida Statutes; amending s. 320.03, F.S.,
122 relating to withholding the motor vehicle registration
123 plate or revalidation sticker; providing for application
124 of provisions to wrecker companies rather than wrecker
125 operators; amending s. 320.0706, F.S.; requiring a wrecker
126 to display the registration license plate only on its
127 front; amending s. 320.0821, F.S.; revising requirements
128 for the issuance of wrecker license plates; requiring the
129 license plate to be displayed on the front of the wrecker;
130 amending s. 320.13, F.S., relating to dealer license
131 plates; conforming terminology; reenacting ss.
132 316.550(4)(a) and (9) and 320.08(5)(d) and (e), F.S.,
133 relating to special wrecker permits and license taxes, to
134 incorporate the amendment to s. 320.01, F.S., in
135 references thereto; amending s. 321.051, F.S.; revising
136 provisions for the Florida Highway Patrol wrecker operator
137 system; changing the designation to "wrecker allocation
138 system"; providing definitions; revising provisions that
139 authorize the Division of the Florida Highway Patrol
140 within the Department of Highway Safety and Motor Vehicles

141 to establish the system; revising requirements for the
142 system; limiting the system to using certain registered
143 wrecker companies; revising wrecker eligibility
144 requirements; revising provisions for procedures for
145 appeal of final orders by the department denying,
146 suspending, or revoking eligibility to participate;
147 prohibiting an unauthorized wrecker company and wrecker
148 operators dispatched by an unauthorized company from
149 engaging in certain activities; requiring those operators
150 to disclose certain information to the owner or operator
151 of a wrecked or disabled vehicle prior to towing;
152 providing penalties; providing for a law enforcement
153 officer to dispatch an authorized wrecker company other
154 than a company requested by the vehicle owner or operator
155 or to dispatch a company out of rotation; amending s.
156 323.001, F.S.; revising procedures for placement of a hold
157 on a vehicle at a storage facility; providing for
158 placement of a hold by a law enforcement agency; providing
159 definitions; revising provisions for payment of towing and
160 storage charges; revising rate limitation provisions;
161 amending s. 323.002, F.S.; revising provisions for county
162 and municipal wrecker operator systems; changing the
163 designation to "wrecker allocation systems"; providing
164 definitions; limiting the systems to using certain
165 registered wrecker companies; prohibiting an unauthorized
166 wrecker company and wrecker operators dispatched by an
167 unauthorized company from engaging in certain activities;
168 requiring those operators to disclose certain information

169 to the owner or operator of a wrecked or disabled vehicle
 170 prior to towing; providing penalties; providing for a law
 171 enforcement officer to dispatch an authorized wrecker
 172 company other than a company requested by the vehicle
 173 owner or operator or to dispatch a company out of
 174 rotation; amending s. 713.78, F.S.; providing for claim of
 175 lien by a wrecker company for recovering, removing, or
 176 storing a vehicle or vessel; conforming provisions to
 177 changes made by the act; providing definitions; requiring
 178 notification to the vehicle or vessel owners, insurers,
 179 and lienholders; providing for a law enforcement agency to
 180 obtain information from the Department of Highway Safety
 181 and Motor Vehicles and provide the information to the
 182 wrecker company; providing notice procedures; providing
 183 for content of the notice; providing for notice to the
 184 agency of jurisdiction if the vehicle or vessel owner or
 185 lienholder cannot be identified; revising procedures for
 186 complaint by the vehicle or vessel owner; providing for
 187 release of the vehicle or vessel; requiring damages,
 188 attorney's fees, and costs to be awarded by the court;
 189 requiring immediate payment of recovery, towing, and
 190 storage fees to be ordered by the court; providing for
 191 notice and sale of the vehicle or vessel by the wrecker
 192 company; providing for distribution of proceeds; providing
 193 for discharge of liens and issuance of certificate of
 194 title; providing immunity from liability for a wrecker
 195 company, its operators, and other employees or agents
 196 under certain conditions; providing for a presumption of

197 the use of reasonable care; requiring wrecker company
198 information to be printed on the wrecker; specifying that
199 failure to make good faith, best efforts to comply with
200 notice requirements precludes imposition of storage
201 charges; requiring a wrecker company to provide access to
202 the vehicle or vessel; requiring release of the vehicle,
203 vessel, or personal property to the owner or agent of the
204 owner; requiring the wrecker company to obtain a
205 certificate of destruction in lieu of a certificate of
206 title when the vehicle or vessel is to be dismantled,
207 destroyed, or changed in such a manner that it is not the
208 motor vehicle or vessel described in the certificate of
209 title; providing for issuance of the certificate of
210 destruction by the county tax collector; providing
211 requirements for application for the certificate of
212 destruction; providing for reassignment of the certificate
213 of destruction; authorizing the Department of Highway
214 Safety and Motor Vehicles to adopt rules; providing
215 penalties for specified violations; authorizing the
216 Department of Highway Safety and Motor Vehicles to inspect
217 wrecker company records; directing the Department of
218 Highway Safety and Motor Vehicles, upon notice of lien
219 from a wrecker company, to place the name of the owner of
220 the vehicle or vessel on the list of those persons who may
221 not be issued a license plate or revalidation sticker for
222 a motor vehicle; providing for forms for the notice of
223 lien; providing for dispute by the owner; providing for
224 the owner's name to be removed from the list of those

225 persons who may not be issued a license plate or
226 revalidation sticker for a motor vehicle; providing for
227 lien expiration; requiring a certificate of discharge to
228 be issued by the wrecker company; providing for certain
229 fees and charges; providing for application and
230 exceptions; clarifying that the amendments made by the act
231 do not affect the validity of prior liens; amending s.
232 715.07, F.S., revising provisions for the towing and
233 storage of vehicles and vessels parked on real property
234 without permission; providing definitions; providing
235 requirements for storage facility operation; providing
236 requirements for a wrecker company, its operators, and
237 other employees or agents; prohibiting a wrecker company,
238 a wrecker operator, or another employee or agent of a
239 wrecker company from paying or accepting payment for the
240 privilege of removing vehicles or vessels from a
241 particular location; revising requirements for tow-away
242 signs to be posted by property owners; requiring a wrecker
243 company to maintain rate schedules with the local law
244 enforcement agency and to post rates and contracts at its
245 storage facility; revising requirements for certain
246 signage on a wrecker; providing immunity from liability
247 for a wrecker company, its operators, and other employees
248 or agents if entry into the vehicle or vessel is performed
249 with reasonable care; revising provisions for release of
250 the vehicle or vessel; providing that failure to comply
251 with notice requirements precludes a wrecker company from
252 imposing certain towing or storage charges; providing

253 penalties; repealing s. 1.01(15), F.S., relating to the
 254 definition of the term "wrecker operator"; providing an
 255 appropriation and authorizing additional positions;
 256 providing effective dates.

257
 258 Be It Enacted by the Legislature of the State of Florida:

259
 260 Section 1. Chapter 508, Florida Statutes, consisting of
 261 sections 508.101, 508.102, 508.103, 508.105, 508.106, 508.1061,
 262 508.107, 508.108, 508.109, 508.111, 508.112, 508.113, 508.114,
 263 508.116, 508.117, 508.118, 508.119, and 508.120, is created to
 264 read:

265 CHAPTER 508

266 WRECKER SERVICES

267 508.101 Definitions.--As used in this chapter, the term:

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

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

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

275 (4) "Specialized wrecker service" means a wrecker service
 276 described in s. 508.108. A wrecker operator is required to
 277 obtain the applicable certification endorsement before
 278 performing a specialized wrecker service.

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

281 an ownership interest in a wrecker company, regardless of
 282 whether the natural person owns or controls the ownership
 283 interest through one or more natural persons or one or more
 284 proxies, powers of attorney, nominees, business entities, or any
 285 combination thereof.

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

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

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

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

301 (10) "Wrecker operator" means a person who performs
 302 wrecker services.

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

307 (a) Driving a wrecker.

308 (b) Loading, securing, and unloading a vehicle or vessel

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309 on a wrecker using a boom, winch, car carrier, or other similar
310 equipment.

311 (c) Towing or removal of a wrecked, disabled, or abandoned
312 vehicle under the Florida Highway Patrol wrecker allocation
313 system pursuant to s. 321.051 or under a county or municipal
314 wrecker allocation system pursuant to s. 323.002.

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

317 (e) Towing, transportation, or removal of a vehicle or
318 vessel parked on real property without permission under s.
319 715.07.

320 (f) Recovery of a vehicle or vessel.

321 508.102 Wrecker Operator Advisory Council.--

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

325 (2) (a) The council shall be composed of six members
326 appointed by the Commissioner of Agriculture. In addition, the
327 executive director of the Professional Wrecker Operators of
328 Florida, Inc., shall serve ex officio as a voting member of the
329 council.

330 (b) Three members of the council must each be an ultimate
331 equitable owner of a wrecker company who has been an ultimate
332 equitable owner of that company for at least 5 years before his
333 or her appointment; one member must be a wrecker operator who is
334 not an ultimate equitable owner of a wrecker company and who has
335 been a wrecker operator for at least 5 years before his or her
336 appointment; and two members must be laypersons. Each member

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337 must be a resident of this state. This paragraph expires July 1,
338 2013.

339 (c) Effective July 1, 2013, three members of the council
340 must each be an ultimate equitable owner of a wrecker company
341 registered under this chapter who has been an ultimate equitable
342 owner of that company registered for at least 5 years before his
343 or her appointment; one member must be a wrecker operator
344 certified under this chapter who is not an ultimate equitable
345 owner of a wrecker company and who has been a certified wrecker
346 operator for at least 5 years before his or her appointment; and
347 two members must be laypersons. Each member must be a resident
348 of this state.

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

356 (4) (a) From among its members, the council shall annually
357 elect a chair, who shall preside over the meetings of the
358 council, and a vice chair.

359 (b) In conducting its meetings, the council shall use
360 accepted rules of procedure. The department shall keep a
361 complete record of each meeting showing the names of members
362 present and the actions taken. These records and other documents
363 regarding matters within the jurisdiction of the council must be
364 kept on file with the department.

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

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

370 (7) The council shall review the rules adopted by the
371 department to administer this chapter and shall advise the
372 department on matters relating to industry standards and
373 practices and other issues that require technical expertise and
374 consultation or that promote better consumer protection in the
375 wrecker industry.

376 508.103 Rulemaking authority.--The department may adopt
377 rules under ss. 120.536(1) and 120.54 to administer this
378 chapter.

379 508.105 Registration requirements; renewal of
380 registrations.--

381 (1) Each wrecker company engaged or attempting to engage
382 for hire in the business of towing, carrying, or transporting
383 vehicles or vessels by wrecker upon the streets and highways of
384 this state must annually register with the department on forms
385 prescribed by the department. The application for registration
386 must include at least the following information:

387 (a) The name and federal employer identification number of
388 the wrecker company.

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

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

393 (d) The full name, residence address, business address,
394 and telephone number of the applicant. If the applicant is other
395 than a natural person, the application must also contain the
396 full name, residence address, business address, telephone
397 number, and federal employer identification number, if
398 applicable, of each ultimate equitable owner of the business
399 entity and each officer, director, partner, manager, member, or
400 managing member of the entity.

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

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

407 (2) Each initial and renewal application for registration
408 must be accompanied by the registration fee prescribed in s.
409 508.116.

410 (3) Each initial application for registration must be
411 accompanied by a complete set of the applicant's fingerprints
412 taken by a law enforcement agency. If the applicant is other
413 than a natural person, a complete set of fingerprints must be
414 filed for each ultimate equitable owner of the business entity
415 and each officer, director, partner, manager, member, or
416 managing member of the entity. The department shall submit the
417 fingerprints to the Department of Law Enforcement for state
418 processing, and the Department of Law Enforcement shall forward
419 the fingerprints to the Federal Bureau of Investigation for
420 national processing. The applicant must also pay the Department

421 of Law Enforcement a fingerprint processing fee of \$23 for state
 422 processing, and the amount of the fee charged by the Federal
 423 Bureau of Investigation for federal processing, for each
 424 applicant's name submitted. Registration renewal applications
 425 need not be accompanied by a set of fingerprints for an
 426 individual who previously submitted a set of fingerprints to the
 427 department as part of a prior year's registration application.

428 (4) The department shall review each application in
 429 accordance with s. 120.60 and shall issue a registration
 430 certificate, in the form and size prescribed by the department,
 431 to each wrecker company whose application is approved. The
 432 certificate must show at least the name and address of the
 433 wrecker company and the registration number. The registration
 434 certificate must be prominently displayed in the wrecker
 435 company's primary place of business.

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

442 (6) A registration is invalid for a wrecker company
 443 transacting business at a place other than the location
 444 specified in the registration application unless the department
 445 is first notified in writing before the change of location. A
 446 registration issued under this chapter is not transferable or
 447 assignable, and a wrecker company may not conduct business under
 448 a name other than the name registered. A wrecker company

449 desiring to change its registered name, location, or registered
450 agent for service of process at a time other than upon renewal
451 of registration must notify the department of the change.

452 (7) (a) Each registration must be renewed annually on or
453 before the expiration date of the current registration. A late
454 fee of \$25 must be paid, in addition to the registration fee or
455 any other penalty, for a registration renewal application that
456 is received by the department after the expiration date of the
457 current registration. The department may not issue a
458 registration until all fees are paid.

459 (b) A wrecker company whose primary place of business is
460 located within a county or municipality that requires, by local
461 ordinance, a local business tax receipt under chapter 205 may
462 not renew a registration under this chapter unless the wrecker
463 company obtains the business tax receipt from the county or
464 municipality.

465 (8) Each wrecker company must provide the department with
466 a certificate of insurance for the insurance coverage required
467 under s. 627.7415 before the department may issue the
468 certificate for an initial or renewal registration. The
469 department must be named as a certificateholder on the insurance
470 certificate and must be notified at least 30 days before any
471 change in insurance coverage.

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

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477 508.106 Denial of registration.--The department may deny,
478 revoke, or refuse to renew the registration of a wrecker company
479 based upon a determination that the applicant or, if the
480 applicant is other than a natural person, the wrecker company or
481 any of its ultimate equitable owners, officers, directors,
482 partners, managers, members, or managing members has:

483 (1) Not met the requirements for registration under this
484 chapter;

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

488 (3) Been convicted or found guilty of, regardless of
489 adjudication, or pled guilty or nolo contendere to, a crime
490 within the last 10 years involving repossession of a motor
491 vehicle under chapter 493, repair of a motor vehicle under ss.
492 559.901-559.9221, theft of a motor vehicle under s. 812.014,
493 carjacking under s. 812.133, operation of a chop shop under s.
494 812.16, failure to maintain records of motor vehicle parts and
495 accessories under s. 860.14, violations relating to airbags
496 under s. 860.145 or use of fake airbags under s. 860.146,
497 overcharging for repairs and parts under s. 860.15, or a
498 violation of towing or storage requirements for a motor vehicle
499 under this chapter, s. 321.051, chapter 323, s. 713.78, or s.
500 715.07;

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

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

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

510 508.1061 Acceptable forms of payment.--A wrecker company
511 shall accept a minimum of two of the three following forms of
512 payment:

513 (1) Cash, cashier's check, money order, or traveler's
514 check.

515 (2) Valid personal check, showing upon its face the name
516 and address of the vehicle or vessel owner or authorized
517 representative.

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

520 508.107 Wrecker operator certification program.--

521 (1) The department, in consultation with the council,
522 shall establish a wrecker operator certification program by
523 December 31, 2007. Under this program, the council shall approve
524 certification courses for wrecker operators conducted by
525 approved organizations. The council shall prescribe the minimum
526 curricula for these courses, which must comprise at least 16
527 hours, equally apportioned between theoretical instruction and
528 practical training. The council must approve each organization
529 and its certification course before the course is accepted for
530 certification of wrecker operators under this chapter.

531 (2) Each approved wrecker operator certification course
532 must include a certification examination demonstrating a wrecker

533 operator's knowledge, skills, and abilities in performing
534 wrecker services and proficiency in the subject matter of the
535 certification course. The council must approve each
536 certification examination before the examination is accepted for
537 certification of wrecker operators under this chapter.

538 (3) Each organization conducting an approved wrecker
539 operator certification course must issue on forms prescribed by
540 the department a certificate to each wrecker operator who
541 completes the approved certification course and passes the
542 approved certification examination.

543 508.108 Specialized wrecker services.--

544 (1) In addition to the minimum curricula for certification
545 of wrecker operators, each approved certification course must
546 offer optional instruction, training, and examination of wrecker
547 operators for each of the following specialized wrecker
548 services:

549 (a) Light duty.--Towing and winching a passenger vehicle
550 and uprighting an overturned passenger vehicle, including the
551 proper use of chains, wire rope, and straps.

552 (b) Medium duty.--Towing and winching a medium-sized
553 commercial vehicle and uprighting an overturned medium-sized
554 commercial vehicle.

555 (c) Heavy duty.--Towing and winching a standard large-
556 sized commercial vehicle and uprighting an overturned standard
557 large-sized commercial vehicle.

558 (d) Ultra-heavy duty.--Towing and winching a specialty
559 large-sized commercial vehicle or another complex vehicle and
560 uprighting an overturned specialty large-sized commercial

561 vehicle or another complex vehicle.

562 (e) Rollback wrecker.--Proper loading, securing,
563 transporting, and unloading of a vehicle on a flatbed-rollback
564 wrecker.

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

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

570 (2) The department shall adopt rules prescribing specific
571 standards to further define each of the specialized wrecker
572 services described in subsection (1). The council must approve
573 the instruction, training, and examination for a specialized
574 wrecker service before the specialized wrecker service is
575 accepted for endorsement of a wrecker operator's certification
576 under this chapter.

577 (3) Each organization conducting an approved wrecker
578 operator certification course must issue on forms prescribed by
579 the department a certificate to each wrecker operator who
580 completes the approved instruction and training for a
581 specialized wrecker service and passes the approved endorsement
582 examination for that specialized wrecker service.

583 508.109 Certification cards.--

584 (1) Each organization conducting an approved wrecker
585 operator certification course must issue a certification card to
586 each wrecker operator who completes the approved certification
587 course and passes the approved certification examination. The
588 department must approve the form of the certification cards

589 issued by each organization. Each certification card must
590 include the wrecker operator's name, a color photograph or
591 digital image of the wrecker operator, and the expiration date
592 of the certification card.

593 (2) Each certification card must also include the wrecker
594 operator's applicable endorsements for those specialized wrecker
595 services for which the wrecker operator completed the approved
596 instruction and training and passed the approved endorsement
597 examination.

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

600 1. Completes a certification course and passes a
601 certification examination in another state, which course and
602 examination are substantially equivalent to the approved
603 certification courses and approved certification examinations in
604 this state.

605 2. Completed a certification course and passed a
606 certification examination in this state between January 1, 2003,
607 and December 31, 2007, which course and examination are
608 substantially equivalent to the approved certification courses
609 and the approved certification examinations. This subparagraph
610 expires July 1, 2008.

611 3. Completed instruction and training for a specialized
612 wrecker service and passed an endorsement examination for that
613 specialized wrecker service between January 1, 2003, and
614 December 31, 2007, which instruction, training, and examination
615 are substantially equivalent to the approved instruction and
616 training and the approved endorsement examinations. This

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617 subparagraph expires July 1, 2008.

618 (b) For the purposes of this subsection, the council shall
619 approve each certification examination in another state, and
620 shall approve the instruction, training, and examination for
621 each specialized wrecker service in another state, that the
622 council determines are substantially equivalent to the approved
623 certification courses and approved certification examinations in
624 this state or to the approved instruction, training, and
625 endorsement examinations for a specialized wrecker service in
626 this state.

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

629 (5) Certification cards shall be issued by the
630 organizations conducting approved wrecker operator certification
631 courses. The department is not responsible for issuing
632 certification cards or for the costs associated with the
633 issuance of certification cards.

634 508.111 Renewal of certification; continuing education
635 requirements.--

636 (1) The department, in consultation with the council,
637 shall establish a continuing education program for the
638 recertification of wrecker operators by December 31, 2008. In
639 order to renew a wrecker operator's certification card, an
640 operator must complete a continuing education course. The
641 council must prescribe the minimum curricula and proper
642 examination for each continuing education course, each of which
643 must be at least 8 hours in length. The council shall approve
644 each organization, and the continuing education course it

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645 proposes to offer, before the course is approved for
646 recertifying wrecker operators.

647 (2) Each organization conducting an approved wrecker
648 operator continuing education course must issue, on forms
649 prescribed by the department, a certificate to each wrecker
650 operator who completes the approved course and passes an
651 approved recertification examination.

652 508.112 Prohibited acts.--It is a violation of this
653 chapter for a person to:

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

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

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

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

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

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

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

672 (8) Allow a wrecker operator certified under this chapter

673 to perform a specialized wrecker service for the wrecker company
674 if the wrecker operator's certification does not include an
675 endorsement for that specialized wrecker service.

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

678 508.113 Administrative penalties; inspection of records.--

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

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

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

685 (c) Direct the person to cease and desist specified
686 activities.

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

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

691 (2) Chapter 120 shall govern an administrative proceeding
692 resulting from an order imposing a penalty specified in
693 subsection (1).

694 508.114 Civil penalties.--The department may bring a civil
695 action in a court of competent jurisdiction to recover any
696 penalties or damages allowed in this chapter and for injunctive
697 relief to enforce compliance with this chapter. The department
698 may seek a civil penalty of up to \$5,000 for each violation of
699 this chapter and may seek restitution for and on behalf of any
700 owner of a vehicle or vessel who is aggrieved or injured by a

701 violation of this chapter.

702 508.116 Fees.--The department shall adopt by rule a fee
 703 schedule not to exceed the following amounts:

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

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

706 508.117 General Inspection Trust Fund; payments.--All
 707 fees, penalties, or other funds collected by the department
 708 under this chapter must be deposited in the General Inspection
 709 Trust Fund and may only be used for the purpose of administering
 710 this chapter.

711 508.118 Recovery agents; exemption.--This chapter does not
 712 apply to a person licensed under chapter 493 performing
 713 repossession services.

714 508.119 County and municipal ordinances.--A county or
 715 municipality may enact ordinances governing the business of
 716 transporting vehicles or vessels by wrecker that are more
 717 restrictive than this chapter. This section does not limit the
 718 authority of a political subdivision to impose regulatory fees
 719 or charges or to levy local business taxes under chapter 205.
 720 The department may enter into a cooperative agreement with any
 721 county or municipality that provides for the referral,
 722 investigation, and prosecution of consumer complaints alleging
 723 violations of this chapter. The department is authorized to
 724 delegate enforcement of this chapter to any county or
 725 municipality entering into a cooperative agreement.

726 508.120 Records.--

727 (1) Each wrecker company shall maintain records of its
 728 wrecker services for at least 12 months. These records shall be

729 maintained at the wrecker company's principal place of business.

730 (2) Each wrecker company shall maintain records on each of
 731 its wrecker operators sufficient to demonstrate that the
 732 operator has successfully completed an approved wrecker operator
 733 certification course or an approved wrecker operator continuing
 734 education course and is certified to perform wrecker services.
 735 These records shall be maintained at the wrecker company's
 736 principal place of business for as long as the operator is
 737 employed by the wrecker company and for at least 6 months
 738 thereafter.

739 (3) Each organization approved to conduct a wrecker
 740 operator certification course or approved to offer a wrecker
 741 operator continuing education course shall maintain records on
 742 each person who successfully completes one of the courses. The
 743 records shall be maintained at the organization's principal
 744 place of business for at least 5 years. The department may, at
 745 any time during normal business hours, enter the organization's
 746 principal place of business to examine the records.

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

749 508.104 Wrecker companies; registration required.--

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

754 (2) A person applying for or renewing a local business tax
 755 receipt to engage for hire in the business of a wrecker company
 756 must exhibit a current registration certificate from the

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757 department before the local business tax receipt may be issued
758 or reissued under chapter 205.

759 (3) This section does not apply to a motor vehicle repair
760 shop registered with the department under s. 559.904 that
761 derives at least 80 percent of its gross sales from motor
762 vehicle repairs or to any franchised motor vehicle dealer
763 licensed pursuant to s. 320.27 when wrecker services are
764 incidental to the operation of the franchise.

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

767 508.110 Wrecker operators; certification required;
768 inspection of employment records.--

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

774 (2) (a) A person may not perform wrecker services or
775 specialized wrecker services for a wrecker company for more than
776 6 months after first being employed by, or becoming an ultimate
777 equitable owner of, the wrecker company without being certified
778 as a wrecker operator under this chapter.

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

783 (3) (a) Notwithstanding subsections (1) and (2), a person
784 may perform wrecker services or specialized wrecker services in

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785 this state if he or she is an employee or ultimate equitable
786 owner of a motor vehicle repair shop registered with the
787 department under s. 559.904 and those wrecker services or
788 specialized wrecker services are performed on behalf of the
789 motor vehicle repair shop.

790 (b) Notwithstanding subsections (1) and (2), a person may
791 perform wrecker services or specialized wrecker services in this
792 state if those wrecker services or specialized wrecker services
793 are performed on behalf of a religious organization that holds a
794 current exemption from federal taxation or that is not required
795 to apply for recognition of its exemption under s. 501 of the
796 Internal Revenue Code.

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

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

805 508.115 Criminal penalties.--

806 (1) A person who violates s. 508.104(1) by operating a
807 wrecker company in this state without being registered with the
808 department under this chapter commits a felony of the third
809 degree, punishable as provided in s. 775.082, s. 775.083, or s.
810 775.084.

811 (2) A person who violates s. 508.110(1) by performing
812 wrecker services in this state without being an employee or

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813 ultimate equitable owner of a wrecker company that is registered
 814 with the department under this chapter commits a felony of the
 815 third degree, punishable as provided in s. 775.082, s. 775.083,
 816 or s. 775.084.

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

820 120.80 Exceptions and special requirements; agencies.--

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

822 (b) Wrecker companies ~~operators~~.--Notwithstanding s.
 823 120.57(1)(a), hearings held by the Division of the Florida
 824 Highway Patrol of the Department of Highway Safety and Motor
 825 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~
 826 from participating in the wrecker allocation ~~rotation~~ system
 827 established under ~~by~~ s. 321.051 need not be conducted by an
 828 administrative law judge assigned by the division. These
 829 hearings shall be held by a hearing officer appointed by the
 830 director of the Division of the Florida Highway Patrol.

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

833 205.1977 Wrecker companies; consumer protection.--A county
 834 or municipality may not issue or renew a business tax receipt
 835 for the operation of a wrecker company under chapter 508 unless
 836 the wrecker company exhibits a current registration from the
 837 Department of Agriculture and Consumer Services.

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

840 316.530 Towing requirements.--

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841 (3) Whenever a motor vehicle becomes disabled upon the
 842 highways of this state and a wrecker ~~or tow truck~~ is required to
 843 remove it to a repair shop or other appropriate location, if the
 844 combined weights of those two vehicles and the loads thereon
 845 exceed the maximum allowable weights as established by s.
 846 316.535, no penalty shall be assessed either vehicle or driver.
 847 However, this exception shall not apply to the load limits for
 848 bridges and culverts established by the department as provided
 849 in s. 316.555.

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

852 320.01 Definitions, general.--As used in the Florida
 853 Statutes, except as otherwise provided, the term:

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

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

861 320.03 Registration; duties of tax collectors;
 862 International Registration Plan.--

863 (8) If the applicant's name appears on the list referred
 864 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 865 license plate or revalidation sticker may not be issued until
 866 that person's name no longer appears on the list or until the
 867 person presents a receipt from the clerk showing that the fines
 868 outstanding have been paid. This subsection does not apply to

869 the owner of a leased vehicle if the vehicle is registered in
 870 the name of the lessee of the vehicle. The tax collector and the
 871 clerk of the court are each entitled to receive monthly, as
 872 costs for implementing and administering this subsection, 10
 873 percent of the civil penalties and fines recovered from such
 874 persons. As used in this subsection, the term "civil penalties
 875 and fines" does not include a wrecker company's ~~operator's~~ lien
 876 as described in s. 713.78(13). If the tax collector has private
 877 tag agents, such tag agents are entitled to receive a pro rata
 878 share of the amount paid to the tax collector, based upon the
 879 percentage of license plates and revalidation stickers issued by
 880 the tag agent compared to the total issued within the county.
 881 The authority of any private agent to issue license plates shall
 882 be revoked, after notice and a hearing as provided in chapter
 883 120, if he or she issues any license plate or revalidation
 884 sticker contrary to the provisions of this subsection. This
 885 section applies only to the annual renewal in the owner's birth
 886 month of a motor vehicle registration and does not apply to the
 887 transfer of a registration of a motor vehicle sold by a motor
 888 vehicle dealer licensed under this chapter, except for the
 889 transfer of registrations which is inclusive of the annual
 890 renewals. This section does not affect the issuance of the title
 891 to a motor vehicle, notwithstanding s. 319.23(7)(b).

892 Section 10. Section 320.0706, Florida Statutes, is amended
 893 to read:

894 320.0706 Display of license plates on trucks.--The owner
 895 of any commercial truck of gross vehicle weight of 26,001 pounds
 896 or more shall display the registration license plate on both the

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897 front and rear of the truck in conformance with all the
 898 requirements of s. 316.605 that do not conflict with this
 899 section. The owner of a dump truck may place the rear license
 900 plate on the gate no higher than 60 inches to allow for better
 901 visibility. However, the owner of a truck tractor or a wrecker
 902 must ~~shall be required to~~ display the registration license plate
 903 only on the front of such vehicle.

904 Section 11. Subsection (1) of section 320.0821, Florida
 905 Statutes, is amended, and subsection (5) is added to that
 906 section, to read:

907 320.0821 Wrecker license plates.--

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

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

919 Section 12. Effective January 1, 2008, subsection (1) of
 920 section 320.0821, Florida Statutes, as amended by this act, is
 921 amended to read:

922 320.0821 Wrecker license plates.--

923 (1) The department shall issue one wrecker license plate,
 924 regardless of gross vehicle weight, to the owner of a wrecker

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925 ~~any motor vehicle that is used to tow, carry, or otherwise~~
 926 ~~transport vehicles or vessels upon the streets and highways of~~
 927 ~~this state and that is equipped for that purpose with a boom,~~
 928 ~~winch, carrier, or other similar equipment, except a motor~~
 929 ~~vehicle registered under the International Registration Plan,~~
 930 upon application and payment of the appropriate license tax and
 931 fees in accordance with s. 320.08(5)(d) or (e).

932 Section 13. Paragraph (a) of subsection (1) of section
 933 320.13, Florida Statutes, is amended to read:

934 320.13 Dealer and manufacturer license plates and
 935 alternative method of registration.--

936 (1)(a) Any licensed motor vehicle dealer and any licensed
 937 mobile home dealer may, upon payment of the license tax imposed
 938 by s. 320.08(12), secure one or more dealer license plates,
 939 which are valid for use on motor vehicles or mobile homes owned
 940 by the dealer to whom such plates are issued while the motor
 941 vehicles are in inventory and for sale, or while being operated
 942 in connection with such dealer's business, but are not valid for
 943 use for hire. Dealer license plates may not be used on any ~~tow~~
 944 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 945 wrecker is being demonstrated for sale, and the dealer license
 946 plates may not be used on a vehicle used to transport another
 947 motor vehicle for the motor vehicle dealer.

948 Section 14. For the purpose of incorporating the amendment
 949 made by this act to section 320.01, Florida Statutes, in
 950 references thereto, paragraph (a) of subsection (4) and
 951 subsection (9) of section 316.550, Florida Statutes, are
 952 reenacted to read:

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953 316.550 Operations not in conformity with law; special
954 permits.--

955 (4) (a) The Department of Transportation may issue a
956 wrecker special blanket permit to authorize a wrecker as defined
957 in s. 320.01(40) to tow a disabled vehicle as defined in s.
958 320.01(38) where the combination of the wrecker and the disabled
959 vehicle being towed exceeds the maximum weight limits as
960 established by s. 316.535.

961 (9) Whenever any motor vehicle, or the combination of a
962 wrecker as defined in s. 320.01(40) and a towed motor vehicle,
963 exceeds any weight or dimensional criteria or special
964 operational or safety stipulation contained in a special permit
965 issued under the provisions of this section, the penalty
966 assessed to the owner or operator shall be as follows:

967 (a) For violation of weight criteria contained in a
968 special permit, the penalty per pound or portion thereof
969 exceeding the permitted weight shall be as provided in s.
970 316.545.

971 (b) For each violation of dimensional criteria in a
972 special permit, the penalty shall be as provided in s. 316.516
973 and penalties for multiple violations of dimensional criteria
974 shall be cumulative except that the total penalty for the
975 vehicle shall not exceed \$1,000.

976 (c) For each violation of an operational or safety
977 stipulation in a special permit, the penalty shall be an amount
978 not to exceed \$1,000 per violation and penalties for multiple
979 violations of operational or safety stipulations shall be
980 cumulative except that the total penalty for the vehicle shall

981 not exceed \$1,000.

982 (d) For violation of any special condition that has been
 983 prescribed in the rules of the Department of Transportation and
 984 declared on the permit, the vehicle shall be determined to be
 985 out of conformance with the permit and the permit shall be
 986 declared null and void for the vehicle, and weight and
 987 dimensional limits for the vehicle shall be as established in s.
 988 316.515 or s. 316.535, whichever is applicable, and:

989 1. For weight violations, a penalty as provided in s.
 990 316.545 shall be assessed for those weights which exceed the
 991 limits thus established for the vehicle; and

992 2. For dimensional, operational, or safety violations, a
 993 penalty as established in paragraph (c) or s. 316.516, whichever
 994 is applicable, shall be assessed for each nonconforming
 995 dimensional, operational, or safety violation and the penalties
 996 for multiple violations shall be cumulative for the vehicle.

997 Section 15. For the purpose of incorporating the amendment
 998 made by this act to section 320.01, Florida Statutes, in
 999 references thereto, paragraphs (d) and (e) of subsection (5) of
 1000 section 320.08, Florida Statutes, are reenacted to read:

1001 320.08 License taxes.--Except as otherwise provided
 1002 herein, there are hereby levied and imposed annual license taxes
 1003 for the operation of motor vehicles, mopeds, motorized bicycles
 1004 as defined in s. 316.003(2), and mobile homes, as defined in s.
 1005 320.01, which shall be paid to and collected by the department
 1006 or its agent upon the registration or renewal of registration of
 1007 the following:

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1008 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1009 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

1010 (d) A wrecker, as defined in s. 320.01(40), which is used
 1011 to tow a vessel as defined in s. 327.02(39), a disabled,
 1012 abandoned, stolen-recovered, or impounded motor vehicle as
 1013 defined in s. 320.01(38), or a replacement motor vehicle as
 1014 defined in s. 320.01(39): \$30 flat.

1015 (e) A wrecker, as defined in s. 320.01(40), which is used
 1016 to tow any motor vehicle, regardless of whether or not such
 1017 motor vehicle is a disabled motor vehicle as defined in s.
 1018 320.01(38), a replacement motor vehicle as defined in s.
 1019 320.01(39), a vessel as defined in s. 327.02(39), or any other
 1020 cargo, as follows:

1021 1. Gross vehicle weight of 10,000 pounds or more, but less
 1022 than 15,000 pounds: \$87 flat.

1023 2. Gross vehicle weight of 15,000 pounds or more, but less
 1024 than 20,000 pounds: \$131 flat.

1025 3. Gross vehicle weight of 20,000 pounds or more, but less
 1026 than 26,000 pounds: \$186 flat.

1027 4. Gross vehicle weight of 26,000 pounds or more, but less
 1028 than 35,000 pounds: \$240 flat.

1029 5. Gross vehicle weight of 35,000 pounds or more, but less
 1030 than 44,000 pounds: \$300 flat.

1031 6. Gross vehicle weight of 44,000 pounds or more, but less
 1032 than 55,000 pounds: \$572 flat.

1033 7. Gross vehicle weight of 55,000 pounds or more, but less
 1034 than 62,000 pounds: \$678 flat.

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1035 8. Gross vehicle weight of 62,000 pounds or more, but less
1036 than 72,000 pounds: \$800 flat.

1037 9. Gross vehicle weight of 72,000 pounds or more: \$979
1038 flat.

1039 Section 16. Effective January 1, 2008, section 321.051,
1040 Florida Statutes, is amended to read:

1041 (Substantial rewording of section. See
1042 s. 321.051, F.S., for present text.)

1043 321.051 Florida Highway Patrol wrecker allocation system;
1044 penalties for operation outside of system.--

1045 (1) As used in this section, the term:

1046 (a) "Authorized wrecker company" means a wrecker company
1047 designated by the division as part of its wrecker allocation
1048 system.

1049 (b) "Division" means the Division of the Florida Highway
1050 Patrol within the Department of Highway Safety and Motor
1051 Vehicles.

1052 (c) "Unauthorized wrecker company" means a wrecker company
1053 not designated by the division as part of its wrecker allocation
1054 system.

1055 (d) "Wrecker company" has the same meaning ascribed in s.
1056 508.101.

1057 (e) "Wrecker operator" has the same meaning ascribed in s.
1058 508.101.

1059 (f) "Wrecker services" has the same meaning ascribed in s.
1060 508.101.

1061 (2) (a) The division may establish within areas designated
1062 by the division a wrecker allocation system, using qualified,

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1063 reputable wrecker companies, for the removal from crash scenes
1064 and the storage of wrecked or disabled vehicles when the owner
1065 or operator is incapacitated or unavailable or leaves the
1066 procurement of wrecker services to the officer at the scene and
1067 for the removal and storage of abandoned vehicles.

1068 (b) The wrecker allocation system may use only wrecker
1069 companies registered under chapter 508. Each reputable wrecker
1070 company registered under chapter 508 is eligible for use in the
1071 system if its equipment and wrecker operators meet the
1072 recognized safety qualifications and mechanical standards set by
1073 the division's rules for the size of vehicle they are designed
1074 to handle. The division may limit the number of wrecker
1075 companies participating in the wrecker allocation system.

1076 (c) The division may establish maximum rates for the
1077 towing and storage of vehicles removed at the division's request
1078 if those rates are not established by a county or municipality
1079 under s. 125.0103 or s. 166.043. These rates are not rules for
1080 the purpose of chapter 120; however, the Department of Highway
1081 Safety and Motor Vehicles shall adopt rules prescribing the
1082 procedures for setting these rates.

1083 (d) Notwithstanding chapter 120, a final order of the
1084 Department of Highway Safety and Motor Vehicles denying,
1085 suspending, or revoking a wrecker company's participation in the
1086 wrecker allocation system may be appealed only in the manner and
1087 within the time provided by the Florida Rules of Appellate
1088 Procedure by a writ of certiorari issued by the circuit court in
1089 the county in which the wrecker company's primary place of
1090 business is located, as evidenced by the wrecker company's

1091 registration under chapter 508.

1092 (3) (a) An unauthorized wrecker company, its wrecker
 1093 operators, or its other employees or agents may not monitor a
 1094 police radio for communications between patrol field units and
 1095 the dispatcher in order to determine the location of a wrecked
 1096 or disabled vehicle for the purpose of dispatching its wrecker
 1097 operator to drive by the scene of the vehicle in a manner
 1098 described in paragraph (b) or paragraph (c). Any person who
 1099 violates this paragraph commits a noncriminal violation,
 1100 punishable as provided in s. 775.083.

1101 (b) Except as provided in paragraph (c), a wrecker
 1102 operator dispatched by an unauthorized wrecker company who
 1103 drives by the scene of a wrecked or disabled vehicle before the
 1104 arrival of the wrecker operator dispatched by the authorized
 1105 wrecker company may not initiate contact with the owner or
 1106 operator of the vehicle by soliciting or offering wrecker
 1107 services or tow the vehicle. Any person who violates this
 1108 paragraph commits a misdemeanor of the second degree, punishable
 1109 as provided in s. 775.082 or s. 775.083.

1110 (c) When a wrecker operator dispatched by an unauthorized
 1111 wrecker company drives by the scene of a wrecked or disabled
 1112 vehicle and the owner or operator initiates contact by signaling
 1113 the wrecker operator to stop and provide wrecker services, the
 1114 wrecker operator must disclose to the owner or operator of the
 1115 vehicle that he or she was not dispatched by the authorized
 1116 wrecker company designated as part of the wrecker allocation
 1117 system and must disclose, in writing, what charges for towing
 1118 and storage will apply before the vehicle is connected to the

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1119 towing apparatus. Any person who violates this paragraph commits
 1120 a misdemeanor of the second degree, punishable as provided in s.
 1121 775.082 or s. 775.083.

1122 (d) A wrecker operator may not falsely identify himself or
 1123 herself as being part of, or as being employed by a wrecker
 1124 company that is part of, the wrecker allocation system at the
 1125 scene of a wrecked or disabled vehicle. Any person who violates
 1126 this paragraph commits a misdemeanor of the first degree,
 1127 punishable as provided in s. 775.082 or s. 775.083.

1128 (4) This section does not prohibit or in any way prevent
 1129 the owner or operator of a vehicle involved in a crash or
 1130 otherwise disabled from contacting any wrecker company for the
 1131 provision of wrecker services, regardless of whether the wrecker
 1132 company is an authorized wrecker company. However, if a law
 1133 enforcement officer determines that the disabled vehicle or
 1134 vehicle cargo is a public safety hazard, the officer may, in the
 1135 interest of public safety, dispatch an authorized wrecker
 1136 company if the officer believes that the authorized wrecker
 1137 company would arrive at the scene before the wrecker company
 1138 requested by the owner or operator of the disabled vehicle or
 1139 vehicle cargo.

1140 (5) A law enforcement officer may dispatch an authorized
 1141 wrecker company out of rotation to the scene of a wrecked or
 1142 disabled vehicle if the authorized wrecker company next on
 1143 rotation is not equipped to provide the required wrecker
 1144 services and the out-of-rotation authorized wrecker company is
 1145 available with the required equipment. However, this subsection
 1146 does not prohibit or prevent the owner or operator of a vehicle

1147 involved in a crash or otherwise disabled from contacting any
 1148 wrecker company that is properly equipped to provide the
 1149 required wrecker services, regardless of whether the wrecker
 1150 company is an authorized wrecker company, unless the law
 1151 enforcement officer determines that the wrecked or disabled
 1152 vehicle or vehicle cargo is a public safety hazard and the
 1153 officer believes that the authorized wrecker company would
 1154 arrive at the scene before the wrecker company requested by the
 1155 owner or operator.

1156 Section 17. Effective January 1, 2008, section 323.001,
 1157 Florida Statutes, is amended to read:

1158 (Substantial rewording of section. See
 1159 s. 323.001, F.S., for present text.)

1160 323.001 Wrecker company storage facilities; vehicle
 1161 holds.--

1162 (1) As used in this section, the term:

1163 (a) "Business day" means a day other than a Saturday,
 1164 Sunday, or federal or state legal holiday.

1165 (b) "Wrecker company" has the same meaning ascribed in s.
 1166 508.101.

1167 (2) A law enforcement agency may place a hold on a motor
 1168 vehicle stored within a wrecker company's storage facility for 5
 1169 business days, thereby preventing a motor vehicle from being
 1170 released to its owner.

1171 (3) To extend a hold beyond 5 business days, the law
 1172 enforcement agency must notify the wrecker company in writing
 1173 before the expiration of the 5 business days. If notification is
 1174 not made within the 5 business days, the wrecker company must

1175 release the vehicle to the designated person under s. 713.78.

1176 (a) If the hold is extended beyond the 5 business days,
 1177 the law enforcement agency may have the vehicle removed to a
 1178 designated impound lot and the vehicle may not be released by
 1179 the law enforcement agency to the owner or lienholder of the
 1180 vehicle until proof of payment of the towing and storage charges
 1181 incurred by the wrecker company is presented to the law
 1182 enforcement agency.

1183 (b) If the law enforcement agency chooses to have the
 1184 vehicle remain at the wrecker company's storage facility for
 1185 more than 5 business days under the written notification, the
 1186 law enforcement agency is responsible for paying the storage
 1187 charges incurred by the wrecker company for the requested
 1188 extended period. The owner or lienholder is responsible for
 1189 paying the accrued towing and storage charges for the first 5
 1190 business days, or any period less than the first 5 business
 1191 days, if the law enforcement agency moves the vehicle from the
 1192 wrecker company's storage facility to a designated impound lot
 1193 or provides written notification to extend the hold on the
 1194 vehicle before the expiration of the 5 business days.

1195 (c) The towing and storage rates for the owner or
 1196 lienholder of the held vehicle may not exceed the rates for the
 1197 law enforcement agency.

1198 (4) If there is a judicial finding of no probable cause
 1199 for having continued the immobilization or impoundment, the law
 1200 enforcement agency ordering the hold must pay the accrued
 1201 charges for any towing and storage.

1202 (5) The requirements for a written hold apply when:

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- 1203 (a) The law enforcement officer has probable cause to
 1204 believe that the vehicle should be seized and forfeited under
 1205 the Florida Contraband Forfeiture Act, ss. 932.701-932.707;
 1206 (b) The law enforcement officer has probable cause to
 1207 believe that the vehicle should be seized and forfeited under
 1208 chapter 370 or chapter 372;
 1209 (c) The law enforcement officer has probable cause to
 1210 believe that the vehicle was used as a means to commit a crime;
 1211 (d) The law enforcement officer has probable cause to
 1212 believe that the vehicle is itself evidence that a crime has
 1213 been committed or that the vehicle contains evidence, which
 1214 cannot readily be removed, that a crime has been committed;
 1215 (e) The law enforcement officer has probable cause to
 1216 believe that the vehicle was involved in a traffic accident
 1217 resulting in death or personal injury and should be sealed for
 1218 investigation and collection of evidence by a vehicular homicide
 1219 investigator;
 1220 (f) The vehicle is impounded or immobilized under s.
 1221 316.193 or s. 322.34; or
 1222 (g) The law enforcement officer is complying with a court
 1223 order.
 1224 (6) The hold must be in writing and must specify:
 1225 (a) The name and agency of the law enforcement officer
 1226 placing the hold on the vehicle.
 1227 (b) The date and time the hold is placed on the vehicle.
 1228 (c) A general description of the vehicle, including its
 1229 color, make, model, body style, and year; vehicle identification
 1230 number; registration license plate number, state, and year; and

1231 validation sticker number, state, and year.

1232 (d) The specific reason for placing the hold.

1233 (e) The condition of the vehicle.

1234 (f) The location where the vehicle is being held.

1235 (g) The name, address, and telephone number of the wrecker

1236 company and the storage facility.

1237 (7) A wrecker company's storage facility must comply with

1238 a hold placed by a law enforcement officer, including

1239 instructions for inside or outside storage. A wrecker company's

1240 storage facility may not release a motor vehicle subject to a

1241 hold to any person except as directed by the law enforcement

1242 agency placing the hold.

1243 (8) When a vehicle owner is found guilty of, regardless of

1244 adjudication, or pleads nolo contendere to, the offense that

1245 resulted in a hold being placed on his or her vehicle, the owner

1246 must pay the accrued towing and storage charges assessed against

1247 the vehicle.

1248 Section 18. Effective January 1, 2008, section 323.002,

1249 Florida Statutes, is amended to read:

1250 (Substantial rewording of section. See

1251 s. 323.002, F.S., for present text.)

1252 323.002 County and municipal wrecker allocation systems;

1253 penalties for operation outside of system.--

1254 (1) As used in this section, the term:

1255 (a) "Authorized wrecker company" means a wrecker company

1256 designated as part of the wrecker allocation system established

1257 by the governmental unit having jurisdiction over the scene of a

1258 wrecked, disabled, or abandoned vehicle.

1259 (b) "Unauthorized wrecker company" means a wrecker company
 1260 not designated as part of the wrecker allocation system
 1261 established by the governmental unit having jurisdiction over
 1262 the scene of a wrecked, disabled, or abandoned vehicle.

1263 (c) "Wrecker allocation system" means a system for the
 1264 towing or removal of wrecked, disabled, or abandoned vehicles,
 1265 similar to the Florida Highway Patrol wrecker allocation system
 1266 described in s. 321.051(2), under which a county or municipality
 1267 contracts with one or more wrecker companies registered under
 1268 chapter 508 for the towing or removal of wrecked, disabled, or
 1269 abandoned vehicles from accident scenes, streets, or highways.
 1270 Each wrecker allocation system must use a method for
 1271 apportioning the towing assignments among the eligible wrecker
 1272 companies through the creation of geographic zones or a rotation
 1273 schedule or a combination of geographic zones and a rotation
 1274 schedule.

1275 (d) "Wrecker company" has the same meaning ascribed in s.
 1276 508.101.

1277 (e) "Wrecker operator" has the same meaning ascribed in s.
 1278 508.101.

1279 (f) "Wrecker services" has the same meaning ascribed in s.
 1280 508.101.

1281 (2) In a county or municipality that operates a wrecker
 1282 allocation system:

1283 (a) The wrecker allocation system may only use wrecker
 1284 companies registered under chapter 508.

1285 (b) An unauthorized wrecker company, its wrecker
 1286 operators, or its other employees or agents may not monitor a

1287 police radio for communications between patrol field units and
 1288 the dispatcher in order to determine the location of a wrecked
 1289 or disabled vehicle for the purpose of dispatching its wrecker
 1290 operator to drive by the scene of the vehicle in a manner
 1291 described in paragraph (c) or paragraph (d). Any person who
 1292 violates this paragraph commits a noncriminal violation,
 1293 punishable as provided in s. 775.083.

1294 (c) Except as provided in paragraph (d), a wrecker
 1295 operator dispatched by an unauthorized wrecker company who
 1296 drives by the scene of a wrecked or disabled vehicle before the
 1297 arrival of the wrecker operator dispatched by the authorized
 1298 wrecker company may not initiate contact with the owner or
 1299 operator of the vehicle by soliciting or offering wrecker
 1300 services or tow the vehicle. Any person who violates this
 1301 paragraph commits a misdemeanor of the second degree, punishable
 1302 as provided in s. 775.082 or s. 775.083.

1303 (d) When a wrecker operator dispatched by an unauthorized
 1304 wrecker company drives by the scene of a wrecked or disabled
 1305 vehicle and the owner or operator initiates contact by signaling
 1306 the wrecker operator to stop and provide wrecker services, the
 1307 wrecker operator must disclose to the owner or operator of the
 1308 vehicle that he or she was not dispatched by the authorized
 1309 wrecker company designated as part of the wrecker allocation
 1310 system and must disclose, in writing, what charges for towing
 1311 and storage will apply before the vehicle is connected to the
 1312 towing apparatus. Any person who violates this paragraph commits
 1313 a misdemeanor of the second degree, punishable as provided in s.
 1314 775.082 or s. 775.083.

1315 (e) A wrecker operator may not falsely identify himself or
 1316 herself as being part of, or as being employed by a wrecker
 1317 company that is part of, the wrecker allocation system at the
 1318 scene of a wrecked or disabled vehicle. Any person who violates
 1319 this paragraph commits a misdemeanor of the first degree,
 1320 punishable as provided in s. 775.082 or s. 775.083.

1321 (3) This section does not prohibit or in any way prevent
 1322 the owner or operator of a vehicle involved in a crash or
 1323 otherwise disabled from contacting any wrecker company for the
 1324 provision of wrecker services, regardless of whether the wrecker
 1325 company is an authorized wrecker company. If a law enforcement
 1326 officer determines that the disabled vehicle or vehicle cargo is
 1327 a public safety hazard, the officer may, in the interest of
 1328 public safety, dispatch an authorized wrecker company if the
 1329 officer believes that the authorized wrecker company would
 1330 arrive at the scene before the wrecker company requested by the
 1331 owner or operator of the disabled vehicle or vehicle cargo.

1332 (4) A law enforcement officer may dispatch an authorized
 1333 wrecker company out of rotation to the scene of a wrecked or
 1334 disabled vehicle if the authorized wrecker company next on
 1335 rotation is not equipped to provide the required wrecker
 1336 services and the out-of-rotation authorized wrecker company is
 1337 available with the required equipment. However, this subsection
 1338 does not prohibit or prevent the owner or operator of a vehicle
 1339 involved in a crash or otherwise disabled from contacting any
 1340 wrecker company that is properly equipped to provide the
 1341 required wrecker services, regardless of whether the wrecker
 1342 company is an authorized wrecker company, unless the law

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1343 enforcement officer determines that the wrecked or disabled
 1344 vehicle or vehicle cargo is a public safety hazard and the
 1345 officer believes that the authorized wrecker company would
 1346 arrive at the scene before the wrecker company requested by the
 1347 owner or operator.

1348 Section 19. Effective January 1, 2008, section 713.78,
 1349 Florida Statutes, is amended to read:

1350 713.78 Liens for recovering, towing, or storing vehicles
 1351 and vessels.--

1352 (1) As used in ~~For the purposes of~~ this section, the term:

1353 (a) "Business day" means a day other than a Saturday,
 1354 Sunday, or federal or state legal holiday.

1355 (b) "Property owner" has the same meaning ascribed in s.
 1356 715.07.

1357 (c) ~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1358 508.101 means any mobile item, whether motorized or not, which
 1359 is mounted on wheels.

1360 (d) ~~(b)~~ "Vessel" has the same meaning ascribed in s.
 1361 508.101 means every description of watercraft, barge, and
 1362 airboat used or capable of being used as a means of
 1363 transportation on water, other than a seaplane or a "documented
 1364 vessel" as defined in s. 327.02(9).

1365 (e) ~~(c)~~ "Wrecker" has the same meaning ascribed in s.
 1366 320.01 means any truck or other vehicle which is used to tow,
 1367 carry, or otherwise transport motor vehicles or vessels upon the
 1368 streets and highways of this state and which is equipped for
 1369 that purpose with a boom, winch, car carrier, or other similar
 1370 equipment.

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1371 (f) "Wrecker company" has the same meaning ascribed in s.
 1372 508.101.

1373 (g) "Wrecker operator" has the same meaning ascribed in s.
 1374 508.101.

1375 (2) Whenever a wrecker company registered under chapter
 1376 508 ~~person regularly engaged in the business of transporting~~
 1377 ~~vehicles or vessels by wrecker, tow truck, or car carrier~~
 1378 recovers, removes, or stores a vehicle or vessel upon
 1379 instructions from:

1380 (a) The owner of the vehicle or vessel ~~thereof~~;

1381 (b) The property owner ~~or lessor, or a person authorized~~
 1382 ~~by the owner or lessor,~~ of real property on which the ~~such~~
 1383 vehicle or vessel is ~~wrongfully~~ parked without permission, and
 1384 the removal is done in compliance with s. 715.07; or

1385 (c) Any law enforcement agency,

1386
 1387 the wrecker company has ~~she or he shall have~~ a lien on the
 1388 vehicle or vessel for a reasonable towing fee and for a
 1389 reasonable storage fee, ~~†~~ except that no storage fee shall be
 1390 charged if the vehicle or vessel is stored ~~for~~ less than 6
 1391 hours.

1392 (3) This section does not authorize any person to claim a
 1393 lien on a vehicle for fees or charges connected with the
 1394 immobilization of the ~~such~~ vehicle using a vehicle boot or other
 1395 similar device under ~~pursuant to~~ s. 715.07.

1396 (4) (a) Any wrecker company that ~~person regularly engaged~~
 1397 ~~in the business of recovering, towing, or storing vehicles or~~
 1398 ~~vessels who~~ comes into possession of a vehicle or vessel under

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1399 ~~pursuant to~~ subsection (2), and ~~who~~ claims a lien for recovery,
 1400 towing, or storage services, shall give notice to the registered
 1401 owner, the insurance company insuring the vehicle
 1402 notwithstanding ~~the provisions of~~ s. 627.736, and ~~to~~ all persons
 1403 claiming a lien on the vehicle or vessel thereon, as disclosed
 1404 by the records in the Department of Highway Safety and Motor
 1405 Vehicles or of a corresponding agency in any other state.

1406 (b) Whenever a ~~any~~ law enforcement agency authorizes the
 1407 removal of a vehicle or vessel or whenever a wrecker company ~~any~~
 1408 ~~towing service, garage, repair shop, or automotive service,~~
 1409 ~~storage, or parking place~~ notifies the law enforcement agency of
 1410 possession of a vehicle or vessel under ~~pursuant to~~ s.
 1411 715.07(2)(a)2., the applicable law enforcement agency shall
 1412 contact the Department of Highway Safety and Motor Vehicles, or
 1413 the appropriate agency of the state of registration, if known,
 1414 within 24 hours through the medium of electronic communications,
 1415 giving the full description of the vehicle or vessel. Upon
 1416 receipt of the full description of the vehicle or vessel, the
 1417 department shall search its files to determine the owner's name,
 1418 the insurance company insuring the vehicle or vessel, and
 1419 whether any person has filed a lien upon the vehicle or vessel
 1420 as provided in s. 319.27(2) and (3) and notify the applicable
 1421 law enforcement agency within 72 hours. The wrecker company
 1422 ~~person in charge of the towing service, garage, repair shop, or~~
 1423 ~~automotive service, storage, or parking place~~ shall obtain that
 1424 ~~such~~ information from the applicable law enforcement agency
 1425 within 5 days after the date of storage and shall give notice
 1426 under ~~pursuant to~~ paragraph (a). The department may release the

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1427 insurance company information to the requestor notwithstanding
 1428 ~~the provisions of~~ s. 627.736.

1429 (c) Notice by certified mail, ~~return receipt requested,~~
 1430 shall be sent within 7 business days after the date of storage
 1431 of the vehicle or vessel to the registered owner, the insurance
 1432 company insuring the vehicle notwithstanding ~~the provisions of~~
 1433 s. 627.736, and all persons of record claiming a lien against
 1434 the vehicle or vessel. The notice ~~It~~ shall state the fact of
 1435 possession of the vehicle or vessel and, that a lien as provided
 1436 in subsection (2) is claimed, that charges have accrued and the
 1437 amount of the charges ~~thereof,~~ that the lien is subject to
 1438 enforcement under ~~pursuant to~~ law, ~~and~~ that the owner or
 1439 lienholder, if any, has the right to a hearing as set forth in
 1440 subsection (5), and that any vehicle or vessel that ~~which~~
 1441 remains unclaimed, or for which the charges for recovery,
 1442 towing, or storage services remain unpaid, may be sold free of
 1443 all prior liens after 35 days if the vehicle or vessel is more
 1444 than 3 years of age or after 50 days if the vehicle or vessel is
 1445 3 years of age or less.

1446 (d) If the wrecker company is unable ~~attempts~~ to identify
 1447 ~~locate~~ the name and address of the owner or lienholder ~~prove~~
 1448 ~~unsuccessful,~~ the wrecker company towing-storage operator shall,
 1449 after 7 business ~~working~~ days following, ~~excluding Saturday and~~
 1450 ~~Sunday,~~ of the initial tow or storage, notify the public agency
 1451 of jurisdiction in writing by certified mail or acknowledged
 1452 hand delivery that the wrecker ~~towing-storage~~ company has been
 1453 unable to identify ~~locate~~ the name and address of the owner or
 1454 lienholder, ~~and~~ a physical search of the vehicle or vessel has

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1455 disclosed no ownership information, and a good faith effort has
 1456 been made. For purposes of this paragraph and subsection (9),
 1457 the term "good faith effort" means that the following checks
 1458 have been performed by the wrecker company to establish prior
 1459 state of registration and for title:

1460 1. Check of vehicle or vessel for any type of tag, tag
 1461 record, temporary tag, or regular tag.

1462 2. Check of law enforcement report for tag number or other
 1463 information identifying the vehicle or vessel, if the vehicle or
 1464 vessel was towed at the request of a law enforcement officer.

1465 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~
 1466 ~~truck~~ operator to see if a tag was on vehicle or vessel at
 1467 beginning of tow, if private tow.

1468 4. If there is no address of the owner on the impound
 1469 report, check of law enforcement report to see if an out-of-
 1470 state address is indicated from driver license information.

1471 5. Check of vehicle or vessel for inspection sticker or
 1472 other stickers and decals that may indicate a state of possible
 1473 registration.

1474 6. Check of the interior of the vehicle or vessel for any
 1475 papers that may be in the glove box, trunk, or other areas for a
 1476 state of registration.

1477 7. Check of vehicle for vehicle identification number.

1478 8. Check of vessel for vessel registration number.

1479 9. Check of vessel hull for a hull identification number,
 1480 which should be carved, burned, stamped, embossed, or otherwise
 1481 permanently affixed to the outboard side of the transom or, if

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1482 there is no transom, to the outmost seaboard side at the end of
1483 the hull that bears the rudder or other steering mechanism.

1484 (5) (a) The owner of a vehicle or vessel removed under
1485 ~~pursuant to the provisions of~~ subsection (2), or any person
1486 claiming a lien, other than the wrecker company towing storage
1487 ~~operator~~, within 10 days after the time she or he has knowledge
1488 of the location of the vehicle or vessel, may file a complaint
1489 in the county court of the county in which the vehicle or vessel
1490 is stored or in which the owner resides to determine if her or
1491 his property was wrongfully taken or withheld from her or him.

1492 (b) Upon filing of a complaint, an owner or lienholder may
1493 have her or his vehicle or vessel released upon posting with the
1494 court a cash or surety bond or other adequate security equal to
1495 the amount of the charges for towing or storage and lot rental
1496 amount to ensure the payment of the ~~such~~ charges in the event
1497 she or he does not prevail. Upon the posting of the bond and the
1498 payment of the applicable fee set forth in s. 28.24, the clerk
1499 of the court shall issue a certificate notifying the lienor of
1500 the posting of the bond and directing the lienor to release the
1501 vehicle or vessel. At the time of the ~~such~~ release, after
1502 reasonable inspection, she or he shall give a receipt to the
1503 wrecker towing storage company reciting any claims she or he has
1504 for loss or damage to the vehicle or vessel or to the contents
1505 of the vehicle or vessel thereof.

1506 (c) Upon determining the respective rights of the parties,
1507 the court shall ~~may~~ award damages, reasonable attorney's fees,
1508 and costs to ~~in favor of~~ the prevailing party. ~~In any event,~~ The
1509 final order shall require ~~provide for~~ immediate payment in full

1510 of the recovery, towing, and storage fees by the vehicle or
 1511 vessel owner or lienholder, ~~+~~ by ~~or~~ the law enforcement agency
 1512 ordering the tow, ~~+~~ or by the property owner, ~~lessee, or agent~~
 1513 ~~thereof~~ of the real property from which the vehicle or vessel
 1514 was towed or removed under s. 715.07.

1515 (6) Any vehicle or vessel that ~~which~~ is stored under
 1516 ~~pursuant to~~ subsection (2) and ~~which~~ remains unclaimed, or for
 1517 which reasonable charges for recovery, towing, or storing remain
 1518 unpaid, and any contents not released under ~~pursuant to~~
 1519 subsection (10), ~~+~~ may be sold by the wrecker company ~~owner or~~
 1520 ~~operator of the storage space~~ for the ~~such~~ towing or storage
 1521 charge ~~after~~ 35 days after ~~from the time~~ the vehicle or vessel
 1522 is stored in the wrecker company's storage facility ~~therein~~ if
 1523 the vehicle or vessel is more than 3 years of age or ~~after~~ 50
 1524 days after ~~following the time~~ the vehicle or vessel is stored in
 1525 the wrecker company's storage facility ~~therein~~ if the vehicle or
 1526 vessel is 3 years of age or less. The sale shall be at public
 1527 auction for cash. If the date of the sale is ~~was~~ not included in
 1528 the notice required in subsection (4), notice of the sale shall
 1529 be given to the person in whose name the vehicle or vessel is
 1530 registered and to all persons claiming a lien on the vehicle or
 1531 vessel as shown on the records of the Department of Highway
 1532 Safety and Motor Vehicles or of the corresponding agency in any
 1533 other state. Notice shall be sent by certified mail, ~~return~~
 1534 ~~receipt requested,~~ to the owner of the vehicle or vessel and the
 1535 person having the recorded lien on the vehicle or vessel at the
 1536 address shown on the records of the registering agency and shall
 1537 be mailed at least ~~not less than~~ 15 days before the date of the

1538 sale. After diligent search and inquiry, if the name and address
 1539 of the registered owner or the owner of the recorded lien cannot
 1540 be ascertained, the requirements of notice by mail may be
 1541 dispensed with. In addition to the notice by mail, public notice
 1542 of the time and place of sale shall be made by publishing a
 1543 notice of the sale ~~thereof~~ one time, at least 10 days prior to
 1544 the date of the sale, in a newspaper of general circulation in
 1545 the county in which the sale is to be held. The proceeds of the
 1546 sale, after payment of reasonable towing and storage charges,
 1547 and costs of the sale, in that order of priority, shall be
 1548 deposited with the clerk of the circuit court for the county if
 1549 the owner is absent, and the clerk shall hold the ~~such~~ proceeds
 1550 subject to the claim of the person legally entitled to those
 1551 proceeds ~~thereto~~. The clerk shall be entitled to receive 5
 1552 percent of the ~~such~~ proceeds for the care and disbursement of
 1553 the proceeds ~~thereof~~. The certificate of title issued under this
 1554 section ~~law~~ shall be discharged of all liens unless otherwise
 1555 provided by court order.

1556 (7) (a) A wrecker company, its wrecker operators, and other
 1557 employees or agents of the wrecker company ~~operator~~ recovering,
 1558 towing, or storing vehicles or vessels are ~~is~~ not liable for
 1559 damages connected with those ~~such~~ services, theft of the ~~such~~
 1560 vehicles or vessels, or theft of personal property contained in
 1561 the ~~such~~ vehicles or vessels if those, ~~provided that such~~
 1562 services are ~~have been~~ performed with reasonable care and
 1563 ~~provided, further, that~~, in the case of removal of a vehicle or
 1564 vessel upon the request of a person purporting, and reasonably
 1565 appearing, to be the property owner ~~or lessee, or a person~~

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1566 ~~authorized by the owner or lessee,~~ of the real property from
1567 which ~~the such~~ vehicle or vessel is removed, ~~the such~~ removal is
1568 ~~has been~~ done in compliance with s. 715.07. Further, a wrecker
1569 company, its wrecker operators, and other employees or agents of
1570 the wrecker company are ~~operator is~~ not liable for damage to a
1571 vehicle, a vessel, or cargo that obstructs the normal movement
1572 of traffic or creates a hazard to traffic and is removed in
1573 compliance with the request of a law enforcement officer.

1574 (b) For the purposes of this subsection, a wrecker
1575 company, its wrecker operators, and other employees or agents of
1576 the wrecker company are ~~operator is~~ presumed to use reasonable
1577 care to prevent the theft of a vehicle or vessel or of any
1578 personal property contained in the such vehicle or vessel stored
1579 in the wrecker company's ~~operator's~~ storage facility if all of
1580 the following apply:

1581 1. The wrecker company ~~operator~~ surrounds the storage
1582 facility with a chain-link or solid-wall type fence at least 6
1583 feet in height;

1584 2. The wrecker company illuminates ~~operator has~~
1585 ~~illuminated~~ the storage facility with lighting of sufficient
1586 intensity to reveal persons and vehicles at a distance of at
1587 least 150 feet during nighttime; and

1588 3. The wrecker company ~~operator~~ uses one or more of the
1589 following security methods to discourage theft of vehicles or
1590 vessels or of any personal property contained in such vehicles
1591 or vessels stored in the wrecker company's ~~operator's~~ storage
1592 facility:

1593 a. A night dispatcher or watchman remains on duty at the
 1594 storage facility from sunset to sunrise;

1595 b. A security dog remains at the storage facility from
 1596 sunset to sunrise;

1597 c. Security cameras or other similar surveillance devices
 1598 monitor the storage facility; or

1599 d. A security guard service examines the storage facility
 1600 at least once each hour from sunset to sunrise.

1601 (c) Any law enforcement agency requesting that a motor
 1602 vehicle be removed from an accident scene, street, or highway
 1603 must conduct an inventory and prepare a written record of all
 1604 personal property found in the vehicle before the vehicle is
 1605 removed by a wrecker operator. However, if the owner or driver
 1606 of the motor vehicle is present and accompanies the vehicle, an
 1607 ~~ne~~ inventory by law enforcement is not required. A wrecker
 1608 company, its wrecker operators, and other employees or agents of
 1609 the wrecker company are ~~operator is~~ not liable for the loss of
 1610 personal property alleged to be contained in ~~such~~ a vehicle when
 1611 the ~~such~~ personal property was not identified on the inventory
 1612 record prepared by the law enforcement agency requesting the
 1613 removal of the vehicle.

1614 (8) A wrecker company and its wrecker operators, excluding
 1615 ~~person regularly engaged in the business of recovering, towing,~~
 1616 ~~or storing vehicles or vessels, except~~ a person licensed under
 1617 chapter 493 while engaged in "repossession" activities as
 1618 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~
 1619 ~~ear-carrier~~ unless the name, address, and telephone number of
 1620 the wrecker company performing the wrecker services ~~service~~ is

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1621 clearly printed in contrasting colors on the driver and
 1622 passenger sides of the wrecker ~~its vehicle~~. The name must be in
 1623 at least 3-inch permanently affixed letters, and the address and
 1624 telephone number must be in at least 1-inch permanently affixed
 1625 letters.

1626 (9) Failure to make good faith, best efforts to comply
 1627 with the notice requirements of this section precludes ~~shall~~
 1628 ~~preclude~~ the imposition of any storage charges against the ~~such~~
 1629 vehicle or vessel.

1630 (10) Each wrecker company that provides ~~Persons who~~
 1631 ~~provide services~~ under ~~pursuant to~~ this section shall permit
 1632 vehicle or vessel owners or their agents, which agency is
 1633 evidenced by an original writing acknowledged by the owner
 1634 before a notary public or other person empowered by law to
 1635 administer oaths, to inspect the towed vehicle or vessel and
 1636 shall release to the owner or agent the vehicle, vessel, or all
 1637 personal property not affixed to the vehicle or vessel that
 1638 ~~which~~ was in the vehicle or vessel at the time the vehicle or
 1639 vessel came into the custody of the wrecker company ~~person~~
 1640 providing those ~~such~~ services.

1641 (11) (a) A wrecker company that ~~Any person regularly~~
 1642 ~~engaged in the business of recovering, towing, or storing~~
 1643 ~~vehicles or vessels who~~ comes into possession of a vehicle or
 1644 vessel pursuant to subsection (2) and complies ~~who has complied~~
 1645 ~~with the provisions of~~ subsections (3) and (6), when the ~~such~~
 1646 vehicle or vessel is to be sold for purposes of being
 1647 dismantled, destroyed, or changed in such a manner that it is
 1648 not the motor vehicle or vessel described in the certificate of

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1649 title, must ~~shall~~ apply to the county tax collector for a
 1650 certificate of destruction. A certificate of destruction, which
 1651 authorizes the dismantling or destruction of the vehicle or
 1652 vessel described on the certificate therein, is ~~shall be~~
 1653 reassignable no more than twice ~~a maximum of two times~~ before
 1654 dismantling or destruction of the vehicle or vessel is ~~shall be~~
 1655 required, and, in lieu of a certificate of title, the
 1656 certificate of destruction shall accompany the vehicle or vessel
 1657 for which it is issued, when the ~~such~~ vehicle or vessel is sold
 1658 for that purpose ~~such purposes~~, ~~in lieu of a certificate of~~
 1659 ~~title~~. The application for a certificate of destruction must
 1660 include an affidavit from the applicant that it has complied
 1661 with all applicable requirements of this section and, if the
 1662 vehicle or vessel is not registered in this state, by a
 1663 statement from a law enforcement officer that the vehicle or
 1664 vessel is not reported stolen, and must also ~~shall~~ be
 1665 accompanied by any other ~~such~~ documentation ~~as may be~~ required
 1666 by the department.

1667 (b) The Department of Highway Safety and Motor Vehicles
 1668 shall charge a fee of \$3 for each certificate of destruction. A
 1669 service charge of \$4.25 shall be collected and retained by the
 1670 tax collector who processes the application.

1671 (c) The Department of Highway Safety and Motor Vehicles
 1672 may adopt ~~such~~ rules to administer ~~as it deems necessary or~~
 1673 ~~proper for the administration of~~ this subsection.

1674 (12) (a) Any person who violates ~~any provision of~~
 1675 subsection (1), subsection (2), subsection (4), subsection (5),
 1676 subsection (6), or subsection (7) commits ~~is guilty of~~ a

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1677 misdemeanor of the first degree, punishable as provided in s.
 1678 775.082 or s. 775.083.

1679 (b) Any person who violates subsection (8), subsection
 1680 (9), subsection (10), or subsection (11) commits ~~the provisions~~
 1681 ~~of subsections (8) through (11) is guilty of~~ a felony of the
 1682 third degree, punishable as provided in s. 775.082, s. 775.083,
 1683 or s. 775.084.

1684 (c) Any person who uses a false or fictitious name, gives
 1685 a false or fictitious address, or makes any false statement in
 1686 any application or affidavit required under ~~the provisions of~~
 1687 this section commits ~~is guilty of~~ a felony of the third degree,
 1688 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1689 (d) Employees of the Department of Highway Safety and
 1690 Motor Vehicles and law enforcement officers may ~~are authorized~~
 1691 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
 1692 ~~person regularly engaged in the business of recovering, towing,~~
 1693 ~~or storing vehicles or vessels or transporting vehicles or~~
 1694 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure
 1695 compliance with the requirements of this section. Any person who
 1696 fails to maintain records, or fails to produce records when
 1697 required in a reasonable manner and at a reasonable time,
 1698 commits a misdemeanor of the first degree, punishable as
 1699 provided in s. 775.082 or s. 775.083.

1700 (13)(a) Upon receipt by the Department of Highway Safety
 1701 and Motor Vehicles of written notice from a wrecker company that
 1702 ~~operator who~~ claims a wrecker company's ~~operator's~~ lien under
 1703 paragraph (2)(c) ~~or paragraph (2)(d)~~ for recovery, towing, or
 1704 storage of an abandoned vehicle or vessel upon instructions from

1705 any law enforcement agency, for which a certificate of
 1706 destruction has been issued under subsection (11), the
 1707 department shall place the name of the registered owner of that
 1708 vehicle or vessel on the list of those persons who may not be
 1709 issued a license plate or revalidation sticker for any motor
 1710 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 1711 jointly by more than one person, the name of each registered
 1712 owner shall be placed on the list. The notice of wrecker
 1713 company's ~~operator's~~ lien shall be submitted on forms provided
 1714 by the department, which must include:

1715 1. The name, address, and telephone number of the wrecker
 1716 company ~~operator~~.

1717 2. The name of the registered owner of the vehicle or
 1718 vessel and the address to which the wrecker company ~~operator~~
 1719 provided notice of the lien to the registered owner under
 1720 subsection (4).

1721 3. A general description of the vehicle or vessel,
 1722 including its color, make, model, body style, and year.

1723 4. The vehicle identification number (VIN); registration
 1724 license plate number, state, and year; validation decal number,
 1725 state, and year; vessel registration number; hull identification
 1726 number; or other identification number, as applicable.

1727 5. The name of the person or the corresponding law
 1728 enforcement agency that requested that the vehicle or vessel be
 1729 recovered, towed, or stored.

1730 6. The amount of the wrecker company's ~~operator's~~ lien,
 1731 not to exceed the amount allowed by paragraph (b).

1732 (b) For purposes of this subsection only, the amount of
 1733 the wrecker company's ~~operator's~~ lien for which the department
 1734 will prevent issuance of a license plate or revalidation sticker
 1735 may not exceed the amount of the charges for recovery, towing,
 1736 and storage of the vehicle or vessel for 7 days. These charges
 1737 may not exceed the maximum rates imposed by the ordinances of
 1738 the respective county or municipality under ss. 125.0103(1)(c)
 1739 and 166.043(1)(c). This paragraph does not limit the amount of a
 1740 wrecker company's ~~operator's~~ lien claimed under subsection (2)
 1741 or prevent a wrecker company ~~operator~~ from seeking civil
 1742 remedies for enforcement of the entire amount of the lien, but
 1743 limits only that portion of the lien for which the department
 1744 will prevent issuance of a license plate or revalidation
 1745 sticker.

1746 (c)1. The registered owner of a vehicle or vessel may
 1747 dispute a wrecker company's ~~operator's~~ lien, by notifying the
 1748 department of the dispute in writing on forms provided by the
 1749 department, if at least one of the following applies:

1750 a. The registered owner presents a notarized bill of sale
 1751 proving that the vehicle or vessel was sold in a private or
 1752 casual sale before the vehicle or vessel was recovered, towed,
 1753 or stored.

1754 b. The registered owner presents proof that the Florida
 1755 certificate of title of the vehicle or vessel was sold to a
 1756 licensed dealer as defined in s. 319.001 before the vehicle or
 1757 vessel was recovered, towed, or stored.

1758 c. The records of the department were marked "sold" prior
 1759 to the date of the tow.

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1760
1761 If the registered owner's dispute of a wrecker company's
1762 ~~operator's~~ lien complies with one of these criteria, the
1763 department shall immediately remove the registered owner's name
1764 from the list of those persons who may not be issued a license
1765 plate or revalidation sticker for any motor vehicle under s.
1766 320.03(8), thereby allowing issuance of a license plate or
1767 revalidation sticker. If the vehicle or vessel is owned jointly
1768 by more than one person, each registered owner must dispute the
1769 wrecker company's ~~operator's~~ lien in order to be removed from
1770 the list. However, the department shall deny any dispute and
1771 maintain the registered owner's name on the list of those
1772 persons who may not be issued a license plate or revalidation
1773 sticker for any motor vehicle under s. 320.03(8) if the wrecker
1774 company ~~operator~~ has provided the department with a certified
1775 copy of the judgment of a court that ~~which~~ orders the registered
1776 owner to pay the wrecker company's ~~operator's~~ lien claimed under
1777 this section. In such a case, the amount of the wrecker
1778 company's ~~operator's~~ lien allowed by paragraph (b) may be
1779 increased to include no more than \$500 of the reasonable costs
1780 and attorney's fees incurred in obtaining the judgment. The
1781 department's action under this subparagraph is ministerial in
1782 nature, shall not be considered final agency action, and is
1783 appealable only to the county court for the county in which the
1784 vehicle or vessel was ordered removed.

1785 2. A person against whom a wrecker company's ~~operator's~~
1786 lien has been imposed may alternatively obtain a discharge of
1787 the lien by filing a complaint, ~~challenging the validity of the~~

1788 ~~lien~~ or the amount of the lien ~~thereof~~, in the county court of
 1789 the county in which the vehicle or vessel was ordered removed.
 1790 Upon filing of the complaint, the person may have her or his
 1791 name removed from the list of those persons who may not be
 1792 issued a license plate or revalidation sticker for any motor
 1793 vehicle under s. 320.03(8), thereby allowing issuance of a
 1794 license plate or revalidation sticker, upon posting with the
 1795 court a cash or surety bond or other adequate security equal to
 1796 the amount of the wrecker company's ~~operator's~~ lien to ensure
 1797 the payment of such lien in the event she or he does not
 1798 prevail. Upon the posting of the bond and the payment of the
 1799 applicable fee set forth in s. 28.24, the clerk of the court
 1800 shall issue a certificate notifying the department of the
 1801 posting of the bond and directing the department to release the
 1802 wrecker company's ~~operator's~~ lien. Upon determining the
 1803 respective rights of the parties, the court may award damages
 1804 and costs in favor of the prevailing party.

1805 3. If a person against whom a wrecker company's ~~operator's~~
 1806 lien has been imposed does not object to the lien, but cannot
 1807 discharge the lien by payment because the wrecker company
 1808 ~~operator~~ has moved or gone out of business, the person may have
 1809 her or his name removed from the list of those persons who may
 1810 not be issued a license plate or revalidation sticker for any
 1811 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 1812 license plate or revalidation sticker, upon posting with the
 1813 clerk of court in the county in which the vehicle or vessel was
 1814 ordered removed, a cash or surety bond or other adequate
 1815 security equal to the amount of the wrecker company's ~~operator's~~

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1816 lien. Upon the posting of the bond and the payment of the
1817 application fee set forth in s. 28.24, the clerk of the court
1818 shall issue a certificate notifying the department of the
1819 posting of the bond and directing the department to release the
1820 wrecker company's ~~operator's~~ lien. The department shall mail to
1821 the wrecker company ~~operator~~, at the address upon the lien form,
1822 notice that the wrecker company ~~operator~~ must claim the security
1823 within 60 days, or the security will be released back to the
1824 person who posted it. At the conclusion of the 60 days, the
1825 department shall direct the clerk as to which party is entitled
1826 to payment of the security, less applicable clerk's fees.

1827 4. A wrecker company's ~~operator's~~ lien expires 5 years
1828 after filing.

1829 (d) Upon discharge of the amount of the wrecker company's
1830 ~~operator's~~ lien allowed by paragraph (b), the wrecker company
1831 ~~operator~~ must issue a certificate of discharged wrecker
1832 company's ~~operator's~~ lien on forms provided by the department to
1833 each registered owner of the vehicle or vessel attesting that
1834 the amount of the wrecker company's ~~operator's~~ lien allowed by
1835 paragraph (b) has been discharged. Upon presentation of the
1836 certificate of discharged wrecker company's ~~operator's~~ lien by
1837 the registered owner, the department shall immediately remove
1838 the registered owner's name from the list of those persons who
1839 may not be issued a license plate or revalidation sticker for
1840 any motor vehicle under s. 320.03(8), thereby allowing issuance
1841 of a license plate or revalidation sticker. Issuance of a
1842 certificate of discharged wrecker company's ~~operator's~~ lien
1843 under this paragraph does not discharge the entire amount of the

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1844 wrecker company's ~~operator's~~ lien claimed under subsection (2),
 1845 but only certifies to the department that the amount of the
 1846 wrecker company's ~~operator's~~ lien allowed by paragraph (b), for
 1847 which the department will prevent issuance of a license plate or
 1848 revalidation sticker, has been discharged.

1849 (e) When a wrecker company ~~operator~~ files a notice of
 1850 wrecker company's ~~operator's~~ lien under this subsection, the
 1851 department shall charge the wrecker company ~~operator~~ a fee of
 1852 \$2, which shall be deposited into the General Revenue Fund
 1853 established under s. 860.158. A service charge of \$2.50 shall be
 1854 collected and retained by the tax collector who processes a
 1855 notice of wrecker company's ~~operator's~~ lien.

1856 (f) This subsection applies only to the annual renewal in
 1857 the registered owner's birth month of a motor vehicle
 1858 registration and does not apply to the transfer of a
 1859 registration of a motor vehicle sold by a motor vehicle dealer
 1860 licensed under chapter 320, except for the transfer of
 1861 registrations which is inclusive of the annual renewals. This
 1862 subsection does not apply to any vehicle registered in the name
 1863 of the lessor. This subsection does not affect the issuance of
 1864 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1865 (g) The Department of Highway Safety and Motor Vehicles
 1866 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1867 implement this subsection.

1868 Section 20. The amendments to section 713.78, Florida
 1869 Statutes, made by this act do not affect the validity of liens
 1870 established under section 713.78, Florida Statutes, before
 1871 January 1, 2008.

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1872 Section 21. Effective January 1, 2008, section 715.07,
 1873 Florida Statutes, is amended to read:

1874 715.07 Vehicles or vessels parked on real ~~private~~ property
 1875 without permission; towing.--

1876 (1) As used in this section, the term:

1877 (a) "Property owner" means an owner or lessee of real
 1878 property, or a person authorized by the owner or lessee, which
 1879 person may be the designated representative of the condominium
 1880 association if the real property is a condominium.

1881 (b) ~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1882 508.101 ~~means any mobile item which normally uses wheels,~~
 1883 ~~whether motorized or not.~~

1884 (c) ~~(b)~~ "Vessel" has the same meaning ascribed in s.
 1885 508.101 ~~means every description of watercraft, barge, and~~
 1886 ~~airboat used or capable of being used as a means of~~
 1887 ~~transportation on water, other than a seaplane or a "documented~~
 1888 ~~vessel" as defined in s. 327.02(9).~~

1889 (d) "Wrecker company" has the same meaning ascribed in s.
 1890 508.101.

1891 (e) "Wrecker operator" has the same meaning ascribed in s.
 1892 508.101.

1893 (2) A property owner ~~The owner or lessee of real property,~~
 1894 ~~or any person authorized by the owner or lessee, which person~~
 1895 ~~may be the designated representative of the condominium~~
 1896 ~~association if the real property is a condominium,~~ may cause a
 1897 any vehicle or vessel parked on her or his ~~such~~ property without
 1898 her or his permission to be removed by a wrecker company
 1899 registered under chapter 508 ~~person regularly engaged in the~~

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1900 ~~business of towing vehicles or vessels,~~ without liability for
 1901 the costs of removal, transportation, or storage or damages
 1902 caused by the ~~such~~ removal, transportation, or storage, under
 1903 any of the following circumstances:

1904 (a) The towing or removal of any vehicle or vessel from
 1905 real ~~private~~ property without the consent of the registered
 1906 owner or other legally authorized person in control of that
 1907 vehicle or vessel is subject to strict compliance with the
 1908 following conditions and restrictions:

1909 1.a. Any towed or removed vehicle or vessel must be stored
 1910 at a storage facility ~~site~~ within a 10-mile radius of the point
 1911 of removal in any county with a population of 500,000 ~~population~~
 1912 or more, and within a 15-mile radius of the point of removal in
 1913 any county with a population of fewer ~~less~~ than 500,000
 1914 ~~population~~. The wrecker company's storage facility ~~That site~~
 1915 must be open for the purpose of redemption of vehicles and
 1916 vessels on any day that the wrecker company ~~person or firm~~
 1917 towing the ~~such~~ vehicle or vessel is open for towing purposes,
 1918 from 8 ~~8:00~~ a.m. to 6 ~~6:00~~ p.m., and, when closed, must ~~shall~~
 1919 have prominently posted a sign indicating a telephone number
 1920 where the operator of the storage facility ~~site~~ can be reached
 1921 at all times. Upon receipt of a telephoned request to open the
 1922 storage facility ~~site~~ to redeem a vehicle or vessel, the
 1923 operator shall return to the storage facility ~~site~~ within 1 hour
 1924 or she or he is ~~will be~~ in violation of this section.

1925 b. If no wrecker company ~~towing business~~ ~~providing such~~
 1926 ~~service~~ is located within the area of towing limitations ~~set~~
 1927 ~~forth~~ in sub-subparagraph a., the following limitations apply:

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1928 any towed or removed vehicle or vessel must be stored at a
 1929 storage facility site within a 20-mile radius of the point of
 1930 removal in any county with a population of 500,000 ~~population~~ or
 1931 more, and within a 30-mile radius of the point of removal in any
 1932 county with a population of fewer less than 500,000 ~~population~~.

1933 2. The wrecker company ~~person or firm~~ towing or removing
 1934 the vehicle or vessel shall, within 30 minutes after completion
 1935 of the ~~such~~ towing or removal, notify the municipal police
 1936 department or, in an unincorporated area, the sheriff, of the
 1937 ~~such~~ towing or removal, the location of the storage facility
 1938 ~~site~~, the time the vehicle or vessel was towed or removed, and
 1939 the make, model, color, and license plate number of the vehicle
 1940 or the make, model, color, and registration number of the
 1941 vessel. The wrecker company ~~or description and registration~~
 1942 ~~number of the vessel and~~ shall also obtain the name of the
 1943 person at the police ~~that~~ department or sheriff's office to whom
 1944 such information is ~~was~~ reported and note that name on the trip
 1945 record.

1946 3. A wrecker operator ~~person~~ in the process of towing or
 1947 removing a vehicle or vessel from the premises or parking lot in
 1948 which the vehicle or vessel is ~~not lawfully~~ parked without
 1949 permission must stop when a person seeks the return of the
 1950 vehicle or vessel. The vehicle or vessel must be returned upon
 1951 the payment of a reasonable service fee of not more than one-
 1952 half of the posted rate for the towing or removal service as
 1953 provided in subparagraph 6. The vehicle or vessel may be towed
 1954 or removed if, after a reasonable opportunity, the owner or
 1955 legally authorized person in control of the vehicle or vessel is

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1956 unable to pay the service fee or refuses to remove the vehicle
 1957 or vessel that is parked without permission. If the vehicle or
 1958 vessel is redeemed, a detailed signed receipt must be given to
 1959 the person redeeming the vehicle or vessel.

1960 4. A wrecker company, a wrecker operator, or another
 1961 employee or agent of a wrecker company ~~person~~ may not pay or
 1962 accept money or other valuable consideration for the privilege
 1963 of towing or removing vehicles or vessels from a particular
 1964 location.

1965 5. Except for property appurtenant to and obviously a part
 1966 of a single-family residence, and except for instances when
 1967 notice is personally given to the owner or other legally
 1968 authorized person in control of the vehicle or vessel that the
 1969 area in which that vehicle or vessel is parked is reserved or
 1970 otherwise unavailable for unauthorized vehicles or vessels and
 1971 that the vehicle or vessel is subject to being removed at the
 1972 owner's or operator's expense, any property owner ~~or lessee, or~~
 1973 ~~person authorized by the property owner or lessee, before~~ prior
 1974 ~~to~~ towing or removing any vehicle or vessel from real ~~private~~
 1975 property without the consent of the owner or other legally
 1976 authorized person in control of that vehicle or vessel, must
 1977 post a notice meeting the following requirements:

1978 a. The notice must be prominently placed at each driveway
 1979 access or curb cut allowing vehicular access to the property,
 1980 within 5 feet from the public right-of-way line. If there are no
 1981 curbs or access barriers, at least one sign ~~the signs~~ must be
 1982 posted ~~not less than one sign~~ for each 25 feet of lot frontage.

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1983 b. The notice must clearly indicate, in at least ~~not less~~
 1984 ~~than~~ 2-inch high, light-reflective letters on a contrasting
 1985 background, that unauthorized vehicles will be towed away at the
 1986 owner's expense. The words "tow-away zone" must be included on
 1987 the sign in at least ~~not less than~~ 4-inch high letters.

1988 c. The notice must also provide the name and current
 1989 telephone number of the wrecker company ~~person or firm~~ towing or
 1990 removing the vehicles or vessels.

1991 d. The sign structure containing the required notices must
 1992 be permanently installed with the words "tow-away zone" not less
 1993 than 3 feet and not more than 6 feet above ground level and must
 1994 be continuously maintained on the property for not less than 24
 1995 hours prior to the towing or removal of any vehicles or vessels.

1996 e. The local government may require permitting and
 1997 inspection of these signs prior to any towing or removal of
 1998 vehicles or vessels being authorized.

1999 f. A business with 20 or fewer parking spaces satisfies
 2000 the notice requirements of this subparagraph by prominently
 2001 displaying a sign stating, "Reserved Parking for Customers Only.
 2002 Unauthorized Vehicles or Vessels Will be Towed Away At the
 2003 Owner's Expense," in at least ~~not less than~~ 4-inch high, light-
 2004 reflective letters on a contrasting background.

2005 ~~g. A property owner towing or removing vessels from real~~
 2006 ~~property must post notice, consistent with the requirements in~~
 2007 ~~sub subparagraphs a. f., which apply to vehicles, that~~
 2008 ~~unauthorized vehicles or vessels will be towed away at the~~
 2009 ~~owner's expense.~~

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2011 A business owner or lessee may authorize the removal of a
 2012 vehicle or vessel by a wrecker towing company registered under
 2013 chapter 508 when no tow-away sign is posted if the vehicle or
 2014 vessel is parked in ~~such~~ a manner that restricts the normal
 2015 operation of business. ~~and~~ If a vehicle or vessel parked on a
 2016 public right-of-way obstructs access to a private driveway when
 2017 no tow-away sign is posted, the owner or, lessee of the
 2018 driveway, or the owner's or lessee's agent may have the vehicle
 2019 or vessel removed by a wrecker towing company registered under
 2020 chapter 508 upon signing an order that the vehicle or vessel be
 2021 removed ~~without a posted tow away zone sign.~~

2022 6. Each wrecker company ~~Any person or firm~~ that tows or
 2023 removes vehicles or vessels and proposes to require an owner,
 2024 operator, or person in control of a vehicle or vessel to pay the
 2025 costs of towing and storage prior to redemption of the vehicle
 2026 or vessel must file and keep on record with the local law
 2027 enforcement agency a complete copy of the current rates to be
 2028 charged for the ~~such~~ services and post at the wrecker company's
 2029 storage facility ~~site~~ an identical rate schedule and any written
 2030 contracts with property owners, ~~lessees,~~ or persons in control
 2031 of real property that ~~which~~ authorize the wrecker company ~~such~~
 2032 ~~person or firm~~ to remove vehicles or vessels as provided in this
 2033 section.

2034 7. Each wrecker company ~~Any person or firm~~ towing or
 2035 removing any vehicles or vessels from real ~~private~~ property
 2036 without the consent of the owner or other legally authorized
 2037 person in control of the vehicles or vessels shall, on each
 2038 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 ~~s.~~

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2039 ~~713.78(1)(c), or other vehicles~~ used in the towing or removal,
 2040 have the name, address, and telephone number of the wrecker
 2041 ~~company performing such service~~ clearly printed in contrasting
 2042 colors on the driver and passenger sides of the wrecker vehicle.
 2043 The name must ~~shall~~ be in at least 3-inch permanently affixed
 2044 letters, and the address and telephone number must ~~shall~~ be in
 2045 at least 1-inch permanently affixed letters.

2046 8. Vehicle or vessel entry for the purpose of towing or
 2047 removing the vehicle or vessel ~~is shall be~~ allowed with
 2048 reasonable care on the part of the wrecker company and the
 2049 wrecker operators ~~person or firm~~ towing the vehicle or vessel. A
 2050 wrecker company, its wrecker operators, and other employees or
 2051 agents of the wrecker company are not ~~Such person or firm shall~~
 2052 be liable for any damage occasioned to the vehicle or vessel if
 2053 ~~such~~ entry into the vehicle or vessel is performed ~~not in~~
 2054 accordance with ~~the standard of~~ reasonable care.

2055 9. When a vehicle or vessel ~~is~~ has been towed or removed
 2056 under pursuant to this section, the wrecker company ~~it~~ must
 2057 release the vehicle or vessel ~~be released~~ to its owner or an
 2058 agent of the owner ~~custodian~~ within one hour after requested.
 2059 Any vehicle or vessel owner or the owner's agent ~~has~~ shall have
 2060 the right to inspect the vehicle or vessel before accepting its
 2061 return. A wrecker company may not require any vehicle or vessel
 2062 owner, custodian, or agent to, and no release the wrecker
 2063 company or waiver of any kind which would release the person or
 2064 ~~firm~~ towing the vehicle or vessel from liability for damages
 2065 noted by the owner or other legally authorized person at the
 2066 time of the redemption ~~may be required from any vehicle or~~

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2067 ~~vessel owner, custodian, or agent~~ as a condition of release of
 2068 the vehicle or vessel to its owner. A wrecker company must give
 2069 a person paying towing and storage charges under this section a
 2070 detailed, signed receipt showing the legal name of the wrecker
 2071 company or person towing or removing the vehicle or vessel must
 2072 be given to the person paying towing or storage charges at the
 2073 time of payment, whether requested or not.

2074 (b) The ~~These~~ requirements of this subsection are minimum
 2075 standards and do not preclude enactment of additional
 2076 regulations by any municipality or county, including the
 2077 regulation of right to regulate rates when vehicles or vessels
 2078 are towed from real ~~private~~ property.

2079 (3) This section does not apply to vehicles or vessels
 2080 that are reasonably identifiable from markings as law
 2081 enforcement, firefighting, rescue squad, ambulance, or other
 2082 emergency vehicles or vessels that are marked as such or to
 2083 property owned by any governmental entity.

2084 (4) When a person improperly causes a vehicle or vessel to
 2085 be removed, that ~~such~~ person is ~~shall be~~ liable to the owner or
 2086 lessee of the vehicle or vessel for the cost of removal,
 2087 transportation, and storage; any damages resulting from the
 2088 removal, transportation, or storage of the vehicle or vessel;
 2089 attorney's fees; and court costs.

2090 (5) Failure to make good faith efforts to comply with the
 2091 notice requirements in subparagraph (2)(a)5. precludes the
 2092 imposition of any towing or storage charges against the vehicle
 2093 or vessel.

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2094 (6)~~(5)~~(a) Any person who violates subparagraph (2)(a)2. or
 2095 subparagraph (2)(a)6. commits a misdemeanor of the first degree,
 2096 punishable as provided in s. 775.082 or s. 775.083.

2097 (b) Any person who violates subparagraph (2)(a)1.,
 2098 subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph
 2099 (2)(a)7., or subparagraph (2)(a)9. commits a felony of the third
 2100 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2101 775.084.

2102 Section 22. Effective January 1, 2008, subsection (15) of
 2103 section 1.01, Florida Statutes, is repealed.

2104 Section 23. The sum of \$693,000 is appropriated from the
 2105 General Inspection Trust Fund to the Department of Agriculture
 2106 and Consumer Services, and nine additional full-time-equivalent
 2107 positions are authorized, for the purpose of implementing this
 2108 act during the 2007-2008 fiscal year.

2109 Section 24. Except as otherwise expressly provided in this
 2110 act, this act shall take effect July 1, 2007.