

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; directing the council
9 to prepare recommendations relating to education and
10 training and present the recommendations to the
11 Legislature and the Commissioner of Agriculture; providing
12 for membership, terms, and organization; providing for
13 meeting procedures and recordkeeping; providing for
14 reimbursement for travel and per diem expenses; directing
15 the department to provide support services for the
16 council; directing the council to review rules adopted by
17 the department and to advise the department on certain
18 matters relating to the wrecker industry; creating s.
19 508.103, F.S.; authorizing the department to adopt rules;
20 creating s. 508.105, F.S.; requiring wrecker companies to
21 register annually with the department; providing for the
22 registration application; providing for processing of
23 fingerprints by the Department of Law Enforcement;
24 requiring fees for processing; providing for issuance of
25 registration certificate; requiring display of the
26 certificate; providing requirements for advertisements;
27 requiring notification of changes in registration
28 information; requiring certain fees to be paid; requiring

29 certain companies to obtain a local business tax receipt
30 prior to registration renewal; requiring insurance
31 coverage; requiring the department to notify the
32 Department of Highway Safety and Motor Vehicles when a
33 registration has been suspended or revoked; creating s.
34 508.106, F.S.; authorizing the Department of Agriculture
35 and Consumer Services to deny, revoke, or refuse to renew
36 the registration of a wrecker company under certain
37 circumstances; creating s. 508.1061, F.S.; requiring a
38 wrecker company to accept certain forms of payment;
39 creating s. 508.107, F.S.; prohibiting certain acts;
40 creating ss. 508.108 and 508.109, F.S.; providing
41 administrative and civil penalties; creating s. 508.110,
42 F.S.; providing for registration and renewal fees;
43 creating s. 508.111, F.S.; providing for deposit and use
44 of fees, penalties, and other funds; creating s. 508.112,
45 F.S.; providing that the chapter does not apply to
46 recovery agents; creating s. 508.113, F.S.; authorizing
47 counties and municipalities to enact ordinances governing
48 wrecker operators; providing for the department to enter
49 into a cooperative agreement with a county or municipality
50 for the referral, investigation, and prosecution of
51 consumer complaints or enforcement of specified wrecker
52 services provisions; creating s. 508.114, F.S.; requiring
53 that a wrecker company maintain records of its services;
54 creating s. 508.104, F.S.; prohibiting a person from
55 owning, operating, or otherwise engaging in the business
56 of a wrecker company without first registering with the

57 department; requiring registration prior to issuance or
58 renewal of local business tax receipt; excluding certain
59 motor vehicle repair shops and dealers; creating s.
60 508.116, F.S.; providing criminal penalties; amending s.
61 120.80, F.S.; providing for appointment of a hearing
62 officer by the director of the Division of the Florida
63 Highway Patrol when a hearing is held to deny, suspend, or
64 remove a wrecker company from participating in the wrecker
65 allocation system; creating s. 205.1977, F.S.; prohibiting
66 a county or municipality from issuing or renewing a
67 business tax receipt for a wrecker company that is not
68 registered with the Department of Agriculture and Consumer
69 Services; amending s. 316.530, F.S., relating to towing
70 requirements; conforming terminology; amending s. 320.01,
71 F.S.; redefining the term "wrecker" for purposes of the
72 Florida Statutes; amending s. 320.03, F.S., relating to
73 withholding the motor vehicle registration plate or
74 revalidation sticker; providing for application of
75 provisions to wrecker companies rather than wrecker
76 operators; amending s. 320.0706, F.S.; requiring a wrecker
77 to display the registration license plate only on its
78 front; amending s. 320.0821, F.S.; revising requirements
79 for the issuance of wrecker license plates; requiring the
80 license plate to be displayed on the front of the wrecker;
81 amending s. 320.13, F.S., relating to dealer license
82 plates; conforming terminology; reenacting ss.
83 316.550(4)(a) and (9) and 320.08(5)(d) and (e), F.S.,
84 relating to special wrecker permits and license taxes, to

85 | incorporate the amendment to s. 320.01, F.S., in
86 | references thereto; amending s. 321.051, F.S.; revising
87 | provisions for the Florida Highway Patrol wrecker operator
88 | system; changing the designation to "wrecker allocation
89 | system"; providing definitions; revising provisions that
90 | authorize the Division of the Florida Highway Patrol
91 | within the Department of Highway Safety and Motor Vehicles
92 | to establish the system; revising requirements for the
93 | system; limiting the system to using certain registered
94 | wrecker companies; revising wrecker eligibility
95 | requirements; revising provisions for procedures for
96 | appeal of final orders by the department denying,
97 | suspending, or revoking eligibility to participate;
98 | prohibiting an unauthorized wrecker company and wrecker
99 | operators dispatched by an unauthorized company from
100 | engaging in certain activities; requiring those operators
101 | to disclose certain information to the owner or operator
102 | of a wrecked or disabled vehicle prior to towing;
103 | providing penalties; providing for a law enforcement
104 | officer to dispatch an authorized wrecker company other
105 | than a company requested by the vehicle owner or operator
106 | or to dispatch a company out of rotation; amending s.
107 | 323.001, F.S.; revising procedures for placement of a hold
108 | on a vehicle at a storage facility; providing for
109 | placement of a hold by a law enforcement agency; providing
110 | definitions; revising provisions for payment of towing and
111 | storage charges; revising rate limitation provisions;
112 | amending s. 323.002, F.S.; revising provisions for county

113 and municipal wrecker operator systems; changing the
 114 designation to "wrecker allocation systems"; providing
 115 definitions; limiting the systems to using certain
 116 registered wrecker companies; prohibiting an unauthorized
 117 wrecker company and wrecker operators dispatched by an
 118 unauthorized company from engaging in certain activities;
 119 requiring those operators to disclose certain information
 120 to the owner or operator of a wrecked or disabled vehicle
 121 prior to towing; providing penalties; providing for a law
 122 enforcement officer to dispatch an authorized wrecker
 123 company other than a company requested by the vehicle
 124 owner or operator or to dispatch a company out of
 125 rotation; amending s. 713.78, F.S.; providing for claim of
 126 lien by a wrecker company for recovering, removing, or
 127 storing a vehicle or vessel; conforming provisions to
 128 changes made by the act; providing definitions; requiring
 129 notification to the vehicle or vessel owners, insurers,
 130 and lienholders; providing for a law enforcement agency to
 131 obtain information from the Department of Highway Safety
 132 and Motor Vehicles and provide the information to the
 133 wrecker company; providing notice procedures; providing
 134 for content of the notice; providing for notice to the
 135 agency of jurisdiction if the vehicle or vessel owner or
 136 lienholder cannot be identified; revising procedures for
 137 complaint by the vehicle or vessel owner; providing for
 138 release of the vehicle or vessel; requiring damages,
 139 attorney's fees, and costs to be awarded by the court;
 140 requiring immediate payment of recovery, towing, and

141 storage fees to be ordered by the court; providing for
142 notice and sale of the vehicle or vessel by the wrecker
143 company; providing for distribution of proceeds; providing
144 for discharge of liens and issuance of certificate of
145 title; providing immunity from liability for a wrecker
146 company, its operators, and other employees or agents
147 under certain conditions; providing for a presumption of
148 the use of reasonable care; requiring wrecker company
149 information to be printed on the wrecker; specifying that
150 failure to make good faith, best efforts to comply with
151 notice requirements precludes imposition of storage
152 charges; requiring a wrecker company to provide access to
153 the vehicle or vessel; requiring release of the vehicle,
154 vessel, or personal property to the owner or agent of the
155 owner; requiring the wrecker company to obtain a
156 certificate of destruction in lieu of a certificate of
157 title when the vehicle or vessel is to be dismantled,
158 destroyed, or changed in such a manner that it is not the
159 motor vehicle or vessel described in the certificate of
160 title; providing for issuance of the certificate of
161 destruction by the county tax collector; providing
162 requirements for application for the certificate of
163 destruction; providing for reassignment of the certificate
164 of destruction; authorizing the Department of Highway
165 Safety and Motor Vehicles to adopt rules; providing
166 penalties for specified violations; authorizing the
167 Department of Highway Safety and Motor Vehicles to inspect
168 wrecker company records; directing the Department of

169 Highway Safety and Motor Vehicles, upon notice of lien
170 from a wrecker company, to place the name of the owner of
171 the vehicle or vessel on the list of those persons who may
172 not be issued a license plate or revalidation sticker for
173 a motor vehicle; providing for forms for the notice of
174 lien; providing for dispute by the owner; providing for
175 the owner's name to be removed from the list of those
176 persons who may not be issued a license plate or
177 revalidation sticker for a motor vehicle; providing for
178 lien expiration; requiring a certificate of discharge to
179 be issued by the wrecker company; providing for certain
180 fees and charges; providing for application and
181 exceptions; clarifying that the amendments made by the act
182 do not affect the validity of prior liens; amending s.
183 715.07, F.S., revising provisions for the towing and
184 storage of vehicles and vessels parked on real property
185 without permission; providing definitions; providing
186 requirements for storage facility operation; providing
187 requirements for a wrecker company, its operators, and
188 other employees or agents; prohibiting a wrecker company,
189 a wrecker operator, or another employee or agent of a
190 wrecker company from paying or accepting payment for the
191 privilege of removing vehicles or vessels from a
192 particular location; revising requirements for tow-away
193 signs to be posted by property owners; requiring a wrecker
194 company to maintain rate schedules with the local law
195 enforcement agency and to post rates and contracts at its
196 storage facility; revising requirements for certain

197 signage on a wrecker; providing immunity from liability
 198 for a wrecker company, its operators, and other employees
 199 or agents if entry into the vehicle or vessel is performed
 200 with reasonable care; revising provisions for release of
 201 the vehicle or vessel; providing that failure to comply
 202 with notice requirements precludes a wrecker company from
 203 imposing certain towing or storage charges; providing
 204 penalties; repealing s. 1.01(15), F.S., relating to the
 205 definition of the term "wrecker operator"; providing an
 206 appropriation and authorizing additional positions;
 207 providing effective dates.

208

209 Be It Enacted by the Legislature of the State of Florida:

210

211 Section 1. Chapter 508, Florida Statutes, consisting of
 212 sections 508.101, 508.102, 508.103, 508.105, 508.106, 508.1061,
 213 508.107, 508.108, 508.109, 508.110, 508.111, 508.112, 508.113,
 214 and 508.114, is created to read:

215

CHAPTER 508

216

WRECKER SERVICES

217

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

218

(1) "Business entity" means any form of corporation,

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limited liability company, partnership, association,

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cooperative, joint venture, business trust, sole proprietorship,

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or self-employed person conducting business in this state.

222

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

223

(3) "Department" means the Department of Agriculture and

224

Consumer Services.

225 (4) "Ultimate equitable owner" means a natural person who,
 226 directly or indirectly, owns or controls 10 percent or more of
 227 an ownership interest in a wrecker company, regardless of
 228 whether the natural person owns or controls the ownership
 229 interest through one or more natural persons or one or more
 230 proxies, powers of attorney, nominees, business entities, or any
 231 combination thereof.

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

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

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

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

247 (9) "Wrecker operator" means a person who performs wrecker
 248 services.

249 (10) "Wrecker services" means towing, carrying, or
 250 otherwise transporting vehicles or vessels by wrecker upon the
 251 streets and highways of this state for hire. The term includes,
 252 but is not limited to, each of the following:

- 253 (a) Driving a wrecker.
- 254 (b) Loading, securing, and unloading a vehicle or vessel
 255 on a wrecker using a boom, winch, car carrier, or other similar
 256 equipment.
- 257 (c) Towing or removal of a wrecked, disabled, or abandoned
 258 vehicle under the Florida Highway Patrol wrecker allocation
 259 system pursuant to s. 321.051 or under a county or municipal
 260 wrecker allocation system pursuant to s. 323.002.
- 261 (d) Towing, recovery, or removal of a vehicle or vessel
 262 under s. 713.78.
- 263 (e) Towing, transportation, or removal of a vehicle or
 264 vessel parked on real property without permission under s.
 265 715.07.
- 266 (f) Recovery of a vehicle or vessel.
- 267 508.102 Wrecker Operator Advisory Council.--
- 268 (1) The Wrecker Operator Advisory Council is created
 269 within the department. The council shall advise and assist the
 270 department in administering this chapter.
- 271 (2) The council shall prepare recommendations regarding
 272 the need for a wrecker operator certification program and
 273 establishment of educational and training requirements for
 274 wrecker operators should such a certification program be deemed
 275 necessary. The council shall present its recommendations to the
 276 President of the Senate, the Speaker of the House of
 277 Representatives, and the Commissioner of Agriculture by January
 278 31, 2008.
- 279 (3) (a) The council shall be composed of five members
 280 appointed by the Commissioner of Agriculture.

281 (b) One member of the council must be a wrecker company
282 owner-operator, one member must be a consumer, one member must
283 be an owner of a wrecker company with 10 or more employees, one
284 member must be an owner of a wrecker company with fewer than 10
285 employees, and one member must be a community college staff
286 person with expertise in and responsibility for establishing and
287 implementing continuing education programs. Each member must be
288 a resident of this state.

289 (c) The term of each member of the council is 4 years,
290 except, to establish staggered terms, the owner-operator member,
291 the consumer member, and the community college staff member
292 shall be appointed initially for terms of 2 years each. Members
293 may be reappointed for additional terms not to exceed 8 years of
294 consecutive service. A vacancy shall be filled for the remainder
295 of the unexpired term in the same manner as the original
296 appointment.

297 (4) (a) From among its members, the council shall annually
298 elect a chair, who shall preside over the meetings of the
299 council, and a vice chair.

300 (b) In conducting its meetings, the council shall use
301 accepted rules of procedure. The department shall keep a
302 complete record of each meeting showing the names of members
303 present and the actions taken. These records and other documents
304 regarding matters within the jurisdiction of the council must be
305 kept on file with the department.

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

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

311 (7) The council shall review the rules adopted by the
312 department to administer this chapter and shall advise the
313 department on matters relating to industry standards and
314 practices and other issues that require technical expertise and
315 consultation or that promote better consumer protection in the
316 wrecker industry.

317 508.103 Rulemaking authority.--The department may adopt
318 rules under ss. 120.536(1) and 120.54 to administer this
319 chapter.

320 508.105 Registration requirements; renewal of
321 registrations.--

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

328 (a) The name and federal employer identification number of
329 the wrecker company.

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

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

334 (d) The full name, residence address, business address,
335 and telephone number of the applicant. If the applicant is other
336 than a natural person, the application must also contain the

337 full name, residence address, business address, telephone
338 number, and federal employer identification number, if
339 applicable, of each ultimate equitable owner of the business
340 entity and each officer, director, partner, manager, member, or
341 managing member of the entity.

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

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

348 (2) Each initial and renewal application for registration
349 must be accompanied by the registration fee prescribed in s.
350 508.110.

351 (3) Each initial application for registration must be
352 accompanied by a complete set of the applicant's fingerprints
353 taken by a law enforcement agency. If the applicant is other
354 than a natural person, a complete set of fingerprints must be
355 filed for each ultimate equitable owner of the business entity
356 and each officer, director, partner, manager, member, or
357 managing member of the entity. The department shall submit the
358 fingerprints to the Department of Law Enforcement for state
359 processing, and the Department of Law Enforcement shall forward
360 the fingerprints to the Federal Bureau of Investigation for
361 national processing. The Department of Agriculture and Consumer
362 Services shall collect from each applicant the fingerprint
363 processing fee of \$23 for state processing and an additional fee
364 for national processing for each applicant submitted. The

365 department shall screen background results to determine whether
366 the applicant meets the requirements for issuance of a
367 registration certificate. Registration renewal applications need
368 not be accompanied by a set of fingerprints for an individual
369 who previously submitted a set of fingerprints to the department
370 as part of a prior year's registration application.

371 (4) The department shall review each application in
372 accordance with s. 120.60 and shall issue a registration
373 certificate, in the form and size prescribed by the department,
374 to each wrecker company whose application is approved. The
375 certificate must show at least the name and address of the
376 wrecker company and the registration number. The registration
377 certificate must be prominently displayed in the wrecker
378 company's primary place of business.

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

385 (6) A registration is invalid for a wrecker company
386 transacting business at a place other than the location
387 specified in the registration application unless the department
388 is first notified in writing before the change of location. A
389 registration issued under this chapter is not transferable or
390 assignable, and a wrecker company may not conduct business under
391 a name other than the name registered. A wrecker company
392 desiring to change its registered name, location, or registered

393 agent for service of process at a time other than upon renewal
 394 of registration must notify the department of the change.

395 (7) (a) Each registration must be renewed annually on or
 396 before the expiration date of the current registration. A late
 397 fee of \$25 must be paid, in addition to the registration fee or
 398 any other penalty, for a registration renewal application that
 399 is received by the department after the expiration date of the
 400 current registration. The department may not issue a
 401 registration until all fees are paid.

402 (b) A wrecker company whose primary place of business is
 403 located within a county or municipality that requires, by local
 404 ordinance, a local business tax receipt under chapter 205 may
 405 not renew a registration under this chapter unless the wrecker
 406 company obtains the business tax receipt from the county or
 407 municipality.

408 (8) Each wrecker company must provide the department with
 409 a certificate of insurance for the insurance coverage required
 410 under s. 627.7415 before the department may issue the
 411 certificate for an initial or renewal registration. The
 412 department must be named as a certificateholder on the insurance
 413 certificate and must be notified at least 30 days before any
 414 change in insurance coverage.

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

420 508.106 Denial of registration.--The department may deny,

421 revoke, or refuse to renew the registration of a wrecker company
422 based upon a determination that the applicant or, if the
423 applicant is other than a natural person, the wrecker company or
424 any of its ultimate equitable owners, officers, directors,
425 partners, managers, members, or managing members has:

426 (1) Not met the requirements for registration under this
427 chapter;

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

431 (3) Been convicted or found guilty of, regardless of
432 adjudication, or pled guilty or nolo contendere to, a crime
433 within the last 10 years involving repossession of a motor
434 vehicle under chapter 493, repair of a motor vehicle under ss.
435 559.901-559.9221, theft of a motor vehicle under s. 812.014,
436 carjacking under s. 812.133, operation of a chop shop under s.
437 812.16, failure to maintain records of motor vehicle parts and
438 accessories under s. 860.14, violations relating to airbags
439 under s. 860.145 or use of fake airbags under s. 860.146,
440 overcharging for repairs and parts under s. 860.15, or a
441 violation of towing or storage requirements for a motor vehicle
442 under this chapter, s. 321.051, chapter 323, s. 713.78, or s.
443 715.07;

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

448 (5) Pending against him or her a criminal, administrative,

449 or enforcement proceeding in any jurisdiction based upon conduct
 450 involving a violation of this chapter; or

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

453 508.1061 Acceptable forms of payment.--A wrecker company
 454 shall accept a minimum of two of the three following forms of
 455 payment:

456 (1) Cash, cashier's check, money order, or traveler's
 457 check.

458 (2) Valid personal check, showing upon its face the name
 459 and address of the vehicle or vessel owner or authorized
 460 representative.

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

463 508.107 Prohibited acts.--It is a violation of this
 464 chapter for a person to:

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

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

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

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

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

476 (6) Refuse to allow a law enforcement officer to inspect a

477 towing and storage facility as required in s. 812.055.

478 (7) Perform an act otherwise prohibited by this chapter or
 479 fail to perform an act otherwise required by this chapter.

480 508.108 Administrative penalties; inspection of records.--

481 (1) The department may take one or more of the following
 482 actions if the department finds that a business is operating
 483 without being registered under this chapter or has violated this
 484 chapter or the rules or orders issued under this chapter:

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

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

488 (c) Direct the person to cease and desist specified
 489 activities.

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

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

494 (2) Chapter 120 shall govern an administrative proceeding
 495 resulting from an order imposing a penalty specified in
 496 subsection (1).

497 508.109 Civil penalties.--The department may bring a civil
 498 action in a court of competent jurisdiction to recover any
 499 penalties or damages allowed in this chapter and for injunctive
 500 relief to enforce compliance with this chapter. The department
 501 may seek a civil penalty of up to \$5,000 for each violation of
 502 this chapter and may seek restitution for and on behalf of any
 503 owner of a vehicle or vessel who is aggrieved or injured by a
 504 violation of this chapter.

505 508.110 Fees.--The department shall adopt by rule a fee
506 schedule not to exceed the following amounts:

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

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

509 508.111 General Inspection Trust Fund; payments.--All
510 fees, penalties, or other funds collected by the department
511 under this chapter must be deposited in the General Inspection
512 Trust Fund and may only be used for the purpose of administering
513 this chapter.

514 508.112 Recovery agents; exemption.--This chapter does not
515 apply to a person licensed under chapter 493 performing
516 repossession services.

517 508.113 County and municipal ordinances.--A county or
518 municipality may enact ordinances governing the business of
519 transporting vehicles or vessels by wrecker that are more
520 restrictive than this chapter. This section does not limit the
521 authority of a political subdivision to impose regulatory fees
522 or charges or to levy local business taxes under chapter 205.
523 The department may enter into a cooperative agreement with any
524 county or municipality that provides for the referral,
525 investigation, and prosecution of consumer complaints alleging
526 violations of this chapter. The department is authorized to
527 delegate enforcement of this chapter to any county or
528 municipality entering into a cooperative agreement.

529 508.114 Records.--Each wrecker company shall maintain
530 records of its wrecker services for at least 12 months. These
531 records shall be maintained at the wrecker company's principal
532 place of business.

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

535 508.104 Wrecker companies; registration required.--

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

540 (2) A person applying for or renewing a local business tax
 541 receipt to engage for hire in the business of a wrecker company
 542 must exhibit a current registration certificate from the
 543 department before the local business tax receipt may be issued
 544 or reissued under chapter 205.

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

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

553 508.116 Criminal penalties.--A person who violates s.
 554 508.104(1) by operating a wrecker company in this state without
 555 being registered with the department under this chapter commits
 556 a felony of the third degree, punishable as provided in s.
 557 775.082, s. 775.083, or s. 775.084.

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

561 120.80 Exceptions and special requirements; agencies.--

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

563 (b) Wrecker companies ~~operators~~.--Notwithstanding s.

564 120.57(1)(a), hearings held by the Division of the Florida

565 Highway Patrol of the Department of Highway Safety and Motor

566 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~

567 from participating in the wrecker allocation ~~rotation~~ system

568 established under ~~by~~ s. 321.051 need not be conducted by an

569 administrative law judge assigned by the division. These

570 hearings shall be held by a hearing officer appointed by the

571 director of the Division of the Florida Highway Patrol.

572 Section 5. Effective January 1, 2008, section 205.1977,

573 Florida Statutes, is created to read:

574 205.1977 Wrecker companies; consumer protection.--A county

575 or municipality may not issue or renew a business tax receipt

576 for the operation of a wrecker company under chapter 508 unless

577 the wrecker company exhibits a current registration from the

578 Department of Agriculture and Consumer Services.

579 Section 6. Subsection (3) of section 316.530, Florida

580 Statutes, is amended to read:

581 316.530 Towing requirements.--

582 (3) Whenever a motor vehicle becomes disabled upon the

583 highways of this state and a wrecker ~~or tow truck~~ is required to

584 remove it to a repair shop or other appropriate location, if the

585 combined weights of those two vehicles and the loads thereon

586 exceed the maximum allowable weights as established by s.

587 316.535, no penalty shall be assessed either vehicle or driver.

588 However, this exception shall not apply to the load limits for

589 bridges and culverts established by the department as provided
 590 in s. 316.555.

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

593 320.01 Definitions, general.--As used in the Florida
 594 Statutes, except as otherwise provided, the term:

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

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

602 320.03 Registration; duties of tax collectors;
 603 International Registration Plan.--

604 (8) If the applicant's name appears on the list referred
 605 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 606 license plate or revalidation sticker may not be issued until
 607 that person's name no longer appears on the list or until the
 608 person presents a receipt from the clerk showing that the fines
 609 outstanding have been paid. This subsection does not apply to
 610 the owner of a leased vehicle if the vehicle is registered in
 611 the name of the lessee of the vehicle. The tax collector and the
 612 clerk of the court are each entitled to receive monthly, as
 613 costs for implementing and administering this subsection, 10
 614 percent of the civil penalties and fines recovered from such
 615 persons. As used in this subsection, the term "civil penalties
 616 and fines" does not include a wrecker company's ~~operator's~~ lien

617 as described in s. 713.78(13). If the tax collector has private
618 tag agents, such tag agents are entitled to receive a pro rata
619 share of the amount paid to the tax collector, based upon the
620 percentage of license plates and revalidation stickers issued by
621 the tag agent compared to the total issued within the county.
622 The authority of any private agent to issue license plates shall
623 be revoked, after notice and a hearing as provided in chapter
624 120, if he or she issues any license plate or revalidation
625 sticker contrary to the provisions of this subsection. This
626 section applies only to the annual renewal in the owner's birth
627 month of a motor vehicle registration and does not apply to the
628 transfer of a registration of a motor vehicle sold by a motor
629 vehicle dealer licensed under this chapter, except for the
630 transfer of registrations which is inclusive of the annual
631 renewals. This section does not affect the issuance of the title
632 to a motor vehicle, notwithstanding s. 319.23(7)(b).

633 Section 9. Section 320.0706, Florida Statutes, is amended
634 to read:

635 320.0706 Display of license plates on trucks.--The owner
636 of any commercial truck of gross vehicle weight of 26,001 pounds
637 or more shall display the registration license plate on both the
638 front and rear of the truck in conformance with all the
639 requirements of s. 316.605 that do not conflict with this
640 section. The owner of a dump truck may place the rear license
641 plate on the gate no higher than 60 inches to allow for better
642 visibility. However, the owner of a truck tractor or a wrecker
643 must ~~shall be required to~~ display the registration license plate
644 only on the front of such vehicle.

645 Section 10. Subsection (1) of section 320.0821, Florida
 646 Statutes, is amended, and subsection (5) is added to that
 647 section, to read:

648 320.0821 Wrecker license plates.--

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

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

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

663 320.0821 Wrecker license plates.--

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

673 Section 12. Paragraph (a) of subsection (1) of section
 674 320.13, Florida Statutes, is amended to read:

675 320.13 Dealer and manufacturer license plates and
 676 alternative method of registration.--

677 (1) (a) Any licensed motor vehicle dealer and any licensed
 678 mobile home dealer may, upon payment of the license tax imposed
 679 by s. 320.08(12), secure one or more dealer license plates,
 680 which are valid for use on motor vehicles or mobile homes owned
 681 by the dealer to whom such plates are issued while the motor
 682 vehicles are in inventory and for sale, or while being operated
 683 in connection with such dealer's business, but are not valid for
 684 use for hire. Dealer license plates may not be used on any ~~tow~~
 685 ~~truck or wrecker~~ as defined in s. 320.01 unless the ~~tow truck or~~
 686 wrecker is being demonstrated for sale, and the dealer license
 687 plates may not be used on a vehicle used to transport another
 688 motor vehicle for the motor vehicle dealer.

689 Section 13. For the purpose of incorporating the amendment
 690 made by this act to section 320.01, Florida Statutes, in
 691 references thereto, paragraph (a) of subsection (4) and
 692 subsection (9) of section 316.550, Florida Statutes, are
 693 reenacted to read:

694 316.550 Operations not in conformity with law; special
 695 permits.--

696 (4) (a) The Department of Transportation may issue a
 697 wrecker special blanket permit to authorize a wrecker as defined
 698 in s. 320.01(40) to tow a disabled vehicle as defined in s.
 699 320.01(38) where the combination of the wrecker and the disabled
 700 vehicle being towed exceeds the maximum weight limits as

701 established by s. 316.535.

702 (9) Whenever any motor vehicle, or the combination of a
703 wrecker as defined in s. 320.01(40) and a towed motor vehicle,
704 exceeds any weight or dimensional criteria or special
705 operational or safety stipulation contained in a special permit
706 issued under the provisions of this section, the penalty
707 assessed to the owner or operator shall be as follows:

708 (a) For violation of weight criteria contained in a
709 special permit, the penalty per pound or portion thereof
710 exceeding the permitted weight shall be as provided in s.
711 316.545.

712 (b) For each violation of dimensional criteria in a
713 special permit, the penalty shall be as provided in s. 316.516
714 and penalties for multiple violations of dimensional criteria
715 shall be cumulative except that the total penalty for the
716 vehicle shall not exceed \$1,000.

717 (c) For each violation of an operational or safety
718 stipulation in a special permit, the penalty shall be an amount
719 not to exceed \$1,000 per violation and penalties for multiple
720 violations of operational or safety stipulations shall be
721 cumulative except that the total penalty for the vehicle shall
722 not exceed \$1,000.

723 (d) For violation of any special condition that has been
724 prescribed in the rules of the Department of Transportation and
725 declared on the permit, the vehicle shall be determined to be
726 out of conformance with the permit and the permit shall be
727 declared null and void for the vehicle, and weight and
728 dimensional limits for the vehicle shall be as established in s.

729 316.515 or s. 316.535, whichever is applicable, and:

730 1. For weight violations, a penalty as provided in s.
731 316.545 shall be assessed for those weights which exceed the
732 limits thus established for the vehicle; and

733 2. For dimensional, operational, or safety violations, a
734 penalty as established in paragraph (c) or s. 316.516, whichever
735 is applicable, shall be assessed for each nonconforming
736 dimensional, operational, or safety violation and the penalties
737 for multiple violations shall be cumulative for the vehicle.

738 Section 14. For the purpose of incorporating the amendment
739 made by this act to section 320.01, Florida Statutes, in
740 references thereto, paragraphs (d) and (e) of subsection (5) of
741 section 320.08, Florida Statutes, are reenacted to read:

742 320.08 License taxes.--Except as otherwise provided
743 herein, there are hereby levied and imposed annual license taxes
744 for the operation of motor vehicles, mopeds, motorized bicycles
745 as defined in s. 316.003(2), and mobile homes, as defined in s.
746 320.01, which shall be paid to and collected by the department
747 or its agent upon the registration or renewal of registration of
748 the following:

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

751 (d) A wrecker, as defined in s. 320.01(40), which is used
752 to tow a vessel as defined in s. 327.02(39), a disabled,
753 abandoned, stolen-recovered, or impounded motor vehicle as
754 defined in s. 320.01(38), or a replacement motor vehicle as
755 defined in s. 320.01(39): \$30 flat.

756 (e) A wrecker, as defined in s. 320.01(40), which is used

757 to tow any motor vehicle, regardless of whether or not such
758 motor vehicle is a disabled motor vehicle as defined in s.
759 320.01(38), a replacement motor vehicle as defined in s.
760 320.01(39), a vessel as defined in s. 327.02(39), or any other
761 cargo, as follows:

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

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

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

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

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

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

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

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

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

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

782 (Substantial rewording of section. See

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

784 321.051 Florida Highway Patrol wrecker allocation system;

785 penalties for operation outside of system.--

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

787 (a) "Authorized wrecker company" means a wrecker company
 788 designated by the division as part of its wrecker allocation
 789 system.

790 (b) "Division" means the Division of the Florida Highway
 791 Patrol within the Department of Highway Safety and Motor
 792 Vehicles.

793 (c) "Unauthorized wrecker company" means a wrecker company
 794 not designated by the division as part of its wrecker allocation
 795 system.

796 (d) "Wrecker company" has the same meaning ascribed in s.
 797 508.101.

798 (e) "Wrecker operator" has the same meaning ascribed in s.
 799 508.101.

800 (f) "Wrecker services" has the same meaning ascribed in s.
 801 508.101.

802 (2) (a) The division may establish within areas designated
 803 by the division a wrecker allocation system, using qualified,
 804 reputable wrecker companies, for the removal from crash scenes
 805 and the storage of wrecked or disabled vehicles when the owner
 806 or operator is incapacitated or unavailable or leaves the
 807 procurement of wrecker services to the officer at the scene and
 808 for the removal and storage of abandoned vehicles.

809 (b) The wrecker allocation system may use only wrecker
 810 companies registered under chapter 508. Each reputable wrecker
 811 company registered under chapter 508 is eligible for use in the
 812 system if its equipment and wrecker operators meet the

813 recognized safety qualifications and mechanical standards set by
814 the division's rules for the size of vehicle they are designed
815 to handle. The division may limit the number of wrecker
816 companies participating in the wrecker allocation system.

817 (c) The division may establish maximum rates for the
818 towing and storage of vehicles removed at the division's request
819 if those rates are not established by a county or municipality
820 under s. 125.0103 or s. 166.043. These rates are not rules for
821 the purpose of chapter 120; however, the Department of Highway
822 Safety and Motor Vehicles shall adopt rules prescribing the
823 procedures for setting these rates.

824 (d) Notwithstanding chapter 120, a final order of the
825 Department of Highway Safety and Motor Vehicles denying,
826 suspending, or revoking a wrecker company's participation in the
827 wrecker allocation system may be appealed only in the manner and
828 within the time provided by the Florida Rules of Appellate
829 Procedure by a writ of certiorari issued by the circuit court in
830 the county in which the wrecker company's primary place of
831 business is located, as evidenced by the wrecker company's
832 registration under chapter 508.

833 (3) (a) An unauthorized wrecker company, its wrecker
834 operators, or its other employees or agents may not monitor a
835 police radio for communications between patrol field units and
836 the dispatcher in order to determine the location of a wrecked
837 or disabled vehicle for the purpose of dispatching its wrecker
838 operator to drive by the scene of the vehicle in a manner
839 described in paragraph (b) or paragraph (c). Any person who
840 violates this paragraph commits a noncriminal violation,

841 punishable as provided in s. 775.083.

842 (b) Except as provided in paragraph (c), a wrecker
843 operator dispatched by an unauthorized wrecker company who
844 drives by the scene of a wrecked or disabled vehicle before the
845 arrival of the wrecker operator dispatched by the authorized
846 wrecker company may not initiate contact with the owner or
847 operator of the vehicle by soliciting or offering wrecker
848 services or tow the vehicle. Any person who violates this
849 paragraph commits a misdemeanor of the second degree, punishable
850 as provided in s. 775.082 or s. 775.083.

851 (c) When a wrecker operator dispatched by an unauthorized
852 wrecker company drives by the scene of a wrecked or disabled
853 vehicle and the owner or operator initiates contact by signaling
854 the wrecker operator to stop and provide wrecker services, the
855 wrecker operator must disclose to the owner or operator of the
856 vehicle that he or she was not dispatched by the authorized
857 wrecker company designated as part of the wrecker allocation
858 system and must disclose, in writing, what charges for towing
859 and storage will apply before the vehicle is connected to the
860 towing apparatus. Any person who violates this paragraph commits
861 a misdemeanor of the second degree, punishable as provided in s.
862 775.082 or s. 775.083.

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

869 (4) This section does not prohibit or in any way prevent
870 the owner or operator of a vehicle involved in a crash or
871 otherwise disabled from contacting any wrecker company for the
872 provision of wrecker services, regardless of whether the wrecker
873 company is an authorized wrecker company. However, if a law
874 enforcement officer determines that the disabled vehicle or
875 vehicle cargo is a public safety hazard, the officer may, in the
876 interest of public safety, dispatch an authorized wrecker
877 company if the officer believes that the authorized wrecker
878 company would arrive at the scene before the wrecker company
879 requested by the owner or operator of the disabled vehicle or
880 vehicle cargo.

881 (5) A law enforcement officer may dispatch an authorized
882 wrecker company out of rotation to the scene of a wrecked or
883 disabled vehicle if the authorized wrecker company next on
884 rotation is not equipped to provide the required wrecker
885 services and the out-of-rotation authorized wrecker company is
886 available with the required equipment. However, this subsection
887 does not prohibit or prevent the owner or operator of a vehicle
888 involved in a crash or otherwise disabled from contacting any
889 wrecker company that is properly equipped to provide the
890 required wrecker services, regardless of whether the wrecker
891 company is an authorized wrecker company, unless the law
892 enforcement officer determines that the wrecked or disabled
893 vehicle or vehicle cargo is a public safety hazard and the
894 officer believes that the authorized wrecker company would
895 arrive at the scene before the wrecker company requested by the
896 owner or operator.

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

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

901 323.001 Wrecker company storage facilities; vehicle
902 holds.--

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

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

906 (b) "Wrecker company" has the same meaning ascribed in s.
907 508.101.

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

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

917 (a) If the hold is extended beyond the 5 business days,
918 the law enforcement agency may have the vehicle removed to a
919 designated impound lot and the vehicle may not be released by
920 the law enforcement agency to the owner or lienholder of the
921 vehicle until proof of payment of the towing and storage charges
922 incurred by the wrecker company is presented to the law
923 enforcement agency.

924 (b) If the law enforcement agency chooses to have the

925 vehicle remain at the wrecker company's storage facility for
926 more than 5 business days under the written notification, the
927 law enforcement agency is responsible for paying the storage
928 charges incurred by the wrecker company for the requested
929 extended period. The owner or lienholder is responsible for
930 paying the accrued towing and storage charges for the first 5
931 business days, or any period less than the first 5 business
932 days, if the law enforcement agency moves the vehicle from the
933 wrecker company's storage facility to a designated impound lot
934 or provides written notification to extend the hold on the
935 vehicle before the expiration of the 5 business days.

936 (c) The towing and storage rates for the owner or
937 lienholder of the held vehicle may not exceed the rates for the
938 law enforcement agency.

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

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

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

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

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

952 (d) The law enforcement officer has probable cause to

953 believe that the vehicle is itself evidence that a crime has
 954 been committed or that the vehicle contains evidence, which
 955 cannot readily be removed, that a crime has been committed;
 956 (e) The law enforcement officer has probable cause to
 957 believe that the vehicle was involved in a traffic accident
 958 resulting in death or personal injury and should be sealed for
 959 investigation and collection of evidence by a vehicular homicide
 960 investigator;
 961 (f) The vehicle is impounded or immobilized under s.
 962 316.193 or s. 322.34; or
 963 (g) The law enforcement officer is complying with a court
 964 order.
 965 (6) The hold must be in writing and must specify:
 966 (a) The name and agency of the law enforcement officer
 967 placing the hold on the vehicle.
 968 (b) The date and time the hold is placed on the vehicle.
 969 (c) A general description of the vehicle, including its
 970 color, make, model, body style, and year; vehicle identification
 971 number; registration license plate number, state, and year; and
 972 validation sticker number, state, and year.
 973 (d) The specific reason for placing the hold.
 974 (e) The condition of the vehicle.
 975 (f) The location where the vehicle is being held.
 976 (g) The name, address, and telephone number of the wrecker
 977 company and the storage facility.
 978 (7) A wrecker company's storage facility must comply with
 979 a hold placed by a law enforcement officer, including
 980 instructions for inside or outside storage. A wrecker company's

981 storage facility may not release a motor vehicle subject to a
982 hold to any person except as directed by the law enforcement
983 agency placing the hold.

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

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

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

993 323.002 County and municipal wrecker allocation systems;
994 penalties for operation outside of system.--

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

996 (a) "Authorized wrecker company" means a wrecker company
997 designated as part of the wrecker allocation system established
998 by the governmental unit having jurisdiction over the scene of a
999 wrecked, disabled, or abandoned vehicle.

1000 (b) "Unauthorized wrecker company" means a wrecker company
1001 not designated as part of the wrecker allocation system
1002 established by the governmental unit having jurisdiction over
1003 the scene of a wrecked, disabled, or abandoned vehicle.

1004 (c) "Wrecker allocation system" means a system for the
1005 towing or removal of wrecked, disabled, or abandoned vehicles,
1006 similar to the Florida Highway Patrol wrecker allocation system
1007 described in s. 321.051(2), under which a county or municipality
1008 contracts with one or more wrecker companies registered under

1009 chapter 508 for the towing or removal of wrecked, disabled, or
 1010 abandoned vehicles from accident scenes, streets, or highways.
 1011 Each wrecker allocation system must use a method for
 1012 apportioning the towing assignments among the eligible wrecker
 1013 companies through the creation of geographic zones or a rotation
 1014 schedule or a combination of geographic zones and a rotation
 1015 schedule.

1016 (d) "Wrecker company" has the same meaning ascribed in s.
 1017 508.101.

1018 (e) "Wrecker operator" has the same meaning ascribed in s.
 1019 508.101.

1020 (f) "Wrecker services" has the same meaning ascribed in s.
 1021 508.101.

1022 (2) In a county or municipality that operates a wrecker
 1023 allocation system:

1024 (a) The wrecker allocation system may only use wrecker
 1025 companies registered under chapter 508.

1026 (b) An unauthorized wrecker company, its wrecker
 1027 operators, or its other employees or agents may not monitor a
 1028 police radio for communications between patrol field units and
 1029 the dispatcher in order to determine the location of a wrecked
 1030 or disabled vehicle for the purpose of dispatching its wrecker
 1031 operator to drive by the scene of the vehicle in a manner
 1032 described in paragraph (c) or paragraph (d). Any person who
 1033 violates this paragraph commits a noncriminal violation,
 1034 punishable as provided in s. 775.083.

1035 (c) Except as provided in paragraph (d), a wrecker
 1036 operator dispatched by an unauthorized wrecker company who

1037 drives by the scene of a wrecked or disabled vehicle before the
 1038 arrival of the wrecker operator dispatched by the authorized
 1039 wrecker company may not initiate contact with the owner or
 1040 operator of the vehicle by soliciting or offering wrecker
 1041 services or tow the vehicle. Any person who violates this
 1042 paragraph commits a misdemeanor of the second degree, punishable
 1043 as provided in s. 775.082 or s. 775.083.

1044 (d) When a wrecker operator dispatched by an unauthorized
 1045 wrecker company drives by the scene of a wrecked or disabled
 1046 vehicle and the owner or operator initiates contact by signaling
 1047 the wrecker operator to stop and provide wrecker services, the
 1048 wrecker operator must disclose to the owner or operator of the
 1049 vehicle that he or she was not dispatched by the authorized
 1050 wrecker company designated as part of the wrecker allocation
 1051 system and must disclose, in writing, what charges for towing
 1052 and storage will apply before the vehicle is connected to the
 1053 towing apparatus. Any person who violates this paragraph commits
 1054 a misdemeanor of the second degree, punishable as provided in s.
 1055 775.082 or s. 775.083.

1056 (e) A wrecker operator may not falsely identify himself or
 1057 herself as being part of, or as being employed by a wrecker
 1058 company that is part of, the wrecker allocation system at the
 1059 scene of a wrecked or disabled vehicle. Any person who violates
 1060 this paragraph commits a misdemeanor of the first degree,
 1061 punishable as provided in s. 775.082 or s. 775.083.

1062 (3) This section does not prohibit or in any way prevent
 1063 the owner or operator of a vehicle involved in a crash or
 1064 otherwise disabled from contacting any wrecker company for the

1065 provision of wrecker services, regardless of whether the wrecker
 1066 company is an authorized wrecker company. If a law enforcement
 1067 officer determines that the disabled vehicle or vehicle cargo is
 1068 a public safety hazard, the officer may, in the interest of
 1069 public safety, dispatch an authorized wrecker company if the
 1070 officer believes that the authorized wrecker company would
 1071 arrive at the scene before the wrecker company requested by the
 1072 owner or operator of the disabled vehicle or vehicle cargo.

1073 (4) A law enforcement officer may dispatch an authorized
 1074 wrecker company out of rotation to the scene of a wrecked or
 1075 disabled vehicle if the authorized wrecker company next on
 1076 rotation is not equipped to provide the required wrecker
 1077 services and the out-of-rotation authorized wrecker company is
 1078 available with the required equipment. However, this subsection
 1079 does not prohibit or prevent the owner or operator of a vehicle
 1080 involved in a crash or otherwise disabled from contacting any
 1081 wrecker company that is properly equipped to provide the
 1082 required wrecker services, regardless of whether the wrecker
 1083 company is an authorized wrecker company, unless the law
 1084 enforcement officer determines that the wrecked or disabled
 1085 vehicle or vehicle cargo is a public safety hazard and the
 1086 officer believes that the authorized wrecker company would
 1087 arrive at the scene before the wrecker company requested by the
 1088 owner or operator.

1089 Section 18. Effective January 1, 2008, section 713.78,
 1090 Florida Statutes, is amended to read:

1091 713.78 Liens for recovering, towing, or storing vehicles
 1092 and vessels.--

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1093 (1) As used in ~~For the purposes of~~ this section, the term:

1094 (a) "Business day" means a day other than a Saturday,
 1095 Sunday, or federal or state legal holiday.

1096 (b) "Property owner" has the same meaning ascribed in s.
 1097 715.07.

1098 (c) ~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1099 508.101 means any mobile item, whether motorized or not, which
 1100 is mounted on wheels.

1101 (d) ~~(b)~~ "Vessel" has the same meaning ascribed in s.
 1102 508.101 means every description of watercraft, barge, and
 1103 airboat used or capable of being used as a means of
 1104 transportation on water, other than a seaplane or a "documented
 1105 vessel" as defined in s. 327.02(9).

1106 (e) ~~(e)~~ "Wrecker" has the same meaning ascribed in s.
 1107 320.01 means any truck or other vehicle which is used to tow,
 1108 carry, or otherwise transport motor vehicles or vessels upon the
 1109 streets and highways of this state and which is equipped for
 1110 that purpose with a boom, winch, car carrier, or other similar
 1111 equipment.

1112 (f) "Wrecker company" has the same meaning ascribed in s.
 1113 508.101.

1114 (g) "Wrecker operator" has the same meaning ascribed in s.
 1115 508.101.

1116 (2) Whenever a wrecker company registered under chapter
 1117 508 person regularly engaged in the business of transporting
 1118 vehicles or vessels by wrecker, tow truck, or car carrier
 1119 recovers, removes, or stores a vehicle or vessel upon
 1120 instructions from:

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1121 (a) The owner of the vehicle or vessel ~~thereof~~;

1122 (b) The property owner ~~or lessor, or a person authorized~~

1123 ~~by the owner or lessor,~~ of real property on which the ~~such~~

1124 vehicle or vessel is ~~wrongfully~~ parked without permission, and

1125 the removal is done in compliance with s. 715.07; or

1126 (c) Any law enforcement agency,

1127

1128 the wrecker company has ~~she or he shall have~~ a lien on the

1129 vehicle or vessel for a reasonable towing fee and for a

1130 reasonable storage fee, ~~+~~ except that no storage fee shall be

1131 charged if the vehicle or vessel is stored ~~for~~ less than 6

1132 hours.

1133 (3) This section does not authorize any person to claim a

1134 lien on a vehicle for fees or charges connected with the

1135 immobilization of the ~~such~~ vehicle using a vehicle boot or other

1136 similar device under ~~pursuant to~~ s. 715.07.

1137 (4) (a) Any wrecker company ~~that person regularly engaged~~

1138 ~~in the business of recovering, towing, or storing vehicles or~~

1139 ~~vessels who~~ comes into possession of a vehicle or vessel under

1140 ~~pursuant to~~ subsection (2), ~~and who~~ claims a lien for recovery,

1141 towing, or storage services, ~~shall~~ give notice to the registered

1142 owner, the insurance company insuring the vehicle

1143 notwithstanding ~~the provisions of~~ s. 627.736, and ~~to~~ all persons

1144 claiming a lien on the vehicle or vessel ~~thereon~~, as disclosed

1145 by the records in the Department of Highway Safety and Motor

1146 Vehicles or of a corresponding agency in any other state.

1147 (b) Whenever a ~~any~~ law enforcement agency authorizes the

1148 removal of a vehicle or vessel or whenever a wrecker company ~~any~~

1149 ~~towing service, garage, repair shop, or automotive service,~~
 1150 ~~storage, or parking place~~ notifies the law enforcement agency of
 1151 possession of a vehicle or vessel under ~~pursuant to~~ s.
 1152 715.07(2)(a)2., the applicable law enforcement agency shall
 1153 contact the Department of Highway Safety and Motor Vehicles, or
 1154 the appropriate agency of the state of registration, if known,
 1155 within 24 hours through the medium of electronic communications,
 1156 giving the full description of the vehicle or vessel. Upon
 1157 receipt of the full description of the vehicle or vessel, the
 1158 department shall search its files to determine the owner's name,
 1159 the insurance company insuring the vehicle or vessel, and
 1160 whether any person has filed a lien upon the vehicle or vessel
 1161 as provided in s. 319.27(2) and (3) and notify the applicable
 1162 law enforcement agency within 72 hours. The wrecker company
 1163 ~~person in charge of the towing service, garage, repair shop, or~~
 1164 ~~automotive service, storage, or parking place~~ shall obtain that
 1165 ~~such~~ information from the applicable law enforcement agency
 1166 within 5 days after the date of storage and shall give notice
 1167 under ~~pursuant to~~ paragraph (a). The department may release the
 1168 insurance company information to the requestor notwithstanding
 1169 ~~the provisions of~~ s. 627.736.

1170 (c) Notice by certified mail, ~~return receipt requested,~~
 1171 shall be sent within 7 business days after the date of storage
 1172 of the vehicle or vessel to the registered owner, the insurance
 1173 company insuring the vehicle notwithstanding ~~the provisions of~~
 1174 s. 627.736, and all persons of record claiming a lien against
 1175 the vehicle or vessel. The notice ~~It~~ shall state the fact of
 1176 possession of the vehicle or vessel and, that a lien as provided

1177 in subsection (2) is claimed, that charges have accrued and the
 1178 amount of the charges ~~thereof~~, that the lien is subject to
 1179 enforcement under ~~pursuant to~~ law, ~~and~~ that the owner or
 1180 lienholder, if any, has the right to a hearing as set forth in
 1181 subsection (5), and that any vehicle or vessel that ~~which~~
 1182 remains unclaimed, or for which the charges for recovery,
 1183 towing, or storage services remain unpaid, may be sold free of
 1184 all prior liens after 35 days if the vehicle or vessel is more
 1185 than 3 years of age or after 50 days if the vehicle or vessel is
 1186 3 years of age or less.

1187 (d) If the wrecker company is unable ~~attempts~~ to identify
 1188 ~~locate~~ the name and address of the owner or lienholder ~~prove~~
 1189 ~~unsuccessful~~, the wrecker company towing-storage operator shall,
 1190 after 7 business ~~working~~ days following, ~~excluding Saturday and~~
 1191 ~~Sunday~~, of the initial tow or storage, notify the public agency
 1192 of jurisdiction in writing by certified mail or acknowledged
 1193 hand delivery that the wrecker towing-storage company has been
 1194 unable to identify ~~locate~~ the name and address of the owner or
 1195 lienholder, ~~and~~ a physical search of the vehicle or vessel has
 1196 disclosed no ownership information, and a good faith effort has
 1197 been made. For purposes of this paragraph and subsection (9),
 1198 the term "good faith effort" means that the following checks
 1199 have been performed by the wrecker company to establish prior
 1200 state of registration and for title:

- 1201 1. Check of vehicle or vessel for any type of tag, tag
 1202 record, temporary tag, or regular tag.
- 1203 2. Check of law enforcement report for tag number or other
 1204 information identifying the vehicle or vessel, if the vehicle or

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1205 vessel was towed at the request of a law enforcement officer.

1206 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~
 1207 ~~truck~~ operator to see if a tag was on vehicle or vessel at
 1208 beginning of tow, if private tow.

1209 4. If there is no address of the owner on the impound
 1210 report, check of law enforcement report to see if an out-of-
 1211 state address is indicated from driver license information.

1212 5. Check of vehicle or vessel for inspection sticker or
 1213 other stickers and decals that may indicate a state of possible
 1214 registration.

1215 6. Check of the interior of the vehicle or vessel for any
 1216 papers that may be in the glove box, trunk, or other areas for a
 1217 state of registration.

1218 7. Check of vehicle for vehicle identification number.

1219 8. Check of vessel for vessel registration number.

1220 9. Check of vessel hull for a hull identification number,
 1221 which should be carved, burned, stamped, embossed, or otherwise
 1222 permanently affixed to the outboard side of the transom or, if
 1223 there is no transom, to the outmost seaboard side at the end of
 1224 the hull that bears the rudder or other steering mechanism.

1225 (5) (a) The owner of a vehicle or vessel removed under
 1226 ~~pursuant to the provisions of~~ subsection (2), or any person
 1227 claiming a lien, other than the wrecker company ~~towing storage~~
 1228 ~~operator~~, within 10 days after the time she or he has knowledge
 1229 of the location of the vehicle or vessel, may file a complaint
 1230 in the county court of the county in which the vehicle or vessel
 1231 is stored or in which the owner resides to determine if her or
 1232 his property was wrongfully taken or withheld from her or him.

1233 (b) Upon filing of a complaint, an owner or lienholder may
 1234 have her or his vehicle or vessel released upon posting with the
 1235 court a cash or surety bond or other adequate security equal to
 1236 the amount of the charges for towing or storage and lot rental
 1237 amount to ensure the payment of the ~~such~~ charges in the event
 1238 she or he does not prevail. Upon the posting of the bond and the
 1239 payment of the applicable fee set forth in s. 28.24, the clerk
 1240 of the court shall issue a certificate notifying the lienor of
 1241 the posting of the bond and directing the lienor to release the
 1242 vehicle or vessel. At the time of the ~~such~~ release, after
 1243 reasonable inspection, she or he shall give a receipt to the
 1244 wrecker ~~towing storage~~ company reciting any claims she or he has
 1245 for loss or damage to the vehicle or vessel or to the contents
 1246 of the vehicle or vessel ~~thereof~~.

1247 (c) Upon determining the respective rights of the parties,
 1248 the court shall ~~may~~ award damages, reasonable attorney's fees,
 1249 and costs to ~~in favor of~~ the prevailing party. ~~In any event,~~ The
 1250 final order shall require ~~provide for~~ immediate payment in full
 1251 of the recovery, towing, and storage fees by the vehicle or
 1252 vessel owner or lienholder, ~~+~~ by ~~or~~ the law enforcement agency
 1253 ordering the tow, ~~+~~ by the property owner, ~~lessee, or agent~~
 1254 ~~thereof~~ of the real property from which the vehicle or vessel
 1255 was towed or removed under s. 715.07.

1256 (6) Any vehicle or vessel that ~~which~~ is stored under
 1257 ~~pursuant to~~ subsection (2) and ~~which~~ remains unclaimed, or for
 1258 which reasonable charges for recovery, towing, or storing remain
 1259 unpaid, and any contents not released under ~~pursuant to~~
 1260 subsection (10) ~~+~~ may be sold by the wrecker company ~~owner or~~

1261 ~~operator of the storage space~~ for the ~~such~~ towing or storage
 1262 charge ~~after~~ 35 days after ~~from the time~~ the vehicle or vessel
 1263 is stored in the wrecker company's storage facility ~~therein~~ if
 1264 the vehicle or vessel is more than 3 years of age or ~~after~~ 50
 1265 days after ~~following the time~~ the vehicle or vessel is stored in
 1266 the wrecker company's storage facility ~~therein~~ if the vehicle or
 1267 vessel is 3 years of age or less. The sale shall be at public
 1268 auction for cash. If the date of the sale is ~~was~~ not included in
 1269 the notice required in subsection (4), notice of the sale shall
 1270 be given to the person in whose name the vehicle or vessel is
 1271 registered and to all persons claiming a lien on the vehicle or
 1272 vessel as shown on the records of the Department of Highway
 1273 Safety and Motor Vehicles or of the corresponding agency in any
 1274 other state. Notice shall be sent by certified mail, ~~return~~
 1275 ~~receipt requested,~~ to the owner of the vehicle or vessel and the
 1276 person having the recorded lien on the vehicle or vessel at the
 1277 address shown on the records of the registering agency and shall
 1278 be mailed at least ~~not less than~~ 15 days before the date of the
 1279 sale. After diligent search and inquiry, if the name and address
 1280 of the registered owner or the owner of the recorded lien cannot
 1281 be ascertained, the requirements of notice by mail may be
 1282 dispensed with. In addition to the notice by mail, public notice
 1283 of the time and place of sale shall be made by publishing a
 1284 notice of the sale ~~thereof~~ one time, at least 10 days prior to
 1285 the date of the sale, in a newspaper of general circulation in
 1286 the county in which the sale is to be held. The proceeds of the
 1287 sale, after payment of reasonable towing and storage charges,
 1288 and costs of the sale, in that order of priority, shall be

1289 deposited with the clerk of the circuit court for the county if
 1290 the owner is absent, and the clerk shall hold the ~~such~~ proceeds
 1291 subject to the claim of the person legally entitled to those
 1292 proceeds ~~thereto~~. The clerk shall be entitled to receive 5
 1293 percent of the ~~such~~ proceeds for the care and disbursement of
 1294 the proceeds ~~thereof~~. The certificate of title issued under this
 1295 section ~~law~~ shall be discharged of all liens unless otherwise
 1296 provided by court order.

1297 (7) (a) A wrecker company, its wrecker operators, and other
 1298 employees or agents of the wrecker company ~~operator~~ recovering,
 1299 towing, or storing vehicles or vessels are ~~is~~ not liable for
 1300 damages connected with those ~~such~~ services, theft of the ~~such~~
 1301 vehicles or vessels, or theft of personal property contained in
 1302 the ~~such~~ vehicles or vessels if those, ~~provided that such~~
 1303 services are ~~have been~~ performed with reasonable care and
 1304 ~~provided, further, that~~, in the case of removal of a vehicle or
 1305 vessel upon the request of a person purporting, and reasonably
 1306 appearing, to be the property owner ~~or lessee, or a person~~
 1307 ~~authorized by the owner or lessee~~, of the real property from
 1308 which the ~~such~~ vehicle or vessel is removed, the ~~such~~ removal is
 1309 ~~has been~~ done in compliance with s. 715.07. Further, a wrecker
 1310 company, its wrecker operators, and other employees or agents of
 1311 the wrecker company ~~are~~ ~~operator~~ ~~is~~ not liable for damage to a
 1312 vehicle, a vessel, or cargo that obstructs the normal movement
 1313 of traffic or creates a hazard to traffic and is removed in
 1314 compliance with the request of a law enforcement officer.

1315 (b) For the purposes of this subsection, a wrecker
 1316 company, its wrecker operators, and other employees or agents of

1317 the wrecker company are ~~operator is~~ presumed to use reasonable
1318 care to prevent the theft of a vehicle or vessel or of any
1319 personal property contained in the such vehicle or vessel stored
1320 in the wrecker company's ~~operator's~~ storage facility if all of
1321 the following apply:

1322 1. The wrecker company ~~operator~~ surrounds the storage
1323 facility with a chain-link or solid-wall type fence at least 6
1324 feet in height;

1325 2. The wrecker company illuminates ~~operator has~~
1326 ~~illuminated~~ the storage facility with lighting of sufficient
1327 intensity to reveal persons and vehicles at a distance of at
1328 least 150 feet during nighttime; and

1329 3. The wrecker company ~~operator~~ uses one or more of the
1330 following security methods to discourage theft of vehicles or
1331 vessels or of any personal property contained in such vehicles
1332 or vessels stored in the wrecker company's ~~operator's~~ storage
1333 facility:

1334 a. A night dispatcher or watchman remains on duty at the
1335 storage facility from sunset to sunrise;

1336 b. A security dog remains at the storage facility from
1337 sunset to sunrise;

1338 c. Security cameras or other similar surveillance devices
1339 monitor the storage facility; or

1340 d. A security guard service examines the storage facility
1341 at least once each hour from sunset to sunrise.

1342 (c) Any law enforcement agency requesting that a motor
1343 vehicle be removed from an accident scene, street, or highway
1344 must conduct an inventory and prepare a written record of all

1345 personal property found in the vehicle before the vehicle is
 1346 removed by a wrecker operator. However, if the owner or driver
 1347 of the motor vehicle is present and accompanies the vehicle, an
 1348 ~~ne~~ inventory by law enforcement is not required. A wrecker
 1349 company, its wrecker operators, and other employees or agents of
 1350 the wrecker company are ~~operator is~~ not liable for the loss of
 1351 personal property alleged to be contained in ~~such~~ a vehicle when
 1352 the ~~such~~ personal property was not identified on the inventory
 1353 record prepared by the law enforcement agency requesting the
 1354 removal of the vehicle.

1355 (8) A wrecker company and its wrecker operators, excluding
 1356 ~~person regularly engaged in the business of recovering, towing,~~
 1357 ~~or storing vehicles or vessels, except~~ a person licensed under
 1358 chapter 493 while engaged in "repossession" activities as
 1359 defined in s. 493.6101, may not operate a wrecker, ~~tow truck, or~~
 1360 ~~ear carrier~~ unless the name, address, and telephone number of
 1361 the wrecker company performing the wrecker services ~~service~~ is
 1362 clearly printed in contrasting colors on the driver and
 1363 passenger sides of the wrecker ~~its vehicle~~. The name must be in
 1364 at least 3-inch permanently affixed letters, and the address and
 1365 telephone number must be in at least 1-inch permanently affixed
 1366 letters.

1367 (9) Failure to make good faith, best efforts to comply
 1368 with the notice requirements of this section precludes ~~shall~~
 1369 ~~preclude~~ the imposition of any storage charges against the ~~such~~
 1370 vehicle or vessel.

1371 (10) Each wrecker company that provides ~~Persons who~~
 1372 ~~provide services~~ under ~~pursuant to~~ this section shall permit

1373 vehicle or vessel owners or their agents, which agency is
 1374 evidenced by an original writing acknowledged by the owner
 1375 before a notary public or other person empowered by law to
 1376 administer oaths, to inspect the towed vehicle or vessel and
 1377 shall release to the owner or agent the vehicle, vessel, or all
 1378 personal property not affixed to the vehicle or vessel that
 1379 ~~which~~ was in the vehicle or vessel at the time the vehicle or
 1380 vessel came into the custody of the wrecker company ~~person~~
 1381 providing those ~~such~~ services.

1382 (11) (a) A wrecker company that ~~Any person regularly~~
 1383 ~~engaged in the business of recovering, towing, or storing~~
 1384 ~~vehicles or vessels who~~ comes into possession of a vehicle or
 1385 vessel pursuant to subsection (2) and complies ~~who has complied~~
 1386 ~~with the provisions of~~ subsections (3) and (6), when the ~~such~~
 1387 vehicle or vessel is to be sold for purposes of being
 1388 dismantled, destroyed, or changed in such a manner that it is
 1389 not the motor vehicle or vessel described in the certificate of
 1390 title, must ~~shall~~ apply to the county tax collector for a
 1391 certificate of destruction. A certificate of destruction, which
 1392 authorizes the dismantling or destruction of the vehicle or
 1393 vessel described on the certificate ~~therein~~, is ~~shall be~~
 1394 reassignable no more than twice ~~a maximum of two times~~ before
 1395 dismantling or destruction of the vehicle or vessel is ~~shall be~~
 1396 required, and, in lieu of a certificate of title, the
 1397 certificate of destruction shall accompany the vehicle or vessel
 1398 for which it is issued, when the ~~such~~ vehicle or vessel is sold
 1399 for that purpose ~~such purposes~~, ~~in lieu of a certificate of~~
 1400 ~~title~~. The application for a certificate of destruction must

1401 include an affidavit from the applicant that it has complied
 1402 with all applicable requirements of this section and, if the
 1403 vehicle or vessel is not registered in this state, by a
 1404 statement from a law enforcement officer that the vehicle or
 1405 vessel is not reported stolen, and must also ~~shall~~ be
 1406 accompanied by any other ~~such~~ documentation ~~as may be~~ required
 1407 by the department.

1408 (b) The Department of Highway Safety and Motor Vehicles
 1409 shall charge a fee of \$3 for each certificate of destruction. A
 1410 service charge of \$4.25 shall be collected and retained by the
 1411 tax collector who processes the application.

1412 (c) The Department of Highway Safety and Motor Vehicles
 1413 may adopt ~~such~~ rules to administer ~~as it deems necessary or~~
 1414 ~~proper for the administration of~~ this subsection.

1415 (12) (a) Any person who violates ~~any provision of~~
 1416 subsection (1), subsection (2), subsection (4), subsection (5),
 1417 subsection (6), or subsection (7) commits ~~is guilty of~~ a
 1418 misdemeanor of the first degree, punishable as provided in s.
 1419 775.082 or s. 775.083.

1420 (b) Any person who violates subsection (8), subsection
 1421 (9), subsection (10), or subsection (11) commits ~~the provisions~~
 1422 ~~of subsections (8) through (11) is guilty of~~ a felony of the
 1423 third degree, punishable as provided in s. 775.082, s. 775.083,
 1424 or s. 775.084.

1425 (c) Any person who uses a false or fictitious name, gives
 1426 a false or fictitious address, or makes any false statement in
 1427 any application or affidavit required under ~~the provisions of~~
 1428 this section commits ~~is guilty of~~ a felony of the third degree,

1429 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1430 (d) Employees of the Department of Highway Safety and
 1431 Motor Vehicles and law enforcement officers may ~~are authorized~~
 1432 ~~to~~ inspect the records of each wrecker company in this state ~~any~~
 1433 ~~person regularly engaged in the business of recovering, towing,~~
 1434 ~~or storing vehicles or vessels or transporting vehicles or~~
 1435 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure
 1436 compliance with the requirements of this section. Any person who
 1437 fails to maintain records, or fails to produce records when
 1438 required in a reasonable manner and at a reasonable time,
 1439 commits a misdemeanor of the first degree, punishable as
 1440 provided in s. 775.082 or s. 775.083.

1441 (13)(a) Upon receipt by the Department of Highway Safety
 1442 and Motor Vehicles of written notice from a wrecker company that
 1443 ~~operator who~~ claims a wrecker company's ~~operator's~~ lien under
 1444 paragraph (2)(c) ~~or paragraph (2)(d)~~ for recovery, towing, or
 1445 storage of an abandoned vehicle or vessel upon instructions from
 1446 any law enforcement agency, for which a certificate of
 1447 destruction has been issued under subsection (11), the
 1448 department shall place the name of the registered owner of that
 1449 vehicle or vessel on the list of those persons who may not be
 1450 issued a license plate or revalidation sticker for any motor
 1451 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 1452 jointly by more than one person, the name of each registered
 1453 owner shall be placed on the list. The notice of wrecker
 1454 company's ~~operator's~~ lien shall be submitted on forms provided
 1455 by the department, which must include:

1456 1. The name, address, and telephone number of the wrecker

1457 company operator.

1458 2. The name of the registered owner of the vehicle or
 1459 vessel and the address to which the wrecker company operator
 1460 provided notice of the lien to the registered owner under
 1461 subsection (4).

1462 3. A general description of the vehicle or vessel,
 1463 including its color, make, model, body style, and year.

1464 4. The vehicle identification number (VIN); registration
 1465 license plate number, state, and year; validation decal number,
 1466 state, and year; vessel registration number; hull identification
 1467 number; or other identification number, as applicable.

1468 5. The name of the person or the corresponding law
 1469 enforcement agency that requested that the vehicle or vessel be
 1470 recovered, towed, or stored.

1471 6. The amount of the wrecker company's operator's lien,
 1472 not to exceed the amount allowed by paragraph (b).

1473 (b) For purposes of this subsection only, the amount of
 1474 the wrecker company's operator's lien for which the department
 1475 will prevent issuance of a license plate or revalidation sticker
 1476 may not exceed the amount of the charges for recovery, towing,
 1477 and storage of the vehicle or vessel for 7 days. These charges
 1478 may not exceed the maximum rates imposed by the ordinances of
 1479 the respective county or municipality under ss. 125.0103(1)(c)
 1480 and 166.043(1)(c). This paragraph does not limit the amount of a
 1481 wrecker company's operator's lien claimed under subsection (2)
 1482 or prevent a wrecker company operator from seeking civil
 1483 remedies for enforcement of the entire amount of the lien, but
 1484 limits only that portion of the lien for which the department

1485 will prevent issuance of a license plate or revalidation
 1486 sticker.

1487 (c)1. The registered owner of a vehicle or vessel may
 1488 dispute a wrecker company's ~~operator's~~ lien, by notifying the
 1489 department of the dispute in writing on forms provided by the
 1490 department, if at least one of the following applies:

1491 a. The registered owner presents a notarized bill of sale
 1492 proving that the vehicle or vessel was sold in a private or
 1493 casual sale before the vehicle or vessel was recovered, towed,
 1494 or stored.

1495 b. The registered owner presents proof that the Florida
 1496 certificate of title of the vehicle or vessel was sold to a
 1497 licensed dealer as defined in s. 319.001 before the vehicle or
 1498 vessel was recovered, towed, or stored.

1499 c. The records of the department were marked "sold" prior
 1500 to the date of the tow.

1501
 1502 If the registered owner's dispute of a wrecker company's
 1503 ~~operator's~~ lien complies with one of these criteria, the
 1504 department shall immediately remove the registered owner's name
 1505 from the list of those persons who may not be issued a license
 1506 plate or revalidation sticker for any motor vehicle under s.
 1507 320.03(8), thereby allowing issuance of a license plate or
 1508 revalidation sticker. If the vehicle or vessel is owned jointly
 1509 by more than one person, each registered owner must dispute the
 1510 wrecker company's ~~operator's~~ lien in order to be removed from
 1511 the list. However, the department shall deny any dispute and
 1512 maintain the registered owner's name on the list of those

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1513 persons who may not be issued a license plate or revalidation
1514 sticker for any motor vehicle under s. 320.03(8) if the wrecker
1515 company operator has provided the department with a certified
1516 copy of the judgment of a court that ~~which~~ orders the registered
1517 owner to pay the wrecker company's operator's lien claimed under
1518 this section. In such a case, the amount of the wrecker
1519 company's operator's lien allowed by paragraph (b) may be
1520 increased to include no more than \$500 of the reasonable costs
1521 and attorney's fees incurred in obtaining the judgment. The
1522 department's action under this subparagraph is ministerial in
1523 nature, shall not be considered final agency action, and is
1524 appealable only to the county court for the county in which the
1525 vehicle or vessel was ordered removed.

1526 2. A person against whom a wrecker company's operator's
1527 lien has been imposed may alternatively obtain a discharge of
1528 the lien by filing a complaint, ~~challenging the validity of the~~
1529 ~~lien~~ or ~~the amount~~ of the lien ~~thereof~~, in the county court of
1530 the county in which the vehicle or vessel was ordered removed.
1531 Upon filing of the complaint, the person may have her or his
1532 name removed from the list of those persons who may not be
1533 issued a license plate or revalidation sticker for any motor
1534 vehicle under s. 320.03(8), thereby allowing issuance of a
1535 license plate or revalidation sticker, upon posting with the
1536 court a cash or surety bond or other adequate security equal to
1537 the amount of the wrecker company's operator's lien to ensure
1538 the payment of such lien in the event she or he does not
1539 prevail. Upon the posting of the bond and the payment of the
1540 applicable fee set forth in s. 28.24, the clerk of the court

1541 shall issue a certificate notifying the department of the
 1542 posting of the bond and directing the department to release the
 1543 wrecker company's ~~operator's~~ lien. Upon determining the
 1544 respective rights of the parties, the court may award damages
 1545 and costs in favor of the prevailing party.

1546 3. If a person against whom a wrecker company's ~~operator's~~
 1547 lien has been imposed does not object to the lien, but cannot
 1548 discharge the lien by payment because the wrecker company
 1549 ~~operator~~ has moved or gone out of business, the person may have
 1550 her or his name removed from the list of those persons who may
 1551 not be issued a license plate or revalidation sticker for any
 1552 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 1553 license plate or revalidation sticker, upon posting with the
 1554 clerk of court in the county in which the vehicle or vessel was
 1555 ordered removed, a cash or surety bond or other adequate
 1556 security equal to the amount of the wrecker company's ~~operator's~~
 1557 lien. Upon the posting of the bond and the payment of the
 1558 application fee set forth in s. 28.24, the clerk of the court
 1559 shall issue a certificate notifying the department of the
 1560 posting of the bond and directing the department to release the
 1561 wrecker company's ~~operator's~~ lien. The department shall mail to
 1562 the wrecker company ~~operator~~, at the address upon the lien form,
 1563 notice that the wrecker company ~~operator~~ must claim the security
 1564 within 60 days, or the security will be released back to the
 1565 person who posted it. At the conclusion of the 60 days, the
 1566 department shall direct the clerk as to which party is entitled
 1567 to payment of the security, less applicable clerk's fees.

1568 4. A wrecker company's ~~operator's~~ lien expires 5 years

1569 after filing.

1570 (d) Upon discharge of the amount of the wrecker company's
 1571 ~~operator's~~ lien allowed by paragraph (b), the wrecker company
 1572 ~~operator~~ must issue a certificate of discharged wrecker
 1573 company's ~~operator's~~ lien on forms provided by the department to
 1574 each registered owner of the vehicle or vessel attesting that
 1575 the amount of the wrecker company's ~~operator's~~ lien allowed by
 1576 paragraph (b) has been discharged. Upon presentation of the
 1577 certificate of discharged wrecker company's ~~operator's~~ lien by
 1578 the registered owner, the department shall immediately remove
 1579 the registered owner's name from the list of those persons who
 1580 may not be issued a license plate or revalidation sticker for
 1581 any motor vehicle under s. 320.03(8), thereby allowing issuance
 1582 of a license plate or revalidation sticker. Issuance of a
 1583 certificate of discharged wrecker company's ~~operator's~~ lien
 1584 under this paragraph does not discharge the entire amount of the
 1585 wrecker company's ~~operator's~~ lien claimed under subsection (2),
 1586 but only certifies to the department that the amount of the
 1587 wrecker company's ~~operator's~~ lien allowed by paragraph (b), for
 1588 which the department will prevent issuance of a license plate or
 1589 revalidation sticker, has been discharged.

1590 (e) When a wrecker company ~~operator~~ files a notice of
 1591 wrecker company's ~~operator's~~ lien under this subsection, the
 1592 department shall charge the wrecker company ~~operator~~ a fee of
 1593 \$2, which shall be deposited into the General Revenue Fund
 1594 established under s. 860.158. A service charge of \$2.50 shall be
 1595 collected and retained by the tax collector who processes a
 1596 notice of wrecker company's ~~operator's~~ lien.

1597 (f) This subsection applies only to the annual renewal in
 1598 the registered owner's birth month of a motor vehicle
 1599 registration and does not apply to the transfer of a
 1600 registration of a motor vehicle sold by a motor vehicle dealer
 1601 licensed under chapter 320, except for the transfer of
 1602 registrations which is inclusive of the annual renewals. This
 1603 subsection does not apply to any vehicle registered in the name
 1604 of the lessor. This subsection does not affect the issuance of
 1605 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

1606 (g) The Department of Highway Safety and Motor Vehicles
 1607 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1608 implement this subsection.

1609 Section 19. The amendments to section 713.78, Florida
 1610 Statutes, made by this act do not affect the validity of liens
 1611 established under section 713.78, Florida Statutes, before
 1612 January 1, 2008.

1613 Section 20. Effective January 1, 2008, section 715.07,
 1614 Florida Statutes, is amended to read:

1615 715.07 Vehicles or vessels parked on real ~~private~~ property
 1616 without permission; towing.--

1617 (1) As used in this section, the term:

1618 (a) "Property owner" means an owner or lessee of real
 1619 property, or a person authorized by the owner or lessee, which
 1620 person may be the designated representative of the condominium
 1621 association if the real property is a condominium.

1622 (b) ~~(a)~~ "Vehicle" has the same meaning ascribed in s.
 1623 508.101 means any mobile item which normally uses wheels,
 1624 ~~whether motorized or not.~~

1625 (c) (b) "Vessel" has the same meaning ascribed in s.
 1626 508.101 means every description of watercraft, barge, and
 1627 airboat used or capable of being used as a means of
 1628 transportation on water, other than a seaplane or a "documented
 1629 vessel" as defined in s. 327.02(9).

1630 (d) "Wrecker company" has the same meaning ascribed in s.
 1631 508.101.

1632 (e) "Wrecker operator" has the same meaning ascribed in s.
 1633 508.101.

1634 (2) A property owner ~~The owner or lessee of real property,~~
 1635 ~~or any person authorized by the owner or lessee, which person~~
 1636 ~~may be the designated representative of the condominium~~
 1637 ~~association if the real property is a condominium,~~ may cause a
 1638 any vehicle or vessel parked on her or his ~~such~~ property without
 1639 her or his permission to be removed by a wrecker company
 1640 registered under chapter 508 ~~person regularly engaged in the~~
 1641 ~~business of towing vehicles or vessels,~~ without liability for
 1642 the costs of removal, transportation, or storage or damages
 1643 caused by the ~~such~~ removal, transportation, or storage, under
 1644 any of the following circumstances:

1645 (a) The towing or removal of any vehicle or vessel from
 1646 real ~~private~~ property without the consent of the registered
 1647 owner or other legally authorized person in control of that
 1648 vehicle or vessel is subject to strict compliance with the
 1649 following conditions and restrictions:

1650 1.a. Any towed or removed vehicle or vessel must be stored
 1651 at a storage facility ~~site~~ within a 10-mile radius of the point
 1652 of removal in any county with a population of 500,000 ~~population~~

1653 or more, and within a 15-mile radius of the point of removal in
 1654 any county with a population of fewer less than 500,000
 1655 ~~population.~~ The wrecker company's storage facility ~~That site~~
 1656 must be open for the purpose of redemption of vehicles and
 1657 vessels on any day that the wrecker company ~~person or firm~~
 1658 towing the such vehicle or vessel is open for towing purposes,
 1659 from 8 8:00 a.m. to 6 6:00 p.m., and, when closed, must shall
 1660 have prominently posted a sign indicating a telephone number
 1661 where the operator of the storage facility ~~site~~ can be reached
 1662 at all times. Upon receipt of a telephoned request to open the
 1663 storage facility ~~site~~ to redeem a vehicle or vessel, the
 1664 operator shall return to the storage facility ~~site~~ within 1 hour
 1665 or she or he is will be in violation of this section.

1666 b. If no wrecker company towing business ~~providing such~~
 1667 ~~service~~ is located within the area of towing limitations ~~set~~
 1668 ~~forth~~ in sub-subparagraph a., the following limitations apply:
 1669 any towed or removed vehicle or vessel must be stored at a
 1670 storage facility ~~site~~ within a 20-mile radius of the point of
 1671 removal in any county with a population of 500,000 ~~population~~ or
 1672 more, and within a 30-mile radius of the point of removal in any
 1673 county with a population of fewer less than 500,000 ~~population~~.

1674 2. The wrecker company ~~person or firm~~ towing or removing
 1675 the vehicle or vessel shall, within 30 minutes after completion
 1676 of the such towing or removal, notify the municipal police
 1677 department or, in an unincorporated area, the sheriff, of the
 1678 ~~such~~ towing or removal, the location of the storage facility
 1679 ~~site~~, the time the vehicle or vessel was towed or removed, and
 1680 the make, model, color, and license plate number of the vehicle

1681 or the make, model, color, and registration number of the
 1682 vessel. The wrecker company ~~or description and registration~~
 1683 ~~number of the vessel and~~ shall also obtain the name of the
 1684 person at the police ~~that~~ department or sheriff's office to whom
 1685 such information is ~~was~~ reported and note that name on the trip
 1686 record.

1687 3. A wrecker operator ~~person~~ in the process of towing or
 1688 removing a vehicle or vessel from the premises or parking lot in
 1689 which the vehicle or vessel is ~~not lawfully~~ parked without
 1690 permission must stop when a person seeks the return of the
 1691 vehicle or vessel. The vehicle or vessel must be returned upon
 1692 the payment of a reasonable service fee of not more than one-
 1693 half of the posted rate for the towing or removal service as
 1694 provided in subparagraph 6. The vehicle or vessel may be towed
 1695 or removed if, after a reasonable opportunity, the owner or
 1696 legally authorized person in control of the vehicle or vessel is
 1697 unable to pay the service fee or refuses to remove the vehicle
 1698 or vessel that is parked without permission. If the vehicle or
 1699 vessel is redeemed, a detailed signed receipt must be given to
 1700 the person redeeming the vehicle or vessel.

1701 4. A wrecker company, a wrecker operator, or another
 1702 employee or agent of a wrecker company ~~person~~ may not pay or
 1703 accept money or other valuable consideration for the privilege
 1704 of towing or removing vehicles or vessels from a particular
 1705 location.

1706 5. Except for property appurtenant to and obviously a part
 1707 of a single-family residence, and except for instances when
 1708 notice is personally given to the owner or other legally

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1709 authorized person in control of the vehicle or vessel that the
1710 area in which that vehicle or vessel is parked is reserved or
1711 otherwise unavailable for unauthorized vehicles or vessels and
1712 that the vehicle or vessel is subject to being removed at the
1713 owner's or operator's expense, any property owner ~~or lessee, or~~
1714 ~~person authorized by the property owner or lessee, before prior~~
1715 ~~to~~ towing or removing any vehicle or vessel from real private
1716 property without the consent of the owner or other legally
1717 authorized person in control of that vehicle or vessel, must
1718 post a notice meeting the following requirements:

1719 a. The notice must be prominently placed at each driveway
1720 access or curb cut allowing vehicular access to the property,
1721 within 5 feet from the public right-of-way line. If there are no
1722 curbs or access barriers, at least one sign ~~the signs~~ must be
1723 posted ~~not less than one sign~~ for each 25 feet of lot frontage.

1724 b. The notice must clearly indicate, in at least not less
1725 ~~than~~ 2-inch high, light-reflective letters on a contrasting
1726 background, that unauthorized vehicles will be towed away at the
1727 owner's expense. The words "tow-away zone" must be included on
1728 the sign in at least not less than 4-inch high letters.

1729 c. The notice must also provide the name and current
1730 telephone number of the wrecker company ~~person or firm~~ towing or
1731 removing the vehicles or vessels.

1732 d. The sign structure containing the required notices must
1733 be permanently installed with the words "tow-away zone" not less
1734 than 3 feet and not more than 6 feet above ground level and must
1735 be continuously maintained on the property for not less than 24
1736 hours prior to the towing or removal of any vehicles or vessels.

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1737 e. The local government may require permitting and
1738 inspection of these signs prior to any towing or removal of
1739 vehicles or vessels being authorized.

1740 f. A business with 20 or fewer parking spaces satisfies
1741 the notice requirements of this subparagraph by prominently
1742 displaying a sign stating, "Reserved Parking for Customers Only.
1743 Unauthorized Vehicles or Vessels Will be Towed Away At the
1744 Owner's Expense," in at least ~~not less than~~ 4-inch high, light-
1745 reflective letters on a contrasting background.

1746 ~~g. A property owner towing or removing vessels from real~~
1747 ~~property must post notice, consistent with the requirements in~~
1748 ~~sub subparagraphs a. f., which apply to vehicles, that~~
1749 ~~unauthorized vehicles or vessels will be towed away at the~~
1750 ~~owner's expense.~~

1751
1752 A business owner or lessee may authorize the removal of a
1753 vehicle or vessel by a wrecker towing company registered under
1754 chapter 508 when no tow-away sign is posted if the vehicle or
1755 vessel is parked in ~~such~~ a manner that restricts the normal
1756 operation of business. ~~and~~ If a vehicle or vessel parked on a
1757 public right-of-way obstructs access to a private driveway when
1758 no tow-away sign is posted, the owner or, lessee of the
1759 driveway, or the owner's or lessee's agent may have the vehicle
1760 or vessel removed by a wrecker towing company registered under
1761 chapter 508 upon signing an order that the vehicle or vessel be
1762 removed ~~without a posted tow away zone sign~~.

1763 6. Each wrecker company ~~Any person or firm~~ that tows or
1764 removes vehicles or vessels and proposes to require an owner,

1765 operator, or person in control of a vehicle or vessel to pay the
 1766 costs of towing and storage prior to redemption of the vehicle
 1767 or vessel must file and keep on record with the local law
 1768 enforcement agency a complete copy of the current rates to be
 1769 charged for the such services and post at the wrecker company's
 1770 storage facility ~~site~~ an identical rate schedule and any written
 1771 contracts with property owners, ~~lessees,~~ or persons in control
 1772 of real property that ~~which~~ authorize the wrecker company ~~such~~
 1773 ~~person or firm~~ to remove vehicles or vessels as provided in this
 1774 section.

1775 7. Each wrecker company ~~Any person or firm~~ towing or
 1776 removing any vehicles or vessels from real ~~private~~ property
 1777 without the consent of the owner or other legally authorized
 1778 person in control of the vehicles or vessels shall, on each
 1779 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 ~~s.~~
 1780 ~~713.78(1)(c), or other vehicles~~ used in the towing or removal,
 1781 have the name, address, and telephone number of the wrecker
 1782 company ~~performing such service~~ clearly printed in contrasting
 1783 colors on the driver and passenger sides of the wrecker ~~vehicle~~.
 1784 The name must ~~shall~~ be in at least 3-inch permanently affixed
 1785 letters, and the address and telephone number must ~~shall~~ be in
 1786 at least 1-inch permanently affixed letters.

1787 8. Vehicle or vessel entry for the purpose of towing or
 1788 removing the vehicle or vessel is ~~shall be~~ allowed with
 1789 reasonable care on the part of the wrecker company and the
 1790 wrecker operators ~~person or firm~~ towing the vehicle or vessel. A
 1791 wrecker company, its wrecker operators, and other employees or
 1792 agents of the wrecker company are not ~~Such person or firm shall~~

1793 ~~be~~ liable for any damage occasioned to the vehicle or vessel if
 1794 ~~such~~ entry into the vehicle or vessel is performed ~~not in~~
 1795 ~~accordance with the standard of~~ reasonable care.

1796 9. When a vehicle or vessel is ~~has been~~ towed or removed
 1797 under ~~pursuant to~~ this section, the wrecker company ~~it~~ must
 1798 release the vehicle or vessel ~~be released~~ to its owner or an
 1799 agent of the owner ~~custodian~~ within one hour after requested.

1800 Any vehicle or vessel owner or the owner's agent has ~~shall have~~
 1801 the right to inspect the vehicle or vessel before accepting its
 1802 return. A wrecker company may not require any vehicle or vessel
 1803 owner, custodian, or agent to, ~~and no~~ release the wrecker
 1804 company ~~or waiver of any kind which would release the person or~~
 1805 ~~firm~~ towing the vehicle or vessel from liability for damages
 1806 noted by the owner or other legally authorized person at the
 1807 time of the redemption ~~may be required from any vehicle or~~
 1808 ~~vessel owner, custodian, or agent~~ as a condition of release of
 1809 the vehicle or vessel to its owner. A wrecker company must give
 1810 a person paying towing and storage charges under this section a
 1811 detailed, signed receipt showing the legal name of the wrecker
 1812 company ~~or person towing or removing the vehicle or vessel must~~
 1813 ~~be given to the person paying towing or storage charges~~ at the
 1814 time of payment, whether requested or not.

1815 (b) The ~~These~~ requirements of this subsection are minimum
 1816 standards and do not preclude enactment of additional
 1817 regulations by any municipality or county, including the
 1818 regulation of right to regulate rates when vehicles or vessels
 1819 are towed from real ~~private~~ property.

1820 (3) This section does not apply to vehicles or vessels

1821 that are reasonably identifiable from markings as law
1822 enforcement, firefighting, rescue squad, ambulance, or other
1823 emergency vehicles or vessels ~~that are marked as such~~ or to
1824 property owned by any governmental entity.

1825 (4) When a person improperly causes a vehicle or vessel to
1826 be removed, that such person is ~~shall be~~ liable to the owner or
1827 lessee of the vehicle or vessel for the cost of removal,
1828 transportation, and storage; any damages resulting from the
1829 removal, transportation, or storage of the vehicle or vessel;
1830 attorney's fees; and court costs.

1831 (5) Failure to make good faith efforts to comply with the
1832 notice requirements in subparagraph (2)(a)5. precludes the
1833 imposition of any towing or storage charges against the vehicle
1834 or vessel.

1835 (6)~~(5)~~(a) Any person who violates subparagraph (2)(a)2. or
1836 subparagraph (2)(a)6. commits a misdemeanor of the first degree,
1837 punishable as provided in s. 775.082 or s. 775.083.

1838 (b) Any person who violates subparagraph (2)(a)1.,
1839 subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph
1840 (2)(a)7., or subparagraph (2)(a)9. commits a felony of the third
1841 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1842 775.084.

1843 Section 21. Effective January 1, 2008, subsection (15) of
1844 section 1.01, Florida Statutes, is repealed.

1845 Section 22. The sum of \$693,000 is appropriated from the
1846 General Inspection Trust Fund to the Department of Agriculture
1847 and Consumer Services, and nine additional full-time-equivalent
1848 positions are authorized, for the purpose of implementing this

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1849 | act during the 2007-2008 fiscal year.

1850 | Section 23. Except as otherwise expressly provided in this
1851 | act, this act shall take effect July 1, 2007.