

By Senator Crist

12-00284A-08

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

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

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59 | completes a certification course and passes a  
60 | certification examination in another state or completed a  
61 | certification course and passed a certification  
62 | examination in this state during a certain time period;  
63 | authorizing the department to adopt rules for issuance of  
64 | endorsements for specialized services to a wrecker  
65 | operator who completed instruction and training for a  
66 | specialized wrecker service and passed an endorsement  
67 | examination for that specialized wrecker service during a  
68 | certain time period; providing for approval by the council  
69 | of out-of-state certification instructions, training, and  
70 | examinations; providing for expiration of certification;  
71 | requiring that certification cards be issued by the  
72 | organizations conducting the courses; creating s. 508.111,  
73 | F.S.; providing requirements for recertification;  
74 | providing for a continuing education program to be  
75 | established by the department; providing for curricula and  
76 | examinations to be prescribed by the council; requiring  
77 | course approval by the council; providing for a  
78 | certificate to be issued by the training organization to  
79 | the wrecker operator; creating s. 508.112, F.S.;  
80 | prohibiting certain acts; creating ss. 508.113 and  
81 | 508.114, F.S.; providing administrative and civil  
82 | penalties; creating s. 508.116, F.S.; providing for  
83 | registration and renewal fees; creating s. 508.117, F.S.;  
84 | providing for deposit and use of fees, penalties, and  
85 | other funds; creating s. 508.118, F.S.; providing that the  
86 | chapter does not apply to recovery agents; creating s.  
87 | 508.119, F.S.; authorizing counties and municipalities to

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88 enact ordinances governing wrecker operators; providing  
89 for the department to enter into a cooperative agreement  
90 with a county or municipality for the referral,  
91 investigation, and prosecution of consumer complaints or  
92 enforcement of specified wrecker services provisions;  
93 creating s. 508.120, F.S.; requiring that a wrecker  
94 company maintain records of its services and operators;  
95 requiring organizations that conduct operator  
96 certification or continuing education courses to maintain  
97 records on each person who successfully completes one of  
98 the courses; authorizing inspection of records by the  
99 department; creating s. 508.104, F.S.; prohibiting persons  
100 from owning, operating, or being issued a local business  
101 tax receipt on behalf of a wrecker company without first  
102 registering with the department; requiring registration  
103 prior to issuance or renewal of local business tax  
104 receipt; excluding certain motor vehicle repair shops and  
105 dealers; creating s. 508.110, F.S.; prohibiting the  
106 performance of wrecker services after a certain date  
107 unless the operator is in the employ of a company that is  
108 registered; requiring wrecker operators to be certified;  
109 providing exceptions for certain shops and organizations;  
110 authorizing the department to inspect company records;  
111 creating s. 508.115, F.S.; providing criminal penalties;  
112 amending s. 120.80, F.S.; providing for appointment of a  
113 hearing officer by the director of the Division of the  
114 Florida Highway Patrol when a hearing is held to deny,  
115 suspend, or remove a wrecker company from participating in  
116 the wrecker-allocation system; creating s. 205.1977, F.S.;

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

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

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175 | dispatch a company out of rotation; amending s. 713.78,  
176 | F.S.; providing for claim of lien by a wrecker company for  
177 | recovering, removing, or storing a vehicle or vessel;  
178 | conforming provisions to changes made by the act;  
179 | providing definitions; requiring notification to the  
180 | vehicle or vessel owners, insurers, and lienholders;  
181 | providing for a law enforcement agency to obtain  
182 | information from the Department of Highway Safety and  
183 | Motor Vehicles and provide the information to the wrecker  
184 | company; providing notice procedures; providing for  
185 | content of the notice; providing for notice to the agency  
186 | of jurisdiction if the vehicle or vessel owner or  
187 | lienholder cannot be identified; revising procedures for  
188 | complaint by the vehicle or vessel owner; providing for  
189 | release of the vehicle or vessel; requiring damages,  
190 | attorney's fees, and costs to be awarded by the court;  
191 | requiring immediate payment of recovery, towing, and  
192 | storage fees to be ordered by the court; providing for  
193 | notice and sale of the vehicle or vessel by the wrecker  
194 | company; providing for distribution of proceeds; providing  
195 | for discharge of liens and issuance of certificate of  
196 | title; providing immunity from liability for a wrecker  
197 | company, its operators, and other employees or agents  
198 | under certain conditions; providing for a presumption of  
199 | the use of reasonable care; requiring wrecker company  
200 | information to be printed on the wrecker; specifying that  
201 | failure to make good-faith best efforts to comply with  
202 | notice requirements precludes imposition of storage  
203 | charges; requiring a wrecker company to provide access to

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204 the vehicle or vessel; requiring release of the vehicle,  
205 vessel, or personal property to the owner or agent of the  
206 owner; requiring the wrecker company to obtain a  
207 certificate of destruction in lieu of a certificate of  
208 title when the vehicle or vessel is to be dismantled,  
209 destroyed, or changed in such a manner that it is not the  
210 motor vehicle or vessel described in the certificate of  
211 title; providing for issuance of the certificate of  
212 destruction by the county tax collector; providing  
213 requirements for application for the certificate of  
214 destruction; providing for reassignment of the certificate  
215 of destruction; authorizing the Department of Highway  
216 Safety and Motor Vehicles to adopt rules; providing  
217 penalties for specified violations; authorizing the  
218 Department of Highway Safety and Motor Vehicles to inspect  
219 wrecker company records; directing the Department of  
220 Highway Safety and Motor Vehicles, upon notice of lien  
221 from a wrecker company, to place the name of the owner of  
222 the vehicle or vessel on the list of those persons who may  
223 not be issued a license plate or revalidation sticker for  
224 a motor vehicle; providing for forms for the notice of  
225 lien; providing for dispute by the owner; providing for  
226 the owner's name to be removed from the list of those  
227 persons who may not be issued a license plate or  
228 revalidation sticker for a motor vehicle; providing for  
229 lien expiration; requiring a certificate of discharge to  
230 be issued by the wrecker company; providing for certain  
231 fees and charges; providing for application and  
232 exceptions; clarifying that the amendments made by the act



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233 do not affect the validity of prior liens; amending s.  
234 715.07, F.S.; revising provisions for the towing and  
235 storage of vehicles and vessels parked on real property  
236 without permission; providing definitions; providing  
237 requirements for storage facility operation; providing  
238 requirements for a wrecker company, its operators, and  
239 other employees or agents; prohibiting a wrecker company,  
240 a wrecker operator, or another employee or agent of a  
241 wrecker company from paying or accepting payment for the  
242 privilege of removing vehicles or vessels from a  
243 particular location; revising requirements for tow-away  
244 signs to be posted by property owners; requiring a wrecker  
245 company to maintain rate schedules with the local law  
246 enforcement agency and to post rates and contracts at its  
247 storage facility; revising requirements for certain  
248 signage on a wrecker; providing immunity from liability  
249 for a wrecker company, its operators, and other employees  
250 or agents if entry into the vehicle or vessel is performed  
251 with reasonable care; revising provisions for release of  
252 the vehicle or vessel; providing that failure to comply  
253 with notice requirements precludes a wrecker company from  
254 imposing certain towing or storage charges; providing  
255 penalties; repealing s. 1.01(15), F.S., relating to the  
256 definition of the term "wrecker operator"; providing an  
257 appropriation and authorizing additional positions;  
258 providing effective dates.

259

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

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262  
263 Section 1. Chapter 508, Florida Statutes, consisting of sections  
264 508.101, 508.102, 508.103, 508.105, 508.106, 508.1061, 508.107,  
265 508.108, 508.109, 508.111, 508.112, 508.113, 508.114, 508.116,  
266 508.117, 508.118, 508.119, and 508.120, is created to read:

267 CHAPTER 508

268 WRECKER SERVICES

269 508.101 Definitions.--As used in this chapter, the term:

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

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

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

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

281 (5) "Ultimate equitable owner" means a natural person who,  
282 directly or indirectly, owns or controls 10 percent or more of an  
283 ownership interest in a wrecker company, regardless of whether  
284 the natural person owns or controls the ownership interest  
285 through one or more natural persons or one or more proxies,  
286 powers of attorney, nominees, business entities, or any  
287 combination thereof.

288 (6) "Vehicle" means any vehicle of a type that may be  
289 registered under chapter 320 for operation on the roads of this  
290 state, regardless of whether the vehicle is actually registered.

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291 The term does not include a mobile home or manufactured home as  
292 defined in s. 320.01.

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

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

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

303 (10) "Wrecker operator" means a person who performs wrecker  
304 services.

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

309 (a) Driving a wrecker.

310 (b) Loading, securing, and unloading a vehicle or vessel on  
311 a wrecker using a boom, winch, car carrier, or other similar  
312 equipment.

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

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

319 (e) Towing, transportation, or removal of a vehicle or

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320 vessel parked on real property without permission under s.  
321 715.07.

322 (f) Recovery of a vehicle or vessel.

323 508.102 Wrecker Operator Advisory Council.--

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

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

332 (b) Three members of the council must each be an ultimate  
333 equitable owner of a wrecker company who has been an ultimate  
334 equitable owner of that company for at least 5 years before his  
335 or her appointment; one member must be a wrecker operator who is  
336 not an ultimate equitable owner of a wrecker company and who has  
337 been a wrecker operator for at least 5 years before his or her  
338 appointment; and two members must be laypersons. Each member must  
339 be a resident of this state. This paragraph expires July 1, 2014.

340 (c) Effective July 1, 2014, three members of the council  
341 must each be an ultimate equitable owner of a wrecker company  
342 registered under this chapter who has been an ultimate equitable  
343 owner of that company registered for at least 5 years before his  
344 or her appointment; one member must be a wrecker operator  
345 certified under this chapter who is not an ultimate equitable  
346 owner of a wrecker company and who has been a certified wrecker  
347 operator for at least 5 years before his or her appointment; and  
348 two members must be laypersons. Each member must be a resident of

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349 this state.

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

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

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

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

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

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

377 508.103 Rulemaking authority.--The department may adopt

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378 rules under ss. 120.536(1) and 120.54 to administer this chapter.

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

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

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

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

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

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

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

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

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

410       (3) Each initial application for registration must be  
411 accompanied by a complete set of the applicant's fingerprints  
412 taken by a law enforcement agency. If the applicant is other than  
413 a natural person, a complete set of fingerprints must be filed  
414 for each ultimate equitable owner of the business entity and each  
415 officer, director, partner, manager, member, or managing member  
416 of the entity. The department shall submit the fingerprints to  
417 the Department of Law Enforcement for state processing, and the  
418 Department of Law Enforcement shall forward the fingerprints to  
419 the Federal Bureau of Investigation for national processing. The  
420 applicant must also pay the Department of Law Enforcement a  
421 fingerprint processing fee of \$23 for state processing, and the  
422 amount of the fee charged by the Federal Bureau of Investigation  
423 for federal processing, for each applicant's name submitted.  
424 Registration renewal applications need not be accompanied by a  
425 set of fingerprints for an individual who previously submitted a  
426 set of fingerprints to the department as part of a prior year's  
427 registration application.

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

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

442 (6) A registration is invalid for a wrecker company  
443 transacting business at a place other than the location specified  
444 in the registration application unless the department is first  
445 notified in writing before the change of location. A registration  
446 issued under this chapter is not transferable or assignable, and  
447 a wrecker company may not conduct business under a name other  
448 than the name registered. A wrecker company desiring to change  
449 its registered name, location, or registered agent for service of  
450 process at a time other than upon renewal of registration must  
451 notify the department of the change.

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

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



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

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

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

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

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

488       (3) Been convicted or found guilty of, regardless of  
489 adjudication, or pled guilty or nolo contendere to, a crime  
490 within the last 10 years involving repossession of a motor  
491 vehicle under chapter 493, repair of a motor vehicle under ss.  
492 559.901-559.9221, theft of a motor vehicle under s. 812.014,  
493 carjacking under s. 812.133, operation of a chop shop under s.

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494 812.16, failure to maintain records of motor vehicle parts and  
495 accessories under s. 860.14, violations relating to airbags under  
496 s. 860.145 or use of fake airbags under s. 860.146, overcharging  
497 for repairs and parts under s. 860.15, or a violation of towing  
498 or storage requirements for a motor vehicle under this chapter,  
499 s. 321.051, chapter 323, s. 713.78, or s. 715.07;

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

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

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

509 508.1061 Acceptable forms of payment.--A wrecker company  
510 shall accept a minimum of two of the three following forms of  
511 payment:

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

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

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

519 508.107 Wrecker operator certification program.--

520 (1) The department, in consultation with the council, shall  
521 establish a wrecker operator certification program by December  
522 31, 2008. Under this program, the council shall approve

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523 certification courses for wrecker operators conducted by approved  
524 organizations. The council shall prescribe the minimum curricula  
525 for these courses, which must comprise at least 16 hours, equally  
526 apportioned between theoretical instruction and practical  
527 training. The council must approve each organization and its  
528 certification course before the course is accepted for  
529 certification of wrecker operators under this chapter.

530 (2) Each approved wrecker operator certification course  
531 must include a certification examination demonstrating a wrecker  
532 operator's knowledge, skills, and abilities in performing wrecker  
533 services and proficiency in the subject matter of the  
534 certification course. The council must approve each certification  
535 examination before the examination is accepted for certification  
536 of wrecker operators under this chapter.

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

542 508.108 Specialized wrecker services.--

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

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

550 (b) Medium duty.--Towing and winching a medium-sized  
551 commercial vehicle and uprighting an overturned medium-sized

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552 commercial vehicle.

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

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

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

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

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

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

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

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581       508.109 Certification cards.--

582       (1) Each organization conducting an approved wrecker  
583 operator certification course must issue a certification card to  
584 each wrecker operator who completes the approved certification  
585 course and passes the approved certification examination. The  
586 department must approve the form of the certification cards  
587 issued by each organization. Each certification card must include  
588 the wrecker operator's name, a color photograph or digital image  
589 of the wrecker operator, and the expiration date of the  
590 certification card.

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

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

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

603       2. Completed a certification course and passed a  
604 certification examination in this state between January 1, 2003,  
605 and December 31, 2008, which course and examination are  
606 substantially equivalent to the approved certification courses  
607 and the approved certification examinations. This subparagraph  
608 expires July 1, 2009.

609       3. Completed instruction and training for a specialized

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610 wrecker service and passed an endorsement examination for that  
611 specialized wrecker service between January 1, 2003, and December  
612 31, 2008, which instruction, training, and examination are  
613 substantially equivalent to the approved instruction and training  
614 and the approved endorsement examinations. This subparagraph  
615 expires July 1, 2009.

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

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

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

632 508.111 Renewal of certification; continuing education  
633 requirements.--

634 (1) The department, in consultation with the council, shall  
635 establish a continuing education program for the recertification  
636 of wrecker operators by December 31, 2009. In order to renew a  
637 wrecker operator's certification card, an operator must complete  
638 a continuing education course. The council must prescribe the

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639 minimum curricula and proper examination for each continuing  
640 education course, each of which must be at least 8 hours in  
641 length. The council shall approve each organization, and the  
642 continuing education course it proposes to offer, before the  
643 course is approved for recertifying wrecker operators.

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

649 508.112 Prohibited acts.--It is a violation of this chapter  
650 for a person to:

651 (1) Charge rates that exceed the maximum rates imposed by  
652 the ordinances of the respective county or municipality under ss.  
653 125.0103(1)(c) and 166.043(1)(c).

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

656 (3) Violate s. 323.002, relating to county and municipal  
657 wrecker-allocation systems.

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

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

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

664 (7) Allow a person who is not certified as a wrecker  
665 operator under this chapter to perform wrecker services or  
666 specialized wrecker services for the wrecker company for more  
667 than 6 months after first being employed by, or becoming an

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668 ultimate equitable owner of, the wrecker company.

669 (8) Allow a wrecker operator certified under this chapter  
670 to perform a specialized wrecker service for the wrecker company  
671 if the wrecker operator's certification does not include an  
672 endorsement for that specialized wrecker service.

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

675 508.113 Administrative penalties; inspection of records.--

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

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

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

682 (c) Direct the person to cease and desist specified  
683 activities.

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

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

688 (2) Chapter 120 shall govern an administrative proceeding  
689 resulting from an order imposing a penalty specified in  
690 subsection (1).

691 508.114 Civil penalties.--The department may bring a civil  
692 action in a court of competent jurisdiction to recover any  
693 penalties or damages allowed in this chapter and for injunctive  
694 relief to enforce compliance with this chapter. The department  
695 may seek a civil penalty of up to \$5,000 for each violation of  
696 this chapter and may seek restitution for and on behalf of any



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697 owner of a vehicle or vessel who is aggrieved or injured by a  
698 violation of this chapter.

699 508.116 Fees.--The department shall adopt by rule a fee  
700 schedule not to exceed the following amounts:

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

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

703 508.117 General Inspection Trust Fund; payments.--All fees,  
704 penalties, or other funds collected by the department under this  
705 chapter must be deposited in the General Inspection Trust Fund  
706 and may only be used for the purpose of administering this  
707 chapter.

708 508.118 Recovery agents; exemption.--This chapter does not  
709 apply to a person licensed under chapter 493 performing  
710 repossession services.

711 508.119 County and municipal ordinances.--A county or  
712 municipality may enact ordinances governing the business of  
713 transporting vehicles or vessels by wrecker that are more  
714 restrictive than this chapter. This section does not limit the  
715 authority of a political subdivision to impose regulatory fees or  
716 charges or to levy local business taxes under chapter 205. The  
717 department may enter into a cooperative agreement with any county  
718 or municipality that provides for the referral, investigation,  
719 and prosecution of consumer complaints alleging violations of  
720 this chapter. The department may delegate enforcement of this  
721 chapter to any county or municipality entering into a cooperative  
722 agreement.

723 508.120 Records.--

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

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

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

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

744 Section 2. Effective January 1, 2009, section 508.104,  
745 Florida Statutes, is created to read:

746 508.104 Wrecker companies; registration required.--

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

751 (2) A person applying for or renewing a local business tax  
752 receipt to engage for hire in the business of a wrecker company  
753 must exhibit a current registration certificate from the  
754 department before the local business tax receipt may be issued or

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755 reissued under chapter 205.

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

762 Section 3. Effective January 1, 2009, section 508.110,  
763 Florida Statutes, is created to read:

764 508.110 Wrecker operators; certification required;  
765 inspection of employment records.--

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

771 (2) (a) A person may not perform wrecker services or  
772 specialized wrecker services for a wrecker company for more than  
773 6 months after first being employed by, or becoming an ultimate  
774 equitable owner of, the wrecker company without being certified  
775 as a wrecker operator under this chapter.

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

780 (3) (a) Notwithstanding subsections (1) and (2), a person  
781 may perform wrecker services or specialized wrecker services in  
782 this state if he or she is an employee or ultimate equitable  
783 owner of a motor vehicle repair shop registered with the

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784 department under s. 559.904 and those wrecker services or  
785 specialized wrecker services are performed on behalf of the motor  
786 vehicle repair shop.

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

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

799 Section 4. Effective July 1, 2009, section 508.115, Florida  
800 Statutes, is created to read:

801 508.115 Criminal penalties.--

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

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

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813 Section 5. Effective January 1, 2009, paragraph (b) of  
814 subsection (8) of section 120.80, Florida Statutes, is amended to  
815 read:

816 120.80 Exceptions and special requirements; agencies.--

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

818 (b) Wrecker companies ~~operators~~.--Notwithstanding s.  
819 120.57(1)(a), hearings held by the Division of the Florida  
820 Highway Patrol of the Department of Highway Safety and Motor  
821 Vehicles to deny, suspend, or remove a wrecker company ~~operator~~  
822 from participating in the wrecker-allocation ~~wrecker-rotation~~  
823 system established under ~~by~~ s. 321.051 need not be conducted by  
824 an administrative law judge assigned by the division. These  
825 hearings shall be held by a hearing officer appointed by the  
826 director of the Division of the Florida Highway Patrol.

827 Section 6. Effective January 1, 2009, section 205.1977,  
828 Florida Statutes, is created to read:

829 205.1977 Wrecker companies; consumer protection.--A county  
830 or municipality may not issue or renew a business tax receipt for  
831 the operation of a wrecker company under chapter 508 unless the  
832 wrecker company exhibits a current registration from the  
833 Department of Agriculture and Consumer Services.

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

836 316.530 Towing requirements.--

837 (3) Whenever a motor vehicle becomes disabled upon the  
838 highways of this state and a wrecker ~~or tow truck~~ is required to  
839 remove it to a repair shop or other appropriate location, if the  
840 combined weights of those two vehicles and the loads thereon  
841 exceed the maximum allowable weights as established by s.

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842 316.535, no penalty shall be assessed either vehicle or driver.  
843 However, this exception shall not apply to the load limits for  
844 bridges and culverts established by the department as provided in  
845 s. 316.555.

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

848 320.01 Definitions, general.--As used in the Florida  
849 Statutes, except as otherwise provided, the term:

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

855 Section 9. Effective January 1, 2009, subsection (8) of  
856 section 320.03, Florida Statutes, is amended to read:

857 320.03 Registration; duties of tax collectors;  
858 International Registration Plan.--

859 (8) If the applicant's name appears on the list referred to  
860 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license  
861 plate or revalidation sticker may not be issued until that  
862 person's name no longer appears on the list or until the person  
863 presents a receipt from the clerk showing that the fines  
864 outstanding have been paid. This subsection does not apply to the  
865 owner of a leased vehicle if the vehicle is registered in the  
866 name of the lessee of the vehicle. The tax collector and the  
867 clerk of the court are each entitled to receive monthly, as costs  
868 for implementing and administering this subsection, 10 percent of  
869 the civil penalties and fines recovered from such persons. As  
870 used in this subsection, the term "civil penalties and fines"

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

888 Section 10. Section 320.0706, Florida Statutes, is amended  
889 to read:

890 320.0706 Display of license plates on trucks.--The owner of  
891 any commercial truck of gross vehicle weight of 26,001 pounds or  
892 more shall display the registration license plate on both the  
893 front and rear of the truck in conformance with all the  
894 requirements of s. 316.605 that do not conflict with this  
895 section. The owner of a dump truck may place the rear license  
896 plate on the gate no higher than 60 inches to allow for better  
897 visibility. However, the owner of a truck tractor or a wrecker  
898 must ~~shall be required to~~ display the registration license plate  
899 only on the front of such vehicle.

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900 Section 11. Subsection (1) of section 320.0821, Florida  
901 Statutes, is amended, and subsection (5) is added to that  
902 section, to read:

903 320.0821 Wrecker license plates.--

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

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

915 Section 12. Effective January 1, 2009, subsection (1) of  
916 section 320.0821, Florida Statutes, as amended by this act, is  
917 amended to read:

918 320.0821 Wrecker license plates.--

919 (1) The department shall issue a wrecker license plate  
920 regardless of gross vehicle weight, to the owner of a wrecker ~~any~~  
921 ~~motor vehicle that is used to tow, carry, or otherwise transport~~  
922 ~~motor vehicles and that is equipped for that purpose with a boom,~~  
923 ~~winch, carrier, or other similar equipment, except a motor~~  
924 ~~vehicle registered under the International Registration Plan,~~  
925 upon application and payment of the appropriate license tax and  
926 fees in accordance with s. 320.08(5)(d) or (e).

927 Section 13. Paragraph (a) of subsection (1) of section  
928 320.13, Florida Statutes, is amended to read:



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929 320.13 Dealer and manufacturer license plates and  
930 alternative method of registration.--

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

943 Section 14. For the purpose of incorporating the amendment  
944 made by this act to section 320.01, Florida Statutes, in  
945 references thereto, paragraph (a) of subsection (4) and  
946 subsection (9) of section 316.550, Florida Statutes, are  
947 reenacted to read:

948 316.550 Operations not in conformity with law; special  
949 permits.--

950 (4) (a) The Department of Transportation may issue a wrecker  
951 special blanket permit to authorize a wrecker as defined in s.  
952 320.01(40) to tow a disabled vehicle as defined in s. 320.01(38)  
953 where the combination of the wrecker and the disabled vehicle  
954 being towed exceeds the maximum weight limits as established by  
955 s. 316.535.

956 (9) Whenever any motor vehicle, or the combination of a  
957 wrecker as defined in s. 320.01(40) and a towed motor vehicle,

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958 exceeds any weight or dimensional criteria or special operational  
959 or safety stipulation contained in a special permit issued under  
960 the provisions of this section, the penalty assessed to the owner  
961 or operator shall be as follows:

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

965 (b) For each violation of dimensional criteria in a special  
966 permit, the penalty shall be as provided in s. 316.516 and  
967 penalties for multiple violations of dimensional criteria shall  
968 be cumulative except that the total penalty for the vehicle shall  
969 not exceed \$1,000.

970 (c) For each violation of an operational or safety  
971 stipulation in a special permit, the penalty shall be an amount  
972 not to exceed \$1,000 per violation and penalties for multiple  
973 violations of operational or safety stipulations shall be  
974 cumulative except that the total penalty for the vehicle shall  
975 not exceed \$1,000.

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

983 1. For weight violations, a penalty as provided in s.  
984 316.545 shall be assessed for those weights which exceed the  
985 limits thus established for the vehicle; and

986 2. For dimensional, operational, or safety violations, a

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987 | penalty as established in paragraph (c) or s. 316.516, whichever  
988 | is applicable, shall be assessed for each nonconforming  
989 | dimensional, operational, or safety violation and the penalties  
990 | for multiple violations shall be cumulative for the vehicle.

991 | Section 15. For the purpose of incorporating the amendment  
992 | made by this act to section 320.01, Florida Statutes, in  
993 | references thereto, paragraphs (d) and (e) of subsection (5) of  
994 | section 320.08, Florida Statutes, are reenacted to read:

995 | 320.08 License taxes.--Except as otherwise provided herein,  
996 | there are hereby levied and imposed annual license taxes for the  
997 | operation of motor vehicles, mopeds, motorized bicycles as  
998 | defined in s. 316.003(2), and mobile homes, as defined in s.  
999 | 320.01, which shall be paid to and collected by the department or  
1000 | its agent upon the registration or renewal of registration of the  
1001 | following:

1002 | (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
1003 | SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

1004 | (d) A wrecker, as defined in s. 320.01(40), which is used  
1005 | to tow a vessel as defined in s. 327.02(39), a disabled,  
1006 | abandoned, stolen-recovered, or impounded motor vehicle as  
1007 | defined in s. 320.01(38), or a replacement motor vehicle as  
1008 | defined in s. 320.01(39): \$30 flat.

1009 | (e) A wrecker, as defined in s. 320.01(40), which is used  
1010 | to tow any motor vehicle, regardless of whether or not such motor  
1011 | vehicle is a disabled motor vehicle as defined in s. 320.01(38),  
1012 | a replacement motor vehicle as defined in s. 320.01(39), a vessel  
1013 | as defined in s. 327.02(39), or any other cargo, as follows:

1014 | 1. Gross vehicle weight of 10,000 pounds or more, but less  
1015 | than 15,000 pounds: \$87 flat.

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1016 2. Gross vehicle weight of 15,000 pounds or more, but less  
1017 than 20,000 pounds: \$131 flat.

1018 3. Gross vehicle weight of 20,000 pounds or more, but less  
1019 than 26,000 pounds: \$186 flat.

1020 4. Gross vehicle weight of 26,000 pounds or more, but less  
1021 than 35,000 pounds: \$240 flat.

1022 5. Gross vehicle weight of 35,000 pounds or more, but less  
1023 than 44,000 pounds: \$300 flat.

1024 6. Gross vehicle weight of 44,000 pounds or more, but less  
1025 than 55,000 pounds: \$572 flat.

1026 7. Gross vehicle weight of 55,000 pounds or more, but less  
1027 than 62,000 pounds: \$678 flat.

1028 8. Gross vehicle weight of 62,000 pounds or more, but less  
1029 than 72,000 pounds: \$800 flat.

1030 9. Gross vehicle weight of 72,000 pounds or more: \$979  
1031 flat.

1032 Section 16. Effective January 1, 2009, section 321.051,  
1033 Florida Statutes, is amended to read:

1034 (Substantial rewording of section. See  
1035 s. 321.051, F.S., for present text.)

1036 321.051 Florida Highway Patrol wrecker-allocation system;  
1037 penalties for operation outside of system.--

1038 (1) As used in this section, the term:

1039 (a) "Authorized wrecker company" means a wrecker company  
1040 designated by the division as part of its wrecker-allocation  
1041 system.

1042 (b) "Division" means the Division of the Florida Highway  
1043 Patrol within the Department of Highway Safety and Motor  
1044 Vehicles.

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1045 (c) "Unauthorized wrecker company" means a wrecker company  
1046 not designated by the division as part of its wrecker-allocation  
1047 system.

1048 (d) "Wrecker company" has the same meaning ascribed in s.  
1049 508.101.

1050 (e) "Wrecker operator" has the same meaning ascribed in s.  
1051 508.101.

1052 (f) "Wrecker services" has the same meaning ascribed in s.  
1053 508.101.

1054 (2)(a) The division may establish within areas designated  
1055 by the division a wrecker-allocation system, using qualified,  
1056 reputable wrecker companies, for the removal from crash scenes  
1057 and the storage of wrecked or disabled vehicles when the owner or  
1058 operator is incapacitated or unavailable or leaves the  
1059 procurement of wrecker services to the officer at the scene and  
1060 for the removal and storage of abandoned vehicles.

1061 (b) The wrecker-allocation system may use only wrecker  
1062 companies registered under chapter 508. Each reputable wrecker  
1063 company registered under chapter 508 is eligible for use in the  
1064 system if its equipment and wrecker operators meet the recognized  
1065 safety qualifications and mechanical standards set by the  
1066 division's rules for the size of vehicle they are designed to  
1067 handle. The division may limit the number of wrecker companies  
1068 participating in the wrecker-allocation system.

1069 (c) The division may establish maximum rates for the towing  
1070 and storage of vehicles removed at the division's request if  
1071 those rates are not established by a county or municipality under  
1072 s. 125.0103 or s. 166.043. These rates are not rules for the  
1073 purpose of chapter 120; however, the Department of Highway Safety

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1074 and Motor Vehicles shall adopt rules prescribing the procedures  
1075 for setting these rates.

1076 (d) Notwithstanding chapter 120, a final order of the  
1077 Department of Highway Safety and Motor Vehicles denying,  
1078 suspending, or revoking a wrecker company's participation in the  
1079 wrecker-allocation system may be appealed only in the manner and  
1080 within the time provided by the Florida Rules of Appellate  
1081 Procedure by a writ of certiorari issued by the circuit court in  
1082 the county in which the wrecker company's primary place of  
1083 business is located, as evidenced by the wrecker company's  
1084 registration under chapter 508.

1085 (3) (a) An unauthorized wrecker company, its wrecker  
1086 operators, or its other employees or agents may not monitor a  
1087 police radio for communications between patrol field units and  
1088 the dispatcher in order to determine the location of a wrecked or  
1089 disabled vehicle for the purpose of dispatching its wrecker  
1090 operator to drive by the scene of the vehicle in a manner  
1091 described in paragraph (b) or paragraph (c). Any person who  
1092 violates this paragraph commits a noncriminal violation,  
1093 punishable as provided in s. 775.083.

1094 (b) Except as provided in paragraph (c), a wrecker operator  
1095 dispatched by an unauthorized wrecker company who drives by the  
1096 scene of a wrecked or disabled vehicle before the arrival of the  
1097 wrecker operator dispatched by the authorized wrecker company may  
1098 not initiate contact with the owner or operator of the vehicle by  
1099 soliciting or offering wrecker services or tow the vehicle. Any  
1100 person who violates this paragraph commits a misdemeanor of the  
1101 second degree, punishable as provided in s. 775.082 or s.  
1102 775.083.

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1103        (c) When a wrecker operator dispatched by an unauthorized  
1104 wrecker company drives by the scene of a wrecked or disabled  
1105 vehicle and the owner or operator initiates contact by signaling  
1106 the wrecker operator to stop and provide wrecker services, the  
1107 wrecker operator must disclose to the owner or operator of the  
1108 vehicle that he or she was not dispatched by the authorized  
1109 wrecker company designated as part of the wrecker-allocation  
1110 system and must disclose, in writing, what charges for towing and  
1111 storage will apply before the vehicle is connected to the towing  
1112 apparatus. Any person who violates this paragraph commits a  
1113 misdemeanor of the second degree, punishable as provided in s.  
1114 775.082 or s. 775.083.

1115        (d) A wrecker operator may not falsely identify himself or  
1116 herself as being part of, or as being employed by a wrecker  
1117 company that is part of, the wrecker-allocation system at the  
1118 scene of a wrecked or disabled vehicle. Any person who violates  
1119 this paragraph commits a misdemeanor of the first degree,  
1120 punishable as provided in s. 775.082 or s. 775.083.

1121        (4) This section does not prohibit or in any way prevent  
1122 the owner or operator of a vehicle involved in a crash or  
1123 otherwise disabled from contacting any wrecker company for the  
1124 provision of wrecker services, regardless of whether the wrecker  
1125 company is an authorized wrecker company. However, if a law  
1126 enforcement officer determines that the disabled vehicle or  
1127 vehicle cargo is a public safety hazard, the officer may, in the  
1128 interest of public safety, dispatch an authorized wrecker company  
1129 if the officer believes that the authorized wrecker company would  
1130 arrive at the scene before the wrecker company requested by the  
1131 owner or operator of the disabled vehicle or vehicle cargo.

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1132       (5) A law enforcement officer may dispatch an authorized  
1133 wrecker company out of rotation to the scene of a wrecked or  
1134 disabled vehicle if the authorized wrecker company next on  
1135 rotation is not equipped to provide the required wrecker services  
1136 and the out-of-rotation authorized wrecker company is available  
1137 with the required equipment. However, this subsection does not  
1138 prohibit or prevent the owner or operator of a vehicle involved  
1139 in a crash or otherwise disabled from contacting any wrecker  
1140 company that is properly equipped to provide the required wrecker  
1141 services, regardless of whether the wrecker company is an  
1142 authorized wrecker company, unless the law enforcement officer  
1143 determines that the wrecked or disabled vehicle or vehicle cargo  
1144 is a public safety hazard and the officer believes that the  
1145 authorized wrecker company would arrive at the scene before the  
1146 wrecker company requested by the owner or operator.

1147       Section 17. Effective January 1, 2009, section 323.001,  
1148 Florida Statutes, is amended to read:

1149       (Substantial rewording of section. See  
1150 s. 323.001, F.S., for present text.)

1151       323.001 Wrecker company storage facilities; vehicle  
1152 holds.--

1153       (1) As used in this section, the term:

1154       (a) "Business day" means a day other than a Saturday,  
1155 Sunday, or federal or state legal holiday.

1156       (b) "Wrecker company" has the same meaning ascribed in s.  
1157 508.101.

1158       (2) A law enforcement agency may place a hold on a motor  
1159 vehicle stored within a wrecker company's storage facility for 5  
1160 business days, thereby preventing a motor vehicle from being



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1161 released to its owner.

1162 (3) To extend a hold beyond 5 business days, the law  
1163 enforcement agency must notify the wrecker company in writing  
1164 before the expiration of the 5 business days. If notification is  
1165 not made within the 5 business days, the wrecker company must  
1166 release the vehicle to the designated person under s. 713.78.

1167 (a) If the hold is extended beyond the 5 business days, the  
1168 law enforcement agency may have the vehicle removed to a  
1169 designated impound lot and the vehicle may not be released by the  
1170 law enforcement agency to the owner or lienholder of the vehicle  
1171 until proof of payment of the towing and storage charges incurred  
1172 by the wrecker company is presented to the law enforcement  
1173 agency.

1174 (b) If the law enforcement agency chooses to have the  
1175 vehicle remain at the wrecker company's storage facility for more  
1176 than 5 business days under the written notification, the law  
1177 enforcement agency is responsible for paying the storage charges  
1178 incurred by the wrecker company for the requested extended  
1179 period. The owner or lienholder is responsible for paying the  
1180 accrued towing and storage charges for the first 5 business days,  
1181 or any period less than the first 5 business days, if the law  
1182 enforcement agency moves the vehicle from the wrecker company's  
1183 storage facility to a designated impound lot or provides written  
1184 notification to extend the hold on the vehicle before the  
1185 expiration of the 5 business days.

1186 (c) The towing and storage rates for the owner or  
1187 lienholder of the held vehicle may not exceed the rates for the  
1188 law enforcement agency.

1189 (4) If there is a judicial finding of no probable cause for

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1190 having continued the immobilization or impoundment, the law  
1191 enforcement agency ordering the hold must pay the accrued charges  
1192 for any towing and storage.

1193 (5) The requirements for a written hold apply when:

1194 (a) The law enforcement officer has probable cause to  
1195 believe that the vehicle should be seized and forfeited under the  
1196 Florida Contraband Forfeiture Act, ss. 932.701-932.707;

1197 (b) The law enforcement officer has probable cause to  
1198 believe that the vehicle should be seized and forfeited under  
1199 chapter 370 or chapter 372;

1200 (c) The law enforcement officer has probable cause to  
1201 believe that the vehicle was used as a means to commit a crime;

1202 (d) The law enforcement officer has probable cause to  
1203 believe that the vehicle is itself evidence that a crime has been  
1204 committed or that the vehicle contains evidence, which cannot  
1205 readily be removed, that a crime has been committed;

1206 (e) The law enforcement officer has probable cause to  
1207 believe that the vehicle was involved in a traffic accident  
1208 resulting in death or personal injury and should be sealed for  
1209 investigation and collection of evidence by a vehicular homicide  
1210 investigator;

1211 (f) The vehicle is impounded or immobilized under s.  
1212 316.193 or s. 322.34; or

1213 (g) The law enforcement officer is complying with a court  
1214 order.

1215 (6) The hold must be in writing and must specify:

1216 (a) The name and agency of the law enforcement officer  
1217 placing the hold on the vehicle.

1218 (b) The date and time the hold is placed on the vehicle.

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1219       (c) A general description of the vehicle, including its  
1220 color, make, model, body style, and year; vehicle identification  
1221 number; registration license plate number, state, and year; and  
1222 validation sticker number, state, and year.

1223       (d) The specific reason for placing the hold.

1224       (e) The condition of the vehicle.

1225       (f) The location where the vehicle is being held.

1226       (g) The name, address, and telephone number of the wrecker  
1227 company and the storage facility.

1228       (7) A wrecker company's storage facility must comply with a  
1229 hold placed by a law enforcement officer, including instructions  
1230 for inside or outside storage. A wrecker company's storage  
1231 facility may not release a motor vehicle subject to a hold to any  
1232 person except as directed by the law enforcement agency placing  
1233 the hold.

1234       (8) When a vehicle owner is found guilty of, regardless of  
1235 adjudication, or pleads nolo contendere to, the offense that  
1236 resulted in a hold being placed on his or her vehicle, the owner  
1237 must pay the accrued towing and storage charges assessed against  
1238 the vehicle.

1239       Section 18. Effective January 1, 2009, section 323.002,  
1240 Florida Statutes, is amended to read:

1241       (Substantial rewording of section. See  
1242 s. 323.002, F.S., for present text.)

1243       323.002 County and municipal wrecker-allocation systems;  
1244 penalties for operation outside of system.--

1245       (1) As used in this section, the term:

1246       (a) "Authorized wrecker company" means a wrecker company  
1247 designated as part of the wrecker-allocation system established

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1248 by the governmental unit having jurisdiction over the scene of a  
1249 wrecked, disabled, or abandoned vehicle.

1250 (b) "Unauthorized wrecker company" means a wrecker company  
1251 not designated as part of the wrecker-allocation system  
1252 established by the governmental unit having jurisdiction over the  
1253 scene of a wrecked, disabled, or abandoned vehicle.

1254 (c) "Wrecker-allocation system" means a system for the  
1255 towing or removal of wrecked, disabled, or abandoned vehicles,  
1256 similar to the Florida Highway Patrol wrecker-allocation system  
1257 described in s. 321.051(2), under which a county or municipality  
1258 contracts with one or more wrecker companies registered under  
1259 chapter 508 for the towing or removal of wrecked, disabled, or  
1260 abandoned vehicles from accident scenes, streets, or highways.  
1261 Each wrecker-allocation system must use a method for apportioning  
1262 the towing assignments among the eligible wrecker companies  
1263 through the creation of geographic zones or a rotation schedule  
1264 or a combination of geographic zones and a rotation schedule.

1265 (d) "Wrecker company" has the same meaning ascribed in s.  
1266 508.101.

1267 (e) "Wrecker operator" has the same meaning ascribed in s.  
1268 508.101.

1269 (f) "Wrecker services" has the same meaning ascribed in s.  
1270 508.101.

1271 (2) In a county or municipality that operates a wrecker-  
1272 allocation system:

1273 (a) The wrecker-allocation system may only use wrecker  
1274 companies registered under chapter 508.

1275 (b) An unauthorized wrecker company, its wrecker operators,  
1276 or its other employees or agents may not monitor a police radio

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1277 for communications between patrol field units and the dispatcher  
1278 in order to determine the location of a wrecked or disabled  
1279 vehicle for the purpose of dispatching its wrecker operator to  
1280 drive by the scene of the vehicle in a manner described in  
1281 paragraph (c) or paragraph (d). Any person who violates this  
1282 paragraph commits a noncriminal violation, punishable as provided  
1283 in s. 775.083.

1284 (c) Except as provided in paragraph (d), a wrecker operator  
1285 dispatched by an unauthorized wrecker company who drives by the  
1286 scene of a wrecked or disabled vehicle before the arrival of the  
1287 wrecker operator dispatched by the authorized wrecker company may  
1288 not initiate contact with the owner or operator of the vehicle by  
1289 soliciting or offering wrecker services or tow the vehicle. Any  
1290 person who violates this paragraph commits a misdemeanor of the  
1291 second degree, punishable as provided in s. 775.082 or s.  
1292 775.083.

1293 (d) When a wrecker operator dispatched by an unauthorized  
1294 wrecker company drives by the scene of a wrecked or disabled  
1295 vehicle and the owner or operator initiates contact by signaling  
1296 the wrecker operator to stop and provide wrecker services, the  
1297 wrecker operator must disclose to the owner or operator of the  
1298 vehicle that he or she was not dispatched by the authorized  
1299 wrecker company designated as part of the wrecker-allocation  
1300 system and must disclose, in writing, what charges for towing and  
1301 storage will apply before the vehicle is connected to the towing  
1302 apparatus. Any person who violates this paragraph commits a  
1303 misdemeanor of the second degree, punishable as provided in s.  
1304 775.082 or s. 775.083.

1305 (e) A wrecker operator may not falsely identify himself or

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1306 herself as being part of, or as being employed by a wrecker  
1307 company that is part of, the wrecker-allocation system at the  
1308 scene of a wrecked or disabled vehicle. Any person who violates  
1309 this paragraph commits a misdemeanor of the first degree,  
1310 punishable as provided in s. 775.082 or s. 775.083.

1311 (3) This section does not prohibit or in any way prevent  
1312 the owner or operator of a vehicle involved in a crash or  
1313 otherwise disabled from contacting any wrecker company for the  
1314 provision of wrecker services, regardless of whether the wrecker  
1315 company is an authorized wrecker company. If a law enforcement  
1316 officer determines that the disabled vehicle or vehicle cargo is  
1317 a public safety hazard, the officer may, in the interest of  
1318 public safety, dispatch an authorized wrecker company if the  
1319 officer believes that the authorized wrecker company would arrive  
1320 at the scene before the wrecker company requested by the owner or  
1321 operator of the disabled vehicle or vehicle cargo.

1322 (4) A law enforcement officer may dispatch an authorized  
1323 wrecker company out of rotation to the scene of a wrecked or  
1324 disabled vehicle if the authorized wrecker company next on  
1325 rotation is not equipped to provide the required wrecker services  
1326 and the out-of-rotation authorized wrecker company is available  
1327 with the required equipment. However, this subsection does not  
1328 prohibit or prevent the owner or operator of a vehicle involved  
1329 in a crash or otherwise disabled from contacting any wrecker  
1330 company that is properly equipped to provide the required wrecker  
1331 services, regardless of whether the wrecker company is an  
1332 authorized wrecker company, unless the law enforcement officer  
1333 determines that the wrecked or disabled vehicle or vehicle cargo  
1334 is a public safety hazard and the officer believes that the

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1335 authorized wrecker company would arrive at the scene before the  
1336 wrecker company requested by the owner or operator.

1337 Section 19. Effective January 1, 2009, section 713.78,  
1338 Florida Statutes, is amended to read:

1339 713.78 Liens for recovering, towing, or storing vehicles  
1340 and vessels.--

1341 (1) As used in ~~For the purposes of~~ this section, the term:

1342 (a) "Business day" means a day other than a Saturday,  
1343 Sunday, or federal or state legal holiday.

1344 (b) "Property owner" has the same meaning ascribed in s.  
1345 715.07.

1346 (c) ~~(a)~~ "Vehicle" has the same meaning ascribed in s.  
1347 508.101 means any mobile item, whether motorized or not, which is  
1348 mounted on wheels.

1349 (d) ~~(b)~~ "Vessel" has the same meaning ascribed in s. 508.101  
1350 means every description of watercraft, barge, and airboat used or  
1351 capable of being used as a means of transportation on water,  
1352 other than a seaplane or a "documented vessel" as defined in s.  
1353 327.02(9).

1354 (e) ~~(c)~~ "Wrecker" has the same meaning ascribed in s. 320.01  
1355 means any truck or other vehicle which is used to tow, carry, or  
1356 otherwise transport motor vehicles or vessels upon the streets  
1357 and highways of this state and which is equipped for that purpose  
1358 with a boom, winch, car carrier, or other similar equipment.

1359 (f) "Wrecker company" has the same meaning ascribed in s.  
1360 508.101.

1361 (g) "Wrecker operator" has the same meaning ascribed in s.  
1362 508.101.

1363 (2) Whenever a wrecker company registered under chapter 508

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1364 ~~person regularly engaged in the business of transporting vehicles~~  
1365 ~~or vessels by wrecker, tow truck, or car carrier recovers,~~  
1366 removes, or stores a vehicle or vessel upon instructions from:

1367 (a) The owner of the vehicle or vessel ~~thereof~~;

1368 (b) The property owner ~~or lessor, or a person authorized by~~  
1369 ~~the owner or lessor,~~ of real property on which the ~~such~~ vehicle  
1370 or vessel is ~~wrongfully~~ parked without permission, and the  
1371 removal is done in compliance with s. 715.07; or

1372 (c) Any law enforcement agency,

1373

1374 the wrecker company has ~~she or he shall have~~ a lien on the  
1375 vehicle or vessel for a reasonable towing fee and for a  
1376 reasonable storage fee, ~~7~~ except that no storage fee shall be  
1377 charged if the vehicle or vessel is stored ~~for~~ less than 6 hours.

1378 (3) This section does not authorize any person to claim a  
1379 lien on a vehicle for fees or charges connected with the  
1380 immobilization of the ~~such~~ vehicle using a vehicle boot or other  
1381 similar device under ~~pursuant to~~ s. 715.07.

1382 (4) (a) Any wrecker company that ~~person regularly engaged in~~  
1383 ~~the business of recovering, towing, or storing vehicles or~~  
1384 ~~vessels who~~ comes into possession of a vehicle or vessel under  
1385 ~~pursuant to~~ subsection (2) ~~7~~ and ~~who~~ claims a lien for recovery,  
1386 towing, or storage services ~~7~~ shall give notice to the registered  
1387 owner, the insurance company insuring the vehicle notwithstanding  
1388 ~~the provisions of~~ s. 627.736, and ~~to~~ all persons claiming a lien  
1389 on the vehicle or vessel ~~thereon~~, as disclosed by the records in  
1390 the Department of Highway Safety and Motor Vehicles or of a  
1391 corresponding agency in any other state.

1392 (b) Whenever a ~~any~~ law enforcement agency authorizes the



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1393 removal of a vehicle or vessel or whenever a wrecker company ~~any~~  
1394 ~~towing service, garage, repair shop, or automotive service,~~  
1395 ~~storage, or parking place~~ notifies the law enforcement agency of  
1396 possession of a vehicle or vessel under ~~pursuant to~~ s.  
1397 715.07(2)(a)2., the applicable law enforcement agency shall  
1398 contact the Department of Highway Safety and Motor Vehicles, or  
1399 the appropriate agency of the state of registration, if known,  
1400 within 24 hours through the medium of electronic communications,  
1401 giving the full description of the vehicle or vessel. Upon  
1402 receipt of the full description of the vehicle or vessel, the  
1403 department shall search its files to determine the owner's name,  
1404 the insurance company insuring the vehicle or vessel, and whether  
1405 any person has filed a lien upon the vehicle or vessel as  
1406 provided in s. 319.27(2) and (3) and notify the applicable law  
1407 enforcement agency within 72 hours. The wrecker company ~~person in~~  
1408 ~~charge of the towing service, garage, repair shop, or automotive~~  
1409 ~~service, storage, or parking place~~ shall obtain that ~~such~~  
1410 information from the applicable law enforcement agency within 5  
1411 days after the date of storage and shall give notice under  
1412 ~~pursuant to~~ paragraph (a). The department may release the  
1413 insurance company information to the requestor notwithstanding  
1414 ~~the provisions of~~ s. 627.736.

1415 (c) Notice by certified mail, ~~return receipt requested,~~  
1416 shall be sent within 7 business days after the date of storage of  
1417 the vehicle or vessel to the registered owner, the insurance  
1418 company insuring the vehicle notwithstanding ~~the provisions of~~ s.  
1419 627.736, and all persons of record claiming a lien against the  
1420 vehicle or vessel. The notice ~~It~~ shall state the fact of  
1421 possession of the vehicle or vessel and, ~~that~~ a lien as provided

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1422 in subsection (2) is claimed, that charges have accrued and the  
1423 amount of the charges ~~thereof~~, that the lien is subject to  
1424 enforcement under ~~pursuant to~~ law, and that the owner or  
1425 lienholder, if any, has the right to a hearing as set forth in  
1426 subsection (5), and that any vehicle or vessel that ~~which~~ remains  
1427 unclaimed, or for which the charges for recovery, towing, or  
1428 storage services remain unpaid, may be sold free of all prior  
1429 liens after 35 days if the vehicle or vessel is more than 3 years  
1430 of age or after 50 days if the vehicle or vessel is 3 years of  
1431 age or less.

1432 (d) If the wrecker company is unable ~~attempts~~ to identify  
1433 ~~locate~~ the name and address of the owner or lienholder prove  
1434 ~~unsuccessful~~, the wrecker company ~~towing-storage operator~~ shall,  
1435 after 7 business ~~working~~ days following, ~~excluding Saturday and~~  
1436 ~~Sunday~~, of the initial tow or storage, notify the public agency  
1437 of jurisdiction in writing by certified mail or acknowledged hand  
1438 delivery that the wrecker ~~towing-storage~~ company has been unable  
1439 to identify ~~locate~~ the name and address of the owner or  
1440 lienholder, and a physical search of the vehicle or vessel has  
1441 disclosed no ownership information, and a good faith effort has  
1442 been made. For purposes of this paragraph and subsection (9), the  
1443 term "good faith effort" means that the following checks have  
1444 been performed by the wrecker company to establish prior state of  
1445 registration and for title:

1446 1. Check of vehicle or vessel for any type of tag, tag  
1447 record, temporary tag, or regular tag.

1448 2. Check of law enforcement report for tag number or other  
1449 information identifying the vehicle or vessel, if the vehicle or  
1450 vessel was towed at the request of a law enforcement officer.

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1451 3. Check of trip sheet or tow ticket of the wrecker ~~tow~~  
1452 ~~truck~~ operator to see if a tag was on vehicle or vessel at  
1453 beginning of tow, if private tow.

1454 4. If there is no address of the owner on the impound  
1455 report, check of law enforcement report to see if an out-of-state  
1456 address is indicated from driver license information.

1457 5. Check of vehicle or vessel for inspection sticker or  
1458 other stickers and decals that may indicate a state of possible  
1459 registration.

1460 6. Check of the interior of the vehicle or vessel for any  
1461 papers that may be in the glove box, trunk, or other areas for a  
1462 state of registration.

1463 7. Check of vehicle for vehicle identification number.

1464 8. Check of vessel for vessel registration number.

1465 9. Check of vessel hull for a hull identification number,  
1466 which should be carved, burned, stamped, embossed, or otherwise  
1467 permanently affixed to the outboard side of the transom or, if  
1468 there is no transom, to the outmost seaboard side at the end of  
1469 the hull that bears the rudder or other steering mechanism.

1470 (5) (a) The owner of a vehicle or vessel removed under  
1471 ~~pursuant to the provisions of~~ subsection (2), or any person  
1472 claiming a lien, other than the wrecker company ~~towing storage~~  
1473 ~~operator~~, within 10 days after the time she or he has knowledge  
1474 of the location of the vehicle or vessel, may file a complaint in  
1475 the county court of the county in which the vehicle or vessel is  
1476 stored or in which the owner resides to determine if her or his  
1477 property was wrongfully taken or withheld from her or him.

1478 (b) Upon filing of a complaint, an owner or lienholder may  
1479 have her or his vehicle or vessel released upon posting with the

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1480 court a cash or surety bond or other adequate security equal to  
1481 the amount of the charges for towing or storage and lot rental  
1482 amount to ensure the payment of the such charges in the event she  
1483 or he does not prevail. Upon the posting of the bond and the  
1484 payment of the applicable fee set forth in s. 28.24, the clerk of  
1485 the court shall issue a certificate notifying the lienor of the  
1486 posting of the bond and directing the lienor to release the  
1487 vehicle or vessel. At the time of the such release, after  
1488 reasonable inspection, she or he shall give a receipt to the  
1489 wrecker ~~towing-storage~~ company reciting any claims she or he has  
1490 for loss or damage to the vehicle or vessel or to the contents of  
1491 the vehicle or vessel ~~thereof~~.

1492 (c) Upon determining the respective rights of the parties,  
1493 the court shall ~~may~~ award damages, reasonable attorney's fees,  
1494 and costs to ~~in favor of~~ the prevailing party. ~~In any event,~~ The  
1495 final order shall require ~~provide for~~ immediate payment in full  
1496 of the recovery, towing, and storage fees by the vehicle or  
1497 vessel owner or lienholder, ~~+~~ by ~~or~~ the law enforcement agency  
1498 ordering the tow, ~~+~~ or by the property owner, ~~lessee, or agent~~  
1499 ~~thereof~~ of the real property from which the vehicle or vessel was  
1500 towed or removed under s. 715.07.

1501 (6) Any vehicle or vessel that ~~which~~ is stored under  
1502 ~~pursuant to~~ subsection (2) and ~~which~~ remains unclaimed, or for  
1503 which reasonable charges for recovery, towing, or storing remain  
1504 unpaid, and any contents not released under ~~pursuant to~~  
1505 subsection (10), ~~+~~ may be sold by the wrecker company ~~owner or~~  
1506 ~~operator of the storage space~~ for the such towing or storage  
1507 charge ~~after~~ 35 days after ~~from the time~~ the vehicle or vessel is  
1508 stored in the wrecker company's storage facility ~~therein~~ if the

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1509 vehicle or vessel is more than 3 years of age or ~~after~~ 50 days  
1510 after ~~following the time~~ the vehicle or vessel is stored in the  
1511 wrecker company's storage facility ~~therein~~ if the vehicle or  
1512 vessel is 3 years of age or less. The sale shall be at public  
1513 auction for cash. If the date of the sale is ~~was~~ not included in  
1514 the notice required in subsection (4), notice of the sale shall  
1515 be given to the person in whose name the vehicle or vessel is  
1516 registered and to all persons claiming a lien on the vehicle or  
1517 vessel as shown on the records of the Department of Highway  
1518 Safety and Motor Vehicles or of the corresponding agency in any  
1519 other state. Notice shall be sent by certified mail, ~~return~~  
1520 ~~receipt requested~~, to the owner of the vehicle or vessel and the  
1521 person having the recorded lien on the vehicle or vessel at the  
1522 address shown on the records of the registering agency and shall  
1523 be mailed at least ~~not less than~~ 15 days before the date of the  
1524 sale. After diligent search and inquiry, if the name and address  
1525 of the registered owner or the owner of the recorded lien cannot  
1526 be ascertained, the requirements of notice by mail may be  
1527 dispensed with. In addition to the notice by mail, public notice  
1528 of the time and place of sale shall be made by publishing a  
1529 notice of the sale ~~thereof~~ one time, at least 10 days prior to  
1530 the date of the sale, in a newspaper of general circulation in  
1531 the county in which the sale is to be held. The proceeds of the  
1532 sale, after payment of reasonable towing and storage charges, and  
1533 costs of the sale, in that order of priority, shall be deposited  
1534 with the clerk of the circuit court for the county if the owner  
1535 is absent, and the clerk shall hold the ~~such~~ proceeds subject to  
1536 the claim of the person legally entitled to those proceeds  
1537 ~~thereto~~. The clerk shall be entitled to receive 5 percent of the

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1538 ~~such~~ proceeds for the care and disbursement of the proceeds  
1539 ~~thereof~~. The certificate of title issued under this section ~~law~~  
1540 shall be discharged of all liens unless otherwise provided by  
1541 court order.

1542 (7) (a) A wrecker company, its wrecker operators, and other  
1543 employees or agents of the wrecker company ~~operator~~ recovering,  
1544 towing, or storing vehicles or vessels are ~~is~~ not liable for  
1545 damages connected with those ~~such~~ services, theft of the ~~such~~  
1546 vehicles or vessels, or theft of personal property contained in  
1547 the ~~such~~ vehicles or vessels if those, ~~provided that such~~  
1548 services are ~~have been~~ performed with reasonable care and  
1549 ~~provided, further, that~~, in the case of removal of a vehicle or  
1550 vessel upon the request of a person purporting, and reasonably  
1551 appearing, to be the property owner ~~or lessee, or a person~~  
1552 ~~authorized by the owner or lessee,~~ of the real property from  
1553 which the ~~such~~ vehicle or vessel is removed, the ~~such~~ removal is  
1554 ~~has been~~ done in compliance with s. 715.07. Further, a wrecker  
1555 company, its wrecker operators, and other employees or agents of  
1556 the wrecker company ~~are operator~~ ~~is~~ not liable for damage to a  
1557 vehicle, a vessel, or cargo that obstructs the normal movement of  
1558 traffic or creates a hazard to traffic and is removed in  
1559 compliance with the request of a law enforcement officer.

1560 (b) For the purposes of this subsection, a wrecker company,  
1561 its wrecker operators, and other employees or agents of the  
1562 wrecker company ~~are operator~~ ~~is~~ presumed to use reasonable care  
1563 to prevent the theft of a vehicle or vessel or of any personal  
1564 property contained in the ~~such~~ vehicle or vessel stored in the  
1565 wrecker company's ~~operator's~~ storage facility if all of the  
1566 following apply:

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1567 1. The wrecker company ~~operator~~ surrounds the storage  
1568 facility with a chain-link or solid-wall type fence at least 6  
1569 feet in height;

1570 2. The wrecker company illuminates ~~operator has illuminated~~  
1571 the storage facility with lighting of sufficient intensity to  
1572 reveal persons and vehicles at a distance of at least 150 feet  
1573 during nighttime; and

1574 3. The wrecker company ~~operator~~ uses one or more of the  
1575 following security methods to discourage theft of vehicles or  
1576 vessels or of any personal property contained in such vehicles or  
1577 vessels stored in the wrecker company's ~~operator's~~ storage  
1578 facility:

1579 a. A night dispatcher or watchman remains on duty at the  
1580 storage facility from sunset to sunrise;

1581 b. A security dog remains at the storage facility from  
1582 sunset to sunrise;

1583 c. Security cameras or other similar surveillance devices  
1584 monitor the storage facility; or

1585 d. A security guard service examines the storage facility  
1586 at least once each hour from sunset to sunrise.

1587 (c) Any law enforcement agency requesting that a motor  
1588 vehicle be removed from an accident scene, street, or highway  
1589 must conduct an inventory and prepare a written record of all  
1590 personal property found in the vehicle before the vehicle is  
1591 removed by a wrecker operator. However, if the owner or driver of  
1592 the motor vehicle is present and accompanies the vehicle, an ~~no~~  
1593 inventory by law enforcement is not required. A wrecker company,  
1594 its wrecker operators, and other employees or agents of the  
1595 wrecker company ~~operator~~ ~~is~~ not liable for the loss of

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1596 personal property alleged to be contained in ~~such~~ a vehicle when  
1597 the ~~such~~ personal property was not identified on the inventory  
1598 record prepared by the law enforcement agency requesting the  
1599 removal of the vehicle.

1600 (8) A wrecker company and its wrecker operators, excluding  
1601 ~~person regularly engaged in the business of recovering, towing,~~  
1602 ~~or storing vehicles or vessels, except~~ a person licensed under  
1603 chapter 493 while engaged in "repossession" activities as defined  
1604 in s. 493.6101, may not operate a wrecker, ~~tow truck, or car~~  
1605 ~~carrier~~ unless the name, address, and telephone number of the  
1606 wrecker company performing the wrecker services ~~service~~ is  
1607 clearly printed in contrasting colors on the driver and passenger  
1608 sides of the wrecker ~~its vehicle~~. The name must be in at least 3-  
1609 inch permanently affixed letters, and the address and telephone  
1610 number must be in at least 1-inch permanently affixed letters.

1611 (9) Failure to make good faith, best efforts to comply with  
1612 the notice requirements of this section precludes ~~shall preclude~~  
1613 the imposition of any storage charges against the ~~such~~ vehicle or  
1614 vessel.

1615 (10) Each wrecker company that provides ~~Persons who provide~~  
1616 ~~services under pursuant to~~ this section shall permit vehicle or  
1617 vessel owners or their agents, which agency is evidenced by an  
1618 original writing acknowledged by the owner before a notary public  
1619 or other person empowered by law to administer oaths, to inspect  
1620 the towed vehicle or vessel and shall release to the owner or  
1621 agent the vehicle, vessel, or all personal property not affixed  
1622 to the vehicle or vessel that ~~which~~ was in the vehicle or vessel  
1623 at the time the vehicle or vessel came into the custody of the  
1624 wrecker company ~~person~~ providing those ~~such~~ services.



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1625           (11) (a) A wrecker company that ~~Any person regularly engaged~~  
1626 ~~in the business of recovering, towing, or storing vehicles or~~  
1627 ~~vessels who~~ comes into possession of a vehicle or vessel pursuant  
1628 to subsection (2) and complies ~~who has complied~~ with the  
1629 ~~provisions of~~ subsections (3) and (6), when the ~~such~~ vehicle or  
1630 vessel is to be sold for purposes of being dismantled, destroyed,  
1631 or changed in such a manner that it is not the motor vehicle or  
1632 vessel described in the certificate of title, must ~~shall~~ apply to  
1633 the county tax collector for a certificate of destruction. A  
1634 certificate of destruction, which authorizes the dismantling or  
1635 destruction of the vehicle or vessel described on the certificate  
1636 ~~therein, is~~ shall be reassignable no more than twice ~~a maximum of~~  
1637 ~~two times~~ before dismantling or destruction of the vehicle or  
1638 vessel is ~~shall be~~ required, and, in lieu of a certificate of  
1639 title, the certificate of destruction shall accompany the vehicle  
1640 or vessel for which it is issued, ~~when the~~ ~~such~~ vehicle or vessel  
1641 is sold for that purpose ~~such purposes, in lieu of a certificate~~  
1642 ~~of title~~. The application for a certificate of destruction must  
1643 include an affidavit from the applicant that it has complied with  
1644 all applicable requirements of this section and, if the vehicle  
1645 or vessel is not registered in this state, by a statement from a  
1646 law enforcement officer that the vehicle or vessel is not  
1647 reported stolen, and must also ~~shall~~ be accompanied by any other  
1648 ~~such~~ documentation ~~as may be~~ required by the department.

1649           (b) The Department of Highway Safety and Motor Vehicles  
1650 shall charge a fee of \$3 for each certificate of destruction. A  
1651 service charge of \$4.25 shall be collected and retained by the  
1652 tax collector who processes the application.

1653           (c) The Department of Highway Safety and Motor Vehicles may

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1654 adopt ~~such~~ rules to administer ~~as it deems necessary or proper~~  
1655 ~~for the administration of~~ this subsection.

1656 (12) (a) Any person who violates ~~any provision of~~ subsection  
1657 (1), subsection (2), subsection (4), subsection (5), subsection  
1658 (6), or subsection (7) commits ~~is guilty of~~ a misdemeanor of the  
1659 first degree, punishable as provided in s. 775.082 or s. 775.083.

1660 (b) Any person who violates subsection (8), subsection (9),  
1661 subsection (10), or subsection (11) commits ~~the provisions of~~  
1662 ~~subsections (8) through (11) is guilty of~~ a felony of the third  
1663 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1664 775.084.

1665 (c) Any person who uses a false or fictitious name, gives a  
1666 false or fictitious address, or makes any false statement in any  
1667 application or affidavit required under ~~the provisions of~~ this  
1668 section commits ~~is guilty of~~ a felony of the third degree,  
1669 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1670 (d) Employees of the Department of Highway Safety and Motor  
1671 Vehicles and law enforcement officers may ~~are authorized to~~  
1672 inspect the records of each wrecker company in this state ~~any~~  
1673 ~~person regularly engaged in the business of recovering, towing,~~  
1674 ~~or storing vehicles or vessels or transporting vehicles or~~  
1675 ~~vessels by wrecker, tow truck, or car carrier,~~ to ensure  
1676 compliance with the requirements of this section. Any person who  
1677 fails to maintain records, or fails to produce records when  
1678 required in a reasonable manner and at a reasonable time, commits  
1679 a misdemeanor of the first degree, punishable as provided in s.  
1680 775.082 or s. 775.083.

1681 (13) (a) Upon receipt by the Department of Highway Safety  
1682 and Motor Vehicles of written notice from a wrecker company that

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1683 ~~operator who~~ claims a wrecker company's ~~operator's~~ lien under  
1684 paragraph (2) (c) ~~or paragraph (2) (d)~~ for recovery, towing, or  
1685 storage of an abandoned vehicle or vessel upon instructions from  
1686 any law enforcement agency, for which a certificate of  
1687 destruction has been issued under subsection (11), the department  
1688 shall place the name of the registered owner of that vehicle or  
1689 vessel on the list of those persons who may not be issued a  
1690 license plate or revalidation sticker for any motor vehicle under  
1691 s. 320.03(8). If the vehicle or vessel is owned jointly by more  
1692 than one person, the name of each registered owner shall be  
1693 placed on the list. The notice of wrecker company's ~~operator's~~  
1694 lien shall be submitted on forms provided by the department,  
1695 which must include:

1696 1. The name, address, and telephone number of the wrecker  
1697 company ~~operator~~.

1698 2. The name of the registered owner of the vehicle or  
1699 vessel and the address to which the wrecker company ~~operator~~  
1700 provided notice of the lien to the registered owner under  
1701 subsection (4).

1702 3. A general description of the vehicle or vessel,  
1703 including its color, make, model, body style, and year.

1704 4. The vehicle identification number (VIN); registration  
1705 license plate number, state, and year; validation decal number,  
1706 state, and year; vessel registration number; hull identification  
1707 number; or other identification number, as applicable.

1708 5. The name of the person or the corresponding law  
1709 enforcement agency that requested that the vehicle or vessel be  
1710 recovered, towed, or stored.

1711 6. The amount of the wrecker company's ~~operator's~~ lien, not

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1712 to exceed the amount allowed by paragraph (b).

1713 (b) For purposes of this subsection only, the amount of the  
1714 wrecker company's ~~operator's~~ lien for which the department will  
1715 prevent issuance of a license plate or revalidation sticker may  
1716 not exceed the amount of the charges for recovery, towing, and  
1717 storage of the vehicle or vessel for 7 days. These charges may  
1718 not exceed the maximum rates imposed by the ordinances of the  
1719 respective county or municipality under ss. 125.0103(1)(c) and  
1720 166.043(1)(c). This paragraph does not limit the amount of a  
1721 wrecker company's ~~operator's~~ lien claimed under subsection (2) or  
1722 prevent a wrecker company ~~operator~~ from seeking civil remedies  
1723 for enforcement of the entire amount of the lien, but limits only  
1724 that portion of the lien for which the department will prevent  
1725 issuance of a license plate or revalidation sticker.

1726 (c)1. The registered owner of a vehicle or vessel may  
1727 dispute a wrecker company's ~~operator's~~ lien, by notifying the  
1728 department of the dispute in writing on forms provided by the  
1729 department, if at least one of the following applies:

1730 a. The registered owner presents a notarized bill of sale  
1731 proving that the vehicle or vessel was sold in a private or  
1732 casual sale before the vehicle or vessel was recovered, towed, or  
1733 stored.

1734 b. The registered owner presents proof that the Florida  
1735 certificate of title of the vehicle or vessel was sold to a  
1736 licensed dealer as defined in s. 319.001 before the vehicle or  
1737 vessel was recovered, towed, or stored.

1738 c. The records of the department were marked "sold" prior  
1739 to the date of the tow.

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1741 If the registered owner's dispute of a wrecker company's  
1742 ~~operator's~~ lien complies with one of these criteria, the  
1743 department shall immediately remove the registered owner's name  
1744 from the list of those persons who may not be issued a license  
1745 plate or revalidation sticker for any motor vehicle under s.  
1746 320.03(8), thereby allowing issuance of a license plate or  
1747 revalidation sticker. If the vehicle or vessel is owned jointly  
1748 by more than one person, each registered owner must dispute the  
1749 wrecker company's ~~operator's~~ lien in order to be removed from the  
1750 list. However, the department shall deny any dispute and maintain  
1751 the registered owner's name on the list of those persons who may  
1752 not be issued a license plate or revalidation sticker for any  
1753 motor vehicle under s. 320.03(8) if the wrecker company ~~operator~~  
1754 has provided the department with a certified copy of the judgment  
1755 of a court that ~~which~~ orders the registered owner to pay the  
1756 wrecker company's ~~operator's~~ lien claimed under this section. In  
1757 such a case, the amount of the wrecker company's ~~operator's~~ lien  
1758 allowed by paragraph (b) may be increased to include no more than  
1759 \$500 of the reasonable costs and attorney's fees incurred in  
1760 obtaining the judgment. The department's action under this  
1761 subparagraph is ministerial in nature, shall not be considered  
1762 final agency action, and is appealable only to the county court  
1763 for the county in which the vehicle or vessel was ordered  
1764 removed.

1765 2. A person against whom a wrecker company's ~~operator's~~  
1766 lien has been imposed may alternatively obtain a discharge of the  
1767 lien by filing a complaint, ~~challenging the validity of the lien~~  
1768 or ~~the amount of the lien thereof,~~ of the lien ~~thereof,~~ in the county court of the  
1769 county in which the vehicle or vessel was ordered removed. Upon

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1770 filing of the complaint, the person may have her or his name  
1771 removed from the list of those persons who may not be issued a  
1772 license plate or revalidation sticker for any motor vehicle under  
1773 s. 320.03(8), thereby allowing issuance of a license plate or  
1774 revalidation sticker, upon posting with the court a cash or  
1775 surety bond or other adequate security equal to the amount of the  
1776 wrecker company's ~~operator's~~ lien to ensure the payment of such  
1777 lien in the event she or he does not prevail. Upon the posting of  
1778 the bond and the payment of the applicable fee set forth in s.  
1779 28.24, the clerk of the court shall issue a certificate notifying  
1780 the department of the posting of the bond and directing the  
1781 department to release the wrecker company's ~~operator's~~ lien. Upon  
1782 determining the respective rights of the parties, the court may  
1783 award damages and costs in favor of the prevailing party.

1784 3. If a person against whom a wrecker company's ~~operator's~~  
1785 lien has been imposed does not object to the lien, but cannot  
1786 discharge the lien by payment because the wrecker company  
1787 ~~operator~~ has moved or gone out of business, the person may have  
1788 her or his name removed from the list of those persons who may  
1789 not be issued a license plate or revalidation sticker for any  
1790 motor vehicle under s. 320.03(8), thereby allowing issuance of a  
1791 license plate or revalidation sticker, upon posting with the  
1792 clerk of court in the county in which the vehicle or vessel was  
1793 ordered removed, a cash or surety bond or other adequate security  
1794 equal to the amount of the wrecker company's ~~operator's~~ lien.  
1795 Upon the posting of the bond and the payment of the application  
1796 fee set forth in s. 28.24, the clerk of the court shall issue a  
1797 certificate notifying the department of the posting of the bond  
1798 and directing the department to release the wrecker company's

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1799 ~~operator's~~ lien. The department shall mail to the wrecker company  
1800 ~~operator~~, at the address upon the lien form, notice that the  
1801 wrecker company ~~operator~~ must claim the security within 60 days,  
1802 or the security will be released back to the person who posted  
1803 it. At the conclusion of the 60 days, the department shall direct  
1804 the clerk as to which party is entitled to payment of the  
1805 security, less applicable clerk's fees.

1806 4. A wrecker company's ~~operator's~~ lien expires 5 years  
1807 after filing.

1808 (d) Upon discharge of the amount of the wrecker company's  
1809 ~~operator's~~ lien allowed by paragraph (b), the wrecker company  
1810 ~~operator~~ must issue a certificate of discharged wrecker company's  
1811 ~~operator's~~ lien on forms provided by the department to each  
1812 registered owner of the vehicle or vessel attesting that the  
1813 amount of the wrecker company's ~~operator's~~ lien allowed by  
1814 paragraph (b) has been discharged. Upon presentation of the  
1815 certificate of discharged wrecker company's ~~operator's~~ lien by  
1816 the registered owner, the department shall immediately remove the  
1817 registered owner's name from the list of those persons who may  
1818 not be issued a license plate or revalidation sticker for any  
1819 motor vehicle under s. 320.03(8), thereby allowing issuance of a  
1820 license plate or revalidation sticker. Issuance of a certificate  
1821 of discharged wrecker company's ~~operator's~~ lien under this  
1822 paragraph does not discharge the entire amount of the wrecker  
1823 company's ~~operator's~~ lien claimed under subsection (2),  
1824 but only certifies to the department that the amount of the wrecker  
1825 company's ~~operator's~~ lien allowed by paragraph (b), for which the  
1826 department will prevent issuance of a license plate or  
1827 revalidation sticker, has been discharged.

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1828 (e) When a wrecker company ~~operator~~ files a notice of  
1829 wrecker company's ~~operator's~~ lien under this subsection, the  
1830 department shall charge the wrecker company ~~operator~~ a fee of \$2,  
1831 which shall be deposited into the General Revenue Fund  
1832 established under s. 860.158. A service charge of \$2.50 shall be  
1833 collected and retained by the tax collector who processes a  
1834 notice of wrecker company's ~~operator's~~ lien.

1835 (f) This subsection applies only to the annual renewal in  
1836 the registered owner's birth month of a motor vehicle  
1837 registration and does not apply to the transfer of a registration  
1838 of a motor vehicle sold by a motor vehicle dealer licensed under  
1839 chapter 320, except for the transfer of registrations which is  
1840 inclusive of the annual renewals. This subsection does not apply  
1841 to any vehicle registered in the name of the lessor. This  
1842 subsection does not affect the issuance of the title to a motor  
1843 vehicle, notwithstanding s. 319.23(7)(b).

1844 (g) The Department of Highway Safety and Motor Vehicles may  
1845 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
1846 this subsection.

1847 Section 20. The amendments to section 713.78, Florida  
1848 Statutes, made by this act do not affect the validity of liens  
1849 established under section 713.78, Florida Statutes, before  
1850 January 1, 2009.

1851 Section 21. Effective January 1, 2009, section 715.07,  
1852 Florida Statutes, is amended to read:

1853 715.07 Vehicles or vessels parked on real ~~private~~ property  
1854 without permission; towing.--

1855 (1) As used in this section, the term:

1856 (a) "Property owner" means an owner or lessee of real



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1857 property, or a person authorized by the owner or lessee, which  
1858 person may be the designated representative of the condominium  
1859 association if the real property is a condominium.

1860 (b) (a) "Vehicle" has the same meaning ascribed in s.  
1861 508.101 means any mobile item which normally uses wheels, whether  
1862 motorized or not.

1863 (c) (b) "Vessel" has the same meaning ascribed in s. 508.101  
1864 means every description of watercraft, barge, and airboat used or  
1865 capable of being used as a means of transportation on water,  
1866 other than a seaplane or a "documented vessel" as defined in s.  
1867 327.02(9).

1868 (d) "Wrecker company" has the same meaning ascribed in s.  
1869 508.101.

1870 (e) "Wrecker operator" has the same meaning ascribed in s.  
1871 508.101.

1872 (2) A property owner ~~The owner or lessee of real property,~~  
1873 ~~or any person authorized by the owner or lessee, which person may~~  
1874 ~~be the designated representative of the condominium association~~  
1875 ~~if the real property is a condominium,~~ may cause a any vehicle or  
1876 vessel parked on her or his ~~such~~ property without her or his  
1877 permission to be removed by a wrecker company registered under  
1878 chapter 508 ~~person regularly engaged in the business of towing~~  
1879 ~~vehicles or vessels,~~ without liability for the costs of removal,  
1880 transportation, or storage or damages caused by the ~~such~~ removal,  
1881 transportation, or storage, under any of the following  
1882 circumstances:

1883 (a) The towing or removal of any vehicle or vessel from  
1884 real ~~private~~ property without the consent of the registered owner  
1885 or other legally authorized person in control of that vehicle or

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1886 vessel is subject to strict compliance with the following  
1887 conditions and restrictions:

1888 1.a. Any towed or removed vehicle or vessel must be stored  
1889 at a storage facility site within a 10-mile radius of the point  
1890 of removal in any county that has a population of 500,000  
1891 ~~population~~ or more, and within a 15-mile radius of the point of  
1892 removal in any county that has a population of fewer less than  
1893 500,000 ~~population~~. The wrecker company's storage facility ~~That~~  
1894 ~~site~~ must be open for the purpose of redemption of vehicles and  
1895 vessels on any day that the wrecker company ~~person or firm~~ towing  
1896 the such vehicle or vessel is open for towing purposes, from 8  
1897 ~~8:00~~ a.m. to 6 ~~6:00~~ p.m., and, when closed, must shall have  
1898 prominently posted a sign indicating a telephone number where the  
1899 operator of the storage facility site can be reached at all  
1900 times. Upon receipt of a telephoned request to open the storage  
1901 facility site to redeem a vehicle or vessel, the operator shall  
1902 return to the storage facility site within 1 hour or she or he is  
1903 ~~will be~~ in violation of this section.

1904 b. If no wrecker company towing business providing such  
1905 ~~service~~ is located within the area of towing limitations ~~set~~  
1906 ~~forth~~ in sub-subparagraph a., the following limitations apply:  
1907 any towed or removed vehicle or vessel must be stored at a  
1908 storage facility site within a 20-mile radius of the point of  
1909 removal in any county that has a population of 500,000 ~~population~~  
1910 or more, and within a 30-mile radius of the point of removal in  
1911 any county that has a population of fewer less than 500,000  
1912 ~~population~~.

1913 2. The wrecker company ~~person or firm~~ towing or removing  
1914 the vehicle or vessel shall, within 30 minutes after completion

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1915 of the ~~such~~ towing or removal, notify the municipal police  
1916 department or, in an unincorporated area, the sheriff, ~~of the~~  
1917 ~~such~~ towing or removal, the location of the storage facility  
1918 site, the time the vehicle or vessel was towed or removed, and  
1919 the make, model, color, and license plate number of the vehicle  
1920 or the make, model, color, and registration number of the vessel.  
1921 The wrecker company ~~or description and registration number of the~~  
1922 ~~vessel and~~ shall also obtain the name of the person at the police  
1923 ~~that~~ department or sheriff's office to whom such information is  
1924 ~~was~~ reported and note that name on the trip record.

1925 3. A wrecker operator ~~person~~ in the process of towing or  
1926 removing a vehicle or vessel from the premises or parking lot in  
1927 which the vehicle or vessel is ~~not lawfully~~ parked without  
1928 permission must stop when a person seeks the return of the  
1929 vehicle or vessel. The vehicle or vessel must be returned upon  
1930 the payment of a reasonable service fee of not more than one-half  
1931 of the posted rate for the towing or removal service as provided  
1932 in subparagraph 6. The vehicle or vessel may be towed or removed  
1933 if, after a reasonable opportunity, the owner or legally  
1934 authorized person in control of the vehicle or vessel is unable  
1935 to pay the service fee or refuses to remove the vehicle or vessel  
1936 that is parked without permission. If the vehicle or vessel is  
1937 redeemed, a detailed signed receipt must be given to the person  
1938 redeeming the vehicle or vessel.

1939 4. A wrecker company, a wrecker operator, or another  
1940 employee or agent of a wrecker company ~~person~~ may not pay or  
1941 accept money or other valuable consideration for the privilege of  
1942 towing or removing vehicles or vessels from a particular  
1943 location.

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1944           5. Except for property appurtenant to and obviously a part  
1945 of a single-family residence, and except for instances when  
1946 notice is personally given to the owner or other legally  
1947 authorized person in control of the vehicle or vessel that the  
1948 area in which that vehicle or vessel is parked is reserved or  
1949 otherwise unavailable for unauthorized vehicles or vessels and  
1950 that the vehicle or vessel is subject to being removed at the  
1951 owner's or operator's expense, any property owner ~~or lessee, or~~  
1952 ~~person authorized by the property owner or lessee, before prior~~  
1953 ~~to~~ towing or removing any vehicle or vessel from real ~~private~~  
1954 property without the consent of the owner or other legally  
1955 authorized person in control of that vehicle or vessel, must post  
1956 a notice meeting the following requirements:

1957           a. The notice must be prominently placed at each driveway  
1958 access or curb cut allowing vehicular access to the property,  
1959 within 5 feet from the public right-of-way line. If there are no  
1960 curbs or access barriers, at least one sign ~~the signs~~ must be  
1961 posted ~~not less than one sign~~ for each 25 feet of lot frontage.

1962           b. The notice must clearly indicate, in at least ~~not less~~  
1963 ~~than~~ 2-inch high, light-reflective letters on a contrasting  
1964 background, that unauthorized vehicles will be towed away at the  
1965 owner's expense. The words "tow-away zone" must be included on  
1966 the sign in at least ~~not less than~~ 4-inch high letters.

1967           c. The notice must also provide the name and current  
1968 telephone number of the wrecker company ~~person or firm~~ towing or  
1969 removing the vehicles or vessels.

1970           d. The sign structure containing the required notices must  
1971 be permanently installed with the words "tow-away zone" not less  
1972 than 3 feet and not more than 6 feet above ground level and must

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1973 | be continuously maintained on the property for not less than 24  
 1974 | hours prior to the towing or removal of any vehicles or vessels.

1975 | e. The local government may require permitting and  
 1976 | inspection of these signs prior to any towing or removal of  
 1977 | vehicles or vessels being authorized.

1978 | f. A business with 20 or fewer parking spaces satisfies the  
 1979 | notice requirements of this subparagraph by prominently  
 1980 | displaying a sign stating, "Reserved Parking for Customers Only.  
 1981 | Unauthorized Vehicles or Vessels Will be Towed Away At the  
 1982 | Owner's Expense," in at least ~~not less than~~ 4-inch high, light-  
 1983 | reflective letters on a contrasting background.

1984 | ~~g. A property owner towing or removing vessels from real~~  
 1985 | ~~property must post notice, consistent with the requirements in~~  
 1986 | ~~sub-subparagraphs a. f., which apply to vehicles, that~~  
 1987 | ~~unauthorized vehicles or vessels will be towed away at the~~  
 1988 | ~~owner's expense.~~

1989 |  
 1990 | A business owner or lessee may authorize the removal of a vehicle  
 1991 | or vessel by a wrecker towing company registered under chapter  
 1992 | 508 when no tow-away sign is posted if the vehicle or vessel is  
 1993 | parked in ~~such~~ a manner that restricts the normal operation of  
 1994 | business, ~~;~~ and If a vehicle or vessel parked on a public right-  
 1995 | of-way obstructs access to a private driveway when no tow-away  
 1996 | sign is posted, the owner ~~or,~~ lessee of the driveway, or the  
 1997 | owner's or lessee's agent may have the vehicle or vessel removed  
 1998 | by a wrecker towing company registered under chapter 508 upon  
 1999 | signing an order that the vehicle or vessel be removed ~~without a~~  
 2000 | ~~posted tow-away zone sign.~~

2001 | 6. Each wrecker company ~~Any person or firm~~ that tows or

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2002 removes vehicles or vessels and proposes to require an owner,  
 2003 operator, or person in control of a vehicle or vessel to pay the  
 2004 costs of towing and storage prior to redemption of the vehicle or  
 2005 vessel must file and keep on record with the local law  
 2006 enforcement agency a complete copy of the current rates to be  
 2007 charged for the such services and post at the wrecker company's  
 2008 storage facility ~~site~~ an identical rate schedule and any written  
 2009 contracts with property owners, ~~lessees,~~ or persons in control of  
 2010 real property that ~~which~~ authorize the wrecker company ~~such~~  
 2011 ~~person or firm~~ to remove vehicles or vessels as provided in this  
 2012 section.

2013 7. Each wrecker company ~~Any person or firm~~ towing or  
 2014 removing any vehicles or vessels from real ~~private~~ property  
 2015 without the consent of the owner or other legally authorized  
 2016 person in control of the vehicles or vessels shall, on each  
 2017 wrecker ~~any trucks, wreckers~~ as defined in s. 320.01 s.  
 2018 ~~713.78(1)(c), or other vehicles~~ used in the towing or removal,  
 2019 have the name, address, and telephone number of the wrecker  
 2020 company ~~performing such service~~ clearly printed in contrasting  
 2021 colors on the driver and passenger sides of the wrecker ~~vehicle~~.  
 2022 The name must ~~shall~~ be in at least 3-inch permanently affixed  
 2023 letters, and the address and telephone number must ~~shall~~ be in at  
 2024 least 1-inch permanently affixed letters.

2025 8. Vehicle or vessel entry for the purpose of towing or  
 2026 removing the vehicle or vessel is ~~shall be~~ allowed with  
 2027 reasonable care on the part of the wrecker company and the  
 2028 wrecker operators ~~person or firm~~ towing the vehicle or vessel. A  
 2029 wrecker company, its wrecker operators, and other employees or  
 2030 agents of the wrecker company are not ~~Such person or firm shall~~

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2031 ~~be~~ liable for any damage occasioned to the vehicle or vessel if  
2032 ~~such~~ entry into the vehicle or vessel is performed ~~not in~~  
2033 accordance with ~~the standard of~~ reasonable care.

2034 9. When a vehicle or vessel is ~~has been~~ towed or removed  
2035 under ~~pursuant to~~ this section, the wrecker company ~~it~~ must  
2036 release the vehicle or vessel ~~be released~~ to its owner or an  
2037 agent of the owner ~~custodian~~ within one hour after requested. Any  
2038 vehicle or vessel owner or the owner's agent has ~~shall have~~ the  
2039 right to inspect the vehicle or vessel before accepting its  
2040 return. A wrecker company may not require any vehicle or vessel  
2041 owner, custodian, or agent to, ~~and no~~ release the wrecker company  
2042 or waiver of any kind which would release the person or firm  
2043 towing the vehicle or vessel from liability for damages noted by  
2044 the owner or other legally authorized person at the time of the  
2045 redemption ~~may be required from any vehicle or vessel owner,~~  
2046 ~~custodian, or agent~~ as a condition of release of the vehicle or  
2047 vessel to its owner. A wrecker company must give a person paying  
2048 towing and storage charges under this section a detailed, signed  
2049 receipt showing the legal name of the wrecker company ~~or person~~  
2050 ~~towing or removing the vehicle or vessel must be given to the~~  
2051 ~~person paying towing or storage charges~~ at the time of payment,  
2052 whether requested or not.

2053 (b) The ~~These~~ requirements of this subsection are minimum  
2054 standards and do not preclude enactment of additional regulations  
2055 by any municipality or county, including the regulation of ~~right~~  
2056 ~~to regulate~~ rates when vehicles or vessels are towed from real  
2057 ~~private~~ property.

2058 (3) This section does not apply to vehicles or vessels that  
2059 are reasonably identifiable from markings as law enforcement,

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2060 firefighting, rescue squad, ambulance, or other emergency  
2061 vehicles or vessels ~~that are marked as such~~ or to property owned  
2062 by any governmental entity.

2063 (4) When a person improperly causes a vehicle or vessel to  
2064 be removed, that ~~such~~ person is ~~shall be~~ liable to the owner or  
2065 lessee of the vehicle or vessel for the cost of removal,  
2066 transportation, and storage; any damages resulting from the  
2067 removal, transportation, or storage of the vehicle or vessel;  
2068 attorney's fees; and court costs.

2069 (5) Failure to make good faith efforts to comply with the  
2070 notice requirements in subparagraph (2)(a)5. precludes the  
2071 imposition of any towing or storage charges against the vehicle  
2072 or vessel.

2073 (6)~~(5)~~(a) Any person who violates subparagraph (2)(a)2. or  
2074 subparagraph (2)(a)6. commits a misdemeanor of the first degree,  
2075 punishable as provided in s. 775.082 or s. 775.083.

2076 (b) Any person who violates subparagraph (2)(a)1.,  
2077 subparagraph (2)(a)3., subparagraph (2)(a)4., subparagraph  
2078 (2)(a)7., or subparagraph (2)(a)9. commits a felony of the third  
2079 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2080 775.084.

2081 Section 22. Effective January 1, 2009, subsection (15) of  
2082 section 1.01, Florida Statutes, is repealed.

2083 Section 23. The sum of \$693,000 is appropriated from the  
2084 General Inspection Trust Fund to the Department of Agriculture  
2085 and Consumer Services, and nine additional full-time equivalent  
2086 positions are authorized, for the purpose of implementing this  
2087 act during the 2008-2009 fiscal year.

2088 Section 24. Except as otherwise expressly provided in this



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2089 | act, this act shall take effect July 1, 2008.