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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/28/2023 03:39 PM

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Senator Perry moved the following:

Senate Amendment (with title amendment)

Between lines 1721 and 1722

insert:

Section 31. Subsection (5) is added to section 321.051, Florida Statutes, to read:

321.051 Florida Highway Patrol wrecker operator system; penalties for operation outside of system.—

(5) The Division of the Florida Highway Patrol may not exclude a wrecker operator from the wrecker operator system or fail to designate him or her as an authorized wrecker operator



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12 based solely on a prior felony conviction unless such conviction
13 is for a forcible felony as defined in s. 776.08 or a felony
14 specified in s. 812.014(2)(c)6. or s. 812.16(2).

15 Section 32. Subsection (10) of section 713.78, Florida
16 Statutes, is amended, and subsection (18) is added to that
17 section, to read:

18 713.78 Liens for recovering, towing, or storing vehicles
19 and vessels.—

20 (10) Persons who provide services pursuant to this section
21 must shall permit vehicle or vessel owners, including rental
22 vehicle or vessel owners, lienholders, insurance company
23 representatives, or their agents, which agency is evidenced by
24 an agency agreement or a photocopy thereof ~~an original writing~~
25 ~~acknowledged by the owner before a notary public or other person~~
26 ~~empowered by law to administer oaths,~~ to inspect the towed
27 vehicle or vessel during normal business hours within 30 minutes
28 after their arrival at the site where the vehicle or vessel is
29 stored and shall release to the owner, lienholder, or agent the
30 vehicle, vessel, or all personal property not affixed to the
31 vehicle or vessel which was in the vehicle or vessel at the time
32 the vehicle or vessel came into the custody of the person
33 providing such services. A rental vehicle or vessel agreement is
34 not evidence that the person who rented the vehicle or vessel is
35 an agent of the rental vehicle or vessel owner. Persons who
36 provide services pursuant to this section shall accept a
37 photocopy of a contract, an electronic certificate of title, or
38 a paper certificate of title as evidence of a person's interest
39 in a vehicle or vessel.

40 (18) (a) A person who provides services pursuant to this



41 section shall accept payment for accrued charges from an
42 authorized person as specified in subsection (10) in at least
43 two of the following forms:

- 44 1. Cash, cashier's check, money order, or traveler's check.
45 2. Bank, debit, or credit card.
46 3. Mobile payment service, digital wallet, or other
47 electronic payment system.

48 (b) An authorized person as specified in subsection (10) is
49 not required to present more than one form of current
50 government-issued photographic identification when payment is
51 made in any form listed in paragraph (a). Presenting one form of
52 current government-issued photographic identification
53 constitutes sufficient identity verification for the purposes of
54 this subsection.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Between lines 149 and 150

59 insert:

60 amending s. 321.051, F.S.; prohibiting the Division of
61 the Florida Highway Patrol of the department from
62 excluding certain wrecker operators from the wrecker
63 operator system or from failing to designate certain
64 wrecker operators as authorized wrecker operators;
65 providing exceptions; amending s. 713.78, F.S.;
66 revising the list of persons authorized to inspect a
67 towed vehicle or vessel; revising the documentation
68 that constitutes evidence of agency; specifying the
69 time period during which inspections must be allowed;



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70 requiring a person who recovers, tows, or stores a
71 vehicle or vessel to accept certain documentation as
72 evidence of interest and to accept payment from
73 certain persons in certain forms; specifying what form
74 of identification constitutes sufficient verification
75 of a person's identity for certain purposes;